

**CITY OF BALTIMORE  
COUNCIL BILL 15-0554  
(First Reader)**

---

Introduced by: Councilmember Kraft

At the request of: Natty Boh, 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

Introduced and read first time: July 20, 2015

Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Housing and Community Development,  
Department of Public Works, Department of General Services, Fire Department, Baltimore  
Development Corporation, Baltimore City Parking Authority Board, Department of  
Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Brewers Hill**

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

6 BY authority of

7 Article - Zoning

8 Title 9, Subtitles 1 and 4

9 Baltimore City Revised Code

10 (Edition 2000)

11 **Recitals**

12 By Ordinance 06-250, the Mayor and City Council of Baltimore approved the application of  
13 Natty Boh, LLC, to rescind and replace the previous Development Plan established by Ordinance  
14 00-128, to have certain property located north of Boston Street, east of South Conkling Street  
15 (but also including 1200 South Conkling Street), south of Dillon Street (but also including 4001  
16 Hudson Street), and west of South Haven Street designated as a Business Planned Unit  
17 Development. Ordinance 06-250 was subsequently amended by Ordinance 06-371.

18 Natty Boh, LLC, wishes to rescind Ordinance 06-250, as amended by Ordinance 06-371, and  
19 to replace the existing Development Plan with a new one that will amend the boundaries of the

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

## Council Bill 15-0554

1 Planned Unit Development and amend the Development Plan, as previously approved by the  
2 Mayor and City Council, to amend the permitted uses and their densities, and to generally  
3 provide for a mixed-use, live/work/play urban development including, but not limited to,  
4 residential, office, retail, storage, light industrial, light manufacturing, and research/laboratory  
5 uses.

6 On July 13, 2015, representatives of Natty Boh, LLC, met with the Department of Planning  
7 for a preliminary conference, to explain the scope and nature of existing and proposed  
8 development on the property and to institute proceedings to have the property designated a  
9 Business Planned Unit Development.

10 The representatives of the applicant have now applied to the Baltimore City Council for  
11 approval of the replacement Planned Unit Development, and they have submitted a Development  
12 Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City  
13 Zoning Code.

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
15 Ordinances 06-250 and 06-371 are repealed.

16 **SECTION 2. AND BE IT ORDAINED,** That the Mayor and City Council approves the  
17 application of Natty Boh, LLC, owner of the property located north of Boston Street, east of  
18 South Conkling Street (but also including 1200 South Conkling Street), south of Dillon Street  
19 (but also including 4001 Hudson Street), and west of South Haven Street, as outlined on the  
20 accompanying Development Plan entitled “Brewers Hill”, to designate the property a Business  
21 Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the  
23 replacement of the Planned Unit Development and approves the new Development Plan  
24 submitted by the applicant, as attached to and made part of this Ordinance, including:

- 25 (a) Sheet 1, “Existing Conditions”, dated July 10, 2015;
- 26 (b) Sheet 2, “Development Plan/Master Plan”, dated July 10, 2015;
- 27 (c) Brewers Hill Signage Package;
- 28 (d) Hanover Brewers Hill Signage Package, dated November 5, 2012; and
- 29 (e) Design Guidelines, dated October 2, 2006.

30 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum square footage for all  
31 buildings and uses within the Planned Unit Development is 2,650,000 square feet, and that the  
32 maximum number of residential units in the Planned Unit Development is 1515.

33 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the underlying zoning of the property  
34 within the Planned Unit Development would permit a maximum of 1166 dwelling units by right.  
35 The Mayor and City Council hereby grants a 25% variance of the minimum lot area requirements  
36 of the Zoning Code of Baltimore City to permit a total of 1515 dwelling units within the Planned  
37 Unit Development.

**Council Bill 15-0554**

1       **SECTION 6. AND BE IT FURTHER ORDAINED**, That the maximum height for all buildings  
2 within the Planned Unit Development shall be 257 feet above sea level.

3       **SECTION 7. AND BE IT FURTHER ORDAINED**, That in accordance with the provisions of Title  
4 9, Subtitles 1 and 4, of the Zoning Code of Baltimore City, the following uses allowed in  
5 Business Districts are allowed within the area designated as “Future C” on the Development  
6 Plan, subject to the square footage limits in Section 4 above:

7           (a) All uses specified in §§ 6-206, 6-207, 6-208, and 6-209 of the Zoning Code of  
8 Baltimore City as permitted, accessory, or conditional uses in a B-1 Zoning District  
9 are specifically authorized as permitted, accessory, and conditional (subject to the  
10 requirements of Title 14 {Conditional Uses} of the Zoning Code of Baltimore City).

11           (b) The following additional uses are permitted in the area designated as “Future C” on  
12 the Development Plan:

- 13                   Parking, open off-street areas and off-street garages, other than accessory, for the
- 14                   parking of 3 or more motor vehicles
- 15                   Prepared food delivery service - including any operated as an accessory use by a
- 16                   restaurant
- 17                   Restaurants.

18       **SECTION 8. AND BE IT FURTHER ORDAINED**, That in accordance with the provisions of Title  
19 9, Subtitles 1 and 4, of the Zoning Code of Baltimore City, the following uses are allowed within  
20 all other areas of the Planned Unit Development, subject to the square footage limits in Section 4  
21 above:

22           (a) Uses authorized in Industrial Districts.

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

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

- 29                           Beer and ale: brewing
- 30                           Clubs and lodges
- 31                           Photo engraving
- 32                           Sign manufacturing and sales.

33           (b) Uses authorized in Business Districts.

34                   (1) Except as provided by paragraph (3) below, all uses specified in §§ 6-306, 6-307,  
35 6-308, and 6-309 of the Zoning Code of Baltimore City as permitted, accessory or  
36 conditional uses in the B-2 Zoning District are specifically authorized as  
37 permitted, accessory, and conditional (subject to the requirements of Title 14  
38 {Conditional Uses} of the Zoning Code of Baltimore City) in the Planned Unit  
39 Development.

## Council Bill 15-0554

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

2 Animal hospitals;  
3 Artisan and craft work;  
4 Auditoriums;  
5 Automobile accessory stores, including repair and installation;  
6 Bakeries, including sales to restaurants and hotels;  
7 Banquet halls;  
8 Battery and tires, sales and service;  
9 Bed and breakfast establishments;  
10 Bed and breakfast homes;  
11 Boats – sales and services;  
12 Building and lumber material sales establishments, with shops and yards;  
13 Business schools and studio;  
14 Commercial schools;  
15 Concert halls;  
16 Convention halls;  
17 Dance and music schools and studio;  
18 Dance halls;  
19 Fire and police stations;  
20 Hospitals;  
21 Laboratories for research and testing;  
22 Live entertainment and dancing – including as an accessory use by a  
23 restaurant or tavern (except in the area identified on the Development Plan  
24 as “Future D.” Live entertainment and dancing is not permitted on Future  
25 D.);  
26 Mail order houses;  
27 Maritime suppliers;  
28 Model home and garage displays;  
29 Motor vehicle rental and sales;  
30 Moving and storage establishments;  
31 Outdoor display of merchandise for sale to the general public;  
32 Outdoor table service when accessory to a permitted use;  
33 Parcel collection and delivery stations;  
34 Parking, open off-street areas and off-street garages, other than accessory,  
35 for the parking of 3 or more motor vehicles;  
36 Photographic printing and development establishments;  
37 Plumbing, heating and electrical equipment: showrooms and shops;  
38 Pool halls and billiard parlors;  
39 Prepared food delivery service – including any operated as an accessory  
40 use by a restaurant  
41 Radio and television antennas and towers, including microwave antennas  
42 (satellite dishes) that extend no more than 25 feet above the building on  
43 which they are mounted;  
44 Recreational facilities, indoor and outdoor;  
45 Restaurants with curbside pick-up service, if accessory to a full-service  
46 restaurant;  
47 Sign painting shops;  
48 Store fixture sales;  
49 Theater;

**Council Bill 15-0554**

1 Trade schools;  
2 Vending machines for retail sale;  
3 Wholesale establishments;  
4 Woodworking and furniture-making, custom.

5 (3) The following uses are authorized in the Planned Unit Development only if first  
6 approved by the Board of Municipal and Zoning Appeals in accordance with the  
7 requirements and provisions of the Zoning Code of Baltimore City, Title 14  
8 {Conditional Uses}:

9 Heliports.

10 (4) The following uses are prohibited in the Planned Unit Development:

11 Adult entertainment;  
12 After hours establishments;  
13 Amusement parks and permanent carnivals;  
14 Automobile painting shops;  
15 Books or video stores – adult;  
16 Check cashing;  
17 Community corrections centers;  
18 Contractor construction shops and yards;  
19 Firearms sales;  
20 Fraternity and sorority houses;  
21 Garages and lots for bus and transit vehicles;  
22 Garages, other than accessory, for storage, repair and servicing of motor  
23 vehicles not over 1-1/2 tons capacity – including body repair, painting, and  
24 engine rebuilding;  
25 Highway maintenance shops and yards;  
26 Mobile home sales;  
27 Pawnshops;  
28 Peep show establishments;  
29 Stables for horses;  
30 Stadiums;  
31 Substance abuse treatment centers.

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

34 (a) A minimum number of off-street parking spaces must be provided as follows:

35 (1) Office uses – 2.5 spaces per 1,000 square feet of gross floor area;

36 (2) Retail uses – 3 spaces per 1,000 square feet of gross floor area;

37 (3) Warehouse/Manufacturing/Industrial uses – 1 space per 20,000 square feet of  
38 warehouse/manufacturing/industrial space, plus 1 space per 1,000 square feet of  
39 office space;

40 (4) Residential uses – 1 space per dwelling unit and 1 space per efficiency unit.

**Council Bill 15-0554**

1 (b) Off-street parking areas that are located within 600 feet of the boundary of the  
2 Planned Unit Development may be included as off-street parking spaces for the Plan  
3 with the approval of the Planning Commission. The Planning Commission may also  
4 extend this distance.

5 (c) When reviewing plans for final design approval, the Planning Commission shall take  
6 into consideration proposed uses that have different peak parking characteristics that  
7 complement each other, so that the parking spaces provided may reasonably be shared  
8 by proposed uses, and an excess of parking is avoided by strict cumulation of the  
9 parking requirements listed above. The number of such shared spaces may be  
10 calculated using any methodology adopted by the Mayor and City Council for such  
11 purpose or through an alternate methodology that is supported by appropriate traffic  
12 and/or parking studies.

13 **SECTION 10. AND BE IT FURTHER ORDAINED**, That upon purchase or lease by Natty Boh,  
14 LLC, its successors, assigns, or designees, of the property designated a Planned Unit  
15 Development under this Ordinance, such properties shall be included in the Planned Unit  
16 Development, and until such time shall not be regulated by this Ordinance.

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

21 **SECTION 12. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine  
22 what constitutes minor or major modifications to the Plan. Minor modifications require approval  
23 by the Planning Commission. Major modifications require approval by Ordinance.  
24 Notwithstanding the provisions of any future City Ordinance, neither major nor minor  
25 modifications to this Ordinance in the future shall be subject to any expiration dates or other time  
26 limits on development. The Planned Unit Development shall not expire or terminate unless such  
27 expiration or termination is approved by an Ordinance of the Mayor and City Council expressly  
28 addressing this Planned Unit Development.

29 **SECTION 13. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the  
30 accompanying Development Plan and in order to give notice to the agencies that administer the  
31 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the  
32 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the  
33 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a  
34 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning  
35 Appeals, the Planning Commission, the Commissioner of Housing and Community  
36 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

37 **SECTION 14. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup>  
38 day after the date it is enacted.