

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0575

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: January 29, 2007
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 19, 2007

AN ORDINANCE CONCERNING

**Urban Renewal – Fells Point Waterfront –
Renewal Area Designation and Urban Renewal Plan**

1
2
3 FOR the purpose of designating as a “Renewal Area” an area situated in Baltimore City,
4 Maryland known as Fells Point Waterfront, bounded generally by the northwest branch of
5 the Patapsco River on the south, South Caroline Street on the west, Thames Street on the
6 north, and South Chester Street on the east; approving a Renewal Plan for Fells Point
7 Waterfront; establishing the objectives of the Plan; establishing permitted land uses and uses
8 permitted in any Planned Unit Development in the Renewal Area; providing for review by
9 the Department of Housing and Community Development of development in the Renewal
10 Area; providing for controls on waterfront property and on disposition lots and for specific
11 lots; providing that where there may be a conflict between the provisions of the Renewal
12 Plan and the provisions of any Planned Unit Development, the provisions of the Planned Unit
13 Development control; providing for height limitations; authorizing the acquisition by
14 purchase or by condemnation of any properties needed for urban renewal purposes;
15 providing that the Department of Housing and Community Development may demolish, sell,
16 or lease acquired properties; providing for review by the Commission for Historical and
17 Architectural Preservation of development in the Renewal Area, according to the standards
18 that it has set for the Fells Point Local Historic District; providing for land disposition within
19 the Project Area; providing that the provisions of the Zoning Code of Baltimore City apply to
20 the properties in the Project Area; providing for the term of the Plan; establishing procedures
21 for amending the Plan; approving an appendix and an exhibit to the Plan; repealing the Fells
22 Point Urban Renewal Plan and the Washington Hill-Chapel Urban Renewal Plan; waiving
23 certain content and procedural requirements; making the provisions of this Ordinance
24 severable; and providing for the application of this Ordinance in conjunction with certain
25 other ordinances.

26 By authority of
27 Article 13 - Housing and Urban Renewal
28 Section 2-6
29 Baltimore City Code
30 (Edition 2000)

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.

Council Bill 07-0575

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
2 Ordinance 75-999, which established the Fells Point Urban Renewal Area, and last amended by
3 Ordinance 06-197, is repealed, and Ordinance 72-40, which established the Washington Hill-
4 Chapel Urban Renewal Area, and last amended by Ordinance 04-701, is repealed.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the area known as Fells Point Waterfront,
6 as more particularly described in Section 3, is established.

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Fells Point
8 Waterfront is adopted to read as follows:

Urban Renewal Plan
Fells Point Waterfront

9 A. Project Description

10 1. Boundary Description

11 Beginning at a point at the intersection of the centerlines of Aliceanna Street and
12 South Chester Street running southerly to the water's edge; thence running in a
13 southerly direction and binding on an imaginary straight line extending the
14 eastern right-of-way line of Chester Street through the northwest branch of the
15 Patapsco River, a distance of 170 feet, more or less, to a point of intersection with
16 a second imaginary straight line; thence running in a westerly direction and
17 binding on the second line a distance of 415 feet, more or less, to a point of
18 intersection with a third imaginary straight line extending the western boundary
19 line of Lot 1, Block 1815 through the northwest branch; thence running in a
20 northerly and easterly direction and binding on the third line a distance of 155
21 feet, more or less, and on the western and northern property lines of Lot 1, Block
22 1815, to a point of intersection with the northern right-of-way line of Dock Street;
23 thence running in an easterly direction, and binding on the northern right-of-way
24 line of Dock Street, to a point of intersection with the western right-of-way line of
25 South Caroline Street; thence running in a southerly direction and binding on the
26 center of the right-of-way line of South Caroline Street, to the point of
27 intersection with the centerline of Thames Street; thence running northeasterly on
28 the centerline of Thames Street to the intersection of South Wolfe Street; thence
29 proceeding northerly on the centerline of South Wolfe Street to an imaginary line
30 created by the centerline of South Wolfe Street and the northeast corner of the
31 property known as 705 South Wolfe Street, Block 1847, Lot 19; thence
32 proceeding easterly along the property line of the lot, approximately 349 feet,
33 then northerly along the property line approximately 90 feet and continuing
34 northerly to the centerline of Aliceanna Street, then proceeding easterly to the
35 point of beginning.

36 2. Objectives and Reasons for Various Provisions of this Plan

37 a. To maximize public access to the waterfront through public parks and a
38 promenade along the waterfront in private development.

39 b. To protect and enhance views of the Harbor from Fells Point north/south
40 streets.

Council Bill 07-0575

- 1 c. To establish waterfront guidelines that compliment the Historic District and
2 provide for appropriately scaled development in Fells Point.

3 B. Land Use Plan

4 1. Zoning

5 Unless otherwise stated, land use is governed by the provisions of the Zoning
6 Code of Baltimore City.

7 2. Planned Unit Developments

8 In all portions of the Project Area that are now or may later be subject to any
9 Planned Unit Development created under Title 9 of the Zoning Code of Baltimore
10 City, all uses permitted by the PUD are permitted in the portions of the Project
11 Area covered by the PUD in accordance with the terms and conditions of the
12 PUD.

13 3. Regulations, Controls and Restrictions

14 a. Plan Review Requirement

15 In order to insure that development is consistent with the requirements and
16 objectives of this Urban Renewal Plan, all plans and specifications must be
17 submitted to and approved by the Department of Housing and Community
18 Development as follows:

19 (1) Review of Plans for New Construction, Exterior Rehabilitation, or Change
20 in Use

21 All plans for new construction (including parking lots), exterior
22 rehabilitation, or change in use on any property not to be acquired under
23 the provisions of this Plan shall be submitted to the Department of
24 Housing and Community Development for review. Only upon finding
25 that the proposed plans are consistent with the objectives of the Urban
26 Renewal Plan shall the Commissioner of the Department of Housing and
27 Community Development authorize the processing of the plans for
28 issuance of a building permit. The provisions of this section are in
29 addition to and not in lieu of all other applicable laws and ordinances
30 relating to new construction.

31 b. Provisions Applicable to all Land and Properties

32 Over and above the codes and ordinances of Baltimore City, the additional
33 standards that shall be applied to all land and property in Fells Point are
34 outlined below.

Council Bill 07-0575

(1) Controls on Waterfront Property

Objectives for waterfront development and controls on land and property along the waterfront are contained in Appendix A – Waterfront Area Controls.

(2) Controls on Disposition Lots

The following regulations, controls, and restrictions will be implemented where applicable by covenants or other provisions in the agreements for land disposition by the Mayor and City Council and instruments of conveyance executed pursuant thereto:

(a) Redeveloper's Obligations

- i. The Redeveloper shall not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument that restricts the sale, lease, use, or occupancy of the property or any part thereof, or any improvements placed thereon, on the basis of national origin, race, religion, sex, or color. An agreement or covenant providing for this non-discrimination provision shall be included in the instruments, and the City of Baltimore shall be deemed a beneficiary of the covenant and shall be entitled to enforce it. The Redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.
- ii. The Redeveloper shall agree to retain the interest he or she acquires in the property transferred to him or her until he or she has completed the improvements, construction, and development in the area required by this Plan and the disposition instruments, and he or she shall further agree not to sell, lease, or otherwise transfer the interest he or she acquired or any part thereof without the prior written consent of the Commissioner of the Department of Housing and Community Development or until the Department has certified in writing that the Redeveloper has completed the improvements, construction, and development in the area.

(b) Specific Lot Controls

Disposition Lot 22

~~Disposition Lot 22 is being created for the sale and redevelopment of 1715 Thames Street.~~

~~Disposition Lot 22 shall be limited to a hotel and residential use in the context of a hotel, office space, retail, restaurant and bar with outdoor seating, marina, maritime services, and parking on the ground floor.~~

Council Bill 07-0575

1 Disposition Lot 22 shall be developed as a hotel and/or residential
2 use in the context of a hotel, office space, retail, restaurant and bar,
3 which may include outdoor seating, marina, maritime services, and
4 parking.

5 This project is being redeveloped in accordance with the United
6 States Department of the Interior's Standards for Rehabilitation of
7 Historic Properties, subject to approval of the Baltimore City
8 Department of Planning.

9 Disposition Lot 22 shall be exempt from the Waterfront Area
10 Controls, as specified in Appendix A of this Plan.

11 ~~There must be a pedestrian connection between Thames Street and~~
12 ~~the south end of the pier. Due to safety conflicts between~~
13 ~~pedestrians and maritime services, a pedestrian walkway may be~~
14 ~~created through the interior of the building to provide public access~~
15 ~~to the open space at the end of the pier in lieu of a public~~
16 ~~promenade around the exterior of the building.~~

17 There shall be a promenade providing public access to the open
18 space on the south end of the pier.

19 c. PUD Standards and Controls

20 To the extent of any conflict between the provisions of this
21 Renewal Plan and the provisions of any PUD, or to the extent that standards
22 and controls, permitted uses, or any other provisions contained in any PUD
23 are not contained in the Renewal Plan, the standards and controls, permitted
24 uses, or any other provisions of the PUD including without limitation, those
25 affecting use, parking, aesthetic controls, setbacks, specific lot controls, and
26 building heights, shall control.

27 C. Techniques used to Achieve Plan Objectives

28 1. Acquisition

29 a. ~~Purposes for acquiring properties within the Project Area~~

30 ~~Properties designated for acquisition will be acquired either for clearance and~~
31 ~~redevelopment, for rehabilitation, or for public facilities.~~

32 ~~b a.~~ Conditions under which properties ~~not designated for acquisition~~ may be 33 acquired

34 (1) Nonsalvable and Noncompliance with Provisions

35 It may be necessary to acquire, by purchase or by condemnation for urban
36 renewal purposes, the fee simple interest or any lesser interest in and to
37 such of the remaining properties or portions thereof in Fells Point ~~not~~
38 ~~specifically designated for acquisition by this Urban Renewal Plan~~

Council Bill 07-0575

1 Waterfront as may be deemed necessary and proper by the Commissioner
2 of the Department of Housing and Community Development to effect the
3 proper implementation of the project. This may include:

4 (a) Any property in the project area containing a nonsalvable structure,
5 i.e., which, in the opinion of the Commissioner of the Department of
6 Housing and Community Development, cannot be economically
7 rehabilitated.

8 (b) Any property, the owner of which is unwilling to comply or conform
9 to the Codes and Ordinances of Baltimore City within 12 months from
10 the date of written notice of the required improvements. The
11 Department of Housing and Community Development, after due
12 consideration that the property owner has willfully refused to achieve
13 substantial conformity with Housing, Health, Zoning, Building and
14 Fire Codes and Ordinances of Baltimore City, may acquire such
15 property pursuant to the Eminent Domain Law of this State as if the
16 property has originally been planned for acquisition after 90 days
17 written notice to the owner. The Department of Housing and
18 Community Development reserves the right to acquire any such non-
19 complying property for a period of 2 years from the date of the written
20 90 days notice by the Department of Housing and Community
21 Development.

22 (2) Rehabilitation by the Department of Housing and Community
23 Development or Others

24 It may be necessary to acquire, by purchase or condemnation the fee
25 simple interest, or any lesser interest, in and to such of the remaining
26 properties not specifically designated for acquisition on the Property
27 Acquisition Map, in order to carry out rehabilitation by the Department of
28 Housing and Community Development or for resale. These properties are
29 being acquired because:

30 (a) rehabilitation on a structure-by-structure basis is infeasible, and
31 assemblage of a group of properties is required to carry out the
32 objectives set forth in this Plan; or

33 (b) rehabilitation of individual, scattered properties is necessary in order
34 to remove blighting influences from otherwise sound residential
35 blocks.

36 e b. Actions to Be Followed By the Department of Housing and Community
37 Development Upon Acquisition of Properties

38 Upon the acquisition of properties, the Department of Housing and
39 Community Development will either:

40 (1) demolish the structure or structures thereon and dispose of the land for
41 redevelopment for uses in accordance with this Plan and with the codes
42 and ordinances of Baltimore City; or

Council Bill 07-0575

1 (2) sell or lease the property subject to rehabilitation in conformance with the
2 codes and ordinances of Baltimore City; or

3 (3) rehabilitate the property in conformance with the codes and ordinances of
4 Baltimore City and dispose of property in accordance with applicable
5 regulations. If the sale cannot be consummated by the time rehabilitation
6 is accomplished, the property may be rented pending continuing sales
7 efforts.

8 2. Review of Development

9 ~~Review of development and questions of new construction, renovation,~~
10 ~~preservation, and demolition will be under the consideration of the Commission~~
11 ~~for Historical and Architectural Preservation, according to its guidelines and~~
12 ~~procedures set for the Fells Point Local Historic District.~~

13 In any portion of the Fells Point Waterfront that becomes part of a historical
14 district under Article 6, Subtitle 3 of the Baltimore City Code {Process for
15 Designating Districts and Properties} (as amended from time to time), any
16 excavation, construction or erection, reconstruction, alteration, removal of any
17 exterior architectural feature, change in the exterior color by painting or other
18 means, or demolition of any structures may proceed only as permitted under
19 Article 6, Subtitle 4 of the Baltimore City Code {Alterations, Etc. to Properties}
20 (as amended from time to time).

21 3. Land Disposition

22 a. Land and property interest acquired by the Mayor and City Council within the
23 Project Area will be disposed of by sale, lease, conveyance, transfer, or other
24 means available to the City, in accordance with Exhibit 1, "Waterfront Area
25 Controls and Disposition".

26 b. The parcels shown on Exhibit 1 are schematic and approximate. The
27 Department of Housing and Community Development shall have the right, in
28 its discretion, to fix their precise boundaries and size. For purposes of
29 disposition, the parcels or lots, as shown on Exhibit 1 may be subdivided or
30 combined.

31 4. Zoning

32 All appropriate provisions of the Zoning Code of Baltimore City shall apply to
33 properties in the Project Area. Any change in the Zoning Code embodied in this
34 Urban Renewal Plan shall be approved by ordinance, in accordance with the
35 procedural requirements of the Zoning Code and Article 66B of the Annotated
36 Code of Maryland (1957 Edition, as amended).

37 D. Duration of Provisions and Requirements

38 The Fells Point Waterfront Urban Renewal Plan, as it may be amended from time to
39 time, shall remain in full force and effect for a period of 40 years from the date it is
40 enacted.

Council Bill 07-0575

1 E. Procedures for Changes in Approved Plan

2 The Department of Housing and Community Development shall submit to the
3 appropriate Fells Point community organizations, as listed in the Community
4 Association Directory that is maintained by the Department of Planning, for their
5 review and comment, all proposed amendments to the Urban Renewal Plan no later
6 than the time the proposed amendments are submitted to the Director of the
7 Department of Planning by the Department of Housing and Community
8 Development. Any written comments and recommendations by the community
9 organizations shall be transmitted to the Department of Housing and Community
10 Development no later than 4 weeks after the proposed amendments have been
11 submitted to the appropriate community organizations. Prior to passage of any
12 ordinance amending the Urban Renewal Plan, a public hearing shall be held, and the
13 community organizations shall receive at least 10 days prior to the hearing, written
14 notice of the time and place of the hearing.

15 With respect to any land in the Project Area previously disposed of by the City for
16 use in accordance with the Urban Renewal Plan, the then owner of the land, whose
17 interests therein are materially affected by such changes, shall receive, at least 10
18 days prior to the hearing, written notice of the time and place of the hearing and
19 information as to where a copy of the proposed amendments may be inspected.

20 F. Separability

21 In the event it be judicially determined that any word, phrase, clause, sentence,
22 paragraph, section or part of this Plan, or the application thereof to any person or
23 circumstances is invalid, the remaining provisions and the application of such
24 provisions to other persons or circumstances shall not be affected thereby, it being
25 hereby declared that the remaining provisions of the Plan without the word, phrase,
26 clause sentence, paragraph, section or part, or the application thereof, so held invalid
27 would have been adopted and approved.

28 Appendix A

29 Waterfront Area Controls

30 This Appendix and the accompanying exhibit contain the various special controls applicable to
31 properties along the Fells Point waterfront. These additional controls have been included in
32 order to insure that public access to the waterfront be maximized, opportunities for visual
33 enjoyment of the water be created and/or preserved, and contrast and variety of building facades
34 along the waterfront be maintained.

35 Pedestrian Access

36 Public pedestrian access to the water shall be provided through a series of easements – Public
37 Access Corridors – leading to a shoreline walk – Pedestrian Promenade – the general location of
38 which is shown on the accompanying exhibit. The Pedestrian Promenade will be established by
39 an easement that shall be no less than 20 feet in width of which a minimum of 12 feet must be
40 permanently constructed promenade and a minimum of 8 feet must be landscaped area. In
41 limited areas, where it can be demonstrated that it is functionally justified, the Commissioner of
42 the Department of Housing and Community Development may allow a promenade and/or

Council Bill 07-0575

1 landscaped area of lesser width. These required easement improvements shall be built and
2 maintained by the developer. Public pedestrian access on private property shall be subject to
3 such reasonable rules and regulations as may be promulgated by the owner of the property and
4 agreed to in writing by the Commissioner of the Department of Housing and Community
5 Development.

6 Provided AlliedSignal elects to proceed with the development of Area 9, an interim or temporary
7 pedestrian promenade shall be constructed around the waterfront of Area 9 within a reasonable
8 time after AlliedSignal has completed remediation of its site and an environmental monitoring
9 process is operative; thereafter, the timetable for construction of any permanent Pedestrian
10 Promenade on Area 9 shall be established in the reasonable discretion of the Commissioner.

11 Promenade Standards

12 Design of lights, street furniture, decorative elements, and paving details must be approved by
13 the Commissioner of the Department of Housing and Community Development.

- 14 1. Lighting – Adequate lighting to provide public safety during evening hours.
- 15 2. Benches – One bench every 50 feet or the equivalent number.
- 16 3. Satellite dishes, utility connections or poles or any other obstacles to the pedestrian shall not
17 be permitted. Bollards, statues, fountains, kiosks or other decorative elements may be
18 permitted subject to written approval by the Commissioner of the Department of Housing
19 and Community Development.
- 20 4. Off-street parking adjacent to the promenade is not encouraged. However, if it is found to be
21 necessary, the parking lot or facility shall be screened from the promenade. Screening shall
22 consist of a masonry wall or durable fence or combination thereof sufficient to screen
23 automobiles. In lieu of such wall or fence, adequate landscaping sufficient to screen
24 automobiles at the time of original planting may be used. Screening and landscaping shall be
25 maintained in good condition by the property owner.
- 26 5. Automobiles, trucks, or other motorized vehicles shall not cross or otherwise use the
27 pedestrian promenade except for those vehicles needed for service, maintenance, or public
28 safety of the promenade.
- 29 6. Trash receptacles – One trash receptacle should be provided for every 150 feet of
30 promenade.
- 31 7. Paving – The standard paving detail shall be a minimum of 8 feet of brick with 2 feet of
32 concrete band on both the water's edge and the landward edge. Wood-decked promenade
33 may be permitted by the Commissioner of the Department of Housing and Community
34 Development in the following instances: (a) where an existing building does not allow for a
35 walkway on grade; (b) when required to avoid possible conflicts between pedestrians and
36 automobiles; and/or (c) where substantial public benefits are proposed by the developer.
37 Tidal step-downs or other elements in addition to the promenade may be constructed of
38 wood. Within Area 9, the promenade may be of wood design.
- 39 8. Hours – The Pedestrian Promenade shall remain open 24 hours daily for public pedestrian
40 access.

Council Bill 07-0575

1 Public Access Corridors

2 In order to assure public access to the Pedestrian Promenade and to preserve and enhance views
3 of the water, the following public access corridors shall be designated. The minimum width of
4 the corridors shall be 50 feet. Landscaping, trees, lights, benches, tables, and other public
5 amenities that will enhance, not impede, public view of the water shall be permitted. Off-street
6 parking is not permitted within these corridors, except following review and approval of the
7 Commissioner of the Department of Housing and Community Development. All access
8 corridors should connect sidewalk and promenade and be physically and visually uninterrupted,
9 and they must be accessible 24 hours daily. The general location of the following public access
10 corridors are shown on the accompanying exhibit.

- 11 1. From a point at the approximated intersection of Thames, Philpot and Caroline Streets
12 extended south to the water.
- 13 2. From a point at the approximate intersection of Thames and existing Caroline Street
14 southeast to the water.
- 15 3. From the eastern right-of-way of Bond and Thames Streets, 50 feet west to a point, southeast
16 to the water's edge to a point, 100 feet east on the water's edge to the point of the existing
17 right-of-way of Bond Street north to the intersection of Bond and Thames Streets.
- 18 4. From the end of Broadway south to the water.
- 19 5. From the end of Ann Street south to the water.
- 20 6. From a point approximately in front of 929 Fell Street southwest to the water.
- 21 7. From a point at the end of Fell Street east to the water along the property line between 1001
22 Fell Street and 935 S. Wolfe Street. The corridor shall extend 25 feet on either side of the
23 property line.
- 24 8. From a point at the intersection of Washington Street extended and Thames Street south to
25 the water.
- 26 9. From a point at the approximate intersection of Fell and Wolfe Streets southeast to the water.
- 27 10. From the end of Thames Street east to the water.
- 28 11. From the end of Lancaster Street east to the water.
- 29 12. From a point at the approximate intersection Aliceanna and Chester Streets south to the
30 water.
- 31 13. The following public streets – Broadway, Ann, and Chester Streets – shall be designated as
32 long view corridors. New obstructions, such as balconies, bridges or structures, shall be
33 permitted only with prior approval of the Commissioner of the Department of Housing and
34 Community Development.
- 35 14. From a point at the approximate intersection of the realigned Wills Street and Philpot Street
36 south to the water.

Council Bill 07-0575

1 Height Limitations

2 The maximum building height shall be defined as the vertical distance measured, in the case of
3 flat roofs, from the mean curb level of the highest point of the roof adjacent to the street wall,
4 and in the case of pitched roofs, from the mean curb level to the mean height level of the roof.
5 Where the walls of a building are not adjacent to a street curb, the height of a building shall be
6 measured from the average elevation of the ground adjoining the walls.

7 Area 1 - The maximum building heights shall be as set forth in the Constellation PUD.

8 Area 2 - The maximum building heights shall be as set forth in the Constellation PUD.

9 Area 3 - Thames Street elevations shall be no higher than 40 feet. A building addition up to a
10 maximum of 53 feet will be permitted if it is set back and designed so that it is not
11 visible from the street frontage opposite this area.

12 Area 4 - Maximum building height shall not exceed 40 feet.

13 Area 5 - Maximum building height shall not exceed 60 feet, except on the property known as
14 1000 Fell Street where rehabilitation of the roof structure to accommodate a seventh
15 story is permitted, provided that this seventh story is recessed so as not to be seen
16 from the street frontage of the subject property, and a further exception is provided
17 for the property known as 932-944 Fell Street (Belt's Wharf Condominium Property)
18 for a building addition up to a maximum of 74 feet if recessed 40 feet from the street
19 frontage of the property.

20 Area 6 - The average height of built area shall be no more than 50 feet, with a maximum
21 height of 60 feet. The maximum height along the water's edge is 40 feet. Additional
22 height over 40 feet up to the maximum of 60 feet shall be constructed so that it is not
23 visible from that portion of the promenade adjacent to the area or shall step up at an
24 angle of no more than 45 degrees.

25 Area 7 - The average height of built area shall be no more than 75 feet, with a maximum
26 height of 90 feet. The maximum height along Wolfe Street and the water's edge is 40
27 feet. The maximum height along Thames Street is 60 feet. Additional height over
28 the 40 feet and 60 feet up to the maximum of 90 feet shall be constructed so that it is
29 not visible from that portion of the promenade adjacent to the area, Wolfe Street or
30 Thames Street or shall step up at an angle of no more than 45 degrees.

31 Area 8 - The average height of built area shall be 45 feet, with a maximum height of 65 feet.
32 The maximum height on Aliceanna Street, Chester Street, and the water side shall be
33 40 feet for a minimum of 40 feet depth. The building shall be set back a minimum of
34 20 feet from the Chester Street right-of-way. Additions to the existing building at
35 705 S. Wolfe Street are permitted up to 65 feet. These additions shall be set back so
36 as not to be seen from Wolfe Street, Aliceanna Street and the promenade adjacent to
37 the area.

38 Area 9 - Within Area 9, a 45 foot height at the edge is imposed along the Harbor and in the
39 area adjacent to Fells Point at Caroline Street or Dallas Street; the maximum height
40 shall step up to 180 feet in the center block of the site as set forth in the Planned Unit
41 Development governing Area 9.

Council Bill 07-0575

1 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Fells Point
2 Waterfront, identified as “Urban Renewal Plan, Fells Point Waterfront, including Exhibit 1,
3 Waterfront Area Controls and Disposition, dated November 22, 2006”, is approved, and the
4 Clerk of the City Council is directed to file a copy of the Renewal Plan with the Department of
5 Legislative Reference as a permanent public record and to make the same available for public
6 inspection and information.

7 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if the Urban Renewal Plan approved by
8 this Ordinance in any way fails to meet the statutory requirements for the content of a renewal
9 plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those
10 requirements are waived and the Urban Renewal Plan approved by this Ordinance is exempted
11 from them.

12 **SECTION 6. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
13 application of this Ordinance to any person or circumstance is held invalid for any reason, the
14 invalidity does not affect any other provision or any other application of this Ordinance, and for
15 this purpose the provisions of this Ordinance are declared severable.

16 **SECTION 7. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
17 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
18 safety law or regulation, the applicable provisions shall be construed to give effect to each.
19 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
20 higher standard for the protection of the public health and safety prevails. If a provision of this
21 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
22 establishes a lower standard for the protection of the public health and safety, the provision of
23 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
24 conflict.

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

Council Bill 07-0575

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