

**CITY OF BALTIMORE  
COUNCIL BILL 17-0015  
(First Reader)**

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Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen

At the request of: D & C Management LLP

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Telephone: 410-727-6600

Introduced and read first time: January 23, 2017

Assigned to: Land Use and Transportation Committee

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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, Office of Sustainability

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – The Fox Building**

3 FOR the purpose of approving the application of D & C Management LLP, owner of the  
4 following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road  
5 (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to  
6 have the property designated an Industrial Planned Unit Development; and approving the  
7 Development Plan submitted by the applicant.

8 BY authority of

9 Article - Zoning

10 Title 9, Subtitles 1 and 5

11 Baltimore City Revised Code

12 (Edition 2000)

13 **Recitals**

14 D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block  
15 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3  
16 (collectively, the “property”), consisting of 2.28 acres, more or less.

17 The applicant proposes to redevelop the property for residential and light industrial uses.

18 On December 20, 2016, representatives of the applicant met with the Department of Planning  
19 for a preliminary conference, to explain the scope and nature of existing and proposed  
20 development on the property and to institute proceedings to have the property designated an  
21 Industrial Planned Unit Development.

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

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

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
6 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff  
7 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,  
8 Lots 1 and 3 (collectively the “property”) , consisting of 2.28 acres, more or less, as outlined on  
9 the accompanying Development Plan entitled “The Fox Building”, dated January 3, 2017, to  
10 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the  
11 Baltimore City Zoning Code.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore  
13 approves the new Development Plan submitted by the applicant, as attached to and made part of  
14 this Ordinance, including:

- 15 (a) Sheet DP-01, “Existing Conditions Plan”, dated January 3, 2017;
- 16 (b) Sheet DP-02, “Development Plan”, dated January 3, 2017; and
- 17 (c) Sheets A4-1, A4-2, and A4-3, “Architectural Elevations”, dated December 15, 2016.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and  
19 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit  
20 Development:

- 21 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning  
22 District.
- 23 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100  
24 dwelling units.
- 25 (c) Light industrial uses, within the existing building, that include the processing,  
26 manufacturing, assembly, or compounding of materials or products, where: (i) all  
27 processing, fabrication, assembly, treatment, and packaging of products are contained  
28 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting  
29 from the manufacturing process are confined within the building or otherwise  
30 minimized; and (iii) only minimal truck traffic is required for daily operations.

31 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within  
32 the Planned Unit Development:

- 33 (a) Animal clinic
- 34 (b) Banquet hall
- 35 (c) Boat manufacturing
- 36 (d) Broadcasting station

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- 1 (e) Day-care center: adult or child
- 2 (f) Entertainment: indoor
- 3 (g) Entertainment: live
- 4 (h) Government facilities: Public Works
- 5 (i) Heavy retail, rental or service
- 6 (j) Homeless shelter
- 7 (k) Hospital
- 8 (l) Kennel
- 9 (m) Lodge or club
- 10 (n) Lodging: hotel/motel
- 11 (o) Marina: dry storage
- 12 (p) Motor vehicle service and repair (major and minor)
- 13 (q) Passenger terminal
- 14 (r) Recreation: indoor
- 15 (s) Recreation: outdoor

16 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the provisions of the Memorandum of  
17 Understanding, dated March 31, 2016, between the applicant and the Hampden Community  
18 Council, Inc., are incorporated herein.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That a minimum number of off-street parking  
20 spaces must be provided as follows:

- 21 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 22 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 23 (c) Parking for all other uses shall be as provided for in the Zoning Code.

24 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the applicant shall maintain continued  
25 communication with the Hampden Community Council's Zoning & Land Use Committee  
26 throughout the development of the PUD.

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

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

4       **SECTION 10. 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 11. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup>  
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of  
14 that period, with no further action by the Mayor and City Council, this Ordinance will be  
15 abrogated and of no further effect.