

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0587

Introduced by: Councilmember Kraft
At the request of: South Broadway Properties, LLC
Address: c/o Stanley S. Fine, Esquire, Rosenberg Martin Greenberg, LLP, 25 South Charles
Street, Suite 2115, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: February 12, 2007
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 23, 2007

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Marketplace at Fells Point

FOR the purpose of approving the application of South Broadway Properties, LLC, owner of 600, 606, 610, 616, 622, 607, 609, 611, 617, 619, 621, 623, 625, and 627 South Broadway, 611, 613, 615, 617, 619, 621, and 623 South Bethel Street, 1621, 1625-1631, and 1641 Fleet Street, and 608 and 614 South Regester Street; John E. Demirjian, the owner of 602 South Broadway; and the Mayor and City Council of Baltimore, the owner of 1640 and 1641 Aliceanna Street and 1641 Lancaster Street (collectively the “Property”), to have that Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Recitals

South Broadway Properties, LLC, is the owner of 600, 606, 610, 616, 622, 607, 609, 611, 617, 619, 621, 623, 625, and 627 South Broadway, 611, 613, 615, 617, 619, 621, and 623 South Bethel Street, 1621, 1625-1631, and 1641 Fleet Street, and 608 and 614 South Regester Street. John E. Demirjian is the owner of 602 South Broadway. The Mayor and City Council of Baltimore owns 1640 and 1641 Aliceanna Street and 1641 Lancaster Street. South Broadway Properties, LLC, plans to develop the Property, consisting of 4.405 acres, more or less, for business and residential 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 January 25, 2007, representatives of the applicant met with the Department of Planning
2 for a preliminary conference, to explain the scope and nature of existing and proposed
3 development on the Property and to institute proceedings to have the Property designated a
4 Business Planned Unit Development.

5 The representatives of the applicant have now applied to the Baltimore City Council for
6 designation of the Property as a Business Planned Unit Development, and they have submitted a
7 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
8 Baltimore City Zoning Code.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
10 Mayor and City Council approves the application of South Broadway Properties, LLC, to
11 designate the properties known as 600, 602, 606, 610, 616, 622, 607, 609, 611, 617, 619, 621,
12 623, 625, and 627 South Broadway, 611, 613, 615, 617, 619, 621, and 623 South Bethel Street,
13 1621, 1625-1631, and 1641 Fleet Street, 608 and 614 South Regester Street, 1640 and 1641
14 Aliceanna Street, and 1641 Lancaster Street, consisting of 4.405 acres, more or less, as outlined
15 on the accompanying Development Plan, as a Business Planned Unit Development under Title 9,
16 Subtitles 1 and 4 of the Baltimore City Zoning Code.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan entitled
18 “Marketplace at Fells Point” submitted by the applicant, consisting of Sheet 1, “Existing
19 Conditions”, dated ~~January 30~~ March 7, 2007, Sheet 2, “Development Plan”, dated ~~January 30~~
20 April 13, 2007, and Sheet 3, “Illustrative Streetscape Plan”, dated ~~January 30~~ March 20, 2007, is
21 approved.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
23 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:

24 (a) Except as provided in ~~paragraph~~ paragraphs (c) and (d) below, all uses specified in §§
25 6-306, 6-307, 6-308, and 6-309 of the Zoning Code of Baltimore City as permitted,
26 accessory, or conditional uses in the B-2 Zoning District are specifically authorized
27 as permitted, accessory, and conditional uses (subject to the requirements of Title 14
28 of the Zoning Code of Baltimore City - Conditional Uses), in the Planned Unit
29 Development.

30 (b) The following additional uses are specifically permitted in the Planned Unit
31 Development:

32 Open off-street parking areas, other than accessory, for the parking of 4 or more
33 motor vehicles, are permitted in Subarea “B” only;
34 Outdoor table service when accessory to a restaurant or any permitted use;
35 Prepared food delivery services - including any operated as an accessory use by a
36 restaurant.

37 (c) The following uses are prohibited as principal uses in the Planned Unit Development:

38 Amusement arcades as provided in § 6-308(2)
39 Amusement devises as provided in § 6-207(2)
40 Amusement devices located within a shopping center of over 20,000 square feet
41 or a commercial recreation center of over 20,000 square feet

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1 Animal facilities as provided in § 6-207(3)
2 Animal hospitals that are odor-proofed and sound-proofed
3 Athletic fields
4 Automobile accessory stores - including related repair and installation services
5 Bingo halls: charitable
6 Blood donor centers
7 Bus and transit passenger stations and terminals
8 Bus and transit turnarounds
9 Check cashing
10 Clinics: health care
11 Clothes pressing establishments
12 Clubs and lodges: private and nonprofit
13 Community correction centers
14 Dance halls
15 Display rooms for mail order sales
16 Drug stores and pharmacies: drive-in - but not including the sale of alcoholic
17 beverages or tobacco products
18 Dry cleaning establishments: drive-in
19 Dry cleaning establishments - no more than 4 employees plus 1 owner or manager
20 on the premises
21 Employment agencies
22 Exterminator's shops
23 Firearms sales
24 Firearm sales, ammunition sales, or both as provided in § 308(11)
25 Foster homes for children
26 Fraternity and sorority houses
27 Furrier shops - including accessory storage and conditioning of furs
28 Garages, other than accessory, for storage, repair, and servicing of motor vehicles
29 not over 1½ tons capacity - but not including body repair painting, painting, or
30 engine rebuilding
31 Gasoline service stations
32 Helistops
33 Homes for the rehabilitation of non-bedridden alcoholics and for the care and
34 custody of homeless persons
35 Hospitals
36 Launderettes - no more than 2 employees plus 1 owner or manager on the
37 premises
38 Laundries: hand - no more than 2 employees plus 1 owner or manager on the
39 premises
40 Marinas: accessory
41 Marinas: recreational
42 Marinas: recreational boat launch/tie up
43 Massage salons
44 Massage therapists' offices
45 Multi-purpose neighborhood centers
46 Novelty shops
47 Parole and probation field offices
48 Pawnshops
49 Photograph printing and developing establishments: drive-in
50 Pool halls and billiard parlors
51 Poultry - and rabbit-killing establishments

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1 Printing establishments - no more than 10 employees plus 1 owner or manager on
2 the premises
3 Public utility service centers
4 Public utility uses as provided in § 6-208(13)
5 Radio and television antennas and towers that extend no more than 25 feet above
6 the building on which they are mounted - but not including microwave
7 antennas (satellite dishes)
8 Radio and television antennas as provided in § 6-208(13)
9 Recreation buildings and community centers
10 Restaurants: drive-in - but not including pick-up drives with window service
11 Rooming houses
12 Schools: elementary and secondary
13 Schools: trade - other than industrial
14 Second-hand stores
15 Sewerage pumping station
16 Skating rinks
17 Structures on piers, other than water-dependent facilities
18 Taxidermist shops
19 Telephone exchanges
20 Trading stamp redemption centers
21 Travel trailers, recreational vehicles, and similar camping equipment:
22 parking or storage
23 Undertaking establishments and funeral parlors
24 Union halls
25 Vending machines for retail sale of ice or milk
26 Water filtration plants, reservoirs, and pumping stations.

27 (d) The following uses are conditional uses that require approval by Ordinance:

28 Liquor stores: package goods
29 Taverns - but not including live entertainment and dancing.

30 (e) Notwithstanding anything in this Plan to the contrary, the 2 existing alcoholic
31 beverage licenses located at 300 South Broadway and 606 South Broadway may be
32 continued to be used anywhere within the Planned Unit Development area as taverns
33 and/or restaurants.

34 **SECTION 4. AND BE IT FURTHER ORDAINED,** That temporary Planned Unit Development
35 ~~signs, business signs, identification signs, free-standing signs, and parking garage access signs in~~
36 ~~excess of the permitted square footage are permitted within the Planned Unit Development,~~
37 ~~provided that the signs are subject to final design approval by the Planning Commission off-~~
38 ~~street parking requirements for the Planned Unit Development are as follows: (1) residential -~~
39 ~~1.5 spaces per dwelling unit; (2) office - 1 space per 800 square feet in excess of 2,000 square~~
40 ~~feet of office use; (3) retail including restaurants - 1 space per 600 square feet in excess of 4,000~~
41 ~~square feet of retail use; and (4) all other uses - as required by the underlying zoning.~~

42 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the requirements of Ordinance 06-345
43 must be satisfied prior to the issuance of building permits for the construction of permanent
44 improvements on the Property within the Planned Unit Development.

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1 **SECTION 6. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
2 permanent improvements on the Property within the Planned Unit Development are subject to
3 final design approval by the Planning Commission to insure that the plans are consistent with the
4 Development Plan and this Ordinance. When reviewing the plans for final design approval, the
5 Planning Commission shall determine the location of the parking garage entrance, taking into
6 consideration the results of the traffic study completed pursuant to Ordinance 06-345.

7 **SECTION 7. AND BE IT FURTHER ORDAINED,** That if this Planned Unit Development is
8 enacted prior to the enactment of the Fells Point Local Historic and Architectural Preservation
9 District, the height and massing guidelines for this Planned Unit Development shall govern
10 future development. The Commission for Historical and Architectural Preservation shall review
11 and approve the building design within the prior approved massing. Its approval is required
12 prior to Planning Commission final design approval.

13 **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That the Planning Commission may
14 determine what constitutes minor or major modifications to the Plan. Minor modifications
15 require approval by the Planning Commission. Major modifications require approval by
16 Ordinance.

17 **SECTION 8 9. 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 9 10. 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