

CITY OF BALTIMORE
ORDINANCE 22-173
Council Bill 22-0219

Introduced by: Councilmember Cohen
At the request of: Harbor Point Development LLC
Address: c/o Ryan J. Potter, Esquire, Gallagher Evelius & Jones LLP
218 N. Charles Street, Suite 400, Baltimore, Maryland 21201
Telephone: (410) 951-1404
Introduced and read first time: April 4, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: August 15, 2022

AN ORDINANCE CONCERNING

Planned Unit Development – Amendment – Harbor Point

FOR the purpose of approving certain amendments to the Development Plan of the Harbor Point
Planned Unit Development.

BY authority of
Article - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 13-136, the Mayor and City Council (i) approved the application of Harbor
Point Development LLC (the “Applicant”) to have certain property 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, as outlined on the
accompanying Development Plan (the “Property”), designated as a Business Planned Unit
Development, and (ii) approved the Development Plan submitted by the applicant.

The Applicant now wishes to amend the Development Plan, as previously approved by the
Mayor and City Council, to remove certain restrictions on density, and to make any other
amendments or modifications as necessary to accommodate the proposed conditions on the
Property.

On February 24, 2022, representatives of the Applicant met with the Department of Planning
for a preliminary conference to explain the scope and nature of the existing and proposed
development on the Property and the proposed amendments to the Development Plan.

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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The representatives of the Applicant have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Section 5-201(a) and Title 13 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan ~~submitted by the Applicant, specifically consisting of PUD 1, Title Sheet; PUD 2, Existing Conditions Plan; PUD 3, Parcel Area Plan; PUD 4 and PUD 5, Development Plan; PUD 6, Proposed Open Space & Public Access Easement Plan; PUD 7, Proposed Illustrative Plan; and PUD 8, Design Guidelines; all dated March 2022~~ contained in this Ordinance, including Exhibit 1, “PUD 1, Title Sheet” dated March 2022; Exhibit 2, “PUD 2, Existing Conditions Plan” dated April 10, 2013, and last revised March 2022; Exhibit 3, “PUD 3, Parcel Area Plan” dated April 10, 2013, and last revised March 2022; Exhibit 4, “PUD 4, Development Plan” dated April 10, 2013, and last revised March 2022; Exhibit 5, “PUD 5, Development Plan” dated April 10, 2013, and last revised March 2022; Exhibit 6, “PUD 6, Proposed Open Space & Public Access Easement Plan” dated April 10, 2013, and last revised March 2022; and Exhibit 7, “PUD 7, Proposed Illustrative Plan” dated April 10, 2013, and last revised March 2022, which shall supersede any and all previous versions of the same referenced in Ordinance 13-136.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approve the deletion of the “PUD 8, Design Guidelines” in its entirety from the Development Plan originally approved in Ordinance 13-136.

SECTION 3. 2. AND BE IT FURTHER ORDAINED, That Section 4 of Ordinance 13-136 is deleted in its entirety and replaced with:

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

- (a) All permitted, accessory, and conditional uses allowed in the C-5 Zoning District, unless otherwise stipulated herein, with the exception of Parking, open off-street areas, other than accessory, for the parking of 4 or more automobiles, which is prohibited;
- (b) In addition to any uses allowed by Sub-paragraph (a) above, the following uses are specifically permitted within the Planned Unit Development:
 - (1) Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery);
 - (2) Finger piers, not more than five (5), provided that:
 - (i) all boats or ships must vacate the piers for special events that involve fireworks or pyrotechnics, and no persons may occupy the piers during fireworks or pyrotechnic events (if buildings are constructed on piers, then any changes to this condition shall require approval of the Planning Commission); and

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(ii) any such pier/marina may not extend beyond the pier-head-bulkhead line; and

(3) Hazardous waste extraction, handling, treatment, storage and hauling, but only to the extent necessary to comply with that certain Consent Decree governing part of the Property, as entered in the United States District Court for the District of Maryland, Civil Action No. R-89-1804, dated June 16, 1989, including modifications and amendments thereto.

(c) The following uses shall be allowed and authorized subject to Planning Commission approval of the design aesthetic:

(1) Grandstands accessory to Recreation: Outdoor;

(2) Water taxi vessels and equipment, consistent with the terms and conditions of the Maritime Master Plan, as the same may be amended from time to time; and

(3) Recreational boat launch, including paddling kayaks and canoe launch pads consistent with the terms and conditions of the Maritime Master Plan, as the same may be amended from time to time.

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

(1) Alternative Energy System: Commercial

(2) Industrial: Light;

(3) Telecommunications Facility; and

(4) Wireless Communications Services.

SECTION 4. 3. AND BE IT FURTHER ORDAINED, That Section 5 of Ordinance 13-136 shall be deleted in its entirety and replaced with "RESERVED".

SECTION 5. 4. AND BE IT FURTHER ORDAINED, That Section 6 of Ordinance 13-136 shall be amended to read as follows:

SECTION 6. AND BE IT FURTHER ORDAINED, [That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in the B-2-2 Zoning District.] Permanent parking shall not be accommodated in surface parking lots, but shall be accommodated within structured off-street parking facilities and/or on-street parking located within the PUD area, and said parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary or interim parking, whether surface or structured, will only be allowed for construction purposes, and shall not exceed a period of [24] 36 months. Temporary or interim parking must be approved by the Planning Commission and is subject to design review. The [24] 36 month duration shall commence upon completion of construction of the temporary

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1 parking and shall be removed at the end of the [24] 36 months. THE PLANNING
2 COMMISSION HAS THE DISCRETION TO AMEND THE CONDITIONS UNDER WHICH
3 TEMPORARY OR INTERIM PARKING IS ALLOWED UNDER THIS ORDINANCE. [The Planning
4 Commission has the discretion to permit the total count of parking spaces required for all
5 uses within any one development lot or among multiple development lots on the property
6 to be reduced to reflect a demonstrated reduction in the need for parking spaces due to
7 shared use, public transportation or other appropriate causes, in accordance with the
8 shared parking formula provided on PUD 4, entitled "Development Plan."]

9 **SECTION 6. 5. AND BE IT FURTHER ORDAINED,** That Section 8 of Ordinance 13-136 shall be
10 amended to read as follows:

11 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the applicant shall complete the
12 development of the Open Space and Public Promenade, as described on PUD {6} 5,
13 entitled "Proposed Open Space & Public Access Easement Plan," in accordance with the
14 following schedule and conditions:

15 (a) Upon completion and prior to Use and Occupancy Permit of Building #1 on
16 Parcel 2, the applicant shall complete construction of the Central Plaza and the
17 temporary promenade on fast land and green space as identified on PUD {6} 5,
18 entitled "Proposed Open Space and Public Access Easement Plan."

19 (b) As the applicant undertakes to construct the second building within Parcel 3, the
20 Applicant shall also begin development of the Waterfront Park (as shown on PUD
21 {6} 5, entitled "Proposed Open Space and Public Access Easement Plan"). Upon
22 completion of the second building within Parcel 3, the Waterfront Park and
23 adjacent section of the Public Promenade shall be completed.

24 (c) On or before the completion of the [Building #3 or Building #5] THE BUILDING ON
25 PARCEL 3 [(whichever shall be completed last)], the Applicant shall complete
26 development of Point Park [located between the Parcel 1 and Parcel 3], in
27 accordance with the design plan.

28 (d) The remainder of the permanent Promenade shall be completed on or before the
29 completion of the last building structure as shown in the Development plan.

30 **SECTION 7. 6. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
31 permanent improvements on the property are subject to final design approval by the Planning
32 Commission to insure that the plans are consistent with the Development Plan and this
33 Ordinance.

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

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1 **SECTION 9. 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
2 day after the date it is enacted.

3 **Editor's Note:** Exhibits 1 through 7, attached herein, were added by amendment
4 on August 15, 2022 by the City Council.

HARBOR POINT
Baltimore, Maryland

March 2022

Planned Unit Development



EXHIBIT 1

4022-001 00000000
00 00 00 00 00 00 00 00
00 00 00 00 00 00 00 00
00 00 00 00 00 00 00 00

Maximum Power
620

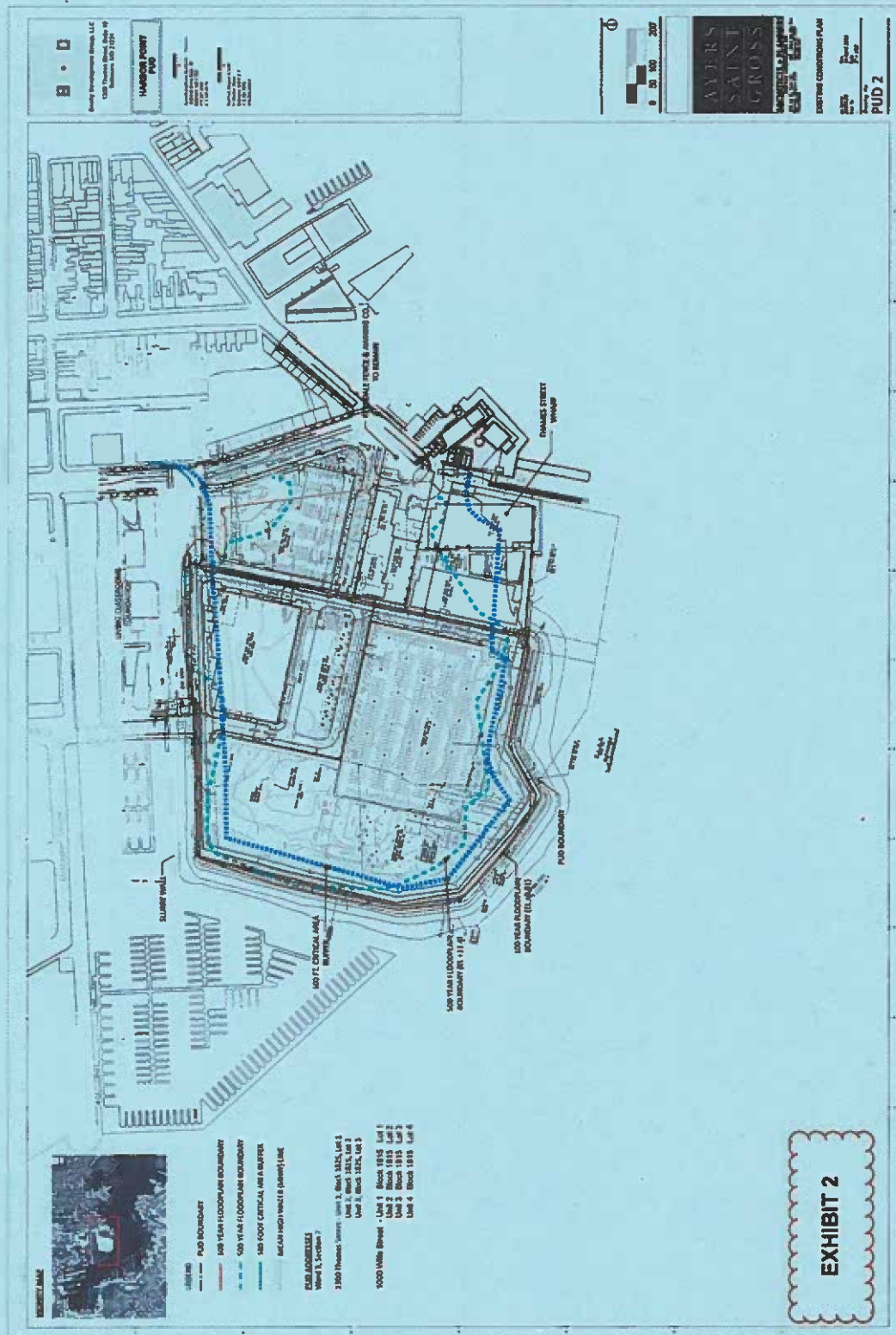
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PUD 1 Title Sheet
 PUD 2 Existing Conditions Plan
 PUD 3 Parcel Area Plan
 PUD 4 & 5 Development Plan
 PUD 6 Proposed Open Space & Public Access Easement Plan
 PUD 7 Proposed Illustrative Plan

AVERS
SALUT
GROSS

PUD 1

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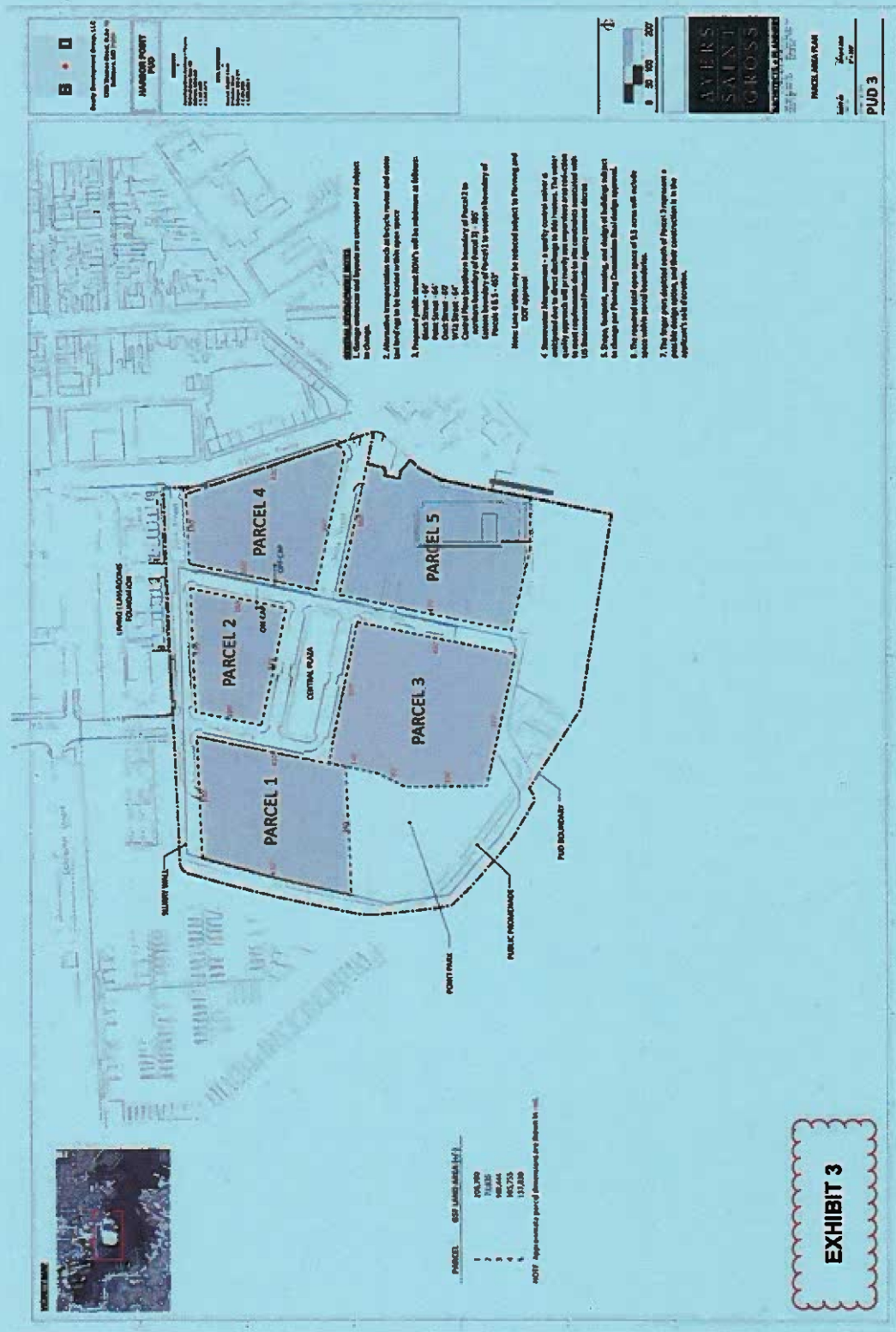


EXHIBIT 3



EXHIBIT 5

662-234-09 ext. 200
 1000 West 10th St
 Anchorage, AK 99501

MANAGING POWER

1000

100

2. Building height to be measured from Ground Floor level.
2. Floor 2 height and density determined by underlying D-50 zoning; inferred height, no parking required

3. Parcel B must consist of least two adjacent buildings with base heights as shown on diagram. In addition to base height, one building is permitted to exceed base height to 237'. Four other buildings base height is limited to 53, 100, 100 and 100 feet and they will be more than 50% of the

4. The naming suggestions shown here are illustrative in content and direction. The ultimate disposition of height and mass within the project, will be the result of the final program and proposed design, which will require review and approval by the City of Baltimore - Department of Planning.

3. If no specific answers are shown, refer to Notes for additional practice.

d. Mathematical problems that not exceed 20 feet in height occur in the lower zone (as defined in PUGB 99).

[illegible]

70 fl.
76 fl.
100 fl.
135 fl.
180 fl.
240 fl.
360 fl.
540 fl.

RESISTANCE TO CHANGE

Model 1: A General Approach

三

52

501

PUO 5

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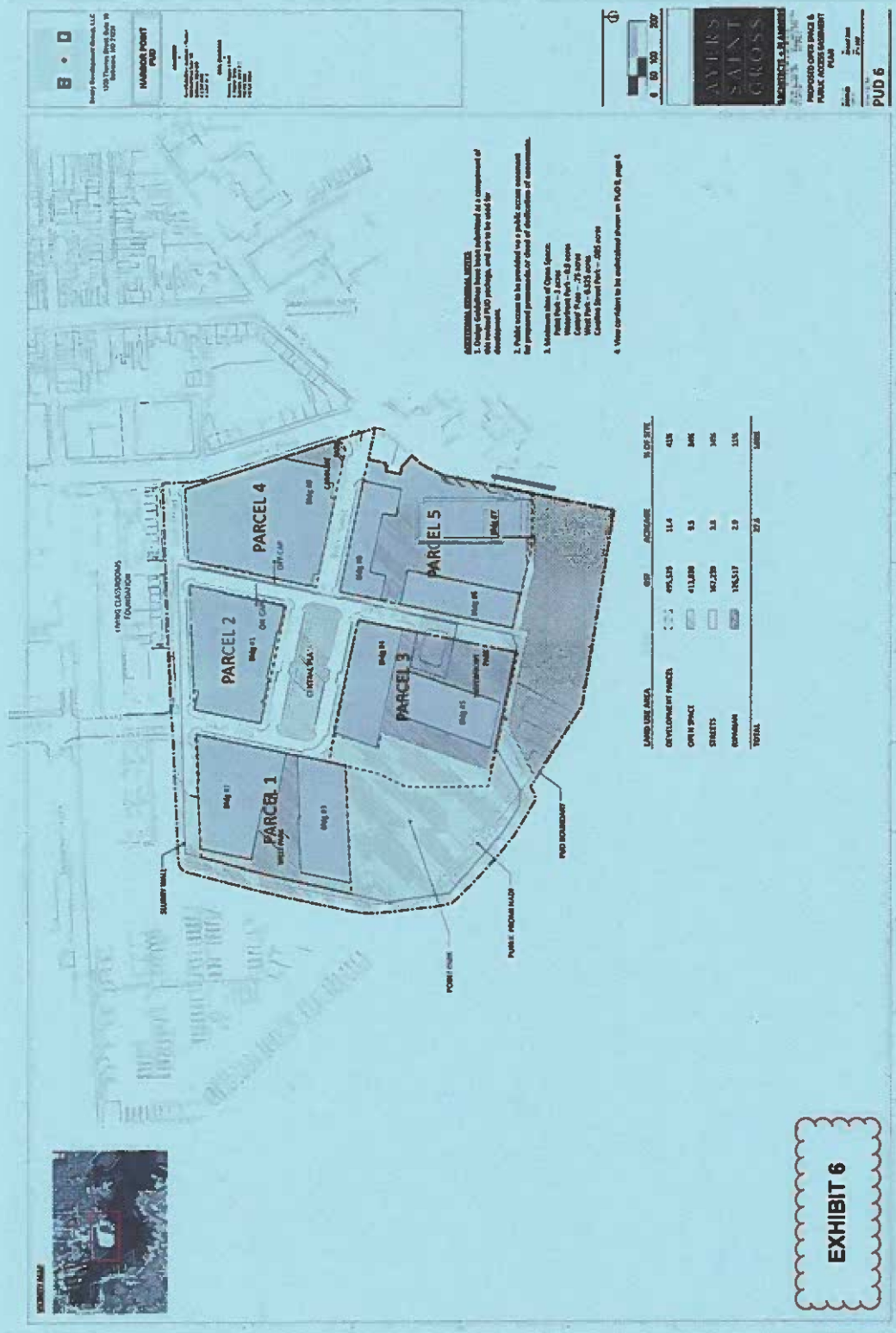



EXHIBIT 6

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Certified as duly passed this 12 day of September, 2022



President, Baltimore City
Council

Certified as duly delivered to His Honor, the Mayor,

this 12 day of September, 2022



Chief Clerk

Approved this 11th day of October, 2022



Mayor, Baltimore City