

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0111**

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Introduced by: Councilmember Kraft  
At the request of: South Broadway Properties, LLC  
Address: Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore, Maryland  
21201  
Telephone: 410-727-6600  
Introduced and read first time: April 28, 2008  
Assigned to: Land Use and Transportation Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: July 21, 2008

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**AN ORDINANCE CONCERNING**

**Planned Unit Development – Amendment 1 –  
Marketplace at Fell’s Point**

FOR the purpose of approving certain amendments to the Development Plan of the Marketplace at Fell’s Point Planned Unit Development.

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

**Recitals**

By Ordinance 07-435, the Mayor and City Council approved the application of South Broadway Properties, LLC, which is either the owner, potential owner, developer and/or contract purchaser of the following properties: 600, 602, 606, 610, 616, 622, 607, 609, 611, 617, 619, 621, 623, 625, and 627 South Broadway; 611, 613, 615, 617, 619, 621, and 623 South Bethel Street; 1621, 1625-1631, and 1641 Fleet Street; 608 and 614 South Register Street; 1640 and 1641 Aliceanna Street; and 1641 Lancaster Street (collectively, the “Property”), consisting of 4.405 acres, more or less, to designate the Property as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

South Broadway Properties, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to modify the boundaries of the Business Planned Unit Development by increasing the area of the property included within the Planned Unit Development, to amend the height limitations in certain areas within the Planned Unit Development, to increase the number of permitted dwelling units, and to reduce the off-street parking ratio for residential units.

**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.

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1 On April 18, 2008, representatives of South Broadway Properties, LLC, met with the  
2 Department of Planning for a preliminary conference to explain the scope and nature of the  
3 proposed amendments to the Development Plan.

4 The representatives of South Broadway Properties, LLC, have now applied to the Baltimore  
5 City Council for approval of these amendments, and they have submitted amendments to the  
6 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the  
7 Baltimore City Zoning Code.

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
9 Mayor and City Council approves the amendments to the Development Plan submitted by the  
10 Developer, as attached to and made part of this Ordinance, including Sheet 1, "Existing  
11 Conditions Plan", dated April 16, 2008, and Sheet 2, "Development Plan", dated April 16, 2008.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the boundaries of the Planned Unit  
13 Development are modified to include 620 South Broadway, 616 South Regester Street, 1630  
14 Aliceanna Street, and ~~920/950 South Broadway; however, these properties shall not the Fells~~  
15 Point Broadway Pier (comprising 920/950 South Broadway and the area 25 feet wide extending  
16 240 feet north from 920/950 South Broadway to Thames Street). However, neither 620 South  
17 Broadway nor 616 South Regester Street shall be regulated by this Ordinance until the City or  
18 South Broadway Properties, LLC, or its successors or assigns, has acquired title to the properties  
19 it. With these properties, the Planned Unit Development consists of 5.91 acres, more or less.

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That notwithstanding any other provision of  
21 Ordinance 07-435, of this Ordinance, or of the Development Plan, the City retains full and  
22 exclusive discretion, rights, power and authority to operate, manage, regulate, and control the  
23 Fells Point Broadway Pier, including (by way of illustration and not limitation) the authority to  
24 lease wharfage and other rights to the Pier, to conduct City business at the Pier, and to undertake  
25 repairs or renovations to the Pier. The Fells Point Broadway Pier may not be developed.

26 **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That Section 4 of Ordinance 07-435 is  
27 amended to read as follows:

28 SECTION 4. AND BE IT FURTHER ORDAINED, That off-street parking  
29 requirements for the Planned Unit Development are as follows: (1) residential -  
30 [1.5 spaces] 1 SPACE per dwelling unit, 75% OF WHICH SHALL BE PROVIDED  
31 WITHIN THE PLANNED UNIT DEVELOPMENT AND THE REMAINING 25% PROVIDED  
32 IN THE FLEET & EDEN PARKING GARAGE LOCATED AT 501 EDEN STREET, OR IN  
33 ANOTHER PARKING FACILITY; AND [(2) office - 1 space per 800 square feet in  
34 excess of 2,000 square feet of office use; (3) retail including restaurants - 1 space  
35 per 600 square feet in excess of 4,000 square feet of retail use; and (4)] (2) all  
36 other uses - as required by the underlying zoning OR AS AUTHORIZED BY THE  
37 BOARD OF MUNICIPAL AND ZONING APPEALS.

38 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of  
39 permanent improvements on the property are subject to final design approval by the Planning  
40 Commission to insure that the plans are consistent with the Development Plan and this  
41 Ordinance.

42 **SECTION 6. AND BE IT FURTHER ORDAINED,** That Section 5 of Ordinance 07-435 is  
43 amended to read as follows:

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1            SECTION 5. AND BE IT FURTHER ORDAINED, That [the requirements of]  
2 PURSUANT TO Ordinance 06-345 [must be satisfied prior to the issuance of  
3 building permits for the construction of permanent improvements on the Property  
4 within the Planned Unit Development], A TRAFFIC IMPACT STUDY HAS BEEN  
5 CONDUCTED FOR THE PLANNED UNIT DEVELOPMENT. AS A CONDITION  
6 PRECEDENT TO FINAL DESIGN APPROVAL BY THE PLANNING COMMISSION, THE  
7 APPLICANT SHALL:

8            (A) ENTER INTO A TRAFFIC MITIGATION AGREEMENT SUBJECT TO  
9 APPROVAL OF THE BOARD OF ESTIMATES AS FOLLOWS:

10           (1) A TRAFFIC IMPACT FEE SHALL BE PAID TO THE CITY OF  
11 BALTIMORE ACCORDING TO THE FOLLOWING SCHEDULE:

12                            \$692 PER RESIDENTIAL UNIT

13                            \$759 PER HOTEL ROOM

14                            \$6.75 PER SQUARE FOOT OF COMMERCIAL OR RETAIL SPACE

15                            \$2.05 PER SQUARE FOOT OF OFFICE SPACE

16                            \$0.65 PER SQUARE FOOT OF WAREHOUSE OR INDUSTRIAL  
17 SPACE

18           (2) THE TRAFFIC MITIGATION AGREEMENT ENTERED INTO  
19 BY THE BOARD OF ESTIMATES SHALL NOT APPLY FEES  
20 REQUIRED BY PARAGRAPH (A)(1) TO THOSE DWELLINGS  
21 OR COMMERCIAL AREAS OCCUPIED AT THE TIME OF  
22 ACQUISITION OR LEASE, IN THE CASE OF THE MARKET  
23 PROPERTIES, BY SOUTH BROADWAY PROPERTIES, LLC,  
24 OR ITS ASSIGNS.

25           (3) FEES PAID THROUGH THE TRAFFIC MITIGATION  
26 AGREEMENT SHALL BE USED FOR TRANSPORTATION  
27 DEMAND MANAGEMENT STRATEGIES SUCH AS, BUT NOT  
28 LIMITED TO: THE PROVISION OF BICYCLE FACILITIES  
29 AND/OR CAR-SHARING PROGRAMS, OPERATION OF  
30 SHUTTLE BUS, WATER TAXI SERVICE, OR A  
31 TRANSPORTATION MANAGEMENT ASSOCIATION.

32           (B) PROVIDE THE DEPARTMENT OF TRANSPORTATION AND THE  
33 MARYLAND TRANSIT ADMINISTRATION 30 DAYS TO REVIEW  
34 AND COMMENT ON THE PROPOSED FINAL DESIGN, FOR THE  
35 PURPOSES OF REVIEW RELATED TO THE LOCATION OF A  
36 POTENTIAL RED LINE TRANSIT STATION AT OR NEAR THE  
37 MARKETPLACE. THE DEVELOPER SHALL MAKE NO PLANS THAT  
38 CONTRADICT THE PLACEMENT OF SUCH A STATION.

39           **SECTION 5 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
40 accompanying amended Development Plan and in order to give notice to the agencies that  
41 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the  
42 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor  
43 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the  
44 Director of Finance then shall transmit a copy of this Ordinance and the amended Development

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1 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the  
2 Commissioner of Housing and Community Development, the Supervisor of Assessments for  
3 Baltimore City, and the Zoning Administrator.

4 **SECTION 4 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
5 day after the date it is enacted.

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