

**CITY OF BALTIMORE
COUNCIL BILL 08-0166
(First Reader)**

Introduced by: Councilmember Cole

At the request of: The State of Maryland, Department of General Services; and the Mayor and City Council of Baltimore

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Introduced and read first time: July 21, 2008

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, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – The State Center -**
3 **Transit Oriented Development Business Planned Unit Development**

4 FOR the purpose of approving the application of the State of Maryland (the “State”) and the City
5 of Baltimore (the “City”), owners of certain property located in and around the State Center
6 area, including 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot
7 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No
8 address” (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston
9 Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking
10 Lot North” and “Armory Parking Lot East” comprising 1.70 acres (No Block or Lot, but
11 constituting Rights-of-Way), respectively, (collectively, the “State Center” or the
12 “Property”), consisting of approximately 32.65 acres of land, streets and open space
13 inclusive, more or less, to have the State Center designated a Business Planned Unit
14 Development; and approving the Development Plan submitted by the State and City.

15 BY authority of

16 Article - Zoning

17 Title 9, Subtitles 1 and 4

18 Baltimore City Revised Code

19 (Edition 2000)

20 **Recitals**

21 The State is the fee simple owner of certain property consisting of approximately 20.138
22 acres of land, more or less, excluding streets and open space, and identified on the attached
23 Development Plan as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot
24 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address”
25 (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street (Block

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

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1 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), (the “State-Owned Property”), which
2 includes five State owned and operated buildings with several adjoining parking lots and support
3 facilities.

4 The City is the fee simple owner of certain property consisting of 1.7 acres of land, more or
5 less, excluding streets and open space, and identified on the attached Development Plan as
6 “Armory Parking Lot North” (No Block or Lot) and “Armory Parking Lot East” (No Block or
7 Lot) (the “City-Owned Property”).

8 In addition to rehabilitating and reconfiguring its core State facilities, the State intends to
9 redevelop the State Center for governmental, business and residential use, to encourage urban
10 revitalization and enhancement of the State Center area, and to transform the State Center into a
11 mixed-use, mixed-income, Transit Oriented Development and Smart Growth site (the “TOD
12 Goals”).

13 Although not subject to the zoning laws of Baltimore City unless specifically provided by
14 State statute, in order to achieve the TOD Goals, the State has elected to participate in the City’s
15 planning process and to seek a Business Planned Unit Development designation for the State
16 Center in preparation for any potential future disposition of State-Owned Property to a private
17 entity that may be necessary to effectuate the redevelopment of the Property.

18 It is understood that the Business Planned Unit Development does not apply to the State-
19 Owned Property so long as the State owns or controls the State-Owned Property and the State,
20 by participating in the City’s planning process or this PUD designation, is neither consenting to
21 nor waiving its sovereignty with regard to State-Owned Property or Baltimore City’s
22 jurisdiction.

23 On July 14, 2008, the State met with the Department of Planning for a preliminary
24 conference, to explain the scope and nature of existing and proposed development on the
25 Property and to institute proceedings to have the Property designated a Business Planned Unit
26 Development.

27 The State has now submitted the required documentation to the Baltimore City Council for
28 designation of the Property as a Business Planned Unit Development, including a Development
29 Plan in accordance with the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City
30 Zoning Code (“Zoning Code”).

31 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
32 Mayor and City Council approves the submittal of the State and City, collectively the owners of
33 the properties identified as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block
34 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No
35 address” (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street
36 (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking Lot
37 North” (No Block or Lot), and “Armory Parking Lot West” (No Block or Lot), respectively, on
38 the attached Development Plan, consisting of 32.65 total acres, more or less, as outlined on the
39 accompanying Development Plan entitled “The State Center – Transit Oriented Development
40 Business Planned Unit Development”, consisting of PUD Sheet 1, “Existing Conditions Plan”,
41 dated July 9, 2008, PUD Sheet 2, “Proposed Development Plan”, dated July 9, 2008, PUD Sheet
42 3, “Height and Massing Plan”, dated July 9, 2008, PUD Sheet 4, “Preliminary Landscape /
43 Forest Conservation Plan” dated July 9, 2008, and PUD Sheet 5, “Streetscape Sections Plan”,

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1 dated July 9, 2008, consisting of 32.65 acres of land, more or less, to designate the Property a
2 Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Zoning Code.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
4 State is approved.

5 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
6 4 of the Baltimore City Zoning Code, the uses within the Planned Unit Development are as
7 follows:

8 (a) All permitted, accessory, and conditional uses as allowed in the B-1 and B-2 Zoning
9 Districts are allowed and authorized as permitted uses within the Business Planned
10 Unit Development, unless stipulated herein.

11 (b) Without limiting the uses allowed in B-1 and B-2 Zoning Districts, the following are
12 also specifically allowed and authorized as permitted uses within the Business
13 Planned Unit Development:

14 Amusement arcades
15 Artisans' and craft work
16 Bakeries — including the sale of bakery products to restaurants, hotels, clubs, and
17 similar establishments
18 Bakery goods: retail and retail manufacturing
19 Beer and ale: brewing
20 Boiler works accessory to any permitted use
21 Coffee roasting: retail and retail manufacturing
22 Computer centers
23 Convention Halls
24 Fire and police stations
25 Food Commissaries accessory to any permitted use
26 Garages & Lots for Bus & Transit Vehicles
27 Laboratories: research and testing
28 Machines, business and office, new and used, sales, rental, and service
29 Microwave antennas (satellite dishes)
30 Motor vehicle rental establishments
31 Newsstands
32 Outdoor table service accessory to any permitted use
33 Parcel collection and delivery stations
34 Photographic printing and developing establishments: retail
35 Prepared food delivery service including operations accessory to a restaurant
36 Public utility services and transportation uses, as follows:

37 antenna towers, microwave relay towers, and similar installations for
38 communications transmission or receiving
39 bus and transit passenger stations and terminals
40 electric distribution centers and substations
41 electric power generator stations
42 radio and television stations and studios
43 repeater, transformer, etc. installations

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1 sewerage pumping stations
2 water filtration plants, reservoirs, and pumping stations

3 Railroad rights-of-way & stations
4 Recreational facilities: indoor and outdoor
5 Repeater, transformer, pumping, booster, switching, conditioning and regulating
6 stations, and similar installations
7 Restaurants – including live entertainment and dancing
8 Science centers
9 Tattoo parlors
10 Taverns – including live entertainment and dancing
11 Trade Centers
12 Vending machines for retail sale of products

13 (c) “Green Uses” (as defined herein) shall also specifically be allowed and authorized as
14 permitted uses within the Business Planned Unit Development. A “Green Use” shall
15 mean any use or method, which is not specifically defined or prescribed by the
16 Zoning Code but is consistent with the spirit and intent of the Zoning Code - which
17 provides efficiencies in sustainable sites and development, utilizes “green” building
18 principles, enhances energy, waste management, or environmental indoor and
19 outdoor quality - the implementation of which should reasonably lead to the
20 acquisition of credits toward certification from the United States Green Building
21 Counsel’s Leadership in Energy and Environmental Design (LEED) Green Building
22 Rating System®. Green uses may include, by way of example, but not limitation:

23 Innovative energy generation and distribution technologies
24 Innovative wastewater technologies
25 On-site wastewater treatment systems – utilizing a localized treatment system to
26 transport, store, treat and dispose some or all wastewater volumes generated
27 on the project site
28 Gray water systems – wastewater discharged from lavatories, bathtubs, showers,
29 clothes washers, and laundry sinks, that is filtered and reused for irrigation or
30 other non-potable water uses
31 Storm water reuse facilities

32 (d) The following uses are prohibited within the Planned Unit Development:

33 Automobile accessory stores – including related repair and installation services
34 Blood donation centers
35 Check cashing stores
36 Firearm sales, ammunition sales, or both
37 Furriers
38 Gasoline service stations
39 Gun shops
40 Marinas
41 Pawnshops
42 Poultry and rabbit-killing establishments
43 Travel trailers, recreational vehicles, and similar camping equipment: parking or
44 storage

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1 (e) The following uses are conditional uses within the Planned Unit Development:

- 2 After hours establishments
- 3 Bakery goods: wholesale manufacturing
- 4 Dance halls
- 5 Homes for the rehabilitation of non-bedridden alcoholics and for the care and
- 6 custody of homeless persons

7 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Floor Area and Density within the
8 Planned Unit Development shall be:

9 (a) The maximum allowable floor area may not exceed 6,989.223.7 square feet (which
10 includes gross density TOD bonus).

11 (b) The maximum allowable density may not exceed 2,000 dwelling units.

12 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if the State disposes the State-Owned
13 Property to a private entity for private use, all plans for the construction of permanent
14 improvements on the Property shall be subject to final design approval by the Planning
15 Commission to insure that the plans are consistent with the Development Plan and this
16 Ordinance.

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

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

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