

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0343

Introduced by: Councilmembers Kraft, D’Adamo
At the request of: Natty Boh, LLC
Address: c/o Jon Laria, Esquire, Ballard Spahr Andrews & Ingersoll, LLP, 300 East Lombard
Street, 18th Floor, Baltimore, Maryland 21202
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Introduced and read first time: February 27, 2006
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 15, 2006

AN ORDINANCE CONCERNING

**Planned Unit Development –
Brewers Hill**

FOR the purpose of repealing the existing Development Plan for Brewers Hill Planned Unit
Development and approving a new Development Plan for Brewers Hill Planned Unit
Development.

By authority of
Article - Zoning
Title 9, Subtitles 1 and ~~5~~ 4
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 00-128, the Mayor and City Council of Baltimore approved the application of
Natty Boh, LLC, to have certain property located north of Boston Street, east of South Conkling
Street (but also including 1200 South Conkling Street), south of Dillon Street (but also including
4001 Hudson Street), and west of South Haven Street, all as more particularly specified therein,
designated an Industrial Planned Unit Development and approved the Development Plan
submitted by the applicant.

Natty Boh, LLC, wishes to rescind Ordinance 00-128 and replace the existing Development
Plan, with a new one that will amend the boundaries of the Planned Unit Development and
amend the Development Plan, as previously approved by the Mayor and City Council, ~~to add to~~
~~the Planned Unit Development the property known as 3901 Dillon Street,~~ add to the Planned
Unit Development a portion of existing City right-of-way, amend the permitted uses and their
densities, and generally provide for a mixed-use, live/work/play, urban development including
(but not limited to) residential, office, retail, storage, light industrial, light manufacturing, and
research/laboratory uses.

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 On February 21, 2006, representatives of Natty Boh, LLC, met with the Department of
2 Planning for a preliminary conference, to explain the scope and nature of the proposed new
3 Development Plan.

4 The representatives of Natty Boh, LLC, have now applied to the Baltimore City Council for
5 approval of the replacement Planned Unit Development, which is intended to satisfy the
6 requirements of Title 9, Subtitles 1 and 5 4, of the Baltimore City Zoning Code.

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
8 Ordinance 00-128 is repealed.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
10 replacement of the Planned Unit Development and approves the new Development Plan
11 submitted by the Developer, as attached to and made part of this Ordinance, including:

12 (a) Sheet 1, “Existing Conditions”, dated February 6, 2006, ~~and~~ revised February 13,
13 2006, and last revised May 5, 2006;

14 (b) Sheet 2, “Development Plan”, dated February 6, 2006, ~~and~~ revised February 13,
15 2006, and last revised May 5, 2006;

16 (c) Sheet 3, “Illustrative Concept Master Plan (First Level)”, dated February 6, 2006, ~~and~~
17 revised February 13, 2006, and last revised May 5, 2006;

18 (d) Sheet 4, “Illustrative Concept Master Plan (Upper Levels)”, dated February 6, 2006,
19 ~~and~~ revised February 13, 2006, and last revised May 5, 2006;

20 (e) Sheet 5, “Phasing Plan”, dated April 3, 2006, and last revised May 5, 2006;

21 to designate the property ~~an Industrial~~ a Business Planned Development under Title 9, Subtitles
22 1 and 5 4 of the Baltimore City Zoning Code.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the maximum square footage for all
24 buildings and uses in the Planned Unit Development is 1,982,250 square feet, that the maximum
25 square footage for retail uses in the Planned Unit Development is 600,000 square feet, that the
26 maximum square footage for office uses in the Planned Unit Development is 1,982,250 square
27 feet, and that the maximum number of residential units in the Planned Unit Development is
28 1,070 (or 1,126 when the rezoning described in Section 3(a) below is implemented), with further
29 sublimits sub-limits and requirements as follows (all references to Areas are as labeled on the
30 Development Plan):

31 (a) ~~a maximum of 60 residential units in Area 1;~~

32 (b) ~~a maximum of 200 residential units and 270,000 square feet in Area 2;~~

33 (c) ~~a maximum of 180,000 square feet in Area 3;~~

34 (d) ~~a maximum of 210,000 square feet in Area 4;~~

35 (e) ~~a maximum of 52,000 square feet in Area 5;~~

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- 1 ~~(f) a maximum of 80 residential units and 200,000 square feet in Area 6;~~
- 2 ~~(g) a maximum of 60,000 square feet in Area 7;~~
- 3 ~~(h) a maximum of 1,480,250 square feet in Area 8;~~
- 4 ~~(i) a maximum of 600,000 square feet of retail uses throughout the Planned Unit~~
5 ~~Development;~~
- 6 ~~(j) a maximum of 1,982,250 square feet of office uses throughout the Planned Unit~~
7 ~~Development;~~
- 8 ~~(k) a maximum number of residential units as would be allowed in a B-3-2 Zoning~~
9 ~~District pursuant to § 9-409 of the Zoning Code of Baltimore City, provided that such~~
10 ~~residential units may be distributed unevenly throughout the Planned Unit~~
11 ~~Development so long as the total number of units does not exceed the total density~~
12 ~~that would be permitted throughout the Planned Unit Development by § 9-409 of the~~
13 ~~Zoning Code of Baltimore City.~~
- 14 (a) in Area 1, a maximum of 60 residential units, a maximum building height (as
15 currently defined in the Zoning Code of Baltimore City) of 35 feet, and a ratio of 2
16 off-street parking spaces for each dwelling unit, provided that no residential units
17 shall be allowed until the underlying zoning district for Area 1 is changed to a district
18 that permits dwellings;
- 19 (b) in Area 3, a maximum of 180,000 square feet;
- 20 (c) in Area 4, a maximum of 210,000 square feet;
- 21 (d) in Area 5, a maximum of 52,000 square feet;
- 22 (e) in Area 6, a maximum of 80 residential units and 122,665 square feet, a maximum
23 building height (as currently defined in the Zoning Code of Baltimore City) of 45 feet
24 measured at the northeast corner of each building that is constructed within the Area;
- 25 (f) in Area 7, a maximum of 60,000 square feet.

26 Square footage or unit limits within the foregoing Areas are ~~sublimits~~ sub-limits only, and any
27 unused square footage or residential units within the Areas may be used ~~elsewhere in in other~~
28 Areas within the Planned Unit Development so long as the overall Planned Unit Development
29 limits and Area sub-limits are not exceeded. The foregoing limits shall not apply to any area in
30 below-grade basements or to areas devoted to the loading or the parking of motor vehicles,
31 whether on surface lots or in structured parking decks or garages.

32 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no residential uses shall be located within
33 the specified area west of Haven Street, as more particularly shown on the Development Plan.

34 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
35 within the Planned Unit Development shall be 257 feet above sea level.

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1 **SECTION 6. AND BE IT FURTHER ORDAINED**, That in accordance with the provisions of Title
2 9, Subtitles 1 and ~~5~~ 4, the following uses are allowed within the Planned Unit Development,
3 subject to the square footage limits and sublimits in Section 3 above:

4 (a) Uses authorized in Industrial Districts.

5 (1) All uses specified in §§ 7-206, 7-207, 7-208, and 7-209 of the Zoning Code of
6 Baltimore City as permitted, accessory or conditional uses in an M-1 Zoning
7 District are specifically authorized as permitted, accessory, and conditional
8 (subject to the requirements of Title 14 of the Zoning Code of Baltimore City -
9 Conditional Uses) in the Planned Unit Development.

10 (2) The following additional uses are permitted in the Planned Unit Development:

- 11 Beer and ale: brewing;
- 12 Clubs and lodges;
- 13 Photoengraving;
- 14 Sign manufacturing and sales.

15 (b) Uses authorized in Business Districts.

16 (1) Except as provided by paragraph 3 below, all uses specified in §§ ~~6-406, 6-407,~~
17 ~~6-408, and 6-409~~ 6-306, 6-307, 6-308, and 6-309 of the Zoning Code of
18 Baltimore City as permitted, accessory or conditional uses in the ~~B-3~~ B-2 Zoning
19 District are specifically authorized as permitted, accessory, and conditional
20 (subject to the requirements of Title 14 of the Zoning Code of Baltimore City –
21 Conditional Uses), in the Planned Unit Development.

22 (2) The following additional uses are permitted in the Planned Unit Development:

- 23 Animal hospitals;
- 24 Artisan and craft work;
- 25 Auditoriums;
- 26 Automobile accessory stores, including repair and installation;
- 27 Bakeries, including sales to restaurants and hotels;
- 28 Banquet halls;
- 29 Battery and tires, sales and service;
- 30 Bed and breakfast establishments;
- 31 Bed and breakfast homes;
- 32 Boats - sales and rental;
- 33 Building and lumber material sales establishments, with shops and yards;
- 34 Business schools and studio;
- 35 Commercial schools;
- 36 Concert halls;
- 37 Convention halls;
- 38 Dance and music schools and studio;
- 39 Dance halls;
- 40 Fire and police stations;
- 41 Hospitals;
- 42 Laboratories for research and testing;
- 43 Mail order houses;

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1 Maritime suppliers;
2 Model home and garage displays;
3 Motor vehicle rental and sales;
4 Moving and storage establishments;
5 Outdoor display of merchandise for sale to the general public;
6 Outdoor table service when accessory to a permitted use;
7 Parcel collection and delivery stations;
8 Photographic printing and development establishments;
9 Plumbing, heating and electrical equipment, showrooms and shops;
10 Pool halls and billiard parlors;
11 Radio and television antennas and towers, including microwave antennas
12 (satellite dishes) that extend no more than 25 feet above the building on which
13 they are mounted;
14 Recreational facilities, indoor and outdoor;
15 Restaurants and taverns with live entertainment and dancing, only in Areas 7 and
16 8;
17 Restaurants with curbside pick-up service, if accessory to a full-service restaurant
18 Sign painting shops;
19 Store fixture sales;
20 Trade schools;
21 Vending machines for retail sale;
22 Wholesale establishments;
23 Woodworking and furniture-making, custom

24 (3) The following uses are authorized in the Planned Unit Development only if first
25 approved by the Board of Municipal and Zoning Appeals in accordance with the
26 requirements and provisions of the Zoning Code of Baltimore City, Title 14,
27 Conditional Uses, for the approval of conditional uses:

28 Heliports

29 ~~(3)~~ (4) The following uses are prohibited in the Planned Unit Development:

30 Adult entertainment;
31 After hours establishments;
32 Amusement parks and permanent carnivals;
33 Automobile painting shops;
34 Book or video stores – adult;
35 Check cashing;
36 Community corrections centers;
37 Contractor construction shops and yards;
38 Firearms sales;
39 Fraternity and sorority houses;
40 Garages and lots for bus and transit vehicles;
41 Garages, other than accessory, for storage, repair and servicing of motor vehicles
42 not over 1-1/2 tons capacity -- including body repair, painting, and engine
43 rebuilding;
44 Garages, other than accessory, for storage, repair and servicing of motor vehicles
45 over 1-1/2 tons capacity;
46 Highway maintenance shops and yards;
47 Mobile home sales;

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1 Pawnshops
2 Peep show establishments;
3 ~~Restaurants and taverns with live entertainment and dancing in Areas 1, 2, 3, 4, 5,~~
4 ~~and 6;~~
5 Stables for horses;
6 Stadiums;
7 Substance abuse treatment centers

8 **SECTION 7. AND BE IT FURTHER ORDAINED,** That off-street parking requirements for the
9 Planned Unit Development are as follows:

10 (a) Off-street parking spaces must be provided as follows:

11 (1) Office Uses - 2.5 spaces per 1,000 square feet of floor area;

12 (2) Retail Uses - 3 spaces per 1,000 square feet of floor area;

13 (3) Warehouse/Manufacturing/Industrial Uses - 0.5 spaces per 1,000 square feet of
14 floor area;

15 (4) Residential Uses - 1.5 spaces per each Dwelling Unit and 1.0 spaces per each
16 Efficiency Unit.

17 (b) Off-street parking areas that are located within 300 feet of the boundary of the
18 Planned Unit Development may be included as off-street parking spaces for the plan
19 with approval of the Planning Commission. The Planning Commission may also
20 extend this distance.

21 (c) When reviewing plans for final design approval, the Planning Commission shall take
22 into consideration when proposed uses have different peak parking characteristics
23 which complement each other, so that parking spaces provided may reasonably be
24 shared by proposed uses and an excess of parking is ~~not provided~~ avoided by strict
25 cumulation of the parking requirements listed in Section 7(a) above.

26 **SECTION 8. AND BE IT FURTHER ORDAINED,** That to ensure that this PUD does not
27 create or exacerbate failing traffic conditions within the southeast transportation network,
28 density and building square footage built above the following amounts shall require separate
29 Planning Commission approval: total building square footage above 1,085,000 square feet and
30 retail building square footage above 85,000 square feet.

31 The following conditions must be satisfied before Planning Commission approval
32 may be granted for additional density and building square footage:

33 (a) The completion of a comprehensive Traffic Impact Study (TIS) for
34 Southeast Baltimore to be completed by the Baltimore City Department of
35 Transportation (DOT) or designee.

36 (b) The signing of a Memorandum of Understanding (MOU) between the developer
37 and the City of Baltimore as represented by DOT. The Memorandum shall at a
38 minimum outline the following: the necessary transportation improvements that
39 must be implemented to mitigate for traffic impact related to the development, a

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1 plan for implementing Transportation Demand Management (TDM), and a
2 development phasing plan that links the Planning Commission final design
3 approval of certain phases of development to designated transportation
4 infrastructure improvements.

5 **SECTION 8 9. AND BE IT FURTHER ORDAINED,** That upon purchase or lease by Natty Boh,
6 LLC, its successors, assigns, or designees, of the property designated a Planned Unit
7 Development under this Ordinance, such properties shall be included in the Planned Unit
8 Development, and until such time shall not be regulated by this Ordinance.

9 **SECTION 9 10. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
10 permanent improvements on the property are subject to final design approval by the Planning
11 Commission to insure that the plans are consistent with the Development Plan and this
12 Ordinance.

13 **SECTION 10 11. AND BE IT FURTHER ORDAINED,** That the Planning Department may
14 determine what constitutes minor or major modifications to the Development Plan. Minor
15 modifications require approval by the Planning Commission. Major modifications require
16 approval by Ordinance.

17 **SECTION 11 12. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
18 accompanying Development Plan and in order to give notice to the agencies that administer the
19 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
20 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
21 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
22 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
23 Appeals, the Planning Commission, the Commissioner of Housing and Community
24 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

25 **SECTION 12 13. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
26 day after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City