



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 15-0570, **Version:** 0

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

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COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft
At the request of: 3244 Eastern Avenue, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, Suite 2115, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning
Urban Renewal - Highlandtown Business Area - Amendment _
FOR the purpose of amending the Urban Renewal Plan for Highlandtown Business Area to remove a certain land use category from the Plan, to repeal and replace Exhibit 1, "Land Use and Zoning Map", with new exhibits to reflect the change in land use with the removal of a certain land use category and to reflect the change in land use and the change in zoning, upon approval by separate ordinance, for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, and to add a new height limitation provision for new construction in the community business land use area of the Plan; 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 Highlandtown Business District was originally approved by the Mayor and City Council of Baltimore by Ordinance 77-511 and last amended by Ordinance 97-209.

An amendment to the Urban Renewal Plan for Highlandtown Business Area is necessary to remove a certain land use category from the Plan, to repeal and replace Exhibit 1, ♦Land Use and Zoning Map♦, with new exhibits to reflect the change in land use with the removal of a certain land use category and to reflect the change in land use and the change in zoning, upon approval by separate ordinance, for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, and to add a new height limitation provision for new construction in the community business land use area of the Plan.

Under Article 13, ♦ 2-6 of the Baltimore City Code, no 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 Highlandtown Business Area are approved:

1. In the Plan, amend A.2. to read as follows:
 - A. Project Description
2. Plan Objectives
.....
 - a. Establishing a positive and identifiable image for the Highlandtown Business Area;
 - b. Promoting new retail business activity in the area;
 - c. Establishing minimum, comprehensive design and rehabilitation standards that will enhance the business area through private investment; [and]
 - d. Bringing about a general physical improvement of the area through coordinated public improvements; AND
 - [e. Achieving a balance between Neighborhood Business and Community Commercial uses; and]
 - E. [f.] Providing a safe and pleasant environment for consumers, merchants, and property owners.

2. In the Plan, amend the first 2 sentences of B.1. to read as follows:

- B. Land Use Plan
 1. Land Uses

Only the land use categories shown on [the Land Use and Zoning Map, Exhibit No. 1] EXHIBIT 1, ♦LAND USE MAP♦, shall be permitted within the project area. The use classifications are [Neighborhood Business District,] Community Business, Community Commercial, Light Industrial and

Medium Industrial.

3. In the Plan, delete B.3.a. in its entirety, and, in B.3., reletter subsections b., c., d., e., f., and g., respectively, to be subsections A., B., C., D., E., and F., respectively.

4. In the Plan, amend I.1. to read as follows:

I. Other Provisions Necessary to Meet Requirements of State and Local Laws

1. Zoning

All appropriate provisions of the Zoning Ordinance of Baltimore City shall apply to properties within the project area. No zoning district changes are proposed by this plan. Existing Zoning Districts are indicated on [Exhibit No. 1, Land Use and Zoning Map] EXHIBIT 2, ♦ZONING MAP♦.

5. In the Plan, repeal and replace Exhibit 1, ♦Land Use and Zoning Map♦ with the following exhibits:

a. Exhibit 1, ♦Land Use Map♦, to designate the following land uses in the Plan: Residential, Community Business, Community Commercial, Light Industrial, and Medium Industrial.

b. Exhibit 2, ♦Zoning Map♦, to reflect the existing zoning designations of the properties within the Project Area and to reflect, on approval of rezoning by separate ordinance, the change in zoning for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, from the B-2-2 Zoning District to the B-2-4 Zoning District.

6. In the Plan, add new provision H.1. d. to read as follows:

H. New Construction within the Project Area

1. Any plans for new construction (exterior rehabilitation and changes in use) on any property within the project area shall be submitted to the Department of Housing and Community Development for review. Upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan and with the standards set forth in Section D. and in this section, and after reviewing the recommendations of the community review board, the Commissioner of the Department of Housing and Community Development shall authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to, and not in lieu of, all other applicable laws and ordinances relating to new construction.

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D. IN THE COMMUNITY BUSINESS LAND USE AREA WITHIN THE PROJECT AREA, BUILDING HEIGHT IS LIMITED TO 75 FEET.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Highlandtown Business Area, as amended by this Ordinance and identified as ♦Urban Renewal Plan, Highlandtown Business Area, revised to include Amendment __, dated September 21, 2015♦, 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 Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

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