

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0015

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen
At the request of: D & C Management LLP
Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: January 23, 2017
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 3, 2017

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – The Fox Building

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the 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

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

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

The Applicant has entered into a Memorandum of Understanding with the Hampden Community Council, Inc., dated March 31, 2016, governing the redevelopment of the property. The Applicant shall maintain communication with the Hamden Community Council’s Zoning and Land Use Committee throughout the development of the PUD.

On December 20, 2016, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed

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.

Council Bill 17-0015

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

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

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

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

- 17 (a) Sheet DP-01, “Existing Conditions Plan”, dated ~~January 3~~ February 10, 2017;
- 18 (b) Sheet DP-02, “Development Plan”, dated ~~January 3~~ February 10, 2017; and
- 19 (c) Sheets A4-1, A4-2, and A4-3, “Architectural Elevations”, dated ~~December 15, 2016~~
20 February 10, 2017.

21 **SECTION 3. AND BE IT FURTHER ORDAINED**, That in accordance with Title 9, Subtitles 1 and
22 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
23 Development:

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

34 **SECTION 4. AND BE IT FURTHER ORDAINED**, That to the extent that the following uses are
35 defined in the Zoning Code in effect at the time of enactment of this ordinance and are allowed in
36 the underlying Zoning District, the following uses are prohibited within the Planned Unit
37 Development:

- 38 (a) Animal clinic

Council Bill 17-0015

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

19 **SECTION 5. AND BE IT FURTHER ORDAINED, That, in addition, upon the effective date of**
20 **Ordinance 16-581, then the following uses are prohibited:**

- 21 (a) Animal clinic
- 22 (b) Banquet hall
- 23 (c) Boat manufacturing
- 24 (d) Broadcasting station
- 25 (e) Day-care center: adult or child
- 26 (f) Entertainment: indoor

Council Bill 17-0015

1 (g) Entertainment: live

2 (h) Government facilities: Public Works

3 (i) Heavy retail, rental or service

4 (j) Homeless shelter

5 (k) Hospital

6 (l) Kennel

7 (m) Lodge or club

8 (n) Lodging: hotel/motel

9 (o) Marina: dry storage

10 (p) Motor vehicle service and repair (major and minor)

11 (q) Passenger terminal

12 (r) Recreation: indoor

13 (s) Recreation: outdoor

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

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

19 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;

20 (b) Industrial uses - 1 space per 500 square feet of gross floor area;

21 (c) Parking for all other uses shall be as provided for in the Zoning Code in effect at the
22 time a use permit application is filed.

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

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

Council Bill 17-0015

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 30th
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.

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