

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0709

Introduced by: Councilmember Costello
At the request of: UA Port Covington Holdings, LLC
Address: c/o Jon Laria, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor,
Baltimore, Maryland 21202-3628
Telephone: 410-528-5506
Introduced and read first time: July 18, 2016
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 20, 2016

AN ORDINANCE CONCERNING

1 **Planned Unit Development – Amendment – Port Covington**

2 FOR the purpose of approving certain amendments to the Development Plan of the Port
3 Covington Planned Unit Development.

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

9 **Recitals**

10 By Ordinance 90-425, as amended by Ordinances 00-57, 02-431, and 04-884, the Mayor and
11 City Council (i) approved the application of the owners and subsequent owners to have certain
12 property located in Baltimore City and bounded generally by Light Street on the west, the Middle
13 Branch of the Patapsco River on the south, the Maryland Port Administration Long Line Facility
14 Basin on the east and Cromwell Street on the north, consisting of 68 acres, more or less,
15 designated as an Industrial Planned Unit Development and (ii) approved the Development Plan
16 submitted by the applicant.

17 UA Port Covington Holdings, LLC, is the current owner of certain property within the
18 Planned Unit Development and, on behalf of itself and the other property owners within the
19 Planned Unit Development, wishes to amend the Development Plan, as previously approved by
20 the Mayor and City Council, to allow for additional uses and to replace the existing Development
21 Plan Exhibit Sheets with new ones.

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 On June 14, 2016, representatives of the applicant met with the Department of Planning for a
2 preliminary conference to explain the scope and nature of the proposed amendments to the
3 Development Plan.

4 The representatives of the applicant have now applied to the Baltimore City Council for
5 approval of these amendments, and they have submitted amendments to the Development Plan
6 intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning
7 Code.

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
9 Mayor and City Council approves the amendments to the Development Plan submitted by the
10 applicant, as attached to and made part of this Ordinance, including Sheet 1, “Existing
11 Conditions”, dated ~~July 13~~ August 15, 2016; and Sheet 2, “Development and Area Plan”, dated
12 ~~July 13~~ August 15, 2016; and Sheet 3, “Conceptual Architecture”, dated August 15, 2016.

13 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the revised Development Plan attached to
14 this Ordinance is approved.

15 **SECTION 3. AND BE IT FURTHER ORDAINED**, That Section 3 of Ordinance 00-57, as amended
16 by Ordinances 02-431 and 04-884, is amended to read as follows:

17 SECTION 3. AND BE IT FURTHER ORDAINED, That, notwithstanding the
18 provisions of Section 3 of the Existing PUD:

- 19 a. In accordance with the provisions of Zoning Code § 9-502, all
20 uses permitted in the underlying M-1 District are allowed
21 within [Areas I, II, III, AND IV] THE PLANNED UNIT
22 DEVELOPMENT.
- 23 b. In accordance with the provisions of Zoning Code § 9-503, all
24 uses permitted in a B-2 District are allowed within [Area I] THE
25 PLANNED UNIT DEVELOPMENT, except those uses specifically
26 prohibited in subsection 3(e) of this Section.
- 27 c. In accordance with the provisions of Zoning Code §§ 9-502
28 and 9-503, all uses conditional in the B-1, B-2, and M-1
29 Districts are conditionally allowed in [Area I] THE PLANNED
30 UNIT DEVELOPMENT, subject to the requirements and
31 provisions of Zoning Code Title 14, except those uses
32 specifically prohibited in subsection 3(e) of this Section.
- 33 d. In addition, the following uses are allowed in [Area I] THE
34 PLANNED UNIT DEVELOPMENT:

35 ALCOHOL DISTILLATION;

36 Automobile accessory stores, including repair and
37 installation services, if accessory;

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- 1 Building and lumber material sales establishments
2 with shops and yards;
- 3 Computer centers, including retail sales and service;
- 4 Department stores;
- 5 DISTRIBUTION FACILITIES/WAREHOUSES;
- 6 Drug stores and pharmacies[, if accessory];
- 7 Dry cleaning and laundry establishments;
- 8 Gasoline or service station (one) as an accessory use
9 to a principal permitted use or approved conditional
10 use under the existing Planned Unit Development;
- 11 Greenhouses, if accessory;
- 12 Hardware stores;
- 13 HELISTOPS;
- 14 Lumber yards;
- 15 Machinery sales and rental – household, business,
16 office;
- 17 MARINAS, IN AREA IV ONLY, NOT TO EXCEED 400
18 SLIPS TOTAL;
- 19 Motor vehicle rental establishments;
- 20 Musical instrument sales and repair;
- 21 Office supply stores;
- 22 OFFICES: BUSINESS, GOVERNMENTAL, AND
23 PROFESSIONAL;
- 24 Open off-street parking areas;
- 25 Outdoor table service when accessory to a restaurant
26 use;
- 27 Parcel collection and delivery stores;
- 28 Photographic printing and developing establishments;

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- 1 PHYSICAL CULTURE AND HEALTH SERVICES -
2 GYMNASIUMS;
- 3 Plumbing, heating, and electrical equipment
4 showrooms and shops;
- 5 Police substations;
- 6 Recreational facilities, indoor and outdoor;
- 7 Restaurants and carry out food shops, [without]
8 WITH live music and dancing, EXCEPT IN AREA I;
- 9 [Restaurants and carry out food shops, without live
10 music and dancing, and including drive-in
11 restaurants with pick-up windows, only within Sub-
12 Area D on the Area I Revised Development Plan;]
- 13 Sporting and athletic good stores;
- 14 Telephone stores;
- 15 THEATERS;
- 16 Tire and battery retailers, if accessory; and
- 17 Wholesale establishments.
- 18 e. Notwithstanding subsection (a) through (d) of this Section, the
19 following uses are prohibited in [Area I] THE PLANNED UNIT
20 DEVELOPMENT:
- 21 Adult entertainment businesses;
- 22 Amusement arcades;
- 23 Apartment hotels;
- 24 Automobile service stations;
- 25 Bed and breakfast establishments;
- 26 Bingo halls;
- 27 Blood donor centers;
- 28 [Bowling establishments;]
- 29 Check cashing agencies;

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- 1 [Community colleges, colleges, business colleges,
2 and universities;]
- 3 [Day care facilities;]
- 4 [Distribution facilities/warehouses;]
- 5 [Drug stores, except as an accessory use;]
- 6 Dwellings, IN AREAS I AND III;
- 7 Fraternity and sorority houses;
- 8 Gambling activities related to any game not
9 authorized by the Maryland State Lottery;
- 10 [Helistops;]
- 11 [Hotels and motels;]
- 12 Housing for the elderly;
- 13 Massage salons;
- 14 [Physical culture and health services - gymnasiums,
15 reducing salons, and public baths;]
- 16 Pool halls and billiard parlors;
- 17 Poultry and rabbit killing establishments;
- 18 Private clubs and lodges; AND
- 19 Rooming and boarding houses[;].
- 20 [Schools, elementary and secondary;]
- 21 [Skating rinks;]
- 22 [Swimming pools;]
- 23 [Taverns;]
- 24 [Tennis and lacrosse clubs; and]
- 25 [Theaters.]

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1 f. In accordance with the provisions of Zoning Code § 9-502,
2 residential uses based on density of 750 square feet of lot size
3 per dwelling unit are specifically authorized in Areas II and IV,
4 but not on Pier 6 of the Development Plan.

5 (1) Housing on piers must meet the design
6 standards and other provisions of Ordinance 04-
7 803.

8 (2) This housing must be buffered from industrial
9 uses, and its layout and design must go before
10 the Site Plan Review Committee and the Design
11 Advisory Panel. Final Design Approval from
12 the Planning Commission is required.

13 g. In accordance with the provisions of Zoning Code § 9-503, in
14 Area III, the following uses are also allowed:

15 (1) boat repair is specifically authorized, along with
16 all normal and customary activities associated
17 with a full service 400-slip marina and boat
18 repair business.

19 (2) Surface parking.

20 **SECTION 4. AND BE IT FURTHER ORDAINED,** That Sections 4, 5, 6, and 7 of Ordinance 00-57
21 are repealed and that Sections 8, 9, 10, and 11, respectively, of Ordinance 00-57, are renumbered
22 4, 5, 6, and 7, respectively.

23 **SECTION 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent
24 improvements on the property are subject to final design approval by the Planning Commission
25 to insure that the plans are consistent with the Development Plan and this Ordinance.

26 **SECTION 6. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
27 accompanying amended Development Plan and in order to give notice to the agencies that
28 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
29 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
30 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
31 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
32 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
33 Commissioner of Housing and Community Development, the Supervisor of Assessments for
34 Baltimore City, and the Zoning Administrator.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
36 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