

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 13-0195

Introduced by: Councilmember Kraft

At the request of: Harbor Point Development LLC

Address: c/o Ryan J. Potter, Esquire, Gallagher Evelius & Jones LLP, 218 North Charles Street,
Suite 400, Baltimore, Maryland 21201

Telephone: 410-951-1404

Introduced and read first time: February 11, 2013

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 3, 2013

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Harbor Point

FOR the purpose of repealing the existing Development Plan for the Harbor Point Planned Unit Development and approving a new Development Plan for the Harbor Point Planned Unit Development.

BY authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

Recitals

By Ordinance 04-682, as amended by Ordinances 07-625 and 08-16, the Mayor and City Council of Baltimore approved the application of Harbor Point Development LLC, with the authorization of Honeywell International, Inc., to have certain property located in Fells Point, bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms' site to the north, and Caroline Street to the east, consisting of approximately 27.3 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Harbor Point LLC, with the authorization of Honeywell International, Inc., wishes to rescind Ordinances 04-682, 07-625, and 08-16 and to replace the existing Development Plan with a new one.

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 November 16, 2012, representatives of the Applicant, with the authorization of
2 Honeywell International, Inc., met with the Department of Planning for a preliminary conference,
3 to explain the scope and nature of existing and proposed development on the property and to
4 institute proceedings to have the property designated a Business Planned Unit Development.

5 The representatives of the Applicant have now applied to the Baltimore City Council for
6 approval of the replacement Planned Unit Development, and they have submitted a Development
7 Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City
8 Zoning Code.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
10 Ordinances 04-682, 07-625, and 08-16 are repealed.

11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
12 application of Harbor Point Development LLC, acting with the authorization of Honeywell
13 International, Inc., for the property bounded generally by the Baltimore Harbor to the south and
14 west, the Living Classrooms’ site to the north, and Caroline Street to the east, consisting of
15 approximately 27.6 acres, as outlined on the accompanying Development Plan entitled “Harbor
16 Point PUD”, dated January 28, 2013, to designate the property a Business Planned Unit
17 Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
19 Applicant, consisting of Drawing No. 1, “PUD 1, Title Sheet”; Drawing No. 2, “PUD 2, Existing
20 Conditions Plan”; Drawing No. 3, “PUD 3, Parcel Area Plan”; Drawing No. 4, “PUD 4,
21 Development Plan”; Drawing No. 5, “PUD 5, Development Plan”; Drawing No. 6, “PUD 6,
22 Proposed Open Space & Public Access Easement Plan”; “Drawing No. 7, “PUD 7, Proposed
23 Illustrative Plan”; Drawing No. 8, “PUD 8, Design Guidelines”; and *the Harbor Point Design*
24 *Guidelines*, all dated ~~January 28~~ April 10, 2013, is approved.

25 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are allowed within the
26 Planned Unit Development:

- 27 (a) All permitted, accessory, and conditional uses allowed in the B-2 Zoning District,
28 unless otherwise stipulated herein, with the exception of parking, open off-street
29 areas, other than accessory, for the parking of 4 or more automobiles, which is
30 prohibited;
- 31 (b) In addition to any uses allowed by sub-paragraph (a) above, the following uses are
32 specifically permitted within the Planned Unit Development:
 - 33 (1) Artisans’ and craft work;
 - 34 (2) Amphitheaters or outdoor public performance or cultural venues, whether
35 public or private;
 - 36 (3) Finger piers, not more than 5, provided that (i) all boats or ships must vacate
37 the piers for special events that involve fireworks or pyrotechnics, and no
38 persons may occupy the piers during fireworks or pyrotechnic events (if
39 buildings are constructed on piers, then any changes to this condition shall

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- 1 require approval of the Planning Commission); and (ii) any such pier/marina
2 may not extend beyond the pier-head-bulkhead line;
- 3 (4) Hazardous waste extraction, handling, treatment, storage and hauling, but only
4 to the extent necessary to comply with that certain Consent Decree governing
5 part of the Property, as entered in the United States District Court for the
6 District of Maryland, Civil Action No. R-89-1804, dated June 16, 1989,
7 including modifications and amendments thereto;
- 8 (5) Meeting and banquet halls and catering facilities accessory to a hotel,
9 including live entertainment and dancing;
- 10 (6) Microwave antennae, satellite dishes, rooftop antennae, and wireless
11 technology equipment;
- 12 (7) Outdoor table service when accessory to any use permitted or otherwise
13 authorized or approved herein; and
- 14 ~~(8) Parking, open off-street areas, other than accessory, for the parking of 4 or
15 more automobiles; and~~
- 16 (8) ~~(9)~~ Restaurants, lunch rooms, and taverns – with or without live entertainment
17 and dancing.
- 18 (c) In addition and without limiting the foregoing, the following uses are permitted,
19 allowed, and authorized on a periodic or temporary basis within the Planned Unit
20 Development:
- 21 (1) Urban farming and/or farmers' markets, in which farmers or other food and
22 craft producers (including artists, bakers, fishermen, gardeners, and watermen)
23 sell, grow, produce and/or make publicly available food, flowers, artwork,
24 retail goods, and/or beverages, for viewing, consumption, and sale directly to
25 the public;
- 26 (2) Outdoor festivals, including live entertainment and dancing;
- 27 (3) Portable or non-permanent auditorium, dance hall, theater or concert hall
28 facilities, with a capacity limited to 5,000 seats therein;
- 29 (4) Food and drink kiosks, including service of alcoholic beverages, only when
30 installed and operated in connection with the special event uses described in
31 (1) and (2) above; and
- 32 (5) The continuation of the uses described in Section 4 (c)(2),(3) and (4) above for
33 a period longer than 6 consecutive months shall be subject to Planning
34 Commission approval.
- 35 (d) The following uses shall be allowed and authorized, subject to Planning Commission
36 approval of the design aesthetic:

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- 1 (1) Grandstands accessory to athletic fields;
- 2 (2) Water taxi vessels and equipment, consistent with the terms and conditions of
- 3 the Maritime Master Plan, as the same may be amended from time to time;
- 4 and
- 5 (3) Paddling kayaks and canoe launch pads, consistent with the terms and
- 6 conditions of the Maritime Master Plan, as the same may be amended from
- 7 time to time.

8 (e) The following uses shall be deemed conditional and require approval of the Board of
9 Municipal and Zoning Appeals:

- 10 (1) Meeting and banquet halls, not accessory to a hotel; and
- 11 (2) Auditoriums, dance halls, theaters, concert halls: indoor or outdoor, not
- 12 accessory to a hotel, as follows: Not more than 1 permanent auditorium, dance
- 13 hall, theater or concert hall facility, with capacity limited to 3,500 seats
- 14 therein.

15 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the gross building area for all parcels
16 within the PUD area will be ~~2.97~~ 3.02 million square feet, exclusive of the following structures,
17 which shall not be counted towards the gross building area set forth herein:

- 18 (a) Any and all building area or structure devoted to off-street parking; and
- 19 (b) The existing Transfer Station, consisting of approximately 5,500 square feet, depicted
- 20 on PUD 2, entitled “Existing Conditions Plan”; and.
- 21 ~~(c) Public, quasi-public or non-profit-based cultural or educational use structures,~~
- 22 ~~buildings or spaces (or portion of a structure, building or space) not larger than 50,000~~
- 23 ~~square feet, such as any auditorium, gallery, museum, theater, concert facility or~~
- 24 ~~performing arts center, or other building, structure or space devoted primarily to~~
- 25 ~~performing or visual arts (or displays or galleries of the same), or to other educational~~
- 26 ~~or cultural purposes.~~

27 The square footage of any particular parcel or building shall be limited by the height limitations
28 shown on PUD 5, entitled “Development Plan”.

29 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the parking required for each respective
30 use within the PUD area shall be provided in accordance with the requirements of Title 10 of the
31 Baltimore City Zoning Code, as applicable to uses located in the B-2-2 Zoning District. ~~The~~
32 ~~parking shall be accommodated on or within surface lots, structured off-street parking facilities,~~
33 ~~and/or on-street parking located within the PUD area, and the parking shall not be required on a~~
34 ~~lot by lot basis but shall merely need to be provided within the boundaries of the PUD.~~
35 ~~Temporary or interim parking, whether surface or structured, shall be allowed on all or any~~
36 ~~portion of the Property. The Planning Commission has the discretion to permit the total count of~~
37 ~~parking spaces required for all uses within any one development lot or among multiple~~
38 ~~development lots on the property to be reduced to reflect a demonstrated reduction in the need for~~
39 ~~parking spaces due to shared use, public transportation or other appropriate causes, in accordance~~

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1 ~~with the shared parking formula provided on PUD 4, entitled “Development Plan.” Permanent~~
2 ~~parking shall not be accommodated in surface parking lots, but shall be accommodated within~~
3 ~~structured off-street parking facilities and/or on-street parking located within the PUD area, and~~
4 ~~the parking shall not be required on a lot by lot basis but shall merely need to be provided within~~
5 ~~the boundaries of the PUD. Temporary or interim parking, whether surface or structured, will~~
6 ~~only be allowed for construction purposes, not to exceed a period of 24 months. Temporary or~~
7 ~~interim parking must be approved by the Planning Commission and is subject to design review.~~
8 ~~The 24 month duration shall commence upon completion of construction of the temporary~~
9 ~~parking and shall be removed at the end of the 24 months. The Planning Commission has the~~
10 ~~discretion to permit the total count of parking spaces required for all uses within any one~~
11 ~~development lot or among multiple development lots on the property to be reduced to reflect a~~
12 ~~demonstrated reduction in the need for parking spaces due to shared use, public transportation or~~
13 ~~other appropriate causes, in accordance with the shared parking formula provided on PUD 4,~~
14 ~~entitled “Development Plan”.~~

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

18 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Applicant shall complete the
19 development of the Open Space and Public Promenade, as described on PUD 6, entitled
20 “Proposed Open Space & Public Access Easement Plan”, in accordance with the following
21 schedule and conditions:

22 ~~(a) The Applicant shall provide public access to Point Park on or before the completion~~
23 ~~of the fifth building constructed within the PUD area (i.e., the fifth building~~
24 ~~constructed in addition to the Transfer Station shown on PUD 2, entitled “Existing~~
25 ~~Conditions Plan”):~~

26 ~~(b) Upon completion and occupancy of Building #1 on Parcel 2, the applicant shall~~
27 ~~complete design and commence construction of the Central Plaza identified on PUD~~
28 ~~6, entitled “Proposed Open Space and Public Access Easement Plan”.~~

29 (a) Upon completion and prior to Use and Occupancy Permit of Building #1 on Parcel 2,
30 the Applicant shall complete construction of the Central Plaza and the temporary
31 promenade on fast land and green space as identified on PUD 6, entitled “Proposed
32 Open Space and Public Access Easement Plan”.

33 (b) (c) As the Applicant undertakes to construct the second building within Parcel 3, the
34 Applicant shall also begin development of the Waterfront Park (as shown on PUD 6,
35 entitled “Proposed Open Space and Public Access Easement Plan”). Upon
36 completion of the second building within Parcel 3, the Waterfront Park and adjacent
37 section of the Public Promenade shall be completed.

38 ~~(d) The Applicant shall prepare and submit to the Baltimore City Planning Commission~~
39 ~~its final schematic design plan for Point Park on or before the completion of the fifth~~
40 ~~building constructed within the Planned Unit Development area (i.e., the fifth~~
41 ~~building constructed in addition to the Transfer Station shown on PUD 2, entitled~~
42 ~~“Existing Conditions Plan”, exclusive of all building structures for parking).~~

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1 (c) ~~(e)~~ On or before the completion of the Building #3 or Building #5 (whichever shall be
2 completed last), the Applicant shall complete the development of Point Park located
3 between Parcel 1 and Parcel 3, in accordance with the design plan.

4 (d) ~~(f)~~ The remainder of the permanent Promenade shall be completed on or before the
5 completion of the last building structure as shown in the Development Plan.

6 **SECTION 9. AND BE IT FURTHER ORDAINED**, That all plans for the construction of temporary
7 and permanent improvements on the property are subject to final design approval by the Planning
8 Commission to insure that the plans are consistent with the Development Plan and this
9 Ordinance. The Applicant, a related entity/representative, or an event sponsor will exercise
10 commercially reasonable efforts to meet with the Fell's Point Task Force to review proposed
11 multi-day public events to be held on the Open Space.

12 **SECTION 10. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine
13 what constitutes minor or major modifications to the Plan. Minor modifications require approval
14 by the Planning Commission. Major modifications require approval by Ordinance.

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

23 **SECTION 12. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th
24 day after the date it is enacted.

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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