



4/4/2022

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Baltimore City Council

Introduced

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

## **Introductory\***

### **City of Baltimore Council Bill**

Introduced by: Councilmember Cohen

At the request of: Harbor Point Development LLC

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#### **A Bill Entitled**

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.

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, which shall supersede any and all previous versions of the same referenced in Ordinance 13-136.

**Section 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
    - (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 3. And be it further ordained** , That Section 5 of Ordinance 13-136 shall be deleted in its entirety and replaced with “Reserved”.

**Section 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 parking and shall be removed at the end of the [24] 36 months. The Planning Commission has the discretion to amend the conditions under which temporary or interim parking is allowed under this Ordinance. [The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other appropriate causes, in accordance with the shared parking formula provided on PUD 4, entitled “Development Plan.”]

**Section 5. And be it further ordained**, That Section 8 of Ordinance 13-136 shall be amended to read as follows:

**Section 8. And be it further ordained** , That the applicant shall complete the development of the Open Space and Public Promenade, as described on PUD [6] 5, entitled “Proposed Open Space & Public Access Easement Plan,” in accordance with the following schedule and conditions:

- (a) Upon completion and prior to Use and Occupancy Permit of Building #1 on Parcel 2, the applicant shall complete construction of the Central Plaza and the temporary promenade on fast land and green space as identified on PUD [6] 5,

entitled “Proposed Open Space and Public Access Easement Plan.”

- (b) As the applicant undertakes to construct the second building within Parcel 3, the Applicant shall also begin development of the Waterfront Park (as shown on PUD [6] 5, entitled “Proposed Open Space and Public Access Easement Plan”). Upon completion of the second building within Parcel 3, the Waterfront Park and adjacent section of the Public Promenade shall be completed.
- (c) On or before the completion of the [Building #3 or Building #5] the building on Parcel 3 [(whichever shall be completed last)], the Applicant shall complete development of Point Park [located between the Parcel 1 and Parcel 3], in accordance with the design plan.
- (d) The remainder of the permanent Promenade shall be completed on or before the completion of the last building structure as shown in the Development plan.

**Section 6. And be it further ordained** , That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

**Section 7. And be it further ordained** , That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

**Section 8. And be it further ordained** , That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.