

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 13-0246

Introduced by: Councilmember Mosby

At the request of: Terra Nova Ventures, LLC

Address: c/o Alfred W. Barry, AB Associates, One South Calvert Street, Suite 1150,
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Introduced and read first time: June 24, 2013

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 5, 2013

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Whitehall Cotton Mill

FOR the purpose of approving the application of Terra Nova Ventures, LLC, contract purchaser of certain property located at 3300 Clipper Mill Road, to have that property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning

Title 9, Subtitles 1 and 5

Baltimore City Revised Code

(Edition 2000)

Recitals

KOMAR Properties II Limited Partnership is the fee simple owner of property located at 3300 Clipper Mill Road, consisting of 5.267 acres, more or less, and is under contract to sell the property to Terra Nova Ventures, LLC (“Terra Nova”).

Terra Nova proposes to redevelop the property into a mixed-use development consisting of residential, office, light industrial, and retail uses. Terra Nova plans to assign its contract to a related company.

On February 19, 2013, representatives of Terra Nova 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 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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The representatives of Terra Nova have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Terra Nova Ventures, LLC, contract purchaser of the property located at 3300 Clipper Mill Road, consisting of 5.267 acres, more or less, as outlined on the accompanying Development Plan entitled “Whitehall Cotton Mill”, consisting of Sheet 1, “Existing Conditions Plan”, dated March 11, 2013; Sheet 2, “Proposed Conditions Plan”, dated March 11, 2013; Sheet 3, “Landscape Plan”, dated January 31, 2013; Sheet 4, “First Floor Plan”, dated March 12, 2013; Sheet 5, “Upper Floor Plans”, dated March 12, 2013; and Sheet 6, “Exterior Elevations”, dated March 12, 2013, to designate the property an Industrial Planned Unit Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Terra Nova Ventures, LLC, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 1 and 5 the following uses are permitted in the Planned Unit Development:

(a) In accordance with § 9-502 of the Baltimore City Zoning Code, the following M-1 and M-2 uses are permitted:

- Alcohol distillation
- Beer and ale brewing
- Bottling works
- Brooms, brushes: manufacturing
- Candy: manufacturing
- Canvas products: manufacturing
- Cotton processing
- Fermented fruits and vegetables: processing
- Furniture and fixtures: manufacturing
- Glass: manufacturing
- Glass products: manufacturing from previously prepared materials
- Lithography
- Malting
- Metals: finishing
- Musical instruments, including organs and pianos: manufacturing
- Perfumes: manufacturing
- Photography film: manufacturing and processing
- Pottery and chinaware: manufacturing
- Tool, die, or pattern making shops
- Toys and games: manufacturing
- Stone cutting
- Warehousing and storage
- Wax, wax products: manufacturing.

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(b) In accordance with § 9-503 of the Baltimore City Zoning Code, the following uses are permitted: multifamily residential uses in all buildings. Overall residential density will be calculated at a rate of 1,500 square feet per unit based on the overall site square footage.

(c) In accordance with § 9-503 of the Baltimore City Zoning Code, the following O-R uses are permitted in all buildings: offices, philanthropic and charitable institutions.

(d) In accordance with § 9-503 of the Baltimore City Zoning Code, the following B-1, B-2, and B-3 uses are allowed:

(1) Antique store

Art gallery

Art and school supply stores

Art needlework shops

Artisans' and craft work

~~Artists' studios (live and work)~~

Athletic fields

Automatic teller machines

Bakery - including the sale of bakery products to restaurants, hotels, clubs, and similar establishments

Barber shops

Beauty shops

Banks and savings and loan associations

Bicycles: sales, rental, and repair - but not including any mechanical painting on the premises

Book store: general

Business and office machines: sales, rental, and service

Camera photographic supply store

Candy and ice cream stores

Carpet and rug stores

Carry-out food shops

Catering establishments: food

China and glassware stores

Clothing shops

Computer centers

Dance and music studio

~~Day nurseries and nursery schools~~

Delicatessens

Dry cleaning and laundry receiving stations - processing done elsewhere

Electrical and household appliance repair stores

Fabric shops

Florist shops

Food stores, grocery stores and delicatessens

Furniture stores - including upholstering when conducted as an accessory use

Garden supply, tool, and seed stores

Gift and card shops

Greenhouses

Hardware stores

Hobby shops

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1 Interior decorating
2 Interior decorating shops - including upholstering and making draperies, slip
3 covers, and similar articles when conducted as an accessory use
4 Jewelry stores - including watch repair
5 Leather goods and luggage stores
6 Libraries and art galleries
7 Locksmith shops
8 Lunch room
9 Meat markets
10 Medical and dental clinics
11 Musical instruments: sales and repair
12 Newsstands
13 Novelty shops
14 Opticians: sales and service
15 Paint, wallpaper, tile, and floor covering stores
16 Photocopying service
17 Photographers
18 Physical culture and health services: gymnasiums, reducing salons, and public
19 baths
20 Picture framing shops - when conducted for retail trade on the premises
21 Printing and publishing
22 Record, tape, CD, and sheet music stores
23 Recording studio
24 ~~Reducing salons~~
25 Restaurants, including live entertainment and dancing
26 Schools: business, dance and music studios
27 Security sales, brokerages and exchanges
28 Shoe and hat repair stores
29 Sporting and athletic goods stores
30 Stationery stores
31 Tailor or dressmaking shops: custom work or repairs
32 Taverns, including live entertainment and dancing
33 Tobacco shops
34 Toy stores
35 Travel bureaus
36 Variety stores
37 Watch and clock shops
38 Wearing apparel shops
39 Woodworking, custom and custom furniture-making shops.

40 (2) Outdoor table service accessory to a restaurant or tavern is subject to Board of
41 Municipal and Zoning Appeals approval.

42 (3) Live entertainment and dancing, when accessory to a restaurant or a tavern, is
43 subject to Board of Municipal and Zoning Appeals approval.

44 (4) Each of the following commercial uses shall be limited in their location to the
45 ground level and shall not exceed a total of 3,000 square feet:

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(i) Restaurants, including live entertainment and dancing

(ii) Taverns, including live entertainment and dancing.

(5) Each of the following commercial uses shall not exceed a total of 3,000 square feet per individual tenant:

(i) Food stores, grocery, delicatessens.

(6) Dwelling units are permitted above the ground floor only.

(7) ~~(6)~~ Each of the following commercial uses shall be expressly prohibited:

(i) Restaurants: drive-in - including pick-up drives with window service

(ii) Restaurants: drive-in - no pick-up drives with window service.

(e) Subject to the approval of the Board of Liquor License Commissioners for Baltimore City, a maximum of one Class B restaurant alcoholic beverage license and one Class B tavern alcoholic beverage license shall be permitted.

SECTION 4. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Planned Unit Development are as follows, with the consideration that the parking will be considered shared parking and used primarily by office and retail tenants during the day and primarily by residential and retail tenants at night and on week ends.

(a) Office use: 1 parking space per 400 square feet of floor area in excess of 1,000 square feet.

(b) Residential use: apartments (multiple family dwellings): 1 parking space per dwelling unit.

(c) Retail use: 1 parking space per 300 square feet of floor area in excess of 1,000 square feet.

(d) Industrial use: 1 parking space per 4 employees, plus 1 parking space per company or business vehicle maintained on the premises.

(e) Parking may be included inside the buildings, as well as surface parking on the property.

(f) For the entire Planned Unit Development, a minimum of 160 on-site parking spaces will be provided. In addition, 1 parking space per apartment unit will be included in the lease for all residential tenants with a registered vehicle.

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

4 **SECTION 7. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
5 accompanying Development Plan and in order to give notice to the agencies that administer the
6 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
7 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
8 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
9 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
10 Appeals, the Planning Commission, the Commissioner of Housing and Community
11 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

12 **SECTION 8. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
13 after the date it is enacted.

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