

**CITY OF BALTIMORE**  
**ORDINANCE 04-665**  
**Council Bill 03-1222**

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Introduced by: Councilmembers Spector, Holton, Rawlings Blake, Abayomi  
At the request of: The Maryland Jockey Club of Baltimore City, Inc.  
Address: c/o Robert W. Cannon, Esquire, Saul Ewing LLP, 100 South Charles Street, 15<sup>th</sup>  
Floor, Baltimore, Maryland 21201  
Telephone: 410-332-8816  
Introduced and read first time: October 20, 2003  
Assigned to: Land Use and Planning Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 8, 2004

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**AN ORDINANCE CONCERNING**

**Planned Unit Development —  
The Maryland Jockey Club of Baltimore City, Inc.**

FOR the purpose of repealing the existing Development Plan for The Maryland Jockey Club of Baltimore City, Inc., Planned Unit Development and approving a new Development Plan for The Maryland Jockey Club of Baltimore City, Inc. Planned Unit Development.

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

**Recitals**

By Ordinance 75-977, the Mayor and City Council approved the application of The Maryland Jockey Club of Baltimore City, Inc., to have certain properties located in the vicinity of Belvedere Avenue, Park Heights Avenue, West Rogers Avenue, and Preakness Way, containing Pimlico Race Course and other properties, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

The Maryland Jockey Club of Baltimore City, Inc. (“Developer”) wishes to rescind Ordinance 75-977 and replace the existing Development Plan, with a new one. The replacement Business Planned Unit Development is to include certain properties located in the vicinity of Belvedere Avenue, Park Heights Avenue, West Rogers Avenue, and Preakness Way, containing Pimlico Race Course and other properties.

On October 14, 2003, representatives of The Maryland Jockey Club of Baltimore City, Inc., met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed new 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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1 The representatives of The Maryland Jockey Club of Baltimore City, Inc., have now applied  
2 to the Baltimore City Council for approval of the replacement Planned Unit Development, which  
3 is intended to satisfy the requirements of Title 9, Subtitles 1 and 4, of the Baltimore City Zoning  
4 Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
6 Ordinance 75-977 is repealed, subject to Section 9(a)(2) below.

7 **SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
8 Mayor and City Council approves the replacement of the Planned Unit Development, subject to  
9 Section 9(a)(2) below, and approves the new Development Plan submitted by the Developer, as  
10 attached to and made part of this Ordinance, including 9 drawings dated February 5, 2004,  
11 prepared by Magna Entertainment Corp. and entitled as follows: “Existing Conditions”, dated  
12 October 14, 2003; and “Proposed Conditions”, dated October 14, 2003 “Pimlico Race Course  
13 Planned Unit Development”, and consisting of the following: “Existing Condition” (Sheet 1 of  
14 9); “Master Plan Phase 1” (Sheet 2 of 9); “Master Plan Phase 2” (Sheet 3 of 9); “Master Plan  
15 Landscape Plan Phase 1” (Sheet 4 of 9); “Master Plan Landscape Plan Phase 2” (Sheet 5 of 9);  
16 “Master Plan Perimeter Planting Plan” (Sheet 6 of 9); “Master Plan Perimeter Planting  
17 Prototypes A-C” (Sheet 7 of 9); “Master Plan Perimeter Planting Prototypes D-F” (Sheet 8 of 9);  
18 and “Master Plan Massing Plan” (Sheet 9 of 9).

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That except as otherwise provided in this  
20 Ordinance, and subject to the conditions and phases specified, all uses allowed as permitted or  
21 conditional as listed in a B-3 Community Commercial District are allowed.

22 (a) Phase I 1 of Development: For Phase I 1 of the Development:

- 23 (1) The following uses are generally permitted: racetracks; grandstands and other  
24 spectator accommodations; clubhouses; simulcasting and pari-mutuel wagering  
25 facilities; garages and open-off street lots for parking of vehicles, including bus  
26 and transit vehicles; and stables, paddocks, and related facilities for horses and  
27 people who work with them.
- 28 (2) The following uses are permitted within an enclosed building: auction rooms;  
29 business and professional offices; museums; restaurants, taverns, and lunchrooms,  
30 including live entertainment and dancing.
- 31 (3) The following uses are permitted only within an enclosed building ~~with certain~~  
32 ~~maximum capacities as follows:~~
- 33 (i) ~~Meeting~~ meeting and banquet hall facilities with a maximum seating  
34 capacity of 2,800.
- 35 (ii) ~~Hotel with a maximum of 700 guest rooms or keys.~~

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1                    ~~(iii) Three theaters to accommodate concerts, live theater, and movies with the~~  
2                    ~~maximum aggregate capacity of 3000.~~

3                    (4) The following uses are permitted as part of the overall operation for the Pimlico  
4                    Racetrack facility to serve primarily staff of the facility: apartment hotels; day  
5                    care facilities, as follows: day nurseries, nursery schools and school-age child  
6                    care centers; and dwelling units and rooming houses for people who work with  
7                    horses or at the subject property.

8                    (5) The following accessory uses are permitted: mounted radio and television  
9                    antennas and towers, and mounted and freestanding microwave antennas (satellite  
10                    dishes). In no event may the height of any antenna and tower exceed by more  
11                    than ~~25~~ 20 feet the height of the highest structure on the subject property. The  
12                    primary purpose of the antennas and towers allowed shall be for simulcasting  
13                    racetrack events, but the towers and antennas are allowed to have co-location on  
14                    them for wireless carriers.

15                    (6) The following uses are permitted indoors or within the grandstand areas of the  
16                    racetrack: automatic teller machines; artisans' and craft work; banks and savings  
17                    and loan associations; barber shops; beauty shops; book stores: general; camera  
18                    and photographic supply stores; candy and ice cream stores; carry-out food shops;  
19                    department stores; gift and card shops; food stores, grocery stores; meat markets,  
20                    bakeries, and delicatessens; newsstands; outdoor table service when accessory to  
21                    a restaurant, taverns and lunchrooms; post offices; shoeshine parlors; ticket  
22                    agencies; tobacco shops; travel bureaus; and vending machines for retail sale of  
23                    products.

24                    (7) The following uses are permitted, on the infield of the race track during racing  
25                    events: all uses listed in Section 3(a)(6); pari-mutuel wagering facilities;  
26                    restaurants, taverns, and lunch rooms, including live entertainment and dancing;  
27                    and outdoor table service.

28                    (8) Additional outdoor uses:

29                    (i) The following additional outdoor uses, ~~unless otherwise stipulated in this~~  
30                    ~~Ordinance~~, are permitted:

31                    A. Concerts (not to exceed ~~10~~ 5 per year), with the stages to be  
32                    located on the infield on the racetrack; and

33                    B. Festivals for non-profit groups (not to exceed 5 per year); antique  
34                    shops and shows; art galleries and shows, including artisan and  
35                    craft work; farmers markets (defined as farmers coming to sell  
36                    their produce to the public); and flea markets on the infield or on  
37                    parking lots.

38                    (ii) All outdoor programs and activities, other than for the care of horses and  
39                    not including post-event activities such as set dismantling and cleanup,  
40                    shall conclude by ~~midnight~~ 10:00 p.m. Any concerts shall be in  
41                    conjunction with the Preakness Stakes or other major racing events. A

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major racing event is defined as an event with an expected patronage of 12,000 or more persons.

(b) Phase H 2 of Development: Allows all of the uses listed for Phase I 1 as allowed. In addition, the following uses are permitted uses, subject to the ~~condition~~ conditions that the property hosts live racing during some portion of the calendar year for a season set by the Maryland Racing Commission and hosts ~~to~~ the Preakness Stakes for that calendar year:

(i) After-hours activities for the portion of the complex that caters to patrons, limited to Saturdays and Sundays.

(ii) Video lottery terminal facilities, subject to:

A. State law; and

B. An amendment of the Zoning Code to allow video lottery terminals in the B-3 Business District.

(iii) Three theaters within an enclosed building to accommodate concerts, live theater, and movies, with the maximum aggregate capacity of 3,000.

(c) Prohibited Uses:

(1) Notwithstanding anything to the contrary in this Ordinance, the following uses are prohibited in the Planned Unit Development: automobile accessory stores, including repair and installation; batteries and tires: sales and service; car washes; community correction centers; convalescent, nursing, and rest homes; dog and cat kennels; dry cleaning establishments; facilities for house pets and wild animals; exterminators' shops; firearm sales; gasoline service stations; heliports; massage salons; motor vehicles: rental or sale; parole and probation field offices; poultry and rabbit-killing establishments; and substance abuse treatment centers.

(2) References in this Ordinance to "live entertainment" do not include or authorize adult entertainment as defined by the Zoning Code.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That structured and surface parking shall be permitted on the subject property during both Phase I 1 and Phase H 2 of the Development. The minimum parking requirements for each phase are as follows: \_\_\_\_\_

~~Notwithstanding anything to the contrary in this Ordinance, these parking ratios do not apply on days that the Preakness is held~~ requirement for Phase 1 shall be 1,440 spaces. The minimum parking requirement for Phase 2 shall be such that, on the issuance of an occupancy permit for video lottery terminals on the subject property, there are 1.4 parking spaces for each video lottery terminal. In addition, during Phase 1 and Phase 2, stabilized turf parking shall be allowed for the Preakness Stakes and other major racing events (and for interim parking during construction) on the land within the Planned Unit Development boundary between Northern Parkway and West Rogers Avenue.

~~**SECTION 5. AND BE IT FURTHER ORDAINED,** That the traffic flow and road improvements recommended in the Phase I study dated \_\_\_\_\_, 2003, prepared by Wells and~~

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1 ~~Associates (attached as Exhibit A) shall be implemented during Phase I. The traffic flow and~~  
2 ~~road improvements recommended in the Phase II study dated \_\_\_\_\_, 2003,~~  
3 ~~prepared by Wells and Associates (attached as Exhibit B) shall be implemented during Phase II.~~

4 SECTION 5. AND BE IT FURTHER ORDAINED, That the triangular shaped property north of  
5 Northern Parkway, between Pimlico Road, West Rogers Avenue, and Preakness Way, should be  
6 designated as open space, subject to landscaping on the “Master Plan Phase 1” (Sheet 2 of 9) and  
7 “Master Plan Phase 2” (Sheet 3 of 9) and on all subsequent sheets as deemed necessary. No  
8 permanent structures may be built on that land.

9 SECTION 6. AND BE IT FURTHER ORDAINED, That permanent structures are prohibited from  
10 being built on the area bounded by Northern Parkway on the north and east, West Rogers  
11 Avenue to the south, and Winner Avenue to the west. Additionally, that area may only be used  
12 for surface parking and a farmers market. Surface parking is limited to the occurrence of a  
13 farmers market and major racing events.

14 SECTION 7. AND BE IT FURTHER ORDAINED, That, after the issuance of an  
15 occupancy permit for video lottery terminals on the subject property, there shall be no charge for  
16 general parking on the subject property. This free parking requirement does not apply to valet or  
17 other special parking.

18 SECTION 8. AND BE IT FURTHER ORDAINED, That the following traffic flow and road  
19 improvements shall be implemented during Phase 1: the section of Preakness Way between  
20 Northern Parkway and Belvedere Avenue shall be restriped, and curb cuts shall be added to  
21 accommodate turns from Preakness Way onto the subject property. The traffic flow and road  
22 improvements required for Phase 2 are listed in Exhibit A hereto. Additionally, traffic patterns  
23 should be evaluated one year after construction, or as deemed necessary by the Department of  
24 Transportation.

25 SECTION 6 9. AND BE IT FURTHER ORDAINED, That the phasing for this project shall be as  
26 follows:

27 (a) Pre-Phase I Perimeter Landscape:

28 (1) ~~On November \_\_\_\_\_, 2003~~ January 22, 2004, the Planning Commission approved a  
29 granted Final Design Approval for a Pre-Phase I Landscaping, Fencing, and  
30 Screening Plan for Pimlico Racetrack (the “Pre-Phase I Landscaping Plan”) the  
31 “Perimeter Landscape Final Design for the Approved Planned Unit Development”  
32 (the “Perimeter Landscape Design”). This plan includes the demolition of houses  
33 that are between West Rogers Avenue and Northern Parkway and owned by The  
34 Maryland Jockey Club and its affiliates, and the planting of grass or “grass-phalt”  
35 pavers stabilized turf for parking in accordance with Section 4 hereof.

36 (2) ~~The Pre-Phase I Landscaping Plan~~ Notwithstanding the fact that the attached  
37 Development Plan described in Section 2 hereof replaces Ordinance 75-977, the  
38 Perimeter Landscape Design must be implemented prior to Phase I 1 building  
39 permits being approved by the City of Baltimore. Demolition permits may be  
40 approved, but a permit for the new grandstand building, parking lots, or the  
41 racetrack relocation may not be approved until the Pre-Phase I Landscaping Plan  
42 Perimeter Landscape Design has been completed. If Phase I 1 does not proceed,

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1 then the ~~Pre-Phase I Landscaping Plan~~ Perimeter Landscape Design must be  
2 completed by the ~~Preakness 2004~~ Stakes 2005.

3 (3) The ~~Pre-Phase I Landscaping Plan~~ Perimeter Landscape Design must also be  
4 maintained. The Racetrack owners must assess the plant conditions at a minimum  
5 during each planting season (spring and fall) and replace plants as needed.

6 (b) Phase I 1: Phase I 1 may be implemented at any time after the ~~Pre-Phase I~~  
7 ~~Landscaping, Plan~~ Perimeter Landscape Design is completed.

8 (1) In any event, the Maryland Jockey Club (MJC) must complete all of Phase 1  
9 Landscaping by the third week of May 2005. In the event that all of Phase 1  
10 Landscaping is not complete by the third week of May 2005, this PUD legislation  
11 shall become null and void.

12 (2) The Maryland Jockey Club (MJC), after the issuance of permits for Phase 1  
13 Development, plus 4 years, shall complete at least 25% of Phase 1 Development.  
14 In the event that the MJC does not complete at least 25% of Phase 1 Development  
15 by the designated time, this PUD legislation shall become null and void.

16 (c) Phase H 2: Phase H 2 may be implemented simultaneously with Phase I 1 or  
17 subsequent to Phase I 1, but not prior to Phase I 1.

18 **SECTION 7 10. AND BE IT FURTHER ORDAINED**, That this Ordinance applies to all parcels  
19 that are within the boundary of the Planned Unit Development, as shown on the "~~Proposed~~  
20 ~~Conditions Master Plan Phase 2~~", and that are currently owned by The Maryland Jockey Club of  
21 Baltimore City, Inc. Additionally, upon the purchase or lease by The Maryland Jockey Club of  
22 Baltimore City, Inc., its successors, or assigns, of any other parcel(s) located within the  
23 boundaries shown on the "~~Proposed Conditions Master Plan Phase 2~~", these parcel(s) ~~will be~~ are  
24 included in the Planned Unit Development.

25 **SECTION 8 11. AND BE IT FURTHER ORDAINED**, That the Planning Department may  
26 determine what constitutes minor or major modifications to the Plan. Minor modifications and  
27 design approvals for the subject property shall be reviewed and approved by the Planning  
28 Commission to ensure consistency with this Ordinance. Major modifications require approval  
29 by Ordinance.

30 **SECTION 9 12. 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 10 13. 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 ~~11~~ 14. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the  
2        30th day after the date it is enacted.

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Exhibit A

Phase 2 Traffic and Road Flow Improvements

Before the issuance of an occupancy permit for video lottery terminals on the subject property:

1. The following traffic and road flow improvements shall be under construction:

a. At the intersection of Northern Parkway and Park Heights Avenue, add a second southbound left turn lane.

b. At the intersection of Northern Parkway and Preakness Way, add a second westbound left turn lane.

c. At the intersection of Northern Parkway and Belvedere Avenue, add a second westbound left turn lane. Otherwise, provide a letter from Sinai Hospital that indicates that an alternative solution for this intersection will be implemented.

d. Install an interconnected traffic signal system on Northern Parkway between Falls Road and Liberty Heights Road. This 5-mile system would include approximately 14 signals.

2. The following traffic and road flow improvements shall be submitted to the United States Department of Transportation for approval:

a. At the intersection of Northern Parkway and Interstate 83, provide either a second eastbound left turn lane from Northern Parkway onto northbound I-83 or a second westbound right turn lane from Northern Parkway onto northbound I-83.

b. At the intersection of Northern Parkway and Falls Road, add a second eastbound left turn lane and a free-flowing southbound right turn lane.

c. At the intersection of Northern Parkway and Interstate 83, provide a free-flowing right turn lane on the southbound off-ramp.



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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City