

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 14-0307**

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Introduced by: Councilmembers Cole, Mosby  
At the request of: Somerset Memorial Partners, LLC  
Address: c/o Al Barry, AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore,  
Maryland 21202  
Telephone: 410-547-6900  
Introduced and read first time: January 13, 2014  
Assigned to: Urban Affairs and Aging Committee  

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Committee Report: Favorable with amendments  
Council action: Adopted  

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Read second time: March 10, 2014  

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**AN ORDINANCE CONCERNING**

**Urban Renewal – Madison Park South –  
Amendment 6**

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2  
3 FOR the purpose of amending the Urban Renewal Plan for Madison Park South to modify project  
4 proposal requirements for a certain disposition lot and to revise a certain exhibit to the Plan to  
5 reflect the subdivision of this disposition lot; waiving certain content and procedural  
6 requirements; making the provisions of this Ordinance severable; providing for the application  
7 of this Ordinance in conjunction with certain other ordinances; and providing for a special  
8 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**

14  
15 The Urban Renewal Plan for Madison Park South was originally approved by the Mayor and  
16 City Council of Baltimore by Ordinance 61-912 and last amended by Ordinance 75-891.

17 An amendment to the Urban Renewal Plan for Madison Park South is necessary to modify  
18 project proposal requirements for a certain disposition lot and to revise a certain exhibit to the  
19 Plan to reflect the subdivision of this disposition lot.

20 The original development of Disposition Lot 10 by the Memorial Apartments Corporation,  
21 pursuant to a Land Disposition Agreement with the City, dated 1964, comprises 286 units of  
22 affordable housing for elderly persons and was financed by the Section 202 Program administered  
23 by the U.S. Department of Housing and Community Development (HUD). Disposition Lot 10 is  
24 located in a medium density residential area. The original project, which was completed in 1967,

**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 has not had any major renovations and has now reached the end of its useful life. The Memorial  
2 Apartments Corporation has designed and put together the financing that will preserve the units of  
3 housing for elderly low-income residents for another 40 years.

4 The Memorial Apartments Corporation has also subdivided Disposition Lot 10 pursuant to  
5 plans approved by the community as part of a Choice Neighborhoods planning process funded by  
6 HCD, creating a new parcel referred to as Lot 3A on the subdivision plat, which is to be  
7 developed as market-rate housing. The subdivision was approved by the Baltimore City Planning  
8 Department on June 13, 2013, and recorded in the Land Records of Baltimore City.

9 After conveyance of the original project to a new ownership entity, as required by the  
10 financing source for the new project, it will be situated on a smaller parcel of land, as a result of  
11 the subdivision, and may in this and other ways require relief from certain technical provisions of  
12 the Plan. Similarly, the new parcel, to be developed by an affiliate of the Memorial Apartments  
13 Corporation, may require certain modifications of the Urban Renewal Plan.

14 An amendment to the Madison Park South Urban Renewal Plan is necessary to resolve in favor  
15 of the new project and the new parcel any conflict between the design of the new project and the  
16 land use regulations of the Plan and to also enable the development of the new parcel with market  
17 rate rental housing and certain ground floor retail and commercial uses.

18 This proposed amendment to the Madison Park South Renewal Plan has been approved by the  
19 Director of Planning for conformity to the Master Plan, for the detailed location of any public  
20 improvements proposed in the amended Plan, and for conformity to existing and proposed zoning  
21 classifications. This proposed amendment has also been approved and recommended to the Mayor  
22 and City Council of Baltimore by the Commissioner of the Department of Housing and Community  
23 Development.

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

27 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
28 following changes in the Urban Renewal Plan for Madison Park South are approved:

29 (1) In the Plan, in D., add new subsections 5 and 6 to read as follows:

30 D. Project Proposals

31

- 32 . . . . .
- 33 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PLAN, THE PROJECT
- 34 PROPOSAL FOR THE REDEVELOPMENT OF THE IMPROVED PORTION OF LOT 10,
- 35 WHICH CONSISTS OF THE SUBDIVISION OF LOT 10 THAT HAS CREATED NEW LOT
- 36 3A AND THE SUBSTANTIAL RENOVATION OF THE EXISTING 12-STORY STRUCTURE
- 37 REMAINING ON NEW SUBDIVISION LOT 4, AS DOCUMENTED IN THE BUILDING
- 38 PERMIT APPLICATION THAT WAS FILED WITH BALTIMORE CITY ON AUGUST 16,
- 39 2013, INCLUDING ALL DRAWINGS AND MATERIALS SUBMITTED WITH IT, AS
- 40 AMENDED BY THE PROJECT ARCHITECT FROM TIME TO TIME TO COMPLY WITH THE
- 41 REQUIREMENTS OF THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES
- 42 AND OTHER CITY CODE REQUIREMENTS AND AS FINALLY CONSTRUCTED, ~~SHALL~~  
BE DEEMED TO FULLY CONFORM WITH THIS PLAN IS PERMITTED.

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1           6. THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY  
2           DEVELOPMENT MAY, AT ANY TIME, ISSUE A WAIVER FROM ANY PROVISION OF  
3           SECTION C OF THE RENEWAL PLAN IF, AFTER CONSIDERATION, A WAIVER IS  
4           DETERMINED BY THE COMMISSIONER TO BE IN THE BEST INTEREST OF THE  
5           DEVELOPMENT OR REDEVELOPMENT OF THE LAND.

6                           UPON RECEIPT OF A WAIVER REQUEST, THE COMMISSIONER SHALL PROVIDE  
7                           WRITTEN NOTICE AND A COPY OF THE WAIVER REQUEST TO THE MOUNT ROYAL  
8                           IMPROVEMENT ASSOCIATION, THE MADISON PARK IMPROVEMENT  
9                           ASSOCIATION, AND THE EUTAW PLACE IMPROVEMENT ASSOCIATION, OR THEIR  
10                          SUCCESSOR ORGANIZATIONS. THESE ORGANIZATIONS SHALL HAVE THREE WEEKS  
11                          FROM THE DATE OF NOTICE TO PROVIDE THEIR COMMENTS ON THE WAIVER  
12                          REQUEST TO THE COMMISSIONER BEFORE A WAIVER MAY BE ISSUED.

13           (2) In the Plan, revise Exhibit 5, “Land Disposition”, to reflect the subdivision of Lot 10.

14           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Madison Park  
15           South, as amended by this Ordinance and identified as “Urban Renewal Plan, Madison Park South,  
16           revised to include Amendment 6, dated January 13, 2014”, is approved. The Department of  
17           Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative  
18           Reference as a permanent public record, available for public inspection and information.

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

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

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

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

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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