

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 15-0554

Introduced by: Councilmember Kraft

At the request of: Natty Boh, LLC

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Introduced and read first time: July 20, 2015

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 10, 2015

AN ORDINANCE CONCERNING

Planned Unit Development – Brewers Hill

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

BY authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

Recitals

By Ordinance 06-250, the Mayor and City Council of Baltimore approved the application of
Natty Boh, LLC, to rescind and replace the previous Development Plan established by Ordinance
00-128, 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 designated as a Business Planned Unit
Development. Ordinance 06-250 was subsequently amended by Ordinance 06-371.

Natty Boh, LLC, wishes to rescind Ordinance 06-250, as amended by Ordinance 06-371, and
to 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 amend the permitted uses and their densities, and to 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 July 13, 2015, representatives of Natty Boh, LLC, 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 approval of the replacement Planned Unit Development, and they have submitted a Development
7 Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City
8 Zoning Code.

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10 Ordinances 06-250 and 06-371 are repealed.

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

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

- 21 (a) Sheet 1, “Existing Conditions”, dated ~~July 10~~ September 14, 2015;
22 (b) Sheet 2, “Development Plan/Master Plan”, dated ~~July 10~~ September 14, 2015;
23 (c) Brewers Hill Signage Package;
24 (d) Hanover Brewers Hill Signage Package, dated November 5, 2012; and
25 (e) Design Guidelines, dated October 2, 2006.

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

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

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

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
37 9, Subtitles 1 and 4, of the Zoning Code of Baltimore City, the following uses allowed in

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1 Business Districts are allowed within the area designated as “Future C” on the Development
2 Plan, subject to the square footage limits in Section 4 above:

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

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

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

14 **SECTION 8. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
15 9, Subtitles 1 and 4, of the Zoning Code of Baltimore City, the following uses are allowed within
16 all other areas of the Planned Unit Development, subject to the square footage limits in Section 4
17 above:

18 (a) Uses authorized in Industrial Districts.

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

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

- 25 Beer and ale: brewing
- 26 ~~Clubs and lodges~~
- 27 Greenhouses
- 28 Photo engraving
- 29 Sign manufacturing and sales.

30 (b) Uses authorized in Business Districts.

31 (1) Except as provided by paragraph (3) below, all uses specified in §§ 6-306, 6-307,
32 6-308, and 6-309 of the Zoning Code of Baltimore City as permitted, accessory or
33 conditional uses in the B-2 Zoning District are specifically authorized as
34 permitted, accessory, and conditional (subject to the requirements of Title 14
35 {Conditional Uses} of the Zoning Code of Baltimore City) in the Planned Unit
36 Development.

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

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1 Store fixture sales;
2 Theater;
3 Trade schools;
4 Vending machines for retail sale;
5 Wholesale establishments;
6 Woodworking and furniture-making, custom.

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

11 ~~Heliports:~~

12 (3) ~~(4)~~ The following uses are prohibited in the Planned Unit Development:

13 Adult entertainment;
14 After hours establishments;
15 Amusement parks and permanent carnivals;
16 Arcades;
17 Automobile painting shops;
18 Bail bondsmen;
19 Books or video stores – adult;
20 Check cashing;
21 Clinics: health care except facilities providing medical treatment without
22 appointment to patients needing immediate care but without a life-
23 threatening condition warranting a hospital emergency room visit;
24 Community corrections centers;
25 Contractor construction shops and yards;
26 Firearms and ammunition sales;
27 Fraternity and sorority houses;
28 Garages and lots for bus and transit vehicles;
29 Garages, other than accessory, for storage, repair and servicing of motor
30 vehicles not over 1-1/2 tons capacity – including body repair, painting, and
31 engine rebuilding;
32 Highway maintenance shops and yards;
33 Mobile home sales;
34 Parole and probation centers;
35 Pawnshops;
36 Payday loan shops;
37 Peep show establishments;
38 Rooming houses;
39 Stables for horses;
40 Stadiums;
41 ~~Substance abuse treatment centers:~~
42 Tattoo parlors;
43 Taxidermist shops;
44 Tobacco, hookah, and vaping shops;
45 Video lottery facilities.

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

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

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

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

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

9 (4) Residential uses – 1 space per dwelling unit and \pm .75 space per efficiency unit.

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

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

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

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

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

38 **SECTION 13. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
39 accompanying Development Plan and in order to give notice to the agencies that administer the

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1 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
2 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
3 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
4 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
5 Appeals, the Planning Commission, the Commissioner of Housing and Community
6 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

7 **SECTION 14. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
8 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