



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Legislation Text

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**File #:** 05-0223, **Version:** 0

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INTRODUCTORY\*

### CITY OF BALTIMORE COUNCIL BILL

Introduced by: President Dixon

At the request of: The Administration (Department of Housing and Community Development)

### A BILL ENTITLED

AN ORDINANCE concerning

### **Zoning - Conditional Use Structures on Piers - 1715 Thames Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a hotel and residential use in the context of a hotel, office space, retail, restaurant and bar with outdoor seating, marina, and maritime service complex with off-street parking on the property known as 1715 Thames Street, as outlined in red on the accompanying plat; and providing for a special effective date.

BY authority of

Article - Zoning

Section(s) 6-309(13), 14-102, 14-353, and 15-xxx3

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a hotel and residential use in the context of a hotel, office space, retail, restaurant and bar with outdoor seating, marina, and maritime service complex with off-street parking under the Fells Point Urban Renewal Plan<sup>4</sup> on the property known as 1715 Thames Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 6-309(13), 14-102, and 14-353, subject to the condition that all structures and uses comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That parking requirements are waived, in accordance with Baltimore City Zoning Code §15-101.5

SECTION 3. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat 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 plat; (ii) when the Mayor

approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat 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 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

1 See note below to Section 2.

2 See note below to Section 2.

3 See note below to Section 2.

4 What is this (non-standard) reference intended to qualify / mean? (I've omitted it from the Title, but have left it here pending....)

5 This statement is problematic on several levels:

First, the citation is incorrect - or, at best, incomplete: § 15-101 is not itself a grant of authority but merely a contextual lead-in to "the provisions of this title".

Second, the title authorizes the grant of "variances", not "waivers".

Third, and most problematic, even the specific sections that would apply here - § 15-208 {"Off-street parking - in general"} and § 15-209 {"Off-street parking - marinas"} - are not self-executing: they authorize the Board or, as in this case, the City Council to grant certain variances "up to" or "by no more than" certain limits. The nature (e.g., number of spaces or maximum distance), scope (e.g., for hotel, marina, or entire complex) and extent (e.g., a 20%, 50%, 75%, or other) of each variance still needs to be spelled out in the grant (i.e., in this Ordinance) - together with (I would strongly urge) a clear and unequivocal statement of or reference to any statutory conditions that must be met to qualify for the variance. For example, your flat statement that "parking requirements are waived" suggests (tho not clearly so) an intent to exempt the entire complex (hotel, office, retail, marina, etc.) from all off-street parking requirements. The only provision of which I'm aware that allows a variance of "up to 100%" of parking requirements is in § 15-209(b), for "accessory marinas" - and, even then, the variance is subject to certain conditions. (I note that a companion bill to amend the Renewal Plan would provide that "Disposition Lot 22 shall be exempt from the off-street parking requirements for hotels, as specified in Appendix A, Section C.9.a.". Although that provision would remove the hotel from the specific requirements imposed by the Plan, it does not purport to (assuming it could) exempt the hotel or any other part of the complex from the requirements imposed by the Zoning Code.)

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