

INTRODUCTORY

**CITY OF BALTIMORE
COUNCIL BILL**

Introduced by: Councilmember Cole

At the request of: The State of Maryland, Department of General Services and
the Mayor and City Council of the City of Baltimore

Address: c/o Michael Gaines, Department of General Services,
300 W Preston Street, Room 601, Baltimore, Maryland 21201

Telephone: 410-767-4300

A BILL ENTITLED

AN ORDINANCE concerning

**Planned Unit Development – Designation – The State Center - Transit Oriented
Development Business Planned Unit Development**

FOR the purpose of approving the application of The State of Maryland (the “State”) and the City of Baltimore (the “City”), owners of certain property located in and around the State Center area, including 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address” (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking Lot North” and “Armory Parking Lot East” comprising 1.70 acres (No Block or Lot, but constituting Rights-of-Way), respectively, (collectively, the “State Center” or the “Property”), consisting of approximately 32.65 acres of land, streets and open space inclusive, more or less, to have the State Center designated a Business Planned Unit Development; and approving the Development Plan submitted by the State and City.

BY authority of

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

Recitals

The State is the fee simple owner of certain property consisting of approximately 20.138 acres of land, more or less, excluding streets and open space, and identified on the attached Development Plan as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address” (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street (Block 478, Lot

1), 201 West Preston Street (Block 478, Lot 2), (the “State-Owned Property”), which includes five State owned and operated buildings with several adjoining parking lots and support facilities.

The City is the fee simple owner of certain property consisting of 1.7 acres of land, more or less, excluding streets and open space, and identified on the attached Development Plan as “Armory Parking Lot North” (No Block or Lot) and “Armory Parking Lot East” (No Block or Lot) (the “City-Owned Property”).

In addition to rehabilitating and reconfiguring its core State facilities, the State intends to redevelop the State Center for governmental, business, and residential use, to encourage urban revitalization and enhancement of the State Center area, and to transform the State Center into a mixed-use, mixed-income, Transit Oriented Development and Smart Growth site (the “TOD Goals”).

Although not subject to the jurisdiction of Baltimore City unless specifically provided by State statute, in order to achieve the TOD Goals, the State has elected to participate in the City’s planning process and to seek a Business Planned Unit Development designation for the State Center in preparation for any potential future disposition of State-Owned Property to a private entity that may be necessary to effectuate the redevelopment of the Property.

It is understood that the Business Planned Unit Development does not apply to the State-Owned Property so long as the State owns or controls the State-Owned Property and the State, by participating in the City’s planning process or this PUD designation, is neither consenting to nor waiving its sovereignty with regard to State-Owned Property or Baltimore City’s jurisdiction.

On July 14, 2008, the State met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the Property and to institute proceedings to have the Property designated a Business Planned Unit Development.

The State has now submitted the required documentation to the Baltimore City Council for designation of the Property as a Business Planned Unit Development, including a Development Plan in accordance with the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code (“Zoning Code”).

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the submittal of the State and City, collectively the owners of the properties identified as 1100 North Eutaw Street (Block 459, Lot 1), “No address” (Block 459, Lot 2), “No address” (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), “No address” (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and “Armory Parking Lot North” (No Block or Lot), and “Armory Parking Lot West” (No Block or Lot), respectively, on the attached Development Plan, consisting of 32.65 total acres, more or less, as outlined on the accompanying Development Plan entitled “The State Center – Transit Oriented Development Business Planned Unit Development”, consisting of PUD Sheet 1, “Existing Conditions Plan”, dated July 9, 2008, PUD Sheet 2, “Proposed Development Plan”, dated July 9,

2008, PUD Sheet 3, “Height and Massing Plan”, dated July 9, 2008, PUD Sheet 4, “Preliminary Landscape / Forest Conservation Plan” dated July 9, 2008, and PUD Sheet 5, “Streetscape Sections Plan”, dated July 9, 2008, consisting of 32.65 acres of land, more or less, to designate the Property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the State is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4 of the Zoning Code, the Planned Unit Development shall be enacted as follows:

A. The following uses are permitted within the Planned Unit Development:

(1) All permitted, accessory, and conditional uses as allowed in the B-1 and B-2 Zoning Districts are allowed and authorized as permitted uses within the Business Planned Unit Development, unless stipulated herein.

(2) Without limiting the uses allowed in the B-1 and B-2 Zoning Districts, the following are also specifically allowed and authorized as permitted uses within the Business Planned Unit Development:

- i. Amusement arcades
- ii. Artisans’ and craft work
- iii. Bakeries — including the sale of bakery products to restaurants, hotels, clubs, and similar establishments
- iv. Bakery goods: retail and retail manufacturing
- v. Beer and ale: brewing
- vi. Boiler works accessory to any permitted use
- vii. Coffee roasting: retail and retail manufacturing
- viii. Computer centers
- ix. Convention Halls
- x. Fire and police stations
- xi. Food Commissaries accessory to any permitted use
- xii. Garages & Lots for Bus & Transit Vehicles
- xiii. Laboratories: research and testing
- xiv. Machines, business and office, new and used, sales, rental, and service
- xv. Microwave antennas (satellite dishes)
- xvi. Motor vehicle rental establishments
- xvii. Newstands
- xviii. Outdoor table service accessory to any permitted use
- xix. Parcel collection and delivery stations
- xx. Photographic printing and developing establishments: retail
- xxi. Prepared food delivery service including operations accessory to a restaurant

- xxii. Public utility services and transportation uses, as follows:
 - a. antenna towers, microwave relay towers, and similar installations for communications transmission or receiving
 - b. bus and transit passenger stations and terminals
 - c. electric distribution centers and substations
 - d. electric power generator stations
 - e. radio and television stations and studios
 - f. repeater, transformer, etc. installations
 - g. sewerage pumping stations
 - h. water filtration plants, reservoirs, and pumping stations
- xxiii. Railroad rights-of-way & stations
- xxiv. Recreational facilities: indoor and outdoor
- xxv. Repeater, transformer, pumping, booster, switching, conditioning and regulating stations, and similar installations
- xxvi. Restaurants – including live entertainment and dancing
- xxvii. Science centers
- xxviii. Tattoo parlors
- xxix. Taverns – including live entertainment and dancing
- xxx. Trade Centers
- xxxi. Vending Machines for Retail Sale of Products

B. "Green Uses" (as defined herein) shall also specifically be allowed and authorized as permitted uses within the Business Planned Unit Development. A "Green Use" shall mean any use or method, which is not specifically defined or prescribed by the Zoning Code but is consistent with the spirit and intent of the Zoning Code - which provides efficiencies in sustainable sites and development, utilizes "green" building principles, enhances energy, waste management, or environmental indoor and outdoor quality - the implementation of which should reasonably lead to the acquisition of credits toward certification from the United States Green Building Counsel's Leadership in Energy and Environmental Design (LEED) Green Building Rating System®. Green Uses may include, by way of example, but not limitation:

- (1) Innovative energy generation and distribution technologies;
- (2) Innovative wastewater technologies;
- (3) On-site wastewater treatment systems – utilizing a localized treatment system to transport, store, treat and dispose some or all wastewater volumes generated on the project site;
- (4) Gray water systems – wastewater discharged from lavatories, bathtubs, showers, clothes washers, and laundry sinks, that is filtered and reused for irrigation or other non-potable water uses; and
- (5) Storm water reuse facilities.

C. The following uses are prohibited within the Planned Unit Development:

- i. Automobile accessory stores – including related repair and installation services

- ii. Blood donation centers
- iii. Check cashing stores
- iv. Firearm sales, ammunition sales, or both
- v. Gasoline service stations
- vi. Gun shops
- vii. Marinas
- viii. Pawnshops
- ix. Poultry and rabbit-killing establishments
- x. Travel trailers, recreational vehicles, and similar camping equipment: parking or storage
- xi. Furriers

D. The following uses are conditional uses within the Planned Unit Development:

- i. After hours establishments
- ii. Bakery goods: wholesale manufacturing
- iii. Dance Halls
- iv. Homes for the rehabilitation of non-bedridden alcoholics and for the
- v. Care and custody of homeless persons

SECTION 4. AND BE IT FURTHER ORDAINED, That the Floor Area and Density within the Planned Unit Development shall be:

A. The maximum allowable floor area may not exceed 6,989,223.7 square feet (which includes gross density TOD bonus).

B. The maximum allowable density may not exceed 2,000 dwelling units.

SECTION 5. AND BE IT FURTHER ORDAINED, That if the State disposes the State-Owned Property to a private entity for private use, all plans for the construction of permanent improvements on the Property shall be subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the Zoning Code: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the 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 30th day after the date it is enacted.