

**CITY OF BALTIMORE
COUNCIL BILL 08-0164
(First Reader)**

Introduced by: Councilmember Spector

At the request of: Washingtonville Limited Partnership

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Maryland 21201

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Introduced and read first time: July 21, 2008

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – Mt. Washington Mill**

3 FOR the purpose of repealing the existing Development Plan for the Mt. Washington Mill
4 Planned Unit Development and approving a new Development Plan for the Mt. Washington
5 Mill Planned Unit Development.

6 BY authority of

7 Article - Zoning

8 Title 9, Subtitles 1 and 5

9 Baltimore City Revised Code

10 (Edition 2000)

11 **Recitals**

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

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

22 On April 22, 2008, representatives of Washingtonville Limited Partnership met with the
23 Department of Planning for a preliminary conference, to explain the scope and nature of existing

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 and proposed development on the Property and to institute proceedings to have the Property
2 designated an Industrial Planned Unit Development.

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

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

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

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
16 applicant, Washingtonville Limited Partnership, consisting of Sheet 1, “Plan Index”, dated March
17 5, 2008; Sheet 2, “Existing Site Conditions”, dated March 5, 2008, and Sheet 3, “Development
18 Plan”, dated March 5, 2008, is approved.

19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
20 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
21 Development:

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

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

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

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

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

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

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

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

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

42 **SECTION 6. AND BE IT FURTHER ORDAINED,** That signs shall be posted at all entrances to the
43 parking lot of the Mt. Washington Planned Unit Development with wording substantially similar
44 to the following: "WARNING: THIS SITE IS LOCATED IN A FLOOD HAZARD AREA.
45 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 by
5 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 permanent
7 improvements on the Property are subject to final design approval by the Planning Commission
8 to insure that the plans are consistent with the Development Plan and this Ordinance.

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

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

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