

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0228**

Introduced by: Councilmember Kraft
At the request of: Harbor East Parcel D-Hotel, LLC, and Harbor East Parcel D-Residential, LLC
Address: c/o Struever Bros. Eccles & Rouse, 1040 Hull Street, Baltimore, Maryland 21230
Telephone: 443-573-4000
Introduced and read first time: July 11, 2005
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 5, 2005

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Harbor East

FOR the purpose of approving the application of Harbor East Parcel D-Hotel, LLC, and Harbor East Parcel D-Residential, LLC, collectively the developer of certain property in the Inner Harbor East Urban Renewal Area identified as Parcel D and certain contiguous City-owned properties and consisting of approximately 2.31 acres, more or less, to have that property designated a Business Planned Unit Development; approving the Development Plan submitted by the applicant.

By authority of
Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

~~The City of Baltimore is the fee simple owner of certain property and streets beds contiguous thereto, consisting of 2.31 acres, more or less, in the Inner Harbor East Urban Renewal Area, identified on the attached Development Plan as the City Property (the “Property”), which will be conveyed by the City to Harbor East Parcel D-Hotel, LLC, and/or Harbor East Parcel D-Residential, LLC.~~

The developer owns Parcel D, and the City of Baltimore is the fee simple owner of the street bed contiguous thereto, consisting together of 2.31 acres, more or less, in the Inner Harbor East Urban Renewal Area identified on the attached Development Plan. The City will convey the street bed area to Inner Harbor East, Parcel D - Acquisition, LLC.

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.

1 Representatives of Harbor East Parcel D-Hotel, LLC, and Harbor East Parcel D-Residential,
 2 LLC, accompanied by representatives of the Department of Planning, met with the Fells Point
 3 Task Force on several occasions, most recently on June 29, 2005, to discuss the scope and nature
 4 of the proposed development on the Property, and to solicit any comments or concerns related
 5 thereto. Upon review of the proposed development, the plans were accepted as presented, and
 6 no revisions or modifications were requested by the Fells Point Task Force.

7 On May 31, 2005, representatives of Harbor East Parcel D-Hotel, LLC, and Harbor East
 8 Parcel D-Residential, LLC, met with the Department of Planning for a preliminary conference,
 9 to explain the scope and nature of existing and proposed development on the property and to
 10 institute proceedings to have the property designated a Business Planned Unit Development.

11 The representatives of Harbor East Parcel D-Hotel, LLC, and Harbor East Parcel D-
 12 Residential, LLC, have now applied to the Baltimore City Council for designation of the
 13 property as a Business Planned Unit Development, and they have submitted a Development Plan
 14 intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning
 15 Code.

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
 17 Mayor and City Council approves the application of Harbor East Parcel D-Hotel, LLC, and
 18 Harbor East Parcel D-Residential, LLC, collectively the developer of the property identified as
 19 Parcel D on the attached Development Plan, consisting of 2.31 acres, more or less, as outlined on
 20 the accompanying Development Plan entitled "Harbor East", consisting of PUD 1, "Title Sheet",
 21 ~~dated June 28, 2005; PUD 2, "Existing Conditions", dated June 28, 2005; PUD 3, "Proposed~~
 22 ~~Conditions Plan", dated June 28, 2005; PUD 4, 5, 6, and 7, "Height Diagrams", dated June 28,~~
 23 ~~2005; PUD 8, "Landscape Plan", dated June 28, 2005; and PUD 9, "Civil Plan", dated June 27,~~
 24 ~~2005~~ October 13, 2005; PUD 2, "Existing Conditions", dated October 13, 2005; PUD 3,
 25 "Proposed Conditions", dated October 13, 2005; PUD 4, 5, 6, and 7, "Height Diagrams", dated
 26 October 13, 2005; PUD 8, "Concept Site Plan", dated October 13, 2005; and PUD 9, "Concept
 27 Landscape Plan", dated October 13, 2005, to designate the Property a Business Planned Unit
 28 Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

29 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
 30 applicants is approved, notwithstanding any previously enacted and designated Planned Unit
 31 Developments, the boundaries of which may encroach upon or overlap with the boundaries of
 32 the Business Planned Unit Development for the Property as shown on the Development Plan. To
 33 the extent that such encroachment or overlap exists, the boundaries of the Business Planned Unit
 34 Development for the Property, as shown on the Development Plan, shall govern and control.

35 **SECTION 3. AND BE IT FURTHER ORDAINED,** That, in accordance with Title 9, Subtitles 1
 36 and 4 of the Baltimore City Zoning Code, all uses as allowed in B-1 and B-2 Zoning Districts
 37 and all uses allowed under the Residential/Commercial Category in the Inner Harbor East Urban
 38 Renewal Plan are allowed and authorized within the Business Planned Unit Development, unless
 39 otherwise stipulated herein. Additional uses within the Business Planned Unit Development
 40 shall be allowed and authorized as follows:

- 41 (1) Without limiting the uses allowed in B-1 and B-2 Zoning Districts, the following are
 42 also allowed and authorized as permitted uses within the Business Planned Unit
 43 Development:

- 1 a. Dwellings: single-family detached dwellings, semi-detached dwellings and
2 attached dwellings, and/or multi-family attached buildings.
- 3 b. Restaurants, lunch rooms and taverns - with or without live entertainment and
4 dancing.
- 5 c. Outdoor seating and table service that is accessory to a restaurant, lunch room, or
6 tavern.

7 (2) In addition, the following uses are allowed and authorized as accessory to a hotel
8 within the Business Planned Unit Development:

- 9 a. Meeting and banquet halls and catering facilities, including live entertainment and
10 dancing.
- 11 b. Gift shop, car rental agency, travel agency, fitness and health/physical culture
12 facilities, cabana, food kiosk, including the service of alcoholic beverages, and
13 accessory structures for swimming pool and other facilities.

14 (3) The following uses shall be allowed and authorized, subject to Planning Commission
15 approval of the design:

- 16 a. Microwave antennas and satellite dishes, public utilities, and rooftop antennae
17 (but not freestanding towers for public communications transmission or
18 receiving).
- 19 b. Water taxi vessels and equipment, and paddling kayaks and canoe launch pads,
20 consistent with the terms and conditions of the Maritime Master Plan.

21 **SECTION 4. AND BE IT FURTHER ORDAINED,** That a maximum of 350 hotel rooms shall be
22 permitted within the PUD area.

23 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum height of the buildings on
24 the Property and the floor area ratio requirements shall be as set forth on Sheet PUD 3,
25 “Proposed Conditions Plan”.

26 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the parking required for each respective
27 use within the PUD area shall be provided in accordance with the requirements of Title 10 of the
28 Baltimore City Zoning Code, as applicable to uses located in a B-2-4 Zoning District. The
29 parking shall be accommodated by surface lots or structured off-street facilities located within
30 the PUD area, and the parking shall not be required on a lot by lot basis but shall merely need to
31 be provided within the boundaries of the PUD. Temporary parking shall be allowed on
32 individual building sites, subject to Planning Commission approval.

33 **SECTION 7. AND BE IT FURTHER ORDAINED,** That no minimum yard requirements shall be
34 applicable to specific lots created within the Business Planned Unit Development, except as
35 required by the plans approved by the Planning Commission.

36 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
37 what constitutes minor or major modifications to the Plan. Minor modifications require approval
38 by the Planning Commission. Major modifications require approval by Ordinance.

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

5 **SECTION 10. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
6 accompanying Development Plan and in order to give notice to the agencies that administer the
7 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
8 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
9 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
10 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
11 Appeals, the Planning Commission, the Commissioner of Housing and Community
12 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

13 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
14 day after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City