

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0692

Introduced by: Councilmembers Branch, Stokes, Welch

Introduced and read first time: May 2, 2011

Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 21, 2011

AN ORDINANCE CONCERNING

**Urban Renewal – Middle East –
Amendment 11**

FOR the purpose of amending the Urban Renewal Plan for Middle East to amend and clarify certain land uses, and to correct, clarify, and conform certain provisions concerning nonconforming uses and noncomplying structures; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Middle East was originally approved by the Mayor and City Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance ~~05-124~~ 11-XXX (Council Bill 11-0718).

An amendment to the Urban Renewal Plan for Middle East is necessary to amend and clarify certain land uses and to correct, clarify, and conform certain provisions concerning nonconforming uses and noncomplying structures.

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

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

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

B. Land Use Plan

(1) Permitted Land Uses

a. Residential

Residential uses shall be those permitted by the Zoning Code of Baltimore City, AND NONCONFORMING USES AUTHORIZED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS ARE ONLY ALLOWED IN STRUCTURES LOCATED ON A CORNER.

(2) In the Plan, amend B.(1)f. and g. to read as follows:

B. Land Use Plan

(1) Permitted Land Uses

f. [Non-conforming] NONCONFORMING USE

A [non-conforming] NONCONFORMING use is any lawfully existing use of a building or other structure, or of land that does not conform to the applicable use regulations of the district in which it is located, according to [Title 13 of] the Zoning Code of Baltimore City. [Non-conforming] NONCONFORMING uses shall be permitted to continue, subject to the provisions of Title 13, TITLED "NONCONFORMANCE". HOWEVER, THE FOLLOWING USES WILL NOT BE ALLOWED AS A CHANGE IN A NONCONFORMING USE:

TOBACCO SHOPS (IN R-1 - R-10 DISTRICTS)

BAIL BONDS OFFICES (IN R-1 - R-10 DISTRICTS)

AMUSEMENT DEVICES (IN R-1 - R-10 DISTRICTS)

CLUBS AND LODGES: PRIVATE NONPROFIT (IN R-1 - R-10 DISTRICTS)

HELISTOPS

MARINAS: ACCESSORY

MARINAS: RECREATIONAL

MARINAS: RECREATIONAL BOAT LAUNCH/TIE UP

POULTRY-AND RABBIT-KILLING ESTABLISHMENTS

RADIO AND TELEVISION ANTENNAS THAT ARE FREE-STANDING OR THAT

EXTEND MORE THAN 25 FEET ABOVE THE BUILDING ON WHICH THEY

ARE MOUNTED - BUT NOT INCLUDING MICROWAVE ANTENNAS

(SATELLITE DISHES)

RECYCLING COLLECTION STATIONS

RESTAURANTS - INCLUDING LIVE ENTERTAINMENT AND DANCING, AND

INCLUDING ACCESSORY OUTDOOR TABLE SERVICE (IN R-1 - R-10

DISTRICTS)

TATTOO PARLORS

TRAVEL TRAILERS, RECREATIONAL VEHICLES, AND SIMILAR CAMPING

EQUIPMENT: PARKING OR STORAGE.

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g. [Non-complying] NONCOMPLYING STRUCTURE

A [non-complying use] NONCOMPLYING STRUCTURE, as set forth in Title 13 of the Zoning Code of Baltimore City, is any lawfully existing structure that does not comply with the bulk regulations of the zoning district in which it is located. These [non-complying uses] NONCOMPLYING STRUCTURES shall be permitted to continue, subject to the provisions of Title 13.

[In addition a non-complying use - when such term is used in this plan - is any lawfully existing use of a building or other structure, or of land, which does not comply with the land use regulations of this Plan. These non-complying uses shall be permitted to continue for an indefinite period of time, except that:]

[(1) any non-complying land use which is discontinued for a period exceeding 12 months shall not be re-established;]

[(2) no charge in the permanent physical members of a structure, such as bearing walls, columns, beams, or girders, or no substantial change in the roof or in the exterior walls shall be made in or to a building or structure except those required by law or except to make the building and use thereof conform to the regulations of this Plan; and]

[(3) no non-complying land use shall be changed to any other non-complying land use.]

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Middle East, as amended by this Ordinance and identified as “Urban Renewal Plan, Middle East, revised to include Amendment 11, dated May 2, 2011”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

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

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

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this

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1 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
2 establishes a lower standard for the protection of the public health and safety, the provision of
3 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
4 conflict.

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