

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0633

Introduced by: Councilmember Kraft

At the request of: COPT CCW I, LLC; COPT CCW II, LLC; COPT CCW III, LLC; COPT Harbour's Edge, LLC; COPT CC Tower, LLC; COPT CC D1, LLC; COPT CCW IV, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201
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Introduced and read first time: March 7, 2016

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: May 16, 2016

AN ORDINANCE CONCERNING

1 Planned Unit Development – Designation – Canton Crossing

2 FOR the purpose of repealing the existing Development Plan for the Canton Crossing Planned
3 Unit Development and approving a new Development Plan for the Canton Crossing Planned
4 Unit Development.

5 BY authority of
6 Article - Zoning
7 Title 9, Subtitles 1 and 5
8 Baltimore City Revised Code
9 (Edition 2000)

10 Recitals

11 By Ordinance 01-192, the Mayor and City Council approved the application of Canton
12 Crossing, LLC, to have certain property located south of Boston Street, ~~east west~~ of South Haven
13 Street, north of Danville Avenue, and east of the Patapsco River (but also including certain
14 riparian rights), consisting of ~~67.19~~ 34.80 acres, more or less, designated as an Industrial Planned
15 Unit Development and approved the Development Plan submitted by the applicant. Ordinance
16 01-192 was subsequently amended by Ordinances 02-369, 03-641, 04-873, 07-633, and 11-570.

17 COPT CCW I, LLC; COPT CCW II, LLC; COPT CCW III, LLC; COPT
18 Harbour's Edge, LLC; COPT CC Tower, LLC; COPT CC D1, LLC; COPT CCW IV, LLC (the
19 "COPT Entities") are the current owners of certain property within the Planned Unit
20 Development. The COPT Entities, on behalf of themselves and the other property owners within
21 the Planned Unit Development, wish to rescind Ordinance 01-192, as amended by Ordinances
22 02-369, 03-641, 04-873, 07-633, and 11-570, and to replace the existing Development Plan with
23 a new one that will amend the permitted uses and their density, and to generally provide for a

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 mixed-use, live/work/play urban development including, but not limited to, residential, hotel,
2 office, and retail uses.

3 On February 1, 2016, representatives of the Applicant met with the Department of Planning
4 for a preliminary conference, to explain the scope and nature of existing and proposed
5 development on the property and to institute proceedings to have the property designated an
6 Industrial Planned Unit Development.

7 The representatives of the Applicant have now applied to the Baltimore City Council for
8 designation of the property as an Industrial Planned Unit Development, and they have submitted
9 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
10 Baltimore City Zoning Code.

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
12 Ordinances 01-192, 02-369, 03-641, 04-873, 07-633, and 11-570 are repealed.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
14 application of the COPT Entities to designate the property located south of Boston Street, ~~east~~
15 ~~west~~ of South Haven Street, north of Danville Avenue, and east of the Patapsco River (but also
16 including certain riparian rights), consisting of ~~67.19~~ 34.80 acres, more or less, as an Industrial
17 Planned Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
19 approves the replacement of the Planned Unit Development and approves the new Development
20 Plan submitted by the Applicant, as attached to and made part of this Ordinance, including:

- 21 (a) Sheet 1, “Existing Conditions Plan”, dated February 29, 2016;
22 (b) Sheet 2, “Development Plan”, dated February 29, 2016;
23 (c) Sheet 3, “Illustrative Landscape Plan”, dated February 29, 2016;
24 (d) Sheet 4, “Zoning Envelope 3D Diagram”, dated ~~February 29~~ May 11, 2016; and
25 (e) Sheet 5, “Illustrative Site Plan”, dated ~~February 29~~ May 11, 2016.

26 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
27 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
28 Development:

- 29 (a) all permitted, accessory, and conditional uses as allowed in the B-2 Zoning District.
30 (b) The following additional uses are specifically permitted in the Planned Unit
31 Development:
32 (1) ambulance service
33 (2) amusement arcades for adults over the age of 21
34 (3) animal hospitals

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- 1 (4) artisans' and craft work
- 2 (5) automobile accessory stores - including repair and installation services so long
3 as all work is done under or in an area screened from view
- 4 (6) bakeries - including the sale of bakery products to restaurants, hotels, clubs,
5 and similar establishments
- 6 (7) boats: sales, rental, and repair so long as all work is done under or in an area
7 screened from view
- 8 (8) bookbinding
- 9 (9) cartage and express facilities
- 10 (10) dry cleaning establishments
- 11 (11) fire and police stations
- 12 (12) food commissaries
- 13 (13) fuel and ice sales
- 14 (14) garages and lots for bus and transit vehicles
- 15 (15) greenhouses
- 16 (16) laboratories: research and testing
- 17 (17) live entertainment and dancing
- 18 (18) machinery: sales, rental and service so long as all work is done under or in an
19 area screened from view
- 20 (19) maritime suppliers
- 21 (20) microwave antennas (satellite dishes) so long as mounted on rooftops and
22 screened from street view
- 23 (21) milk and dairy products: processing and distribution
- 24 (22) motor vehicles: rental
- 25 (23) motor vehicles: sales
- 26 (24) parcel collection and delivery stations

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- 1 (25) parking, open off-street areas and off-street garages, other than accessory, for
2 the parking of 3 or more motor vehicles
- 3 (26) photographic printing and developing establishments
- 4 (27) plumbing, heating and electrical equipment showrooms and shops
- 5 (28) outdoor seating and table service as accessory to any restaurant use
- 6 (29) recreational facilities: indoor
- 7 (30) recreational facilities: outdoor
- 8 (31) restaurants: drive-in, including pick-up drives with window service
- 9 (32) schools: commercial
- 10 (33) schools: trade
- 11 (34) schools and studios: business, dance and music
- 12 (35) upholstering shops
- 13 (36) vending machines for retail sale of products
- 14 (37) woodworking: custom, and custom furniture-making shops
- 15 (c) The following uses are authorized in the Planned Unit Development only if first
16 approved by the Board of Municipal and Zoning Appeals in accordance with the
17 requirements and provisions of the Zoning Code of Baltimore City, Title 14
18 {Conditional Uses}:
- 19 (1) heliports
- 20 (2) repeater, transformer, pumping, booster, switching, conditioning and
21 regulating stations as a principal use
- 22 (d) The following uses are prohibited in the Planned Unit Development:
- 23 (1) adult entertainment
- 24 (2) after hours establishments
- 25 (3) amusement parks and permanent carnivals
- 26 (4) arcades
- 27 (5) automobile painting shops
- 28 (6) bail bondsmen

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- 1 (7) books or video stores - adult
- 2 (8) check cashing
- 3 (9) community corrections centers
- 4 (10) contractor construction shops and yards
- 5 (11) firearms and ammunition sales
- 6 (12) fraternity and sorority houses
- 7 (13) garages, other than accessory, for storage, repair and servicing of motor
- 8 vehicles not over 1-½ tons capacity - including body repair, painting, and
- 9 engine rebuilding
- 10 (14) highway maintenance shops and yards
- 11 (15) mobile home sales
- 12 (16) pawnshops
- 13 (17) parole and probation centers
- 14 (18) payday loan shops
- 15 (19) peep show establishments
- 16 (20) rooming houses
- 17 (21) stables for horses
- 18 (22) stadiums
- 19 (23) tattoo parlors
- 20 (24) taxidermist shops
- 21 (25) tobacco, hookah, and vaping shops
- 22 (26) video lottery facilities

23 **SECTION 5. AND BE IT FURTHER ORDAINED,** That unless otherwise permitted in Section 4
24 above, all uses permitted, accessory, and conditional uses as allowed in the M-3 Zoning District
25 are prohibited within the Planned Unit Development.

26 **SECTION 6. AND BE IT FURTHER ORDAINED,** That a public promenade on Parcels M and K is
27 **required as scheduled in the Development Plan.**

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1 **SECTION 7. AND BE IT FURTHER ORDAINED**, That digital signs are permitted within the
2 Planned Unit Development, subject to Final Design Approval from the Planning Commission
3 and subject to the following requirements that:

- 4 (a) There will be a minimum dwell time of 10 seconds;
- 5 (b) The area of any existing sign may not be increased;
- 6 (c) The degree of illumination may not be increased; and
- 7 (d) A digital sign may not have any flashing, blinking, fluctuating, or otherwise
8 animated light.
- 9 (e) The digital sign will not have any animation, movie clip, and sound element.
- 10 (f) The digital sign will default to black entirely, in the event of a failure of the
11 remote control system or an interruption of copy (text, images, or both).
- 12 (g) The digital sign will have automatic brightness controls so that the sign will
13 not constitute a hazard to passing motorists at night or during inclement
14 weather.

15 **SECTION 6 8. AND BE IT FURTHER ORDAINED**, That all plans for the construction of
16 permanent improvements on the property are subject to final design approval by the Planning
17 Commission to insure that the plans are consistent with the Development Plan and this
18 Ordinance.

19 **SECTION 7 9. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine
20 what constitutes minor or major modifications of the Plan. Minor modifications require approval
21 by the Planning Commission. Major modifications require approval by Ordinance.

22 **SECTION 8 10. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
23 accompanying Development Plan and in order to give notice to the agencies that administer the
24 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
25 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
26 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
27 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
28 Appeals, the Planning Commission, the Commissioner of Housing and Community
29 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

30 **SECTION 9 11. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th
31 day after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City