

**CITY OF BALTIMORE
COUNCIL BILL 22-0219
(First Reader)**

Introduced by: Councilmember Cohen

At the request of: Harbor Point Development LLC

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Introduced and read first time: April 4, 2022

Assigned to: Economic and Community Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment – Harbor Point**

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

5 BY authority of

6 Article - Zoning
7 Section 5-201(a) and Title 13
8 Baltimore City Revised Code
9 (Edition 2000)

10 **Recitals**

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

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

21 On February 24, 2022, representatives of the Applicant met with the Department of Planning
22 for a preliminary conference to explain the scope and nature of the existing and proposed
23 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.

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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, which shall supersede any and all previous versions of the same referenced
11 in Ordinance 13-136.

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

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

- 16 (a) All permitted, accessory, and conditional uses allowed in the C-5 Zoning District,
17 unless otherwise stipulated herein, with the exception of Parking, open off-street
18 areas, other than accessory, for the parking of 4 or more automobiles, which is
19 prohibited;
- 20 (b) In addition to any uses allowed by Sub-paragraph (a) above, the following uses are
21 specifically permitted within the Planned Unit Development:
- 22 (1) Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art
23 Gallery);
- 24 (2) Finger piers, not more than five (5), provided that:
- 25 (i) all boats or ships must vacate the piers for special events that
26 involve fireworks or pyrotechnics, and no persons may occupy the
27 piers during fireworks or pyrotechnic events (if buildings are
28 constructed on piers, then any changes to this condition shall
29 require approval of the Planning Commission); and
- 30 (ii) any such pier/marina may not extend beyond the pier-head-
31 bulkhead line; and
- 32 (3) Hazardous waste extraction, handling, treatment, storage and hauling, but
33 only to the extent necessary to comply with that certain Consent Decree
34 governing part of the Property, as entered in the United States District
35 Court for the District of Maryland, Civil Action No. R-89-1804, dated
36 June 16, 1989, including modifications and amendments thereto.

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

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- 1 (1) Grandstands accessory to Recreation: Outdoor;
- 2 (2) Water taxi vessels and equipment, consistent with the terms and
3 conditions of the Maritime Master Plan, as the same may be amended
4 from time to time; and
- 5 (3) Recreational boat launch, including paddling kayaks and canoe launch
6 pads consistent with the terms and conditions of the Maritime Master
7 Plan, as the same may be amended from time to time.

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

- 10 (1) Alternative Energy System: Commercial
- 11 (2) Industrial: Light;
- 12 (3) Telecommunications Facility; and
- 13 (4) Wireless Communications Services.

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

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

18 **SECTION. 6. AND BE IT FURTHER ORDAINED**, [That the parking required for each
19 respective use within the PUD area shall be provided in accordance with the requirements of
20 Title 10 of the Baltimore City Zoning Code, as applicable to uses located in the B-2-2 Zoning
21 District.] Permanent parking shall not be accommodated in surface parking lots, but shall be
22 accommodated within structured off-street parking facilities and/or on-street parking located
23 within the PUD area, and said parking shall not be required on a lot by lot basis but shall
24 merely need to be provided within the boundaries of the PUD. Temporary or interim
25 parking, whether surface or structured, will only be allowed for construction purposes, and
26 shall not exceed a period of [24] 36 months. Temporary or interim parking must be approved
27 by the Planning Commission and is subject to design review. The [24] 36 month duration
28 shall commence upon completion of construction of the temporary parking and shall be
29 removed at the end of the [24] 36 months. THE PLANNING COMMISSION HAS THE DISCRETION
30 TO AMEND THE CONDITIONS UNDER WHICH TEMPORARY OR INTERIM PARKING IS ALLOWED
31 UNDER THIS ORDINANCE. [The Planning Commission has the discretion to permit the total
32 count of parking spaces required for all uses within any one development lot or among
33 multiple development lots on the property to be reduced to reflect a demonstrated reduction
34 in the need for parking spaces due to shared use, public transportation or other appropriate
35 causes, in accordance with the shared parking formula provided on PUD 4, entitled
36 “Development Plan.”]

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

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1 **SECTION 8. AND BE IT FURTHER ORDAINED**, That the applicant shall complete the
2 development of the Open Space and Public Promenade, as described on PUD [6] 5, entitled
3 “Proposed Open Space & Public Access Easement Plan,” in accordance with the following
4 schedule and conditions:

- 5 (a) Upon completion and prior to Use and Occupancy Permit of Building #1 on Parcel 2,
6 the applicant shall complete construction of the Central Plaza and the temporary
7 promenade on fast land and green space as identified on PUD [6] 5, entitled
8 “Proposed Open Space and Public Access Easement Plan.”
- 9 (b) As the applicant undertakes to construct the second building within Parcel 3, the
10 Applicant shall also begin development of the Waterfront Park (as shown on PUD
11 [6] 5, entitled “Proposed Open Space and Public Access Easement Plan”). Upon
12 completion of the second building within Parcel 3, the Waterfront Park and adjacent
13 section of the Public Promenade shall be completed.
- 14 (c) On or before the completion of the [Building #3 or Building #5] THE BUILDING ON
15 PARCEL 3 [(whichever shall be completed last)], the Applicant shall complete
16 development of Point Park [located between the Parcel 1 and Parcel 3], in accordance
17 with the design plan.
- 18 (d) The remainder of the permanent Promenade shall be completed on or before the
19 completion of the last building structure as shown in the Development plan.

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

23 **SECTION 7. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
24 accompanying amended Development Plan and in order to give notice to the agencies that
25 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
26 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
27 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
28 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
29 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
30 Commissioner of Housing and Community Development, the Supervisor of Assessments for
31 Baltimore City, and the Zoning Administrator.

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