

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0809

Introduced by: Councilmember Reisinger
At the request of: Westport Development LLC, Inner Harbor West LLC, Inner Harbor West II LLC, and Turner Development Group Inc.
Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: September 17, 2007
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 29, 2007

AN ORDINANCE CONCERNING

**Planned Unit Development – Designation – Westport Waterfront
(2001, 2033, 2099, 2101-2121, 2201-2221-2301, and 2401-2417 Kloman Street)**

FOR the purpose of approving the application of Westport Development Group LLC, Inner Harbor West LLC, Inner Harbor West II LLC, and Turner Development Group Inc., which are the owners of 2001, 2033, 2099, 2101-2121, and 2201-2221-2301 Kloman Street and the contract purchaser of 2401-2417 Kloman Street (collectively, the “Property”), to have the Property designated a Business Planned Unit Development; ~~and~~ approving the Development Plan submitted by the applicant; and providing for a special effective date.

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

Recitals

Inner Harbor West II is the owner of the properties known as 2001, 2033, 2099, and 2101-2121 Kloman Street; Inner Harbor West LLC, is the owner of the property known as 2201-2221-2301 Kloman Street; Turner Development Group Inc., is the contract purchaser of the property known as 2401-2417 Kloman Street, consisting of 71.94 acres more or less. Westport Development LLC, plans to develop the Property for business and residential uses.

On April 25, 2007, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

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 designation of the property as a Business Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
4 Baltimore City 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 application of Westport Development LLC, to designate
7 the properties known as 2001, 2033, 2099, 2101, 2101-2121, 2201-2221-2301, and 2401-2417
8 Kloman Street, consisting of 71.94 acres, more or less, as outlined on the accompanying
9 Development Plan entitled “Westport Waterfront”, dated ~~September 11~~ October 3, 2007, to
10 designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of
11 the Baltimore City Zoning Code.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan entitled “Westport
13 Waterfront” submitted by the applicant, consisting of Sheet 1, “Existing Conditions Plan”, dated
14 ~~September 11, 2007~~; Sheet 2, ~~“Development Plan”~~, dated ~~September 11, 2007~~; Sheet 3, ~~“Area~~
15 ~~Plan”~~, dated ~~September 11, 2007~~; and Sheet 4, ~~“Proposed Landscape Plan”~~, dated ~~September 11,~~
16 ~~2007~~, is October 3, 2007; Sheet 2, “Parcel Area Plan”, dated October 3, 2007; Sheet 3,
17 “Development Plan”, dated October 3, 2007; Sheet 4, “Proposed Open Space/Forest
18 Conservation Easement Plan”, dated October 3, 2007; and the Westport Waterfront Design
19 Guidelines, submitted by the applicant, dated October 1, 2007, are approved.

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
21 9, Subtitles 1 and 4, the Planned Unit Development Ordinance shall be enacted as follows:

22 1. Uses.

23 A. The following uses are permitted within the Planned Unit Development:

24 (1) All permitted, accessory and conditional uses permitted in the B-2 Zoning
25 District, as set forth in §§ 6-306, 6-307, 6-308, and 6-309 of the Zoning Code;
26 and

27 (2) The following additional uses are specifically permitted in the Planned Unit
28 Development:

- 29 Artisans and craft work
30 Auditoriums and concert halls
31 Banquet halls
32 Heliports (in Area IV and V as designated on the Development Plan)
33 Laboratories: research and testing
34 Microwave antennas (satellite dishes)
35 Motor vehicles: rental
36 Outdoor table service accessory to ~~a restaurant~~ any permitted use
37 Prepared food delivery service including operations accessory to a restaurant
38 Recreational boat launch/tie up (in Area IV as designated on the Development
39 Plan)

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1 Restaurants – including live entertainment and dancing (in portions of
2 buildings within Area III with frontage along either Wenburn Street or the
3 waterfront, Area IV, and V, as designated on the Development Plan)

4 Schools: commercial

5 Schools: trade

6 Schools and studios: business, dance, and music

7 Taverns with 7,000 square feet or less of floor area – including live
8 entertainment and dancing (in portions of buildings
9 within Area III with frontage along either Wenburn Street or the
10 waterfront, Area IV, and V, as designated on the Development Plan)

11 Theatres.

12 (3) Taverns with greater than 7,000 square feet of floor area including live
13 entertainment and dancing are permitted as conditional uses requiring Board
14 approval in portions of buildings within Area III with frontage along either
15 Wenburn Street or the waterfront, Area IV and Area V, as designated on the
16 Development Plan.

17 B. The following uses are prohibited within the Planned Unit Development:

18 (1) Automobile accessory stores – including related repair and installation
19 services;

20 (2) Garages, other than accessory, for storage, repair and servicing of motor
21 vehicles not over 1 ½ tons capacity;

22 (3) Gasoline service stations; ~~and~~

23 (4) Parking, open off-street areas, for the parking of 4 or more motor vehicles;;

24 (5) pawnshops;

25 (6) check cashing stores;

26 (7) blood donation centers;

27 (8) gun shops; and

28 (9) furriers.

29 C. Conditional Uses to the BMZA:

30 (1) pool halls; and

31 (2) laboratories: research testing.

32 2. Floor Area ~~Ratio~~ and Density.

33 A. The maximum ~~net leasable~~ floor area within the Planned Unit Development may
34 not exceed 5,500,000 square feet.

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1 B. The maximum density within the Planned Unit Development may not exceed
2 2,000 dwelling units.

3 ~~3. Parking.~~

4 ~~That the number of parking spaces required for each development parcel shall be~~
5 ~~determined by the Planning Commission at the time of final design approval, at which~~
6 ~~time the Planning Commission shall take into consideration proposed uses that have~~
7 ~~different peak parking characteristics that complement each other, so that the parking~~
8 ~~spaces provided may reasonably be shared by proposed uses, and an excess of parking~~
9 ~~is not provided by strict cumulation of standard parking requirements.~~

10 3. Off-Street Parking Requirements.

11 Shared Parking Standards

12 The number of spaces to be provided to meet the off-street parking requirements
13 may be reduced based on the following set of guidelines for shared parking.

14 (1) Approved Criteria

15 (a) Shared parking requests shall be for 2 or more different land uses located
16 within the same building or adjacent or near to one another, subject to the
17 standards in this section.

18 (b) All shared parking facilities shall be located within a 600-foot horizontal
19 distance of the uses served.

20 (c) The transfer of a parcel's parking to another parcel does not reassign to the
21 transferee or the transferee's building parcel the off-street parking
22 requirement for the transferor's use.

23 (d) A parcel receiving transferred parking from another parcel must approve
24 the transfer of parking to its parking facility.

25 (e) Shared parking facilities shall provide signs on the premises indicating the
26 availability of the facility for patrons of the participating uses.

27 (f) Modifications to the structure in which the uses are located or changes in
28 use require review by the Department of Planning for compliance with this
29 Section.

30 (2) Shared Parking Standards

31 Shared parking is based on the variations in the number of parking spaces
32 needed (parking demand) over the course of the day for each of the proposed
33 uses. The time period in which the highest number of parking spaces is needed
34 (peak parking demand) for the proposed development, based on the standards
35 in this section, determines the minimum number of required off-street parking
36 spaces for the proposed development.

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1 (a) The shared parking formula is as follows:

2	<u>A, B, C</u>	<u>proposed uses to share parking spaces</u>
3	<u>PA</u>	<u>peak parking demand for Use A</u>
4	<u>PB</u>	<u>peak parking demand for Use B</u>
5	<u>PC</u>	<u>peak parking demand for Use C</u>
6	<u>TA%</u>	<u>the percentage of peak parking demand for</u> 7 <u>Use A in Time Period “T”</u>
8	<u>TB%</u>	<u>the percentage of peak parking demand for</u> 9 <u>Use B in Time Period “T”</u>
10	<u>TC%</u>	<u>the percentage of peak parking demand for</u> 11 <u>Use C in Time Period “T”</u>
12	<u>P(A, B, C)</u>	<u>peak parking demand for Uses A, B, and C</u> 13 <u>combined</u>

14 Formula:

15 $P(A, B, C) = (PA \times TA\%) + (PB \times TB\%) + (PC \times TC\%)$, where T = that
16 time period of the day (T) that maximizes P(A, B, C)

17 (b) Table 1 contains the peak parking demand for selected uses, expressed as a
18 ratio of parking spaces to floor area.

19 (c) Table 2 contains the percentage of peak parking demand that selected uses
20 generate for various time periods of the day. The period during which a
21 use is expected to generate its peak parking demand is indicated as 100
22 percent, and the period during which no parking demand is expected is
23 indicated as 0 percent.

24 (d) The parking demand that a use generates in a particular time period of the
25 day is determined by multiplying the peak parking demand for the use by
26 the percentage of peak parking demand the use generates in that time
27 period.

28 (e) The parking demand of the proposed development in a particular time
29 period of the day is determined by adding together the parking demand for
30 each use in that time period.

31 (f) The minimum number of required off-street parking spaces for the
32 proposed development is the highest time period parking demand.

33 **Table I**
34 **Parking Ratios for Shared Parking**

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1	<u>Use</u>	<u>Peak Parking Demand</u>
2	(Spaces per 1,000 square feet of floor area unless otherwise noted)	
3	<u>Office</u>	<u>2.5</u>
4	<u>Retail</u>	<u>3.0</u>
5	<u>Hotel</u>	<u>1 space per guest room</u>
6	<u>Multiple Dwelling Units</u>	(spaces per dwelling unit)
7	<u>Efficiency Unit</u>	<u>.75</u>
8	<u>1 bedroom</u>	<u>1</u>
9	<u>2 bedrooms</u>	<u>1.5</u>
10	<u>3+ bedrooms</u>	<u>2</u>

11 **Table 2**
 12 **Representative Time Period Accumulation by Percentage of Peak Hour**

13 <u>Use</u>	<u>M-F</u>	<u>M-F</u>	<u>M-F</u>	<u>Sat.-Sun.</u>	<u>Sat.-Sun.</u>	<u>Sat.-Sun.</u>
14	<u>8am-5pm</u>	<u>6pm-12am</u>	<u>12am-6am</u>	<u>8am-5pm</u>	<u>6pm-12am</u>	<u>12am-6am</u>
15 <u>Office</u>	<u>100%</u>	<u>20%</u>	<u>0%</u>	<u>5%</u>	<u>5%</u>	<u>0%</u>
16 <u>Retail</u>	<u>70%</u>	<u>80%</u>	<u>0%</u>	<u>100%</u>	<u>70%</u>	<u>0%</u>
17 <u>Hotel</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>
18 <u>Multiple Dwelling Units</u>	<u>50%</u>	<u>100%</u>	<u>100%</u>	<u>80%</u>	<u>100%</u>	<u>100%</u>

20 4. Traffic Mitigation.

21 That prior to the issuance of building permits for a particular building parcel with the
 22 Planned Unit Development, the requirements of Ordinance 06-345 as they pertain to
 23 that particular building parcel or to the amount of density proposed on final design
 24 plans approved by the Planning Commission, must be satisfied.

25 ~~5. Signage.~~

26 ~~That exterior signage within the Planned Unit Development shall be subject to final~~
 27 ~~design review and approval by the Planning Commission and shall not be limited by~~
 28 ~~the provisions of Title 11 of the Zoning Code.~~

29 5. Sign Regulations.

30 All signage within the Planned Unit Development must comply with the provisions of
 31 Title 11 of the Zoning Code and the Westport Waterfront Design Guidelines and shall
 32 be subject to final design review and approval by the Planning Commission.

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1 6. Height and Massing.

2 That the maximum building heights shall be as set forth on ~~the Development Plan and~~
3 ~~approved by the Planning Commission~~ Exhibits A and B.

4 7. Phasing of Public Improvements.

5 A. Public Pedestrian Access Corridors, Public Pedestrian Waterfront Access, and
6 Forest Conservation easements, as designated on the Development Plan, must be
7 executed by the Board of Estimates and recorded prior to Planning Commission
8 Final Design Approval for the first phase infrastructure improvements.

9 B. Public Pedestrian Access Corridors (in at least a temporary condition), Pedestrian
10 Promenade portion of Public Pedestrian Waterfront Access Areas, Forest
11 Conservation Easement Areas, and Wetland Overlook Private Open Space
12 (pending receipt of all necessary and final approvals from reviewing agencies)
13 improvements, as designated in the Westport Waterfront Design Guidelines of the
14 Development Plan, must be completed concurrent with the first phase of
15 infrastructure improvements.

16 C. Private Open Space, as designated on the Development Plan, must be completed
17 concurrent with adjacent parcel development as follows: Tower Open Space with
18 Parcel D; Waterfront Open Space with Parcel H; North Park Overlook with Parcel
19 E; Public Waterfront with the earlier of Parcels F or G; and portions of Pedestrian
20 Corridor with adjacent Parcel M, N, Q, or S.

21 8. Urban Renewal Plans.

22 A. Parcel Development on Block 7611, Lots 8 and 9/10 may not proceed until all
23 pertinent restrictions of the Middle Branch Urban Renewal Plan are either
24 amended or repealed for Block 7611, Lots 8, 9, and 10, according to the
25 recommendations of the Middle Branch Master Plan.

26 B. Parcel Development on Block 7612, Lots 8, 6/10, 5, 5A, 3, 1/2, and 20 may not
27 proceed until all pertinent restrictions of the Carroll Camden Urban Renewal Plan
28 are either amended or repealed for the Block and Lots, according to the
29 recommendations of the Middle Branch Master Plan.

30 **SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the**
31 **Planned Unit Development and Development Plan are conditioned on compliance with the**
32 **following Traffic Mitigation Agreement reached in accordance with the requirements of Zoning**
33 **Code §§ 16-301(b) and 2-305 and Building Code § 105.3.2 {"Building and Zoning – Traffic**
34 **Studies"}:**

35 (a) Before the Planning Commission grants final design approval for a building parcel
36 within the Planned Unit Development, the following traffic- mitigation fees shall be
37 calculated, based on the development program for that parcel:

38 <u>Residential (per dwelling unit):</u>	<u>\$ 610.00</u>
39 <u>Office (per sq. ft. gross floor area):</u>	<u>\$ 1.00</u>

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1	<u>Retail/Restaurant (per sf gross floor area):</u>	<u>\$ 0.38</u>
2	<u>Hotel (per room):</u>	<u>\$1,250.00</u>

3 (b) Subject to the creation of the Middle Branch Transportation Management District
4 under Article II, Section 63 of the Baltimore City Charter and as recommended in the
5 Middle Branch Master Plan (approved by the Baltimore City Planning Commission on
6 September 20, 2007), developers of building parcels who seek a building permit or an
7 Occupancy Permit, Certificate of Completion or Use Permit for multi-family, office,
8 retail, hotel or restaurant uses are obligated to pay an additional transportation-
9 demand-management fee in the amount of \$1,000 for each off-street parking space in
10 excess of the following:

11 Multi-family dwellings:
12 0.5 spaces / efficiency
13 1.0 space / 1-bedroom
14 1.5 spaces / 2-bedroom
15 2.0 spaces / 3 bedroom

16 Office:
17 1.75 spaces / 1,000 sf

18 Retail/Restaurant:
19 2 spaces / 1,000 sf

20 Hotel:
21 0.7 spaces / room

22 The ordinance creating the District, if authorized by the City Charter and any other
23 enabling legislation, shall require that the transportation-demand-management fees be
24 used to promote non-single occupant vehicle transportation options within the Middle
25 Branch Transportation Management District, such as public transit, bicycling, walking
26 and ridesharing. The Middle Branch Transportation Management District shall have a
27 board of directors that shall be appointed as provided in an ordinance establishing the
28 District as required by Article II, Section 63(c) of the Baltimore City Charter.

29 (c) (1) Subject to the approval of the Board of Estimates, traffic mitigation fees received
30 under subsection (a) of this section shall be used for the sole purpose of
31 constructing the capacity improvements identified in the Westport Waterfront
32 Traffic Study, prepared by the Transportation Department pursuant to Baltimore
33 City Building Code Section 105.3.2.

34 (2) Before any building permit may be issued for a particular building parcel within
35 the Planned Unit Development, 50% of the applicable fees shall be paid to the
36 City.

37 (3) Before any Occupancy Permit, Certificate of Completion, or Use Permit may be
38 issued, the balance of the applicable fees shall be paid to the City.

39 (d) (1) Before any Occupancy Permit, Certificate of Completion, or Use Permit may be
40 issued for any building that, individually or in the aggregate with other buildings,

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1 exceeds 750,000 square feet of office space north of Wenburn Street, construction
2 shall be completed on:

3 (i) the proposed connection of Manokin Street to the site (as shown on the
4 Development Plan), or

5 (ii) an alternative method of providing traffic mitigation that has been
6 approved by the Transportation Department, including but not limited to
7 the two alternatives that are set forth in the Westport Waterfront Traffic
8 Study.

9 (2) The Transportation Department's approval of an alternative method under
10 paragraph (1)(ii) of this subsection may not be unreasonably withheld.

11 (e) A parcel developer who has paid any portion of a traffic-mitigation fee under this
12 Section 4 and subsequently discontinues development of the project before issuance of
13 Use and Occupancy Permits, evidenced for example by cancellation or revocation of
14 building permits, may apply for and receive a refund of the traffic- mitigation fees
15 already paid.

16 (f) A parcel developer who pays the traffic-mitigation fees required by this Section 4
17 satisfies its obligations under Building Code § 105.3.2, and no developer of a parcel
18 within the Planned Unit Development is required to conduct its own Traffic-Impact
19 Study.

20 (g) At its own cost and expense, the Transportation Department shall conduct and prepare
21 a new or updated Traffic-Impact Study:

22 (1) at the later of (i) 5 years from the date this Ordinance is enacted, or (ii) on issuance
23 of Use and Occupancy Permits for 50% of the gross floor area permitted under this
24 Ordinance; and

25 (2) 10 years from the date this Ordinance is enacted.

26 (h) On recommendation of the Transportation Department, the Board of Estimates may
27 modify the traffic mitigation fees that are set forth in subsection (a) of this Section if,
28 based on a Traffic-Impact Study conducted under subsection (g) of this Section, the
29 modification is necessary to accommodate a justifiable and anticipated increase or
30 decrease in the funding required to safely and adequately manage the vehicular traffic
31 generated by the Planned Unit Development. The amount of any modified fees that
32 are adopted pursuant to this subsection (h) may not exceed 110% of the fee amounts
33 that are set forth in subsection (a) of this Section.

34 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
35 permanent improvements on the property are subject to final design approval by the Planning
36 Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

37 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
38 what constitutes minor or major modifications to the Plan. Minor modifications require approval
39 by the Planning Commission. Major modifications require approval by Ordinance.

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1 **SECTION 67. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
2 accompanying Development Plan and in order to give notice to the agencies that administer the
3 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City
4 Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
5 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
6 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals,
7 the Planning Commission, the Commissioner of Housing and Community Development, the
8 Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

9 **SECTION 78. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on ~~the 30th~~
10 ~~day~~ after the date it is enacted.

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