CITY OF BALTIMORE ORDINANCE _____ Council Bill 04-0005

Introduced by: Councilmembers Branch, Young At the request of: East Baltimore Development, Inc.

Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore,

Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: December 9, 2004

Assigned to: Urban Affairs Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 13, 2005; Returned to Committee: August 15, 2005

Read second time: September 19, 2005

AN ORDINANCE CONCERNING

1	Planned Unit Development — Designation —
2	New East Baltimore Community
3	FOR the purpose of approving the application of East Baltimore Development, Inc., its affiliates
4	and assigns, who are either the developer, contract purchaser, potential owner and/or owner
5	of the area consisting of the properties listed on Exhibit 1 attached to and made a part of this
6	Ordinance, together with the adjoining roads, highways, alleys, right-of-way, and other
7	similar property (collectively, the "Properties"), to have the Properties designated a Business
8	Planned Unit Development; and approving the Development Plan submitted by the applicant;
9	and providing for a special effective date.
10	By authority of
11	Article - Zoning
12	Title 9, Subtitles 1 and 4
13	Baltimore City Revised Code
14	(Edition 2000)
15	Recitals
16	The Mayor and City Council of Baltimore, Housing Authority of Baltimore City, and East
17	Baltimore Development, Inc., are either the developer, contract purchaser, potential owner, or
18	owner of the Properties shown on the accompanying Development Plan, consisting of 33.98
19	acres, more or less.
20	East Baltimore Development, Inc., its affiliates and assigns, intend to develop the Properties
21	for life sciences and technology, residential, and retail 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.

On June 23, 2004, representatives of applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the Properties and to institute proceedings to have the Properties designated a Business Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the Properties as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of East Baltimore Development, Inc., for designation of the area consisting of the properties listed on Exhibit 1 attached to and made part of this Ordinance, together with the adjoining roads, highways, alleys, rights-of-way, and other similar property, consisting of 33.98 acres, more or less, as outlined on the accompanying Development Plan entitled "New East Baltimore Community Phase I", consisting of Sheet 1, "Existing Conditions", dated March 8, 2005, Sheet 2, "Proposed Massing and Sections", dated March 24, 2005, Sheet 3, "Proposed Development Master Plan", dated March 31, 2005, and Sheet 4, "Forest Conservation Master Plan", dated March 29, 2005 June 23, 2004, and Sheet 2, "Proposed Conditions Plan", dated June 23, 2004, to designate the Properties a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

- **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Development Plan submitted by the applicant is approved.
- SECTION 3. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Section A of the Development Plan, subject to the following limitations:
 - (a) All permitted, accessory and conditional uses as allowed in the B-2 Zoning District, unless otherwise prohibited in Section 3(c) below.
 - (b) Open off-street parking areas and off-street garages, other than accessory, for the parking of four or more motor vehicles; laboratories: research and testing; outdoor table service when accessory to a restaurant; power and energy plants; warehousing and storage; manufacturing and distribution when accessory to a use otherwise permitted hereunder; motor vehicles: rental as accessory to a garage not to exceed 10 spaces in that garage, including car detailing and car wash (but not including servicing of vehicles); outdoor table seating accessory to any permitted use; sale of alcoholic beverages as part of a restaurant use; prepared food delivery services; live entertainment and dancing as an accessory use to a restaurant, provided there is no admission charge; and manufacturing uses related to research and testing laboratories, life sciences, pharmaceutical, and medical uses.
 - (c) The following uses are not allowed as principal uses in Section A:

amusement arcades; apartment hotels; athletic fields; auto accessory stores; automobile service stations; bowling establishments; bus and transit passenger stations and terminals (not including bus shelters for mass transit patrons); check cashing agencies; coin and philatelic stores; community correction centers; dance halls; department stores; drug stores and pharmacies: drive-in; dry cleaning establishments: drive-in; exterminator shops; fraternity and sorority houses; furniture

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1	stores; furrier shops; handgun sales; hardware stores; laundries – hand; liquor stores
2	and package goods; locksmith shops; massage salons; musical instrument sales and
3	repair; parking or storage of travel trailers and similar camping equipment; pawn
4	shops; phonograph record and sheet music stores; pool halls and billiard parlors;
5	poultry and rabbit killing establishments; private clubs and lodges (profit and non-
6	profit); radio and television sales and service; restaurant (drive-in), restaurants: drive-
7	in; rifle and shotgun sales; second-hand stores or rummage shops; taverns;
8	taxidermists shops; telegraph offices; tennis and lacrosse clubs; trading stamp
9	redemption centers; travel trailers; undertaking establishments and funeral parlors;
10	upholstering shops; vending machines for the retail sale of ice and milk.
11	SECTION 4. AND BE IT FURTHER ORDAINED, That the following uses are permitted in
12	Section B of the Development Plan, subject to the following limitations: housing for the elderly;
13	all uses allowed in Section A above: and residential dwelling units are strongly encouraged: all

all uses allowed in Section A above; and residential dwelling units are strongly encouraged: all uses permitted in Section A above; housing for the elderly; bed and breakfast establishments; business schools and studios, and commercial schools.

SECTION 5. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Section C of the Development Plan, subject to the following limitations:

- (a) All permitted, accessory and conditional uses as allowed in the underlying residential zoning districts, plus bed and breakfast establishments and housing for the elderly.
- (b) In addition, the following uses are only allowed on the first floor and ground floor of multiple family dwellings:
 - automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; candy and ice cream stores; clothes pressing establishments; day care facilities, as follows: day nurseries and nursery schools, family day care homes, school-age child and adult care centers; drug stores and pharmacies; dry cleaning and laundry receiving stations – processing done elsewhere; food stores, grocery stores, meat markets, bakeries, and delicatessens; launderettes – no more than 2 employees plus 1 owner or manager on the premises; laundries: hand – no more than 2 employees plus 1 owner or manager on the premises; offices: business, governmental, and professional – but not including sales and bulk storage of merchandise on the premises; restaurants; tailor or dressmaking shops: custom work or repairs.
- (c) With specific regard to the EBDI offices located at 1731 East Chase Street, that building shall be additionally permitted for use as offices and/or a multi-purpose neighborhood center. Within a multi-purpose neighborhood center may be an automatic teller machine, but only if that machine is accessed solely from the interior of the building.
- SECTION 6. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the Properties are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.
- SECTION 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

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1	SECTION 8. AND BE IT FURTHER ORDAINED, That on acquisition of the Properties by the
2	Mayor and City Council of Baltimore, Housing Authority of Baltimore City, and East Baltimore
3	Development, Inc., its affiliates and assigns, the Properties shall be included as part of the
4	Planned Unit Development.

SECTION 9. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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Exhibit 1 Properties to be included in the PUD

3	Ward 7, Section 70
4	Block 1564
5	1703 East Chase Street
6	1705 East Chase Street
7	1707 East Chase Street
8	1709 East Chase Street
9	1711 East Chase Street
10	1042 McDonogh Street
11	1040 McDonogh Street
12	1038 McDonogh Street
13	1036 McDonogh Street
14	1034 McDonogh Street
15	1032 McDonogh Street
16	1030 McDonogh Street
17	1028 McDonogh Street
18	1026 McDonogh Street
19	1024 McDonogh Street
20	1022 McDonogh Street
21	1020 McDonogh Street
22	1018 McDonogh Street
23	1016 McDonogh Street
24	1014 McDonogh Street
25	1012 McDonogh Street
26	1010 McDonogh Street
27	1008 McDonogh Street
28	1006 McDonogh Street
29	1004 McDonogh Street
30 31	1002 McDonogh Street 1710 East Eager Street
32	1710 East Eager Street 1708 East Eager Street
33	1706 East Eager Street
34	1700 East Eager Street
35	1704 East Eager Street
36	1702 East Eager Street
30	1700 Last Lager Street
37	Block 1565
38	1744 East Eager Street
39	1742 East Eager Street
40	1740 East Eager Street
41	1738 East Eager Street
42	1736 East Eager Street
43	1734 East Eager Street
44	1732 East Eager Street
45	1730 East Eager Street
46	1728 East Eager Street
47	1726 East Eager Street
48	1724 East Eager Street

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1	1722 East Eager Street
2	1720 East Eager Street
3	1718 East Eager Street
4	1716 East Eager Street
5	1714 East Eager Street
6	1712 East Eager Street
7	1003 McDonogh Street
8	1005 McDonogh Street
9	1007 McDonogh Street
10	1009 McDonogh Street
11	1011 McDonogh Street
12	1013 McDonogh Street
13	1015 McDonogh Street
14	1017 McDonogh Street
15	1019 McDonogh Street
16	1021 McDonogh Street
17	1023 McDonogh Street
18	1025 McDonogh Street
19	1027 McDonogh Street
20	1029 McDonogh Street
21	1031 McDonogh Street
22	1033 McDonogh Street
23	1035 McDonogh Street
24	1037 McDonogh Street
25	1039 McDonogh Street
26	1041 McDonogh Street
27	1043 McDonogh Street
28	1731 East Chase Street
29	1036 Rutland Avenue
30	1034 Rutland Avenue
31	1032 Rutland Avenue
32	1030 Rutland Avenue
33	1028 Rutland Avenue
34	1026 Rutland Avenue
35	1024 Rutland Avenue
36	1022 Rutland Avenue
37	1020 Rutland Avenue
38	1018 Rutland Avenue
39	1016 Rutland Avenue
40	1014 Rutland Avenue
41	1012 Rutland Avenue
42	1010 Rutland Avenue
43	1008 Rutland Avenue
44	1006 Rutland Avenue
45	1004 Rutland Avenue
46	1002 Rutland Avenue
47	1000-1000 1/2 Rutland Avenue
48	(Including Property #60, Block 1565)
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Ward 7, Section 40 Block 1566

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1	1838 East Eager Street
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3	1834 East Eager Street
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5	1830 East Eager Street
6	1828 East Eager Street
7	1826 East Eager Street
8	1824 East Eager Street
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11	1818 East Eager Street
12	1816 East Eager Street
13	1814 East Eager Street
14	1812 East Eager Street
15	1810 East Eager Street
16	1808 East Eager Street
17	1806 East Eager Street
18	1804 East Eager Street
19	1802 East Eager Street
20	1800 East Eager Street
21	1001 Rutland Avenue
22	1003 Rutland Avenue
23	1005 Rutland Avenue
24	1007 Rutland Avenue
25	1009 Rutland Avenue
26	1011 Rutland Avenue
27	1013 Rutland Avenue
28	1015 Rutland Avenue
29	1017 Rutland Avenue
30	1019 Rutland Avenue
31	1021 Rutland Avenue
32	1023 Rutland Avenue
33	1025 Rutland Avenue
34	1027 Rutland Avenue
35	1029 Rutland Avenue
36	1031 Rutland Avenue
37	1033 Rutland Avenue
38	1035 Rutland Avenue
39	1037 Rutland Avenue
40	1039 Rutland Avenue
41	1041 Rutland Avenue
42	1801 East Chase Street
43	1803 East Chase Street
44	1805 East Chase Street
45	1807 East Chase Street
46	1809 East Chase Street
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9	1837 East Chase Street
10	1839 East Chase Street
11	1042 North Wolfe Street
12	1040 North Wolfe Street
13	1038 North Wolfe Street
14	1036 North Wolfe Street
15	1034 North Wolfe Street
16	1032 North Wolfe Street
17	1030 North Wolfe Street
18	1028 North Wolfe Street
19	1026 North Wolfe Street
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23	1018 North Wolfe Street
24	1016 North Wolfe Street
25	1014 North Wolfe Street
26	1012 North Wolfe Street
27	1010 North Wolfe Street
28	1008 North Wolfe Street
29	1006 North Wolfe Street
30	1004 North Wolfe Street
31	1000 North Wolfe Street
32	1003 North Durham Street
33	1005 North Durham Street
34	1007 North Durham Street
35	1009 North Durham Street
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23	1016 North Durham Street
24	1014 North Durham Street
25	1012 North Durham Street
26	1010 North Durham Street
27	1008 North Durham Street
28	1006 North Durham Street
29	1004 North Durham Street
30	1002 North Durham Street
31	Block 1567
32	1002 North Washington Street
33	1004 North Washington Street
34	1006 North Washington Street
35	1008 North Washington Street
36	1010 North Washington Street
37	1012 North Washington Street
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29	1015 North Wolfe Street
30	1013 North Wolfe Street
31	1011 North Wolfe Street
32	1009 North Wolfe Street
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35	1900 East Eager Street
36	1902 East Eager Street
37	1904 East Eager Street
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41	1912 East Eager Street
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43	1916 East Eager Street
44	1918 East Eager Street
45	1920 East Eager Street
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1	1934 East Eager Street
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4	1003 North Chapel Street
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36	1018 North Chapel Street
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39	1012 North Chapel Street
40	1010 North Chapel Street
41	1008 North Chapel Street
42	1006 North Chapel Street
43	1004 North Chapel Street
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1002 North Chapel Street
 1
             (including property #115, Block 1567)
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          Block 1568
 3
             2018 East Eager Street
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             2016 East Eager Street
             2014 East Eager Street
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             2012 East Eager Street
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             2010 East Eager Street
             2008 East Eager Street
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             2006 East Eager Street
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             2004 East Eager Street
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             2002 East Eager Street
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             2000 East Eager Street
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      Ward 7, Section 50
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          Block 1581
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             1707 East Eager Street
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             933 North Broadway
             1702 Barnes Street
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             1704 Barnes Street
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          Block 1582
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1731 East Eager Street

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1728 Barnes Street

20 **Block 1583**

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Block 1584

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10	907 McDonogh Street
11	909 McDonogh Street
12	911 McDonogh Street
13	913 McDonogh Street
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19	925 McDonogh Street
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21	929 McDonogh Street
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25	1713 Barnes Street
26	1715 Barnes Street
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28	926 Rutland Avenue
29	924 Rutland Avenue
30	922 Rutland Avenue
31	920 Rutland Avenue
32	918 Rutland Avenue
33	916 Rutland Avenue
34	914 Rutland Avenue
	912 Rutland Avenue
35	910 Rutland Avenue
36	908 Rutland Avenue
37	906 Rutland Avenue
38	904 Rutland Avenue
39	
40	902 Rutland Avenue
41	900 Rutland Avenue
42	901 Shuter Street
43	903 Shuter Street
44	905 Shuter Street
45	907 Shuter Street
46	909 Shuter Street
47	911 Shuter Street
48	913 Shuter Street
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1	921 Shuter Street
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8	912 Shuter Street
9	910 Shuter Street
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15	Block 1585
16	1838 Ashland Avenue
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35 36	901 Rutland Avenue
30 37	903 Rutland Avenue
38	905 Rutland Avenue
39	907 Rutland Avenue
40	909 Rutland Avenue
41	911 Rutland Avenue
42	913 Rutland Avenue
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44	917 Rutland Avenue
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47	923 Rutland Avenue
48	925 Rutland Avenue
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1	931 Rutland Avenue
2	933 Rutland Avenue
3	935 Rutland Avenue
4	937 Rutland Avenue
5	939 Rutland Avenue
6	941 Rutland Avenue
7	1801-1803 East Eager Street
8	1805 East Eager Street
9	1807 East Eager Street
10	1809 East Eager Street
11	1811 East Eager Street
12	1813 East Eager Street
13	1815 East Eager Street
14	1817 East Eager Street
15	1819 East Eager Street
16	1821 East Eager Street
17	1823 East Eager Street
18	1825 East Eager Street
19	1827 East Eager Street
20	1829 East Eager Street
21	1831 East Eager Street
22	1833 East Eager Street
23	1835 East Eager Street
24	1837 East Eager Street
25	1839 East Eager Street
26	942 North Wolfe Street
27	940 North Wolfe Street
28	938 North Wolfe Street
29	936 North Wolfe Street
30	934 North Wolfe Street
31	932 North Wolfe Street
32	930 North Wolfe Street
33	928 North Wolfe Street
34	926 North Wolfe Street
35	924 North Wolfe Street
36	922 North Wolfe Street
37	920 North Wolfe Street
38	918 North Wolfe Street
39	916 North Wolfe Street
40	914 North Wolfe Street
41	912 North Wolfe Street
42	910 North Wolfe Street
43	908 North Wolfe Street
44	906 North Wolfe Street
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Council Bill 04-0005

UNOFFICIAL COPY

Certified as duly passed this	day of	, 20
	-	President, Baltimore City Council
Certified as duly delivered to His	s Honor, the Mayor,	
this day of	_, 20	
	_	Chief Clerk
Approved this day of	20	
11pp10 ved till5 day 61		
	_	Mayor, Baltimore City