

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 22-0219

Introduced by: Councilmember Cohen
At the request of: Harbor Point Development LLC
Address: c/o Ryan J. Potter, Esquire, Gallagher Evelius & Jones LLP
218 N. Charles Street, Suite 400, Baltimore, Maryland 21201
Telephone: (410) 951-1404
Introduced and read first time: April 4, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: August 15, 2022

AN ORDINANCE CONCERNING

Planned Unit Development – Amendment – Harbor Point

FOR the purpose of approving certain amendments to the Development Plan of the Harbor Point Planned Unit Development.

BY authority of
Article - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 13-136, the Mayor and City Council (i) approved the application of Harbor Point Development LLC (the “Applicant”) to have certain property bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms’ site to the north, and Caroline Street to the east, consisting of approximately 27.3 acres, more or less, as outlined on the accompanying Development Plan (the “Property”), designated as a Business Planned Unit Development, and (ii) approved the Development Plan submitted by the applicant.

The Applicant now wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to remove certain restrictions on density, and to make any other amendments or modifications as necessary to accommodate the proposed conditions on the Property.

On February 24, 2022, representatives of the Applicant met with the Department of Planning for a preliminary conference to explain the scope and nature of the existing and proposed development on the Property and the proposed amendments to the Development Plan.

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 The representatives of the Applicant have now applied to the Baltimore City Council for
2 approval of these amendments, and they have submitted amendments to the Development Plan
3 intended to satisfy the requirements of Section 5-201(a) and Title 13 of the Baltimore City
4 Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the amendments to the Development Plan ~~submitted by the~~
7 ~~Applicant, specifically consisting of PUD 1, Title Sheet; PUD 2, Existing Conditions Plan; PUD~~
8 ~~3, Parcel Area Plan; PUD 4 and PUD 5, Development Plan; PUD 6, Proposed Open Space &~~
9 ~~Public Access Easement Plan; PUD 7, Proposed Illustrative Plan; and PUD 8, Design Guidelines,~~
10 ~~all dated March 2022 contained in this Ordinance, including Exhibit 1, “PUD 1, Title Sheet”~~
11 ~~dated March 2022; Exhibit 2, “PUD 2, Existing Conditions Plan” dated April 10, 2013, and last~~
12 ~~revised March 2022; Exhibit 3, “PUD 3, Parcel Area Plan” dated April 10, 2013, and last revised~~
13 ~~March 2022; Exhibit 4, “PUD 4, Development Plan” dated April 10, 2013, and last revised~~
14 ~~March 2022; Exhibit 5, “PUD 5, Development Plan” dated April 10, 2013, and last revised~~
15 ~~March 2022; Exhibit 6, “PUD 6, Proposed Open Space & Public Access Easement Plan” dated~~
16 ~~April 10, 2013, and last revised March 2022; and Exhibit 7, “PUD 7, Proposed Illustrative Plan”~~
17 ~~dated April 10, 2013, and last revised March 2022,~~ which shall supersede any and all previous
18 versions of the same referenced in Ordinance 13-136.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approve the
20 deletion of the “PUD 8, Design Guidelines” in its entirety from the Development Plan originally
21 approved in Ordinance 13-136.

22 **SECTION 3. 2- AND BE IT FURTHER ORDAINED,** That Section 4 of Ordinance 13-136 is
23 deleted in its entirety and replaced with:

24 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are allowed within
25 the Planned Unit Development:

26 (a) All permitted, accessory, and conditional uses allowed in the C-5 Zoning District,
27 unless otherwise stipulated herein, with the exception of Parking, open off-street
28 areas, other than accessory, for the parking of 4 or more automobiles, which is
29 prohibited;

30 (b) In addition to any uses allowed by Sub-paragraph (a) above, the following uses are
31 specifically permitted within the Planned Unit Development:

32 (1) Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art
33 Gallery);

34 (2) Finger piers, not more than five (5), provided that:

35 (i) all boats or ships must vacate the piers for special events that
36 involve fireworks or pyrotechnics, and no persons may occupy the
37 piers during fireworks or pyrotechnic events (if buildings are
38 constructed on piers, then any changes to this condition shall
39 require approval of the Planning Commission); and

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1 (ii) any such pier/marina may not extend beyond the pier-head-
2 bulkhead line; and

3 (3) Hazardous waste extraction, handling, treatment, storage and hauling, but
4 only to the extent necessary to comply with that certain Consent Decree
5 governing part of the Property, as entered in the United States District
6 Court for the District of Maryland, Civil Action No. R-89-1804, dated
7 June 16, 1989, including modifications and amendments thereto.

8 (c) The following uses shall be allowed and authorized subject to Planning
9 Commission approval of the design aesthetic:

10 (1) Grandstands accessory to Recreation: Outdoor;

11 (2) Water taxi vessels and equipment, consistent with the terms and
12 conditions of the Maritime Master Plan, as the same may be amended
13 from time to time; and

14 (3) Recreational boat launch, including paddling kayaks and canoe launch
15 pads consistent with the terms and conditions of the Maritime Master Plan,
16 as the same may be amended from time to time.

17 (d) The following uses shall be deemed conditional and require approval of the Board
18 of Municipal and Zoning Appeals:

19 (1) Alternative Energy System: Commercial

20 (2) Industrial: Light;

21 (3) Telecommunications Facility; and

22 (4) Wireless Communications Services.

23 **SECTION 4. 3. AND BE IT FURTHER ORDAINED**, That Section 5 of Ordinance 13-136 shall be
24 deleted in its entirety and replaced with “RESERVED”.

25 **SECTION 5. 4. AND BE IT FURTHER ORDAINED**, That Section 6 of Ordinance 13-136 shall be
26 amended to read as follows:

27 **SECTION 6. AND BE IT FURTHER ORDAINED**, [That the parking required for each
28 respective use within the PUD area shall be provided in accordance with the requirements
29 of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in the B-2-2
30 Zoning District.] Permanent parking shall not be accommodated in surface parking lots,
31 but shall be accommodated within structured off-street parking facilities and/or on-street
32 parking located within the PUD area, and said parking shall not be required on a lot by lot
33 basis but shall merely need to be provided within the boundaries of the PUD. Temporary
34 or interim parking, whether surface or structured, will only be allowed for construction
35 purposes, and shall not exceed a period of [24] 36 months. Temporary or interim parking
36 must be approved by the Planning Commission and is subject to design review. The [24]
37 36 month duration shall commence upon completion of construction of the temporary

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1 parking and shall be removed at the end of the [24] 36 months. THE PLANNING
2 COMMISSION HAS THE DISCRETION TO AMEND THE CONDITIONS UNDER WHICH
3 TEMPORARY OR INTERIM PARKING IS ALLOWED UNDER THIS ORDINANCE. [The Planning
4 Commission has the discretion to permit the total count of parking spaces required for all
5 uses within any one development lot or among multiple development lots on the property
6 to be reduced to reflect a demonstrated reduction in the need for parking spaces due to
7 shared use, public transportation or other appropriate causes, in accordance with the
8 shared parking formula provided on PUD 4, entitled “Development Plan.”]

9 **SECTION 6. 5. AND BE IT FURTHER ORDAINED,** That Section 8 of Ordinance 13-136 shall be
10 amended to read as follows:

11 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the applicant shall complete the
12 development of the Open Space and Public Promenade, as described on PUD {6} 5,
13 entitled “Proposed Open Space & Public Access Easement Plan,” in accordance with the
14 following schedule and conditions:

- 15 (a) Upon completion and prior to Use and Occupancy Permit of Building #1 on
16 Parcel 2, the applicant shall complete construction of the Central Plaza and the
17 temporary promenade on fast land and green space as identified on PUD {6} 5,
18 entitled “Proposed Open Space and Public Access Easement Plan.”
- 19 (b) As the applicant undertakes to construct the second building within Parcel 3, the
20 Applicant shall also begin development of the Waterfront Park (as shown on PUD
21 {6} 5, entitled “Proposed Open Space and Public Access Easement Plan”). Upon
22 completion of the second building within Parcel 3, the Waterfront Park and
23 adjacent section of the Public Promenade shall be completed.
- 24 (c) On or before the completion of the [Building #3 or Building #5] THE BUILDING ON
25 PARCEL 3 [(whichever shall be completed last)], the Applicant shall complete
26 development of Point Park [located between the Parcel 1 and Parcel 3], in
27 accordance with the design plan.
- 28 (d) The remainder of the permanent Promenade shall be completed on or before the
29 completion of the last building structure as shown in the Development plan.

30 **SECTION 7. 6. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
31 permanent improvements on the property are subject to final design approval by the Planning
32 Commission to insure that the plans are consistent with the Development Plan and this
33 Ordinance.

34 **SECTION 8. 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
35 accompanying amended Development Plan and in order to give notice to the agencies that
36 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
37 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
38 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
39 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
40 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
41 Commissioner of Housing and Community Development, the Supervisor of Assessments for
42 Baltimore City, and the Zoning Administrator.

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1 **SECTION 9. 8.** ~~AND BE IT FURTHER ORDAINED,~~ That this Ordinance takes effect on the 30th
2 day after the date it is enacted.

3 **Editor's Note:** Exhibits 1 through 7, attached herein, were added by amendment
4 on August 15, 2022 by the City Council.

EXHIBIT 1

HARBOR POINT
Baltimore, Maryland

Planned Unit Development

March 2022



Berry Development Group, LLC
15007 Tullamore Street, Suite 100
Baltimore, MD 21244

**HARBOR POINT
PUD**

OWNER

Berry Development Group, LLC
15007 Tullamore Street, Suite 100
Baltimore, MD 21244

ARCHITECT

Ayers Saint Gross
1000 North Street, Suite 1000
Baltimore, MD 21202
Tel: 410.528.2000
Fax: 410.528.2001

DATE

March 2022

- PUD 1**
Title Sheet
- PUD 2**
Existing Conditions Plan
- PUD 3**
Preliminary Plan
- PUD 4 & 5**
Conceptual Plan
- PUD 6**
Proposed Open Spaces & Public Access Easement Plan
- PUD 7**
Proposed Illustrative Plan



PUD 1

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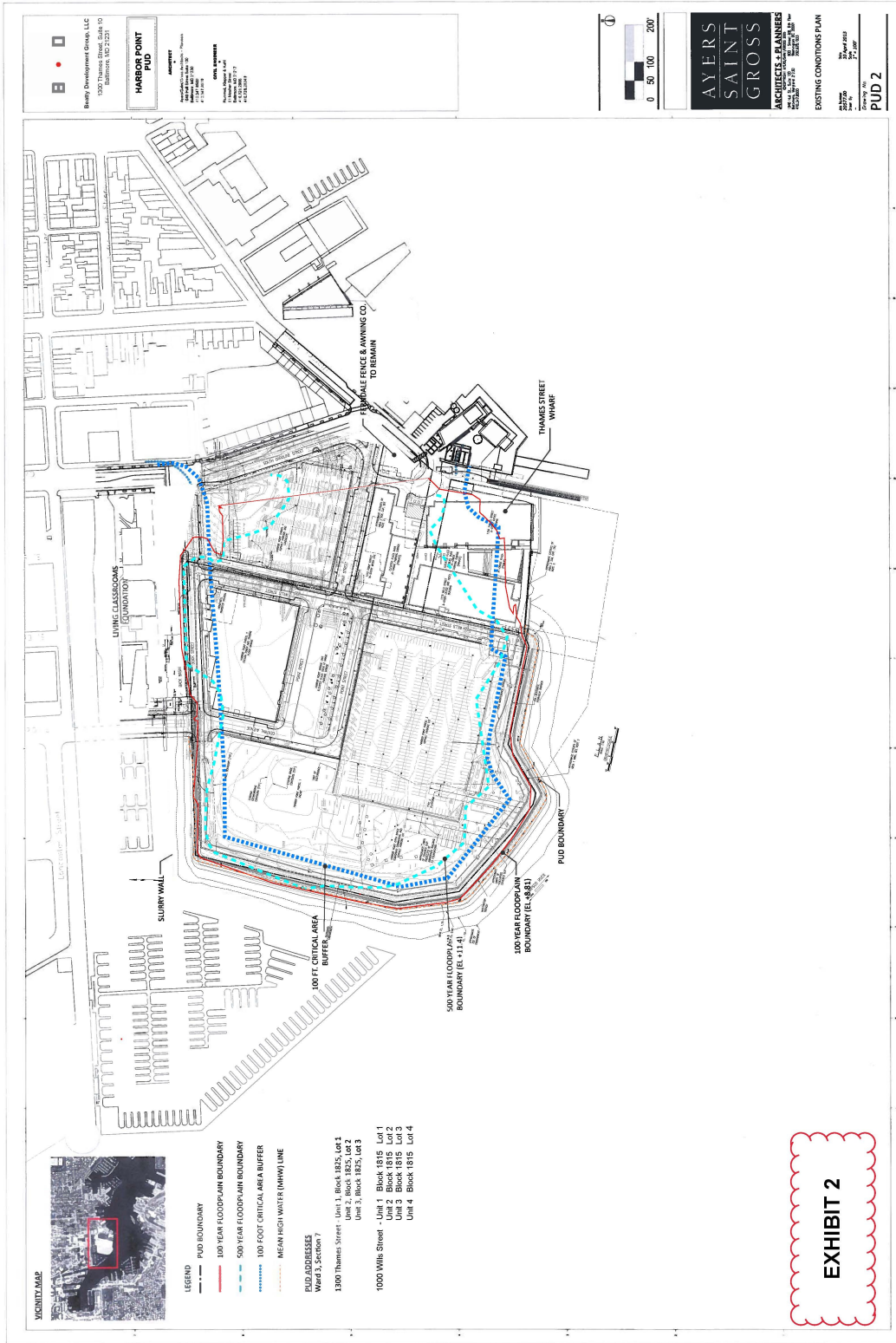
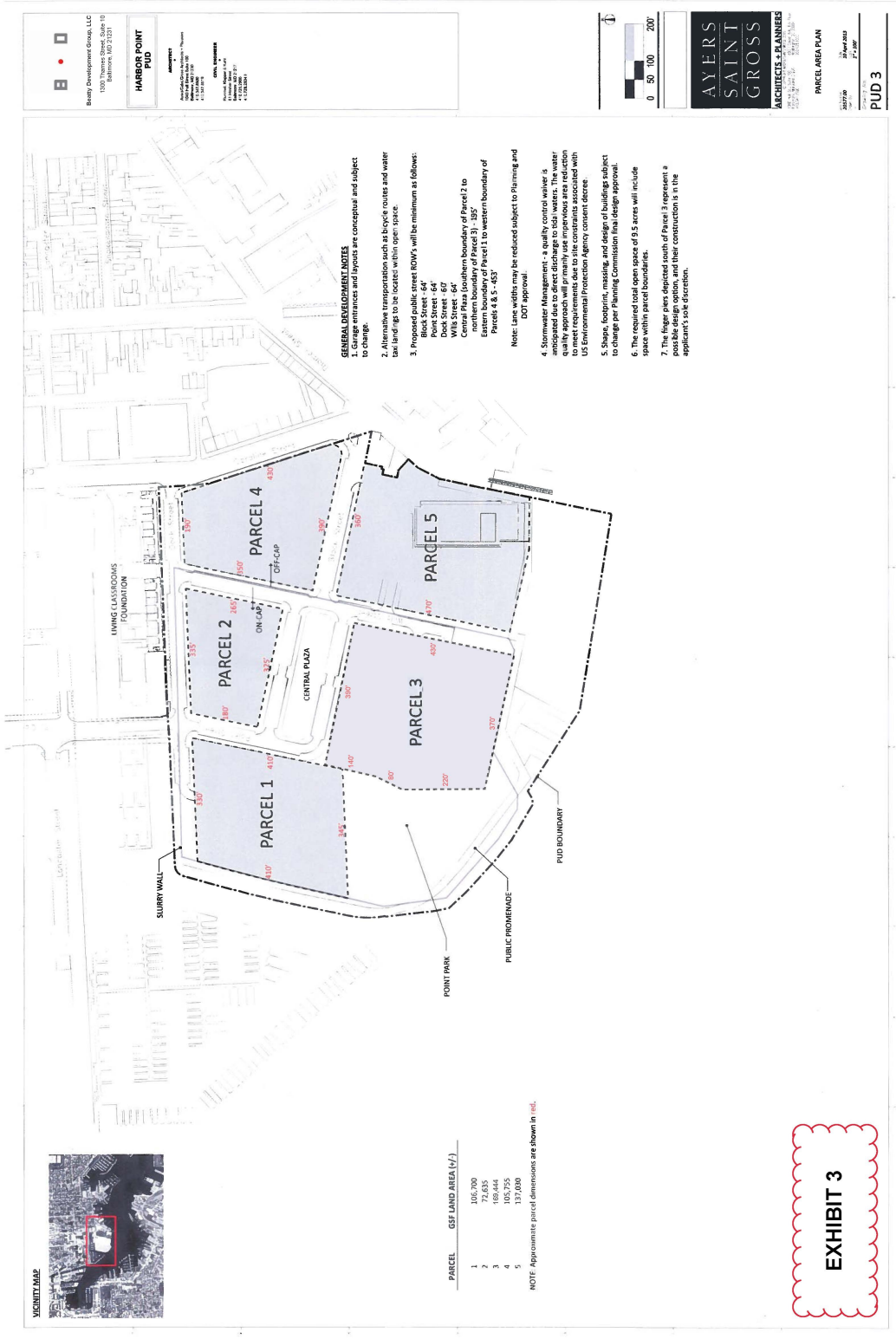


EXHIBIT 2

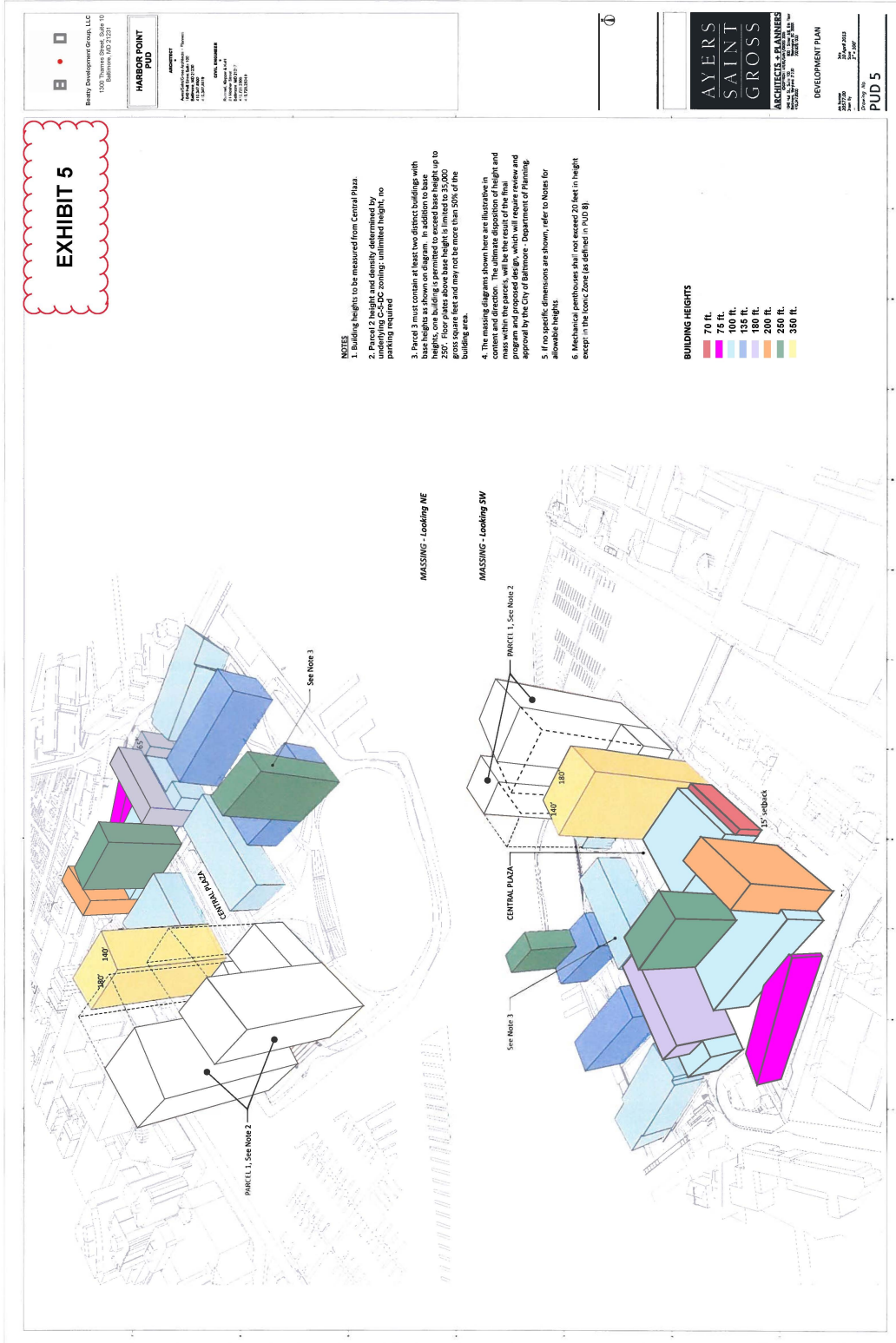
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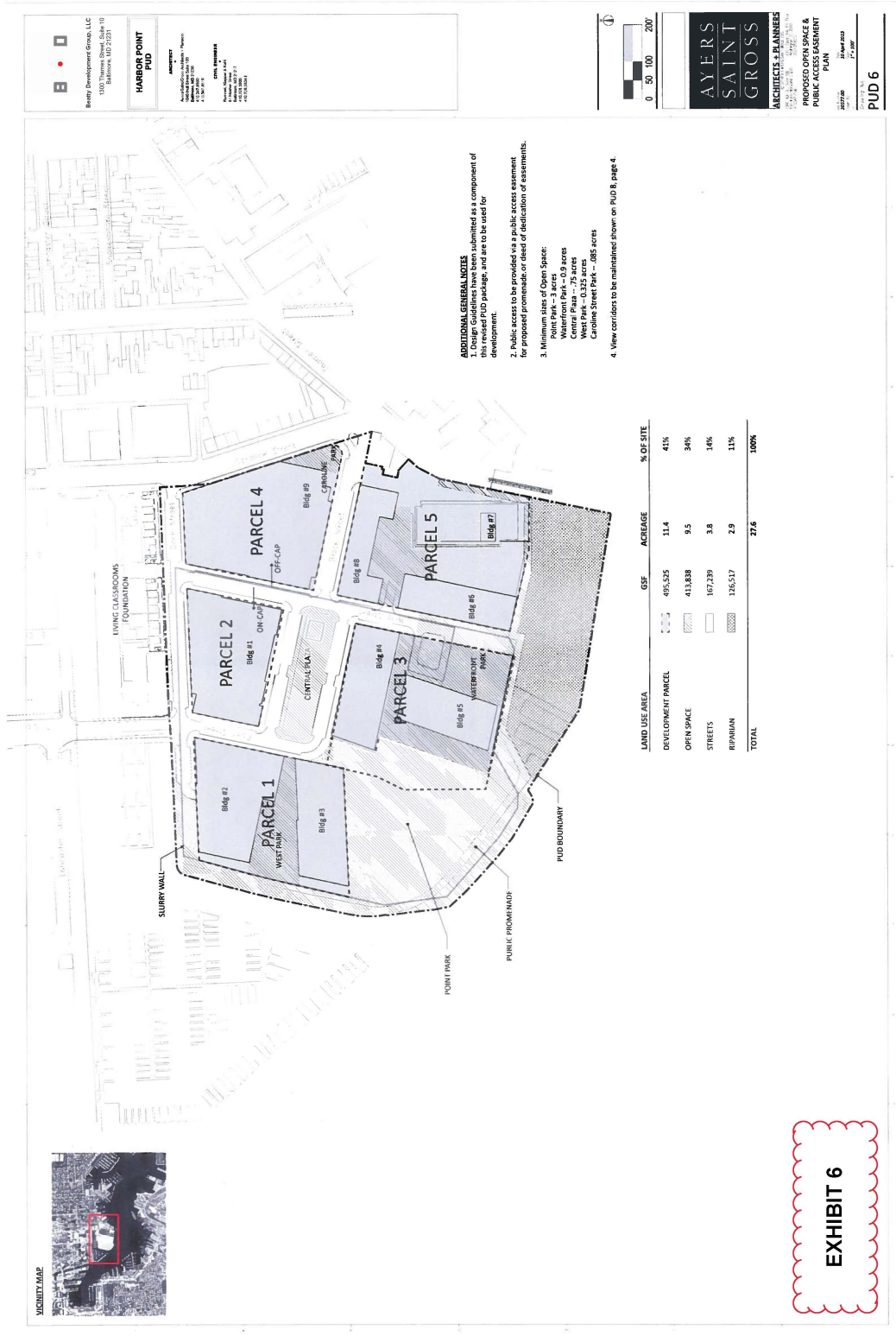
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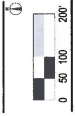


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Safety Development Group, LLC
 1500 North Washington Blvd
 Baltimore, MD 21202

HARBOR POINT PUD
 PROJECT NO. 22-0219
 DATE: 11/15/2021
 DRAWN BY: [Name]
 CHECKED BY: [Name]



AYERS SAINT GROSS
 ARCHITECTS & PLANNERS
 1000 N. CALVERT STREET
 BALTIMORE, MD 21202
 TEL: 410.528.1000
 WWW.ASGROSS.COM

PROPOSED ILLUSTRATIVE PLAN
 DATE: 11/15/2021
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PUD 7

CRITICAL AREA NOTES

1. This drawing represents a Preliminary Critical Area Plan for Harbor Point PUD. The Critical Area Plan report was submitted to Baltimore City in December 2021.
2. Per previous discussions with Baltimore City Planning Commission, the applicant is required to submit an updated Harbor Point Critical Area Master Plan to Baltimore City for review and approval. The submission will include a detailed site plan for that development phase.
3. Due to existing environmental controls in place on the site, all stormwater controls must comply with the requirements of the US Environmental Protection Agency's consent decree and the property owner's ground lease.
4. The primary conceptual strategy for complying with critical area requirements is the reduction of impervious cover. The applicant is required to submit a detailed site plan for stormwater treatment strategies, which includes (i.e., Green roofs, shoreline vegetation, etc.), subject to the approval of the Department of Planning and the Chesapeake Bay Critical Area Commission.

Critical Area - Conceptual Data (all quantities are approx.)

Total site area	= 27.6 acres
Proposed impervious area	= 20.1 acres
(addressed) DDE pollutant removal (eq%)	= 6.8 acres
100 ft. buffer area	= 1.3 acres
100 ft. buffer open space	= 1.7 acres
100 ft. buffer developed area (bldg/dwv)	= 1.3 acres
100 ft. buffer credit (green spaces)	= 1.3 acres

EXHIBIT 7

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Certified as duly passed this 12 day of September, 2022



President, Baltimore City
Council

Certified as duly delivered to His Honor, the Mayor,

this 12 day of September, 2022



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City