

**CITY OF BALTIMORE  
COUNCIL BILL 06-0537  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Housing and Community Development)  
Introduced and read first time: October 30, 2006  
Assigned to: Urban Affairs Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Middle Branch –**  
3 **Renewal Area Designation and Urban Renewal Plan**

4 FOR the purpose of designating as a “Renewal Area” an area situated in Baltimore City,  
5 Maryland known as Middle Branch, bounded generally by I-95 on the north, Hanover Street  
6 on the east, Waterview Avenue on the south, and Kloman Street on the west; approving a  
7 Renewal Plan for Middle Branch; establishing the objectives of the Plan; establishing  
8 permitted land uses; providing for review of all plans for development or rehabilitation of  
9 any property; authorizing the acquisition by purchase or by condemnation of certain  
10 properties for urban renewal purposes; creating certain disposition lots; providing for the  
11 term of the Plan; establishing procedures for amending the Plan; approving certain exhibits  
12 and an appendix to the Plan; providing for certain design guidelines, standards, and controls;  
13 and providing that in the event of any question regarding the meaning of these standards and  
14 controls or other provisions of the Renewal Plan, the interpretation by the Planning  
15 Department is final and binding, but may not be unreasonable or arbitrary; repealing the  
16 existing Middle Branch Area Urban Renewal Plan; approving waiving certain content and  
17 procedural requirements; making the provisions of this Ordinance severable; providing for  
18 the application of this Ordinance in conjunction with certain other ordinances; and providing  
19 for a special effective date.

20 BY authority of  
21 Article 13 - Housing and Urban Renewal  
22 Section 2-6  
23 Baltimore City Code  
24 (Edition 2000)

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
26 Ordinance 79-1146, which established the Middle Branch Area and Urban Renewal Plan and  
27 which was last amended by Ordinance 83-914, is repealed.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the area known as Middle Branch, as  
29 more particularly described in Section 3, is established.

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

**Council Bill 06-0537**

1           **SECTION 3. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Middle  
2 Branch is adopted to read as follows:

3                               Middle Branch Urban Renewal Plan

4           A. Project Description

5                     1. Boundary Description

6                         Beginning at a point located on the south side of Waterview Avenue, 330 feet east  
7 of Sidney Avenue; thence along the south side of Waterview Avenue easterly to  
8 the centerline of Hanover Street; thence northerly along the centerline of Hanover  
9 Street to the centerline of Interstate 95; thence westerly along the centerline of  
10 Interstate 95 westerly a distance of 3,290 feet to intersect with the west side of  
11 Kloman Street extended; thence southwesterly along the west side of Kloman  
12 Street to the south side of Wenburn Street; thence westerly to the west side of a  
13 10-foot alley; thence southwesterly along the west side of the 10-foot alley and  
14 also along the western property line of lot 86/91, block 7445, and across  
15 Waterview Avenue to the beginning point.

16           B. Urban Renewal Objectives

- 17                     1. To facilitate economic development and expand transportation choices by  
18 enhancing opportunities for transit-oriented development (TOD). TOD promotes  
19 dense, compact infill development that provides convenient access to jobs and  
20 neighborhood services. By creating commercial and residential opportunities in a  
21 pedestrian friendly environment, the character and safety of the neighborhood  
22 will be enhanced and the use of transit will be encouraged.
- 23                     2. To facilitate the physical transformation of the area from blighted industrial land  
24 uses to residential and commercial mixed-use development.
- 25                     3. To establish a framework for new development that respects nearby existing  
26 neighborhoods, while taking advantage of the waterfront – a unique City-wide  
27 resource. Adjacent neighborhoods that do not currently have waterfront access  
28 through the Project Area should have stronger connections – both visual and  
29 physical – to that amenity. New development should physically connect with and  
30 respect existing neighborhoods to create new communities that integrate both new  
31 and existing communities.
- 32                     4. To preserve and enhance the unique environmental resources of the Middle  
33 Branch, including the estuary itself and shoreline wildlife habitat. The Middle  
34 Branch has been established as a highly valuable habitat area in the City’s Critical  
35 Area Management Program and by the Corps of Engineers through the Patapsco  
36 Urban River Restoration Initiative (PURRI). This urban renewal plan will  
37 establish standards to provide for the environmental restoration of the Middle  
38 Branch by the creation of a continuous “green shoreline” around the Middle  
39 Branch. The “green shoreline” will include methods to establish a clean, trash-  
40 free, swimmable and fishable waterway and to provide for restored wetland and  
41 upland habitat.

## Council Bill 06-0537

- 1           5. To provide public access to the water's edge by providing in private development  
2           green space, open space, views to and from the water, and pathways/boardwalk  
3           appropriate for pedestrians and bicyclists.
- 4           6. To promote high quality architecture and urban design and development along the  
5           City's waterfront. This includes the use of guidelines, controls, and review  
6           powers to ensure the creation of landmark structures and places that reflect the  
7           importance and value of the waterfront.

### 8           C. Land Use Plan

#### 9           1. Permitted Land Uses

10           Only the use categories shown on the Land Use Plan, Exhibit B, are permitted  
11           within the Project Area. These are Mixed Land Use, Maritime, Transportation,  
12           Public, and Habitat. Accessory uses including landscaping, off-street parking,  
13           and loading will be permitted. In addition, certain uses will be permitted to  
14           continue, subject to the provisions governing non-conforming and non-complying  
15           uses set forth in Section D.1.h. and D.1.i. below.

#### 16           a. Mixed Land Use

17           In the area designated as Mixed Land Use on the Land Use Plan, uses  
18           specified as permitted or conditional uses in B-2 Districts are allowed.

19           The intent of a Mixed Land Use category is to allow for a diversity of uses in  
20           areas near the waterfront. This diversity of uses will generate new  
21           opportunities in the areas of business and residential development, while  
22           providing needed density to support a pedestrian-friendly environment that is  
23           well served by transit. All development in the Mixed Land Use category must  
24           conform to the controls and restrictions enumerated in Appendix A:  
25           Development Standards and Controls.

#### 26           b. Marina

27           In the area designated as Marina on the Land Use Plan, permitted uses are  
28           limited to recreational boating marinas. New development shall not be  
29           permitted unless it is for educational purposes only. The goal of this element  
30           of the Plan is to promote non-motorized recreational boating consistent with  
31           the Maritime Master Plan.

32           All development in the Marina Land Use area must conform to the controls  
33           and restrictions enumerated in Appendix A: Development Standards and  
34           Controls.

## Council Bill 06-0537

1 c. Public

2 In the area designated as Public on the Land Use Plan, uses are limited to  
3 trails, parks, playgrounds, and plazas for active and passive recreation.  
4 Impervious/paved surfaces shall comprise no more than 15% of the total area  
5 defined as “Public” within a given property. This limit on paved/impervious  
6 surfaces allows for infiltration of stormwater pollution on land and promotes  
7 green space for passive and active recreation. All area designated as public  
8 must conform to the controls and restrictions enumerated in Appendix A:  
9 Development Standards and Controls.

10 d. Habitat

11 In the area designated as Habitat on the Land Use Plan, uses are limited to  
12 naturally vegetated habitat and nature trail/path. No structures or paved  
13 surfaces may be constructed in this area. No hard-edged (bulkheaded, etc.)  
14 public promenades are allowed. New construction is limited to trail  
15 development and must conform to the controls and restrictions enumerated in  
16 Appendix A: Development Standards and Controls.

17 e. Nonconforming Use

18 A lawfully existing use of a building or other structure or of land that does not  
19 conform to the applicable use regulations of the Zoning Code of Baltimore  
20 City may be continued as a “nonconforming use” only as provided in Title 13  
21 of the Zoning Code. A lawfully existing use of a building or other structure or  
22 of land that does not comply with the land use regulations of this Renewal  
23 Plan is allowed to continue for an indefinite period of time, except that:

24 (1) Any nonconforming land use, which is discontinued for a period  
25 exceeding 12 months, may not be reestablished.

26 (2) No change in the permanent physical members of a structure, such as  
27 bearing walls, columns, beams, or girders, or no substantial change in the  
28 roof or in the exterior walls shall be made in or to a building or structure  
29 except those required by law or except to make the building and use  
30 conform to the regulations of the Renewal Plan; and

31 (3) No nonconforming land use shall be changed to any other  
32 nonconforming land use.

33 f. Noncomplying Structure

34 A lawfully existing structure that does not comply with the bulk regulations of  
35 the Zoning Code of Baltimore City may be continued as a “noncomplying  
36 structure” only as provided in Title 13 of the Zoning Code. Noncomplying  
37 structures are regulated by Title 13 of the Zoning Code of Baltimore City.  
38 Noncomplying structures shall be permitted to continue subject to the  
39 provisions of Title 13.

## Council Bill 06-0537

### 1 D. Techniques used to Achieve Plan Objectives

#### 2 1. Review of Development

##### 3 a. Planning Commission Review

4 All plans for permanent improvements (including signs, lighting and the  
5 promenade) are subject to design approval by the Planning Commission to  
6 insure that the plans are consistent with the objectives and requirements of the  
7 Renewal Plan. All new construction and rehabilitation of existing structures  
8 shall be carried out in accordance with the Appendix A: Development  
9 Standards and Controls.

10 (1) Prior to the issuance of a building permit for new construction or  
11 rehabilitation within the Renewal Area, the developer or property owner  
12 or his representative shall submit to the Department plans for the proposed  
13 work. Plans for new construction or renovation shall be in sufficient  
14 detail to show site planning, architectural design and layout, materials,  
15 colors, building design, landscape design, access, signs, lighting,  
16 servicing, streets and sidewalks.

17 (2) The review of such plans shall be concerned with, but not necessarily  
18 limited to, urban design standards, site planning, architectural treatment,  
19 materials, colors, building design, landscape design, access, signs,  
20 lighting, servicing, streets, sidewalks, and construction or rehabilitation  
21 details.

22 (3) The Department will utilize its Urban Design and Architectural Review  
23 Panel (UDARP) to review plans. Upon the completion of project review  
24 by (UDARP) the project will be referred to the Planning Commission for  
25 final design approval. Upon approval by the Planning Commission that  
26 the proposed work is consistent with the requirements and objectives of  
27 the Renewal Plan, a building permit will be issued.

##### 28 b. Community Review

29 All plans for permanent improvements (including signs, lighting and the  
30 promenade) shall be submitted for review to community organizations that  
31 neighbor any proposed development. The Department shall notify and submit  
32 to the appropriate community organizations, listed in the Department of  
33 Planning Community Association Directory, for review and comment, the  
34 form and content of all plans and proposals for development or rehabilitation  
35 of any property. Notified community organizations shall advise the  
36 Department of their recommendations regarding the acceptability and/or  
37 priority concerns regarding of all plans and proposals. The written comments  
38 shall be transmitted to the Department no later than 30 days after the  
39 proposals and plans have been submitted to the notified community  
40 organizations; otherwise, it is presumed that the proposals and/or plans are  
41 acceptable. The Planning Commission retains the final authority to approve  
42 or disapprove all plans and to grant or withhold disposing of redevelopment  
43 land through procedures established by the Department.

## Council Bill 06-0537

### 2. Zoning

All appropriate provisions of the Zoning Code of Baltimore City apply to properties in the Project Area. Any change in the Zoning Code embodied in the Renewal Plan and designated on Exhibit C, Proposed Zoning, shall be approved by Ordinance in accordance with the procedural requirements of the Zoning Code and Article 66-B of the Annotated Code of Maryland (1957 Edition, as amended).

### 3. Acquisition

a. Properties designated for acquisition on Exhibit D, Acquisition, will be acquired by purchase or condemnation.

b. Actions to be followed by the Department upon acquisition of properties:

(1) Rehabilitate the property in conformance with the codes and ordinances of the City and the standards and objectives set forth in the Renewal Plan and dispose of the property at its fair value in accordance with applicable regulations.

(2) Demolish the structure or structures and dispose of the land for redevelopment at its fair value for uses consistent with the Renewal Plan; or

(3) Devote the property to a public use consistent with the Renewal Plan.

### 4. Land Disposition

a. Certain land and property interests owned by the City within the Project Area will be disposed of by sale, lease, conveyance or transfer or other means available to the City, in accordance with Exhibit E, Land Disposition.

b. The parcels shown on Exhibit D are schematic and approximate. The Department shall have the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels or lots, as shown on Exhibit D, may be subdivided or combined.

### 5. Easements

Any and all easements required by this plan shall be established by the developer prior to any issuance of building permits for new development on the subject property.

### E. Duration of Provisions and Requirements

The Middle Branch Urban Renewal Plan, as it may be amended from time to time, shall remain in full force and effect for a period of 20 years from the date of original adoption of the Renewal Plan by ordinance of the Mayor and City Council of Baltimore.

## Council Bill 06-0537

### 1 F. Procedures for Changes in Approved Plan

2 The Department shall notify and submit to the community organizations within the  
3 Plan boundaries and listed in the Department of Planning Community Association  
4 Directory, for review and comment, all proposed amendments to the Renewal Plan no  
5 later than at the time the proposed amendments are submitted to the Director of the  
6 Department of Planning. The written comments and recommendations from this  
7 review shall be submitted to the Department no later than 4 weeks after they have  
8 been submitted to notified community organizations; otherwise, it is presumed the  
9 proposed changes are satisfactory. Prior to passage of any ordinance amending the  
10 Renewal Plan, a public hearing shall be held. Community organizations within the  
11 Plan boundaries and listed in the Department of Planning Community Association  
12 Directory, shall receive, at least 10 days prior to such hearing, written notice of the  
13 time and place of such hearing. With respect to any land in the Project Area  
14 previously disposed of by the City for use in accordance with the Renewal Plan, the  
15 then owner of such land whose interests therein are materially affected by such  
16 changes shall receive at least 10 days prior to such hearing written notice of the time  
17 and place of such hearing and information as to where a copy of the proposed  
18 amendments may be inspected.

### 19 G. Separability

20 In the event it be judicially determined that any word, phrase, clause, sentence,  
21 paragraph, section or part in or of the Renewal Plan or the application thereof to any  
22 person or circumstances is invalid, the remaining provisions and the application of  
23 such provisions to other persons or circumstances shall not be affected thereby, it  
24 being hereby declared that the remaining provisions of the Renewal Plan without the  
25 word, phrase, clause, sentence, paragraph, section or part, or the application thereof,  
26 so held invalid, would have been adopted and approved.

### 27 H. Interpretation

28 In the event of any question regarding the meaning of these standards and controls or  
29 other provisions of the Renewal Plan, the interpretation placed thereon by the  
30 Department shall be final and binding, provided that any such interpretation shall not  
31 be unreasonable or arbitrary.

## 32 **Appendix A: Development Standards and Controls**

### 33 **Introduction**

#### 34 **1. Transit Oriented Development Design Guidelines**

35 A transit oriented development center is a place of relatively higher density that includes a  
36 mixture of residential, employment, shopping, and civic uses located within an easy walk of  
37 a transit stop. The primary design objectives for development near the Westport light rail  
38 station are ensuring that active ground floor uses and high quality architecture are clustered  
39 near the transit stop, and creating clear physical and visual connections between the transit  
40 station and the surrounding neighborhood. Development within a 1/4 mile walking radius of  
41 the light rail stop, as shown on Figure 1: "Transit Oriented Development Boundary", shall  
42 exhibit the following design principles:

## Council Bill 06-0537

- 1 • Higher density development in relation to the surrounding community
- 2 • A mix of land uses, horizontally and vertically
- 3 • Compact pedestrian-oriented design and streetscapes
- 4 • Building design and orientation to the street and transit facilities
- 5 • Connected street pattern with small blocks and no cul-de-sacs
- 6 • A system of quality open space and amenities
- 7 • Limited and managed automobile parking

8 In addition, development within a ¼ mile radius of the light rail stop shall adhere to the  
9 following guidelines for land use, site and building design, and street patterns and parking:

### 10 **Land Use**

11 The following guidelines will ensure that high density mixed use development is clustered  
12 near the transit stop to create a pedestrian friendly environment that connects transit to the  
13 neighborhood and promotes transit use.

- 14 • Provide a minimum density of 30 dwelling units per acre.
- 15 • Provide a mix of uses including residential, commercial, and retail to generate  
16 pedestrian traffic throughout the day, including evenings and weekends. While  
17 mixed use shall be provided within a ¼ mile radius, an intense mix of uses shall be  
18 provided within a 600 foot radius of the transit station.
- 19 • Automobile oriented uses, such as gas stations and drive-thru institutions, are not  
20 permitted within a 1/4 mile radius of transit stop.

### 21 **Site and Building Design**

22 These guidelines ensure that quality buildings and spaces are provided near transit with a  
23 pedestrian friendly streetscape connecting the transit stop to the neighborhood.

- 24 • Locate public spaces and buildings with active uses on the street-level floor  
25 immediately adjacent to the transit stop and within a 600 foot radius of the transit  
26 station. No blank walls shall face the rail station or major paths to the station.  
27 Street-level residential uses are not permitted within a 600 foot radius of the transit  
28 station.
- 29 • Orient buildings and public spaces adjacent to the transit station towards the station  
30 and provide architectural features to distinguish the transit station area.
- 31 • The street-level floor along boulevards and commercial streets shall be occupied by  
32 “active uses” such as retail, restaurants, cafes, or service-type businesses with  
33 windows and entrances facing the street and residential and business uses located  
34 above.



## Council Bill 06-0537

- 1 • The street-level floor of corner properties along residential streets shall be occupied  
2 by “active uses” such as retail, cafes, or service-type businesses with windows and  
3 entrances facing the street.
- 4 • Provide safe walking and bicycle paths to daily services such as stores, banks, cafes.
- 5 • Provide quality architectural design within the transit area that meets the building  
6 design guidelines of this plan.
- 7 • Provide quality streetscape that meets the streetscape design guidelines included in  
8 this document.

### 9 **Street Patterns and Parking**

10 These guidelines manage the presence of automobiles and promote a pedestrian oriented  
11 environment to support increased transit use.

- 12 • Provide a maximum of 1.5 off street parking spaces per dwelling unit.
- 13 • Parking requirements for commercial uses in this zoning district shall be reduced by  
14 20% for commercial land uses. Shared parking facilities shall be pursued.
- 15 • Provide bicycle lanes and parking near the transit station and at convenient locations  
16 within the transit station area.
- 17 • Small surface parking lots are discouraged and must comply with the surface parking  
18 guidelines included in this plan.
- 19 • Locate structured parking near, but not directly adjacent, to the transit station.
- 20 • Provide a grid street system with compact blocks. The maximum block  
21 circumference permitted is 1,200 linear feet.
- 22 • Allow on-street parking along major streets.
- 23 • Minimize curb cuts along major pedestrian routes

## 24 **2. Habitat Restoration and Preservation**

### 25 **Introduction**

26 Restoring and preserving the natural environment of the Middle Branch is a key goal of this  
27 Plan. The Middle Branch is a natural resource of significant unrealized potential. With 4.7  
28 miles of shoreline and 340 acres of open water, it is over 5 times the size of the Inner Harbor.  
29 The Middle Branch contains a surprising amount of wildlife habitat for a major city,  
30 including 2 Waterfowl Staging Areas identified in the Critical Area Management Plan.  
31 Additionally, fast lands along the Middle Branch and the Gwynns Falls have been identified  
32 and are mapped in the City’s Critical Area Management Program as ‘Designated Habitat  
33 Protection Areas’ and ‘Resource Conservation Areas’. To achieve this goal, this Plan sets  
34 standards for shoreline protection, tidal and non-tidal wetland marsh creation, and habitat  
35 creation and banking.

## Council Bill 06-0537

1 The Middle Branch is where City residents can delight in viewing herons, egrets and ducks  
2 feeding. Natural areas and parks provide a significant amenity for citizens who live and  
3 work along the shores of this unique inner city resource. The City's 2006 Comprehensive  
4 Plan states that the City's waterways should be swimmable and fishable by 2020.

### 5 **Shoreline Protection**

6 The Shoreline Protection Zone is a vegetated area that will be established along the shoreline  
7 to protect existing habitat areas or provide new habitat. It will also include areas planted and  
8 managed to protect the shoreline and nearby water habitats. The Shoreline Protection Zone  
9 shall be established by a series of conservation easements that will generally cover an area  
10 extending 100 feet landward from the Mean High Water Line of tidal waters or from the  
11 edge of tidal wetlands and tributary streams. The locations of the habitat protection areas are  
12 shown on Figure 2: "Shoreline Protection Zone".

13 The Shoreline Protection Area is divided into two sub-zones: Preservation Sub-Zone, and  
14 Transition Sub-Zone.

#### 15 Preservation Sub-Zone

16 The Preservation Sub-Zone contains areas that have been identified as existing wildlife  
17 habitats. These are highly sensitive areas where human encroachment is detrimental to  
18 plant and animal health. The goal is to provide inner city neighborhoods with  
19 connections to wildlife through viewing and bird watching opportunities while protecting  
20 fragile habitat. The following guidelines apply to the Preservation Sub-Zone:

#### 21 Use Conditions:

22 Uses are limited to naturally vegetated habitat. No structures or paved surfaces may  
23 be constructed in this area. A nature trail/bike path with a maximum width of 15'  
24 may be provided adjacent to this sub-zone, but must be outside the 100' easement due  
25 to the sensitive habitat conditions of this zone.

#### 26 Shoreline Conditions:

27 The shoreline shall be maintained as a naturally vegetated area. No new bulkheads or  
28 rip-rap may be constructed and any existing bulkheads or rip-rap shall be removed as  
29 redevelopment occurs. Additionally, wetland marsh creation, restoration, and  
30 preservation are encouraged where feasible.

#### 31 Planting Guidelines:

32 The standard for planting in the Preservation Sub-Zone is reforestation. New  
33 planting shall incorporate a diversity of native species, sizes and configurations to  
34 arrive at the stated standard; each site shall be composed of an array of native,  
35 drought-resistant evergreen and deciduous trees and shrubs.

## Council Bill 06-0537

### 1 Transition Sub-Zone

2 The Transition Sub-Zone contains areas that are adjacent to areas of wildlife habitat or  
3 contain naturally vegetated shorelines. The following guidelines apply to the Transition  
4 Sub-Zone.

#### 5 Use Conditions:

6 Uses are limited to naturally vegetated habitat and nature trail/path. No structures or  
7 paved surfaces may be constructed in this area. Within the Transition Sub-Zone, the  
8 100' easement may be reduced to no less than 50' (from the shoreline) provided that  
9 the area of the impact be replaced with an area (or areas) of equal size within a  
10 Habitat Banking Area under the developer's control. Refer to Habitat Banking and  
11 Creation for the location and planting guidelines of Habitat Banking areas.

#### 12 Shoreline Conditions:

13 The condition of the shoreline in the Transition Sub-Zone shall be a naturally  
14 vegetated shoreline. No new bulkheads or rip-rap may be constructed in the  
15 Transition Sub-Zone unless required as part of the Maryland Department of  
16 Environment's (MDE) Brownfield Voluntary Clean-Up Program (BVCP).  
17 Additionally, any existing bulkheads or rip-rap shall be removed as redevelopment  
18 occurs.

19 If bulkheads are required as part of the MDE BVCP, the following conditions shall  
20 apply:

- 21 (1) Bulkheads shall be no higher than 4 feet above mean high tide unless proven  
22 to be infeasible as part of the BVCP.
- 23 (2) Clean fill shall be provided waterward of the bulkhead to create a naturally  
24 vegetated shoreline. The fill shall be placed at a height sufficient enough to  
25 cover the top of the bulkhead and taper gently toward the water to minimize  
26 erosion and provide habitat.
- 27 (3) The area of fill described above shall be planted with native wetland  
28 vegetation.

#### 29 Planting Guidelines:

30 The standard for planting in the Transition Sub-Zone is a managed landscape. New  
31 planting for this zone shall consist of drought-resistant, native evergreen and  
32 deciduous shrubs, wildflowers, and grasses with wildlife value and small well-spaced  
33 clusters of (2-3) deciduous trees.

### 34 **Tidal and Non-Tidal Wetland Marsh Creation**

35 A major goal of this Plan is to restore and protect wetland marsh. Both the tidal and non-  
36 tidal marshes of the Middle Branch and the Gwynns Falls are in a degraded condition and  
37 have the capacity of operating as higher order wetlands, providing better habitat and an  
38 aesthetic amenity to surrounding communities.

## Council Bill 06-0537

### 1 Wetland Marsh Creation Incentives

2 The State Critical Area Law and the City's Critical Area Management Program have  
3 incentivized creation and restoration of wetlands as an innovative offset option, and  
4 significant stormwater pollution removal credit is given for restoration of wetlands.

### 5 Standards

6 Development projects on the Middle Branch shall restore degraded tidal wetlands  
7 waterward of the landward development sites that are identified on Figure 3: "Wetland  
8 Creation Areas". The restoration shall include planting marsh vegetation and must be  
9 approved by the appropriate State and/or federal permitting agencies.

### 10 Tools and Guidelines

11 Before design of wetland marsh restoration projects occurs, developers must review  
12 Figure 3 "Wetland Creation Areas" to check the dimensions of the wetland area required  
13 for that site and confirm the location with the Department of Planning. Once the location  
14 and dimensions are verified, the developer must create a plan based on the area's  
15 elevation and the gradient of the substrate relative to high-water datum. The mean sea  
16 level must also be considered. Overlaying various elevation surfaces relative to the tidal  
17 datum of Mean Higher High Water (MHHW) is critical to the final design of any wetland  
18 elevation. In addition, the following general requirements include, but are not limited to,  
19 the following:

- 20 1. Designs should promote regular, natural tidal flooding, control the accumulation  
21 of debris, and enhance overall habitat value of the Middle Branch ecosystem.
- 22 2. Tidal slough entrances must be protected by inflatable barriers or similar devices  
23 so that debris will not choke the entrances.
- 24 3. Debris must be removed after extreme high-water events.
- 25 4. Invasive species (ex. Phragmites australis) must be actively managed and  
26 removed.
- 27 5. No human encroachment, except for cleaning or removal of debris, is permitted in  
28 Middle Branch tidal or non-tidal marshes.
- 29 6. Native plants are required.
- 30 7. Design of wetland restoration projects shall be incorporated into State Tidal  
31 Wetland Licenses for waterward construction (bulkheads, rip-rap shorelines, etc.)  
32 and be included in the final development plans of landward projects.
- 33 8. Permitting and construction for wetlands shall occur before or at the time of the  
34 principal building permit for the adjacent landward development.
- 35 9. The wetland marsh construction must be completed concurrently with the  
36 landward development.

**Council Bill 06-0537**

1           10. Any construction in the Middle Branch is considered the Critical Area of the State  
2           of Maryland and must be reviewed and approved by the City and the State of  
3           Maryland Critical Area Commission, MDE, the Corps of Engineers and the State  
4           Board of Public Works.

5           **Habitat Creation and Banking**

6           Habitat Banking

7           To provide for new habitat creation and provide for development flexibility along portions of  
8           the shoreline, areas designated as the Transition Sub-Zone, which is generally to be an area  
9           100' wide and protected by a conservation easement, may be reduced to no less than 50'  
10          (from the mean high water line) provided that the area of the impact be replaced on areas  
11          elsewhere on sites under the same developer's control. The replacement area (or areas) must  
12          be:

- 13           (a) Within areas noted as "Habitat Promotion Areas" shown on the Figure 4: "Habitat  
14           Creation Areas: Westport", or Figure 5: "Habitat Creation Areas: Aquarium".
- 15           (b) Be of equal or greater size to the amount of area being transferred.
- 16           (c) Adjacent to an area designated as a Preservation Sub-Zone under this Plan.
- 17           (d) Properly vegetated or re-vegetated using the Preservation Sub-Zone standards.
- 18           (e) Must be contiguous to other vegetated areas.

19          Habitat Creation

20          To provide for creation of new critical habitat areas, designated existing and potential habitat  
21          locations have been defined as priority habitat creation areas. Area designated "Habitat  
22          Creation" on Figure 4: "Habitat Creation Areas: Westport" or Figure 5: "Habitat Creation  
23          Areas: Aquarium" must be preserved as naturally vegetated habitat and established with a  
24          conservation easement granted to the City of Baltimore. The design, planting, and  
25          maintenance of these areas shall be consistent with the Critical Area Management Program's  
26          guidelines for vegetated buffers.

27          **3. Open Space, Recreation, and Waterfront Access**

28          Pedestrian/Bicycle Trail

29          Public access to the waterfront will be made available by the construction of a waterfront  
30          pedestrian/bicycle trail. This trail will function as part of the larger Gwynns Falls Trail  
31          Network. The Gwynns Falls Trail (GFT) is a 14-mile hiker/biker trail that extends from  
32          Baltimore County/Gwynns Falls/Leakin Park in West Baltimore with branches serving the  
33          Inner Harbor and Cherry Hill. The Middle Branch portion of the GFT is part of the East  
34          Coast Greenway, which links Maine to Florida. The Trail is designed as both a bike lane on  
35          public streets and a dedicated trail through private and public greenways.

## Council Bill 06-0537

1 All redevelopment shall accommodate the GFT along the edge of the Middle Branch  
2 consistent with Figure 6: "Pedestrian/Bicycle Trail". Access to the GFT shall be provided by  
3 a series of periodic public access corridors connecting the trail to the inland neighborhoods.

4 As redevelopment occurs, the GFT shall be created through a series of trail easements that  
5 grant a 15' wide minimum right-of-way to establishing a separate pedestrian/bike path that  
6 meets the standard of the American Association of State Highway and Transportation  
7 Officials (AASHTO) guidelines for multi-use trails. In areas where the trail is adjacent to  
8 development, the minimum trail width shall be 20' to provide adequate space for pedestrian  
9 and seating areas. Where the trail passes through Habitat Protection Zones, elevated  
10 boardwalks or other sensitive construction techniques shall be utilized to minimize impacts  
11 on habitat vegetation.

### 12 Marinas and Piers

13 The Middle Branch estuary has been envisioned as a passive recreational area where  
14 motorized vessels are kept to a minimum since the inception of the original Middle Branch  
15 Plan. The Middle Branch area is ecologically sensitive and provides an excellent  
16 opportunity for habitat restoration and passive public recreation; it is important for the City  
17 to preserve and enhance this character. The enclosed nature of the Middle Branch estuary,  
18 combined with the shallow waters and large numbers of shore birds make it a perfect location  
19 for non-motorized boating such as kayaks and canoes. New or expanded recreational  
20 marinas are not recommended in this area for the following reasons:

- 21 • Navigational Safety - The tight, enclosed space would make navigation more difficult.
- 22 • View corridors - recreational marinas are one of the major sources of view blockages in  
23 the Harbor, and many vistas would be compromised by their presence.
- 24 • Contaminated sediments - The agitation caused by boat propellers and the dredging  
25 required would disturb contaminated sediments that have been encapsulated by cleaner  
26 sediment over time, releasing them back into the environment and potentially threatening  
27 public health, safety, and welfare.
- 28 • The ecological sensitivity and shore bird habitat in the area would be negatively impacted  
29 by any additional recreational boat traffic.

### 30 Marinas

31 New or expanded recreational marinas are prohibited in this area unless functioning solely  
32 for boating education purposes. Any new marina, including educational marinas, must  
33 receive approval from the Maritime Master Plan Technical Advisory Committee.

### 34 Piers

35 New piers for water-dependent uses may be established in the Middle Branch. The location  
36 and size of new piers shall be in accordance with Figure 7: "Piers". Additionally, the  
37 following general design guidelines shall apply to the design and construction of new piers:

- 38 • Piers are generally to be constructed with railings meeting ADA requirements with the  
39 exception of those areas that are designated for boat slips.

## Council Bill 06-0537

- 1 • Piers constructed in areas of less than 8 feet of water depth may not have boat slips.
- 2 • Piers constructed within view corridors shall be no greater than 10 feet wide and shall not  
3 have any structures built upon them.
- 4 • Piers that are constructed outside of view corridors shall be no greater than 20 feet wide.

### 5 **4. Architecture and Urban Design Guidelines**

#### 6 **Streetscape**

7 Streetscapes are among the most important urban design features, because their appearance,  
8 character, and the impressions that they evoke create the public image of the City. That  
9 image is significant to how residents and visitors think and feel about the City. This  
10 Renewal Plan provides standards and guidelines for the planning and design of the publicly-  
11 owned portions of the streetscape, as well as shared private facilities such as private streets  
12 and alleys.

13 The following standards and guidelines apply to the design and construction of public rights-  
14 of-way and right-of-way improvements in conjunction with proposed subdivisions,  
15 individual lot development where proposed projects are required to provide right-of-way  
16 dedications or improvements, and public right-of-way improvements designed and  
17 constructed by the City.

#### 18 **Green Streets**

19 Green Streets is a set of strategies to create streetscapes which are sustainable, provide  
20 habitat opportunities for urban wildlife, and most importantly provide a system of storm  
21 water treatment within the street right of way. The guiding principal is to create streets  
22 which both functionally and aesthetically represent these goals. The following are  
23 guidelines for constructing successful green streetscaping

#### 24 **Stormwater Treatments**

25 Choosing the appropriate design solution or combination of solutions is accomplished  
26 by identifying the desired functions and evaluating the site and watershed conditions.  
27 The primary functions include runoff reduction, detention, retention, conveyance, and  
28 water quality mitigation. Retention is commonly achieved through infiltration. It is  
29 preferred because it reduces the amount of stormwater runoff while providing water  
30 quality benefits. Because appropriate areas for infiltration are limited, the first step in  
31 selection should be to determine where, within the right of way, it is possible to  
32 infiltrate stormwater. The extent to which infiltration is possible will determine the  
33 location and size of infiltration areas.

34 Stormwater and water quality functions of other solutions to be used in the right of  
35 way, in conjunction with infiltration designs, can then be determined. The next step  
36 should be to determine where it is possible to reduce impervious surfaces. This will  
37 affect the stormwater volume requiring treatment and accordingly the size of the  
38 design treatment solution.

## Council Bill 06-0537

1 Finally, the design of the selected solution should respond to the right of way site  
2 conditions and intensity of vehicular and pedestrian use within the right of way. The  
3 following is a list of stormwater treatment solutions applicable for use in the Middle  
4 Branch.

- 5 • Street Trees

6 The stormwater benefits that street trees may be able to provide to urban areas  
7 include runoff reduction and detention achieved through interception and  
8 evapotranspiration, conveyance attenuation, and water quality mitigation  
9 achieved through a reduction in runoff temperature and absorption and  
10 stabilization of pollutants from street runoff. See Plant and Tree Selection below  
11 for guidance in street tree selections.

12 In addition to street trees themselves, how they are planted can have significant  
13 benefits to stormwater treatment. The street tree well is intended to provide a  
14 detention option appropriate for urban streets. Spaced at a typical distance of less  
15 than 30', the well detention volume is limited but could be designed to  
16 accommodate runoff from sidewalks or other defined areas. It does not  
17 accommodate all of the runoff generated in the right of way. This system does  
18 however, reduce the volume of runoff into the stormwater collection system and  
19 may reduce the size of required peak flow mitigation facilities. Street tree wells  
20 also may be used in conjunction with filter swales as check dams and flow  
21 spreaders.

- 22 • Permeable Pavement and Sidewalks

23 Permeable pavements refer to any load-bearing surface that has capacity of  
24 infiltrating runoff into the underlying reservoir base coarse and soil. Increasing  
25 pervious areas is the most effective way to reduce stormwater pollution by  
26 utilizing the natural filtration capacity of the ground. Developments where  
27 ground water infiltration is feasible are highly encouraged to use permeable  
28 pavement. The following are examples of permeable pavement types:

- 29 (a) Pervious concrete
- 30 (b) Porous asphalt
- 31 (c) Unit pavers/bricks/stone
- 32 (d) Turf block
- 33 (e) Crushed aggregate
- 34 (f) Cobbles

- 35 • Stormwater Curbs

36 Curbs provide a formal separation between vehicular and pedestrian areas and  
37 simplify street cleaning by providing an edge to push debris against for collection.  
38 Curbs also concentrate runoff and direct it into the storm system. Concentrated



## Council Bill 06-0537

1 flow has more energy (velocity and depth) and can convey larger suspended  
2 sediment loads into streams. This energy must be reduced before the runoff is  
3 discharged into a vegetated filter system or a natural area to filter out suspended  
4 sediment and prevent erosion. The following are examples of potential  
5 stormwater curb types:

- 6 (a) Invisible curb with “lip”
- 7 (b) Rumble strip with sediment trench
- 8 (c) Curb inserts
- 9 (d) Perforated curb

- 10 • Filter Strips and Swales

11 Filter strips and swales are a proven method of bio-retention for both the  
12 protection of the quality of groundwater and, if the outfall is into a stream, of  
13 runoff. Both filter strips and swales use grassy vegetation to remove sediment  
14 from stormwater runoff. Filter strips are gently sloped grassy areas that are used  
15 to treat small quantities of sheet flow runoff. They often are used to pretreat flow  
16 of minimal depth as it passes from an impervious area, like a roadway, into a  
17 swale or infiltration area. Swales also use grassy vegetation to remove suspended  
18 sediments but unlike filter strips, swales are channel-like and designed to  
19 accommodate larger flow depths. The design guidelines for filter strips and  
20 swales are essentially the same. Their length and slope limit their effectiveness.  
21 The following are recommended treatments utilizing engineered swales:

- 22 (a) Landscaped Stormwater Curb Extensions
- 23 (b) Center Medians/Islands
- 24 (c) Mid-Block Planters
- 25 (d) Stormwater Basins

- 26 • Infiltration Trenches

27 Infiltration trenches are simple trenches back-filled with coarse aggregate layered  
28 with filter fabric in an area with low runoff soils. They perform the function of  
29 “ubiquitous infiltration” by collecting runoff and slowing the discharge rate. All  
30 infiltration solutions should be combined with filter strips, swales or other  
31 engineered sediment/pollutant removal solutions to protect them from  
32 sedimentation or “clogging”. This also helps insure that only treated stormwater  
33 is infiltrated into the groundwater system.

- 34 • Linear Detention Basins

35 Linear detention basins provide temporary storage in areas with higher runoff  
36 rates. They can serve as infiltration basins in areas with suitable soils providing

## Council Bill 06-0537

1 that adequate filtration can be accomplished to prevent clogging and to ensure  
2 good water quality prior to infiltration.

- 3 • Other elements as new technologies are introduced.

### 4 **Habitat Network: Corridors and Links**

5 Development can have a tremendous detrimental impact upon habitat for wildlife.  
6 But by utilizing the recommended stormwater treatments, and providing key habitat  
7 corridors, spaces, and connections, streetscape can become a functioning part of an  
8 urban/wildlife habitat. The following strategies shall be followed when developing  
9 streetscape and network.

- 10 • Use swales, trenches, and basins to create a habitat network of spaces and  
11 connectors. Connect and integrate passive and active recreational open space into  
12 the stormwater landscaping system.
- 13 • Use a variety of planting schemes throughout the streetscape to provide a range of  
14 habitat conditions and encourage bio-diversity.
- 15 • Provide critical habitat corridors to create connections between wetland and  
16 upland habitats. Recommended connections are shown on Figures 4 and 5.

### 17 **Plant and Tree Selection**

18 Native or indigenous plants are those plants that naturally occur in the in the region in  
19 which they have evolved. These plants have adapted to local soil, rainfall, and  
20 temperature conditions and have developed natural defenses to many insects and  
21 diseases, thus reducing the need for chemical pesticides and herbicides. Wildlife  
22 species evolve with plants; therefore, they use native plant communities as their  
23 habitat. Additionally, native plants help preserve the balance and diversity of species  
24 within natural ecosystems.

#### 25 Plant Selection

26 The U.S. Fish & Wildlife's *Native Plants for Wildlife Habitat and Conservation*  
27 *Landscaping: Chesapeake Bay Watershed* should be consulted in selection of plant  
28 species for streetscaping. The following principals should be followed in plant  
29 selection and layout:

- 30 • Special attention should be paid to re-create natural habitats by using plants  
31 together as they grow in the wild (known as plant communities).
- 32 • Arrange plants in groups or groves, providing several layers of vegetation.
- 33 • Select plants that fruit or bloom during different times of year to provide food for  
34 wildlife year round.
- 35 • Avoid planting invasive non-native plant. Consult The National Park Service and  
36 U.S. Fish and Wildlife Service's *Plant Invaders of Mid-Atlantic Natural Areas* for  
37 a list of invasive non-native plants.

**Council Bill 06-0537**

Tree Selection

Proper tree selection is vital to ensure that the street trees are planted have the health, longevity, structural soundness, and aesthetic beauty for urban environments. Poor tree selection can result in: damage to property from fallen limbs; trees that have stunted growth; and trees that fail to provide shade or habitat for wildlife. The following is a list of native tree species that are recommended for street tree applications:

<i>Carpinus caroliniana</i>	American hornbeam, blue beech
<i>Crataegus crus-galli</i>	cockspur hawthorn
<i>Pyrus (Malus) angustifolia</i>	southern crabapple
<i>Pyrus (Malus) coronaria</i>	sweet crabapple
<i>Acer rubrum</i>	red maple
<i>Betula nigra</i>	river birch
<i>Celtis occidentalis</i>	hackberry
<i>Fraxinus americana</i>	white ash
<i>Fraxinus pennsylvanica</i>	green ash
<i>Liquidambar styraciflua</i>	sweet gum
<i>Nyssa sylvatica</i>	black gum, sourgum
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus coccinea</i>	scarlet oak
<i>Quercus palustris</i>	pin oak
<i>Quercus phellos</i>	willow oak
<i>Quercus rubra</i>	northern red oak
<i>Tilia americana</i>	American basswood
<i>Ulmus americana</i>	American elm

**Tree Planting**

Street trees are one of the fundamental ingredients to great streets and beautiful neighborhoods. They create shade, buffer between pedestrians and automobiles, improve urban air quality, filter stormwater contaminants, and provide habitat for wildlife. Typically, the average street tree in an urban environment survives 7 to 12 years. The major reasons for this short life span are inhospitable soils, inadequate soil volumes, poor drainage, and air circulation. Street trees planted in poor conditions have stunted growth resulting in a poor foliage canopy and small root mass which causes them to die prematurely. The following section provides standards for tree planting design.

**Tree Pit Design**

Wherever possible, trees should be planted in groups within a continuous soil panel. To promote long-term survival of healthy, mature trees contemporary standards recommend a volume of approximately 180 cubic feet of soil for one tree in a single pit. Trees planted in groups will consequently have increased soil volumes. This quantity is a minimum and should be increased wherever possible.

## Council Bill 06-0537

### 1 Tree Pit Details

2 The tree planting details of this Plan encourage the use of an amended soil panel,  
3 termed “structural soil”. The purpose of the structural soil is two-fold: to produce a  
4 rigid, high bearing capacity of stone structure and a viable rooting zone for the  
5 planted material suspended within the voids of the stone structure. This is achieved  
6 by mixing angular stone with soil. This structural soil should be installed along the  
7 entire length of the curb zone, providing the root system with a large volume of soil  
8 to grow along under the sidewalk. Structural soil allows pavers and concrete to be  
9 placed on the soil that is compacted enough to minimize settling of the sidewalk area  
10 while simultaneously allowing enough void space in the stone for air, soil, and water.  
11 If enough air, soil and water are found in the structural soil of the tree pit, tree roots  
12 will be less likely to grow out of the pit, causing pavers to buckle and become  
13 uneven.

14 An alternative strategy that utilizes traditional soil is continuous trench or vault  
15 design. This strategy creates a linear vault below the sidewalk that connects  
16 individual tree pits, thus creating a continuous soil panel. The vault provides  
17 structure for the placement of sidewalk pavement on the surface while allowing  
18 ample room for trees to grow so as not to cause buckling and cracking of the  
19 sidewalk.

### 20 **Height and Massing**

#### 21 Westport Development Area

22 The Westport Development Area, as shown in Figure 7: “Westport Development Area”,  
23 is adjacent to the Westport neighborhood that sits on a bluff approximately 50’ - 70’  
24 above the waterfront. To ensure that the new development is integrated visually into the  
25 fabric of the existing Westport neighborhood, a maximum height plan has been  
26 established. The Westport Height Plane begins at the center line of Wenburn Street at an  
27 elevation of 60’. It then slopes upward towards Maisel Street to an elevation of 105’.  
28 From here it maintains an elevation of 105’ until it terminates at the center line of Indiana  
29 Street. A certain percentage of buildings may exceed this plane to provide visual  
30 differentiation in buildings and allow for higher density development. No more than  
31 15% of the area defined by the plane may exceed the height of the plane.

32 Buildings that exceed the height plane should be designed to space height throughout the  
33 development and not group areas of height to create a wall to the existing community.  
34 Height should be massed and positioned perpendicularly to the waterfront, and residential  
35 floor plates must be no larger than 11,000 SF.

36 There shall be no exemptions for building height above the plane other than the 15%  
37 exception.

#### 38 Aquarium Point

39 The Aquarium Development Area, as shown on Figure 8: “Aquarium Development  
40 Area”, is located on the peninsula of land that is bounded by I-95, Hanover Street and the  
41 Middle Branch of the Patapsco River. Heights shall not exceed 90’ in the Aquarium  
42 Point Development Area. A certain percentage of buildings may exceed this plane to

## Council Bill 06-0537

1 provide visual differentiation in buildings and provide greater area for open space. No  
2 more than 6% of the area defined by the plane may exceed 90'. There shall be no  
3 exemptions for building height above the plane other than the 5% exception.

### 4 All Other Areas

5 Height and massing for all other areas of the plan not within a development area shall be  
6 governed by the rules and restrictions of the Zoning Code of Baltimore City.

### 7 Lot Coverage and Open Space Creation

8 To ensure the creation of public open space and the preservation of habitat areas,  
9 maximum building lot coverage amounts and minimum open space are specified in this  
10 Plan. Building lot coverage is defined as the amount fast land area of a development that  
11 is covered by enclosed structures. Landscaping, hardscaping, temporary structures, and  
12 pavilions do not count towards building lot coverage. Vegetated open space is defined as  
13 fast land that is pervious and either landscaped or a naturally vegetated habitat.

14 Maximum building lot coverage for all properties in the plan shall be 50% of total fast  
15 land within a project. A minimum of 20% of the fast land portions of a development site  
16 must be maintained as vegetated open space.

### 17 View and Public Access Corridors

18 In order to ensure public access and neighborhood visual connectivity to the waterfront,  
19 view corridors shall be designated. Locations and minimum widths are identified on  
20 Figure 9: "View Corridors: Westport" and Figure 10, "View Corridors: Aquarium Point".

- 21 1. All corridors should connect the waterfront trail to sidewalks or streets and be  
22 physically and visually uninterrupted. Public access shall be provided on all  
23 portions of the corridors. Where feasible, view corridors should be created as  
24 public streets and designated as public right-of-way.
- 25 2. No structures or buildings may be constructed in the view corridors. Landscaping,  
26 trees, lights, benches, tables, and other public amenities that will enhance, not  
27 impede, public view of the water shall be permitted.
- 28 3. Off-street parking is not permitted within these corridors, unless a significant  
29 public benefit can be shown.
- 30 4. New development alongside view corridors shall face the view corridors and  
31 provide entrances, windows, and visual articulation along the building wall. Off-  
32 street parking facilities adjacent to corridors are not encouraged. However, if it is  
33 found to be necessary, the parking facility shall be screened or architecturally  
34 treated. Adequate landscaping sufficient to screen automobiles at the time of  
35 original planting shall be used. Screening and landscaping shall be maintained in  
36 good condition by the property owner.

37 **SECTION 4. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Middle  
38 Branch, identified as "Urban Renewal Plan, Middle Branch", including Exhibit A, "Boundary",  
39 Exhibit B, "Land Use", Exhibit C, "Zoning", Exhibit D, "Acquisition", and Exhibit E,

**Council Bill 06-0537**

1 “Disposition”, all dated October 20, 2006, and Figure 1, “Transit Oriented Design Boundary”,  
2 Figure 2, “Shoreline Protection Zone”, Figure 3, “Wetland Creation Areas”, Figure 4, “Habitat  
3 Banking: Westport”, Figure 5, “Habitat Creation: Aquarium”, Figure 6, “Pedestrian/Bicycle  
4 Trail”, Figure 7, “Piers”, Figure 8, “Westport Development Area”, Figure 9 “View Corridors:  
5 Westport”, and Figure 10, “View Corridors: Aquarium”, all dated October 20, 2006, is approved,  
6 and the Clerk of the City Council is directed to file a copy of the Renewal Plan with the  
7 Department of Legislative Reference as a permanent public record, available for public  
8 inspection and information.

9 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if the amended Urban Renewal Plan  
10 approved by this Ordinance in any way fails to meet the statutory requirements for the content of  
11 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal  
12 plan, those requirements are waived and the amended Urban Renewal Plan approved by this  
13 Ordinance is exempted from them.

14 **SECTION 6. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the  
15 application of this Ordinance to any person or circumstance is held invalid for any reason, the  
16 invalidity does not affect any other provision or any other application of this Ordinance, and for  
17 this purpose the provisions of this Ordinance are declared severable.

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

27 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
28 is enacted.