

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0164

Introduced by: Councilmember Spector

At the request of: Washingtonville Limited Partnership

Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore,
Maryland 21201

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Introduced and read first time: July 21, 2008

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 17, 2008

AN ORDINANCE CONCERNING

1 Planned Unit Development – Designation – Mt. Washington Mill

2 FOR the purpose of repealing the existing Development Plan for the Mt. Washington Mill
3 Planned Unit Development and approving a new Development Plan for the Mt. Washington
4 Mill Planned 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 92-77, as amended by Ordinances 94-456 and 00-100, the Mayor and City
12 Council of Baltimore approved the application of Washingtonville Limited Partnership to have
13 certain property located at 1330-1340 Smith Avenue and a portion of Lot 2 of Ward 27, Section
14 15, Block 4660, which property is bounded by Smith Avenue to the south, the Jones Falls to the
15 north and east, and Interstate 83 to the west, consisting of approximately 6.0906 acres, more or
16 less, to have the properties (the "Property") designated as an Industrial Planned Unit
17 Development and approved the Development Plan submitted by the applicant.

18 Washingtonville Limited Partnership, the owner of Mt. Washington Mill, wishes to rescind
19 Ordinances 92-77, 94-456, and 00-100 and to replace the existing Development Plan with a new
20 one that will amend the permitted uses.

21 On April 22, 2008, representatives of Washingtonville Limited Partnership met with the
22 Department of Planning for a preliminary conference, to explain the scope and nature of existing
23 and proposed development on the Property and to institute proceedings to have the Property
24 designated an Industrial Planned Unit Development.

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 Washingtonville Limited Partnership have now applied to the
2 Baltimore City Council for approval of the replacement Planned Unit Development, and they
3 have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1
4 and 5 of the Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
6 Ordinances 92-77, 94-456, and 00-100 are repealed.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
8 application of Washingtonville Limited Partnership, owner of the property located at 1330-1340
9 Smith Avenue and a portion of Lot 2 of Ward 27, Section 15, Block 4660, consisting of 6.0906
10 acres, more or less, as outlined on the accompanying Development Plan entitled “Mt.
11 Washington Mill”, dated March 5, 2008, to designate the Property an Industrial Planned Unit
12 Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
14 applicant, Washingtonville Limited Partnership, consisting of Sheet 1, “Plan Index”, dated
15 ~~March 5, 2008; Sheet 2, “Existing Site Conditions”, dated March 5, 2008, and Sheet 3,~~
16 ~~“Development Plan”, dated March 5~~ September 19, 2008; Sheet 2, “Existing Site Conditions”,
17 dated September 19, 2008; Sheet 3, “Development Plan - General”, dated September 19, 2008;
18 Sheet 4, “Landscaping Plan Sheet 1 of 2”, dated September 19, 2008; Sheet 5, “Landscaping
19 Plan Sheet 2 of 2”, dated September 19, 2008; Sheet 6, “Landscape Plan - Planting Details”,
20 dated September 19, 2008; and Sheet 7, “Architectural Elevation”, dated September 19, 2008, is
21 approved.

22 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
23 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
24 Development:

25 (a) All permitted, accessory, and conditional uses as allowed in the B-2 and M-1 Zoning
26 Districts; and

27 (b) The following additional uses are specifically permitted in the Planned Unit
28 Development:

29 Bakeries - including the sale of bakery products to restaurants, clubs, and similar
30 establishments; open off-street parking areas, other than accessory, for the
31 parking of 4 or more motor vehicles; outdoor table service when accessory to a
32 restaurant or any permitted use; schools: commercial and trade.

33 (c) The following uses are prohibited as principal uses in the Planned Unit Development:

34 Adhesive products: manufacturing; amusement arcades as provided in § 6-308(2);
35 amusement arcades as provided in § 6-207(2); amusement devices located within
36 a shopping center of over 20,000 square feet or a commercial recreation center of
37 over 20,000 square feet; animal facilities as provided in § 6-207(3); animal
38 hospitals that are odor-proofed and sound-proofed; athletic fields; atomic
39 reactors; automobile accessory stores - including repair and installation services;
40 automotive parts: manufacturing; beauty shops; bed and breakfast establishments;
41 bingo halls: charitable; blood donor centers; brooms or brushes: manufacturing;

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1 carpet: manufacturing; check cashing agencies; clubs and lodges: private and
2 nonprofit; community correction centers; convalescent, nursing, and rest homes;
3 dance halls; day nurseries and nursery schools; die casting; dwellings;
4 electroplating; exterminator’s shops; extraction of gravel, sand, or other raw
5 material; family day care homes; fences: manufacturing; firearm sales,
6 ammunition sales, or both as provided in § 6-308(11); fire and police stations;
7 flammable liquids: manufacturing and storage; foster homes for children;
8 fraternity and sorority houses; galvanizing; garages, other than accessory, for
9 storage, repair, and servicing of motor vehicles not over 1½ tons capacity - but
10 not including body repair painting, painting, or engine rebuilding; gases, non-
11 combustible and non-toxic: manufacturing and storage; gasoline service stations;
12 governmental services: sewerage pumping stations; hardware and tools:
13 manufacturing; helistops; homes for the rehabilitation of non-bedridden
14 alcoholics and for the care and custody of homeless persons; hospitals; hotels and
15 motels; ink and inked products: manufacturing; launderettes - no more than 2
16 employees plus 1 owner or manager on the premises; laundries: hand - no more
17 than 2 employees plus 1 owner or manager on the premises; machine tools, light:
18 manufacturing; marinas: accessory; marinas: dry storage (boatels); marinas:
19 industrial (boat repair facilities); marinas: recreational; marinas: recreational boat
20 launch/tie up; massage salons; matches: manufacturing; mattresses:
21 manufacturing; metal finishing; metal products and machinery, medium and light:
22 manufacturing; multi-purpose neighborhood centers; parole and probation field
23 offices; pawnshops; polish: manufacturing; poultry - and rabbit-killing
24 establishments; private piers; public utility service centers; radar installations;
25 railroad rights-of-way and passenger stations; recreation buildings and
26 community centers; rooming houses; rope or twine, fibrous: manufacturing;
27 shipyards; silverware, plate and sterling: manufacturing; skating rinks; starch:
28 manufacturing; structures on piers, other than water-dependent facilities;
29 taxidermist shops; tool, die, or pattern making shops; trading stamp redemption
30 centers; travel trailers, recreational vehicles, and similar camping equipment:
31 parking or storage; umbrellas: manufacturing; undertaking establishments and
32 funeral parlors; wire: manufacturing.

33 (d) A 2,250 square foot high quality liquor store is permitted in the Engine House,
34 with a maximum of 20% of the display area utilized for hard liquor display and
35 the remainder being used for display of wine or beer or storage. Alcohol may be
36 sold for off-premise consumption with the following restrictions:

- 37 1. No sales of single cans or miniatures;
- 38 2. No sales of chemically-fortified wines;
- 39 3. No sales of malt beverages greater than 22% alcohol by volume; and
- 40 4. No Sunday sales other than that permitted under the authority of the
41 Baltimore City Liquor Board.

42 **SECTION 5. AND BE IT FURTHER ORDAINED,** That any retail uses in the Stone Mill building
43 shall be limited to the first floor only.

44 **SECTION 6. AND BE IT FURTHER ORDAINED,** That signs shall be posted at all entrances to
45 the parking lot of the Mt. Washington Planned Unit Development with wording substantially
46 similar to the following: “WARNING: THIS SITE IS LOCATED IN A FLOOD HAZARD
47 AREA. VEHICLES SHOULD NOT BE LEFT OVERNIGHT.”.

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1 **SECTION 7. AND BE IT FURTHER ORDAINED**, That when reviewing plans for final design
2 approval, the Planning Commission may take into consideration proposed uses that have
3 different peak parking characteristics that complement each other, so that the parking spaces
4 provided may reasonably be shared by proposed uses, and an excess of parking is not provided
5 by strict cumulation of the parking requirements of the Baltimore City Zoning Code.

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

10 **SECTION 9. AND BE IT FURTHER ORDAINED**, That the Planning Commission may determine
11 what constitutes minor or major modifications to the Plan. Minor modifications require approval
12 by the Planning Commission. Major modifications require approval by Ordinance.

13 **SECTION 10. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
14 accompanying Development Plan and in order to give notice to the agencies that administer the
15 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
16 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
17 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
18 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
19 Appeals, the Planning Commission, the Commissioner of Housing and Community
20 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

21 **SECTION 11. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th
22 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