

**CITY OF BALTIMORE**  
**COUNCIL BILL 07-0575**  
**(First Reader)**

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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

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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, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

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

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

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

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



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

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

### 5 B. Land Use Plan

#### 6 1. Zoning

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

#### 9 2. Planned Unit Developments

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

#### 15 3. Regulations, Controls and Restrictions

##### 16 a. Plan Review Requirement

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

##### 21 (1) Review of Plans for New Construction, Exterior Rehabilitation, or Change 22 in Use

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

##### 33 b. Provisions Applicable to all Land and Properties

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

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### (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 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.

This project is being redeveloped in accordance with the United States Department of the Interior's Standards for Rehabilitation of

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1 Historic Properties, subject to approval of the Baltimore City  
2 Department of Planning.

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

5 There must be a pedestrian connection between Thames Street and  
6 the south end of the pier. Due to safety conflicts between  
7 pedestrians and maritime services, a pedestrian walkway may be  
8 created through the interior of the building to provide public access  
9 to the open space at the end of the pier in lieu of a public  
10 promenade around the exterior of the building.

### 11 c. PUD Standards and Controls

12 To the extent of any conflict between the provisions of this  
13 Renewal Plan and the provisions of any PUD, or to the extent that standards  
14 and controls, permitted uses, or any other provisions contained in any PUD  
15 are not contained in the Renewal Plan, the standards and controls, permitted  
16 uses, or any other provisions of the PUD including without limitation, those  
17 affecting use, parking, aesthetic controls, setbacks, specific lot controls, and  
18 building heights, shall control.

### 19 C. Techniques used to Achieve Plan Objectives

#### 20 1. Acquisition

##### 21 a. Purposes for acquiring properties within the Project Area

22 Properties designated for acquisition will be acquired either for clearance and  
23 redevelopment, for rehabilitation, or for public facilities.

##### 24 b. Conditions under which properties not designated for acquisition may be 25 acquired

##### 26 (1) Nonsalvable and Noncompliance with Provisions

27 It may be necessary to acquire, by purchase or by condemnation for urban  
28 renewal purposes, the fee simple interest or any lesser interest in and to  
29 such of the remaining properties or portions thereof in Fells Point not  
30 specifically designated for acquisition by this Urban Renewal Plan as may  
31 be deemed necessary and proper by the Commissioner of the Department  
32 of Housing and Community Development to effect the proper  
33 implementation of the project. This may include:

- 34 (a) Any property in the project area containing a nonsalvable structure,  
35 i.e., which, in the opinion of the Commissioner of the Department of  
36 Housing and Community Development, cannot be economically  
37 rehabilitated.

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

15 (2) Rehabilitation by the Department of Housing and Community  
16 Development or Others

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

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

26 (b) rehabilitation of individual, scattered properties is necessary in order  
27 to remove blighting influences from otherwise sound residential  
28 blocks.

29 c. Actions to Be Followed By the Department of Housing and Community  
30 Development Upon Acquisition of Properties

31 Upon the acquisition of properties, the Department of Housing and  
32 Community Development will either:

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

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

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

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### 2. Review of Development

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

### 3. Land Disposition

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

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

### 4. Zoning

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

### D. Duration of Provisions and Requirements

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

### E. Procedures for Changes in Approved Plan

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

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

### 6 F. Separability

7 In the event it be judicially determined that any word, phrase, clause, sentence,  
8 paragraph, section or part of this Plan, or the application thereof to any person or  
9 circumstances is invalid, the remaining provisions and the application of such  
10 provisions to other persons or circumstances shall not be affected thereby, it being  
11 hereby declared that the remaining provisions of the Plan without the word, phrase,  
12 clause sentence, paragraph, section or part, or the application thereof, so held invalid  
13 would have been adopted and approved.

## 14 Appendix A

### 15 Waterfront Area Controls

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

#### 21 Pedestrian Access

22 Public pedestrian access to the water shall be provided through a series of easements – Public  
23 Access Corridors – leading to a shoreline walk – Pedestrian Promenade – the general location of  
24 which is shown on the accompanying exhibit. The Pedestrian Promenade will be established by  
25 an easement that shall be no less than 20 feet in width of which a minimum of 12 feet must be  
26 permanently constructed promenade and a minimum of 8 feet must be landscaped area. In  
27 limited areas, where it can be demonstrated that it is functionally justified, the Commissioner of  
28 the Department of Housing and Community Development may allow a promenade and/or  
29 landscaped area of lesser width. These required easement improvements shall be built and  
30 maintained by the developer. Public pedestrian access on private property shall be subject to  
31 such reasonable rules and regulations as may be promulgated by the owner of the property and  
32 agreed to in writing by the Commissioner of the Department of Housing and Community  
33 Development.

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

#### 39 Promenade Standards

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



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

### 28 Public Access Corridors

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

- 38 1. From a point at the approximated intersection of Thames, Philpot and Caroline Streets  
39 extended south to the water.

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

25 **Height Limitations**

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

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

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

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- 1 Area 3 - Thames Street elevations shall be no higher than 40 feet. A building addition up to a  
2 maximum of 53 feet will be permitted if it is set back and designed so that it is not  
3 visible from the street frontage opposite this area.
- 4 Area 4 - Maximum building height shall not exceed 40 feet.
- 5 Area 5 - Maximum building height shall not exceed 60 feet, except on the property known as  
6 1000 Fell Street where rehabilitation of the roof structure to accommodate a seventh  
7 story is permitted, provided that this seventh story is recessed so as not to be seen  
8 from the street frontage of the subject property, and a further exception is provided  
9 for the property known as 932-944 Fell Street (Belt's Wharf Condominium Property)  
10 for a building addition up to a maximum of 74 feet if recessed 40 feet from the street  
11 frontage of the property.
- 12 Area 6 - The average height of built area shall be no more than 50 feet, with a maximum  
13 height of 60 feet. The maximum height along the water's edge is 40 feet. Additional  
14 height over 40 feet up to the maximum of 60 feet shall be constructed so that it is not  
15 visible from that portion of the promenade adjacent to the area or shall step up at an  
16 angle of no more than 45 degrees.
- 17 Area 7 - The average height of built area shall be no more than 75 feet, with a maximum  
18 height of 90 feet. The maximum height along Wolfe Street and the water's edge is 40  
19 feet. The maximum height along Thames Street is 60 feet. Additional height over  
20 the 40 feet and 60 feet up to the maximum of 90 feet shall be constructed so that it is  
21 not visible from that portion of the promenade adjacent to the area, Wolfe Street or  
22 Thames Street or shall step up at an angle of no more than 45 degrees.
- 23 Area 8 - The average height of built area shall be 45 feet, with a maximum height of 65 feet.  
24 The maximum height on Aliceanna Street, Chester Street, and the water side shall be  
25 40 feet for a minimum of 40 feet depth. The building shall be set back a minimum of  
26 20 feet from the Chester Street right-of-way. Additions to the existing building at  
27 705 S. Wolfe Street are permitted up to 65 feet. These additions shall be set back so  
28 as not to be seen from Wolfe Street, Aliceanna Street and the promenade adjacent to  
29 the area.
- 30 Area 9 - Within Area 9, a 45 foot height at the edge is imposed along the Harbor and in the  
31 area adjacent to Fells Point at Caroline Street or Dallas Street; the maximum height  
32 shall step up to 180 feet in the center block of the site as set forth in the Planned Unit  
33 Development governing Area 9.

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

40 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if the Urban Renewal Plan approved by  
41 this Ordinance in any way fails to meet the statutory requirements for the content of a renewal  
42 plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those

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1 requirements are waived and the Urban Renewal Plan approved by this Ordinance is exempted  
2 from them.

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

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

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