

**CITY OF BALTIMORE
COUNCIL BILL 06-0343
(First Reader)**

Introduced by: Councilmembers Kraft, D'Adamo

At the request of: Natty Boh, LLC

Address: c/o Jon Laria, Esquire, Ballard Spahr Andrews & Ingersoll, LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

Telephone: 410-528-5506

Introduced and read first time: February 27, 2006

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, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development –**
3 **Brewers Hill**

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

7 BY authority of

8 Article - Zoning

9 Title 9, Subtitles 1 and 5

10 Baltimore City Revised Code

11 (Edition 2000)

12 **Recitals**

13 By Ordinance 00-128, the Mayor and City Council of Baltimore approved the application of
14 Natty Boh, LLC, to have certain property located north of Boston Street, east of South Conkling
15 Street (but also including 1200 South Conkling Street), south of Dillon Street (but also including
16 4001 Hudson Street), and west of South Haven Street, all as more particularly specified therein,
17 designated an Industrial Planned Unit Development and approved the Development Plan
18 submitted by the applicant.

19 Natty Boh, LLC, wishes to rescind Ordinance 00-128 and replace the existing Development
20 Plan, with a new one that will amend the boundaries of the Planned Unit Development and
21 amend the Development Plan, as previously approved by the Mayor and City Council, to add to

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

1 the Planned Unit Development the property known as 3901 Dillon Street, add to the Planned
2 Unit Development a portion of existing City right-of-way, amend the permitted uses and their
3 densities, and generally provide for a mixed-use, live/work/play, urban development including
4 (but not limited to) residential, office, retail, storage, light industrial, light manufacturing, and
5 research/laboratory uses.

6 On February 21, 2006, representatives of Natty Boh, LLC, met with the Department of
7 Planning for a preliminary conference, to explain the scope and nature of the proposed new
8 Development Plan.

9 The representatives of Natty Boh, LLC, have now applied to the Baltimore City Council for
10 approval of the replacement Planned Unit Development, which is intended to satisfy the
11 requirements of Title 9, Subtitles 1 and 5, of the Baltimore City Zoning Code.

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Ordinance 00-128 is repealed.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
15 replacement of the Planned Unit Development and approves the new Development Plan
16 submitted by the Developer, as attached to and made part of this Ordinance, including:

- 17 (a) Sheet 1, “Existing Conditions”, dated February 6, 2006, and revised February 13,
18 2006;
- 19 (b) Sheet 2, “Development Plan”, dated February 6, 2006, and revised February 13, 2006;
- 20 (c) Sheet 3, “Illustrative Concept Master Plan (First Level)”, dated February 6, 2006, and
21 revised February 13, 2006;
- 22 (d) Sheet 4, “Illustrative Concept Master Plan (Upper Levels)”, dated February 6, 2006,
23 and revised February 13, 2006;

24 to designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of
25 the Baltimore City Zoning Code.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the maximum square footage for all
27 buildings and uses in the Planned Unit Development is 1,982,250 square feet, with further
28 sublimits as follows (all references to Areas are as labeled on the Development Plan):

- 29 (a) a maximum of 60 residential units in Area 1;
- 30 (b) a maximum of 200 residential units and 270,000 square feet in Area 2;
- 31 (c) a maximum of 180,000 square feet in Area 3;
- 32 (d) a maximum of 210,000 square feet in Area 4;
- 33 (e) a maximum of 52,000 square feet in Area 5;
- 34 (f) a maximum of 80 residential units and 200,000 square feet in Area 6;

- 1 (g) a maximum of 60,000 square feet in Area 7;
- 2 (h) a maximum of 1,480,250 square feet in Area 8;
- 3 (i) a maximum of 600,000 square feet of retail uses throughout the Planned Unit
- 4 Development;
- 5 (j) a maximum of 1,982,250 square feet of office uses throughout the Planned Unit
- 6 Development;
- 7 (k) a maximum number of residential units as would be allowed in a B-3-2 Zoning
- 8 District pursuant to § 9-409 of the Zoning Code of Baltimore City, provided that such
- 9 residential units may be distributed unevenly throughout the Planned Unit
- 10 Development so long as the total number of units does not exceed the total density
- 11 that would be permitted throughout the Planned Unit Development by § 9-409 of the
- 12 Zoning Code of Baltimore City.

13 Square footage or unit limits within the foregoing Areas are sublimits only, and any unused
 14 square footage or residential units within the Areas may be used elsewhere in the Planned Unit
 15 Development so long as the overall Planned Unit Development limits are not exceeded. The
 16 foregoing limits shall not apply to any area in below-grade basements or to areas devoted to the
 17 loading or the parking of motor vehicles, whether on surface lots or in structured parking decks
 18 or garages.

19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no residential uses shall be located within
 20 the specified area west of Haven Street, as more particularly shown on the Development Plan.

21 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
 22 within the Planned Unit Development shall be 257 feet above sea level.

23 **SECTION 6. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
 24 9, Subtitles 1 and 5, the following uses are allowed within the Planned Unit Development,
 25 subject to the square footage limits and sublimits in Section 3 above:

- 26 (a) Uses authorized in Industrial Districts.
 - 27 (1) All uses specified in §§ 7-206, 7-207, 7-208, and 7-209 of the Zoning Code of
 - 28 Baltimore City as permitted, accessory or conditional uses in an M-1 Zoning
 - 29 District are specifically authorized as permitted, accessory, and conditional
 - 30 (subject to the requirements of Title 14 of the Zoning Code of Baltimore City -
 - 31 Conditional Uses) in the Planned Unit Development.
 - 32 (2) The following additional uses are permitted in the Planned Unit Development:
 - 33 Beer and ale: brewing;
 - 34 Clubs and lodges;
 - 35 Photoengraving;
 - 36 Sign manufacturing and sales.

1 (b) Uses authorized in Business Districts.

2 (1) Except as provided by paragraph 3 below, all uses specified in §§ 6-406, 6-407,
3 6-408, and 6-409 of the Zoning Code of Baltimore City as permitted, accessory or
4 conditional uses in the B-3 Zoning District are specifically authorized as
5 permitted, accessory, and conditional (subject to the requirements of Title 14 of
6 the Zoning Code of Baltimore City – Conditional Uses), in the Planned Unit
7 Development.

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

- 9 Auditoriums;
- 10 Banquet halls;
- 11 Bed and breakfast establishments;
- 12 Bed and breakfast homes;
- 13 Concert halls;
- 14 Convention halls;
- 15 Dance halls;
- 16 Outdoor table service when accessory to a permitted use;
- 17 Pool halls and billiard parlors;
- 18 Restaurants with curbside pick-up service, if accessory to a full-service restaurant

19 (3) The following uses are prohibited in the Planned Unit Development:

- 20 Adult entertainment;
- 21 After hours establishments;
- 22 Amusement parks and permanent carnivals;
- 23 Automobile painting shops;
- 24 Book or video stores – adult;
- 25 Check cashing;
- 26 Community corrections centers;
- 27 Contractor construction shops and yards;
- 28 Firearms sales;
- 29 Fraternity and sorority houses;
- 30 Garages and lots for bus and transit vehicles;
- 31 Garages, other than accessory, for storage, repair and servicing of motor vehicles
32 not over 1-1/2 tons capacity -- including body repair, painting, and engine
33 rebuilding;
- 34 Garages, other than accessory, for storage, repair and servicing of motor vehicles
35 over 1-1/2 tons capacity;
- 36 Highway maintenance shops and yards;
- 37 Mobile home sales;
- 38 Pawnshops
- 39 Peep show establishments;
- 40 Restaurants and taverns with live entertainment and dancing in Areas 1, 2, 3, 4, 5,
41 and 6;
- 42 Stables for horses;
- 43 Stadiums;
- 44 Substance abuse treatment centers

1 **SECTION 7. AND BE IT FURTHER ORDAINED**, That off-street parking requirements for the
2 Planned Unit Development are as follows:

3 (a) Off-street parking spaces must be provided as follows:

4 (1) Office Uses - 2.5 spaces per 1,000 square feet of floor area;

5 (2) Retail Uses - 3 spaces per 1,000 square feet of floor area;

6 (3) Warehouse/Manufacturing/Industrial Uses - 0.5 spaces per 1,000 square feet of
7 floor area;

8 (4) Residential Uses - 1.5 spaces per each Dwelling Unit and 1.0 spaces per each
9 Efficiency Unit.

10 (b) Off-street parking areas that are located within 300 feet of the boundary of the
11 Planned Unit Development may be included as off-street parking spaces for the plan
12 with 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 when proposed uses have different peak parking characteristics
16 which complement each other, so that parking spaces provided may reasonably be
17 shared by proposed uses and an excess of parking is not provided by strict cumulation
18 of the parking requirements listed in Section 7(a) above.

19 **SECTION 8. AND BE IT FURTHER ORDAINED**, That upon purchase or lease by Natty Boh,
20 LLC, its successors, assigns, or designees, of the property designated a Planned Unit
21 Development under this Ordinance, such properties shall be included in the Planned Unit
22 Development, and until such time shall not be regulated by this Ordinance.

23 **SECTION 9. AND BE IT FURTHER ORDAINED**, That all plans for the construction of permanent
24 improvements on the property are subject to final design approval by the Planning Commission
25 to insure that the plans are consistent with the Development Plan and this Ordinance.

26 **SECTION 10. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine
27 what constitutes minor or major modifications to the Development Plan. Minor modifications
28 require approval by the Planning Commission. Major modifications require approval by
29 Ordinance.

30 **SECTION 11 AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
31 accompanying Development Plan and in order to give notice to the agencies that administer the
32 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
33 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
34 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
35 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
36 Appeals, the Planning Commission, the Commissioner of Housing and Community
37 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

1 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
2 day after the date it is enacted.