

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0166**

---

Introduced by: Councilmember Cole

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

Address: c/o Michael Gaines, Department of General Services, 300 West Preston Street, Room 601, Baltimore, Maryland 21201

Telephone: 410-767-4300

Introduced and read first time: July 21, 2008

Assigned to: Land Use and Transportation Committee

---

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 17, 2008

---

**AN ORDINANCE CONCERNING**

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

FOR the purpose of approving the application of the State of Maryland (the “State”) and the City of Baltimore (the “City”), owners of certain property located in and around the State Center area, including 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address” (Block 460, Lot 2), 231 29<sup>th</sup> Division Street (Block 460, Lot 3), 301 West Preston Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking Lot North” and “Armory Parking Lot East” comprising 1.70 acres (No Block or Lot, but constituting Rights-of-Way), respectively, (collectively, the “State Center” or the “Property”), consisting of approximately ~~32.65~~ 37.38 acres of land, streets and open space inclusive, more or less, to have the State Center designated a Business Planned Unit Development; and approving the Development Plan submitted by the State and City.

By authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

**Recitals**

The State is the fee simple owner of certain property consisting of approximately 20.138 acres of land, more or less, excluding streets and open space, and identified on the attached Development Plan as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address” (Block 460, Lot 2), 231 29<sup>th</sup> Division Street (Block 460, Lot 3), 301 West Preston Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), (the “State-Owned Property”), which

**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 08-0166

1 includes five State owned and operated buildings with several adjoining parking lots and support  
2 facilities.

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

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

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

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

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

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

30 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
31 Mayor and City Council approves the submittal of the State and City, collectively the owners of  
32 the properties identified as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block  
33 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No  
34 address” (Block 460, Lot 2), 231 29<sup>th</sup> Division Street (Block 460, Lot 3), 301 West Preston Street  
35 (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking Lot  
36 North” (No Block or Lot), and “Armory Parking Lot West” (No Block or Lot), respectively, on  
37 the attached Development Plan, consisting of ~~32.65~~ 37.38 total acres, more or less, as outlined on  
38 the accompanying Development Plan entitled “The State Center – Transit Oriented Development  
39 Business Planned Unit Development”, consisting of PUD Sheet 1, “Existing Conditions Plan”,  
40 dated ~~July 9~~ August 25, 2008, PUD Sheet 2, “Proposed Development Plan”, dated ~~July 9~~ August  
41 25, 2008, PUD Sheet 3, “Height and Massing Plan”, dated ~~July 9~~ October 27, 2008, PUD Sheet  
42 4, “Preliminary Landscape / Forest Conservation Plan” dated ~~July 9~~ August 25, 2008, and PUD  
43 Sheet 5, “Streetscape Sections Plan”, dated ~~July 9~~ August 25, 2008, consisting of ~~32.65~~ 37.38

## Council Bill 08-0166

1 acres of land, more or less, to designate the Property a Business Planned Unit Development  
2 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 of the date of this Ordinance, as  
9 allowed in the B-1 and B-2 Zoning Districts are allowed and authorized as permitted  
10 uses within the Business Planned Unit Development, unless stipulated otherwise  
11 herein.

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

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

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

## Council Bill 08-0166

- 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®, or its functional or generally accepted equivalent. Green uses may  
23 include, by way of example, but not limitation:
- 24 Innovative energy generation and distribution technologies  
25 Innovative wastewater technologies  
26 On-site wastewater treatment systems – utilizing a localized treatment system to  
27 transport, store, treat and dispose some or all wastewater volumes generated  
28 on the project site  
29 Gray water systems – wastewater discharged from lavatories, bathtubs, showers,  
30 clothes washers, and laundry sinks, that is filtered and reused for irrigation or  
31 other non-potable water uses  
32 Storm water reuse facilities
- 33 (d) The following uses are prohibited within the Planned Unit Development:
- 34 Automobile accessory stores – including related repair and installation services  
35 Blood donation centers  
36 Check cashing stores  
37 Firearm sales, ammunition sales, or both  
38 Furriers  
39 Gasoline service stations  
40 Gun shops  
41 Marinas  
42 Pawnshops  
43 Poultry and rabbit-killing establishments  
44 Travel trailers, recreational vehicles, and similar camping equipment: parking or  
45 storage

**Council Bill 08-0166**

1 (e) The following uses are conditional uses, requiring approval by the Board of  
2 Municipal and Zoning Appeals, within the Planned Unit Development:

- 3 After hours establishments
- 4 Bakery goods: wholesale manufacturing
- 5 Dance halls
- 6 Homes for the rehabilitation of non-bedridden alcoholics and for the care and
- 7 custody of homeless persons
- 8 Restaurants - including live entertainment and dancing
- 9 Taverns - including live entertainment and dancing

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

- 12 (a) The maximum allowable floor area may not exceed ~~6,989,223.7~~ 6,989,223.7 square  
13 feet (which includes gross density TOD bonus).
- 14 (b) The maximum allowable density may not exceed 2,000 dwelling units.

15 **SECTION 5. AND BE IT FURTHER ORDAINED**, That if the State disposes of the State-Owned  
16 Property to a private entity for private use, prior to the Final Design Approval for any  
17 development of the Property within the Business Planned Unit Development, a Traffic  
18 Mitigation Agreement shall be entered into with the Department of Transportation.

19 (a) At a minimum, the Traffic Mitigation Agreement shall include the following:

- 20 (1) To identify the Traffic Mitigation strategies that may be implemented at each  
21 phase of the development State Center, including time frames by which the  
22 strategies for mitigation will commence and an apportionment of costs for those  
23 strategies to be implemented.
- 24 (2) To identify target mode share goal for each completed phase of the development  
25 of State Center and monitor shifts in the mode split.

26 (b) Additional goals for the Traffic Mitigation Agreement shall be as follows:

- 27 (1) Improvement to the pedestrian experience by enhancing connectivity to mass  
28 transit within the Business Planned Unit Development; providing improved  
29 connectivity to surrounding communities; improving overall streetscape  
30 aesthetics and view corridors; reducing the crossing widths and distances between  
31 intersections; and providing traffic calming measures that will support a  
32 pedestrian friendly State Center.
- 33 (2) Improvement to intersection and roadway function; reducing the number of signal  
34 phases, and controlling, freeing or reducing turning.
- 35 (3) To provide parking in accordance with the shared parking calculations within the  
36 Planned Unit Development by promoting the use of non-vehicular modes of  
37 transportation.

**Council Bill 08-0166**

1 (4) To provide a State Center Transportation Management Association/Plan in  
2 cooperation with city and state agencies to implement a Transportation  
3 Management Plan that aims to minimize vehicular trips; encourage non-vehicular  
4 trips; and enhance roadway safety and the aesthetic environment for all users.

5 (5) To implement a portion of the City's Bicycle Master Plan within State Center by  
6 providing on and off-street bicycle routes and bicycle racks.

7 (c) The Traffic Mitigation Agreement shall provide for ongoing and continuous  
8 community involvement.

9 (d) The Traffic Mitigation Agreement shall be approved by the Board of Estimates.

10 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That if the State disposes the State-Owned  
11 Property to a private entity for private use, all plans for the construction of permanent  
12 improvements on the Property shall be subject to final design approval by the Planning  
13 Commission to insure that the plans are consistent with the Development Plan and this  
14 Ordinance.

15 **SECTION 6 7. AND BE IT FURTHER ORDAINED,** That the Planning Commission may  
16 determine what constitutes minor or major modifications to the Plan. Minor modifications  
17 require approval by the Planning Commission. Major modifications require approval by  
18 Ordinance.

19 **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
20 accompanying Development Plan and in order to give notice to the agencies that administer the  
21 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the  
22 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the  
23 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a  
24 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning  
25 Appeals, the Planning Commission, the Commissioner of Housing and Community  
26 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

27 **SECTION 8 9. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
28 day after the date it is enacted.

**Council Bill 08-0166**

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