

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0561

Introduced by: Councilmember Welch
At the request of: Poppleton Development I, LLC
Address: c/o Claude Edward Hitchcock, Esquire, 233 East Redwood Street, Baltimore,
Maryland 21202
Telephone: 410-576-4053
Introduced and read first time: December 7, 2006
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: March 26, 2007

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Poppleton

FOR the purpose of approving the application of Poppleton Development I, LLC, owner of certain properties generally bordered on the north by West Mulberry Street, on the west by North Stockton Street, on the south by West Fairmount Avenue, and on the east by North Poppleton Street, to have that property designated a Residential/Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

By authority of
Article - Zoning
Title 9, Subtitles 1, 2, and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

Poppleton Development I, LLC (the “Developer”), is the contract purchaser of certain properties located within the Poppleton area of Baltimore City, consisting of ~~47.14~~ 32.94 acres, more or less (collectively referred herein as the “Property”).

The Developer proposes to redevelop such properties and the improvements on them to include residential, retail, office, and educational buildings. In furtherance of this, the Developer wishes to designate such properties and other properties generally bordered on the north by West Mulberry Street, on the west by North Stockton Street, on the south by West Fairmount Avenue, and on the east by North Poppleton Street, as a Residential/Business Planned Unit Development.

On May 30, 2006, representatives of the Developer and subcontract consultants met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development of the Property and to institute proceedings to have the Property designated a Residential/Business 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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1 The Developer has now applied to the Baltimore City Council for designation of the Property
2 as a Residential/Business Planned Unit Development and has submitted a Development Plan
3 intended to satisfy the requirements of Title 9, Subtitles 1, 2, and 4 of the Baltimore City Zoning
4 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 Poppleton Development I, LLC, the
7 Developer of the Property generally bordered on the north by West Mulberry Street, on the west
8 by North Stockton Street, on the south by West Fairmount Avenue, and on the east by North
9 Poppleton Street, consisting of 32.94 acres, more or less, as outlined on the accompanying
10 Development Plan entitled “Poppleton - Planned Unit Development”, consisting of Sheet 1,
11 “Existing Conditions”, dated November 30, 2006, Sheet 2, “Development Plan - Area Plan”,
12 dated November 30, 2006, Sheet 3, “Illustrative Master Plan”, dated November 30, 2006, Sheet
13 4, “Building Massing Plan”, dated November 30, 2006, and Sheet 5, “Schematic
14 Landscaping/Forest Delineation Plan”, dated November 30, 2006, to designate the Property a
15 Residential/Business Planned Development under Title 9, Subtitles 1, 2, and 4 of the Baltimore
16 City Zoning Code.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by
18 Poppleton Development I, LLC, is approved.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are allowed in the
20 Poppleton Residential/Business Planned Unit Development:

21 (a) In the R-9 Zoning District and in “Area B”, identified on Sheet 2 of the Development
22 Plan, all permitted and accessory uses set out in §§ 4-1201 and 4-1202 of the Zoning
23 Code are permitted, subject to the following:

24 (1) the number of single-family attached dwellings and multiple-family attached
25 dwellings may exceed 12 in a row or group.

26 (b) In the R-9 Zoning District and in “Area B”, identified on Sheet 2 of the Development
27 Plan, the following shall apply to accessory shops in multiple-family dwellings:

28 (1) accessory shops shall be permitted in multiple-family dwellings that contain less
29 than 50 dwellings or efficiency units;

30 (2) the aggregate of all accessory shop uses in a multiple-family dwelling may exceed
31 6% but no more than 10% of the gross floor area of the building;

32 (3) in addition to the uses identified in § 4-1102(2)(i) of the Zoning Code, all retail
33 shops and stores permitted in the B-1 Zoning District as set forth in § 6-206 of the
34 Zoning Code are permitted;

35 (4) entrances may be located on the outside of the building; and

36 (5) exterior signage is not limited by the provisions of § 4-1102(2)(iv) of the Zoning
37 Code; instead, the size and dimensions of exterior signage shall be subject to final
38 design approval by the Planning Commission.

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1 (c) In the R-9 Zoning District and in “Area B”, identified on Sheet 2 of the Development
2 Plan, the following conditional uses shall be ~~allowed~~ permitted:

3 (1) bed and breakfast establishments and homes, except that the size and dimensions
4 of all signage for bed and breakfast establishments and homes shall not be limited
5 to nameplates; instead, the size and dimensions of such exterior signage shall be
6 subject to final design approval by the Planning Commission;

7 (2) philanthropic and charitable institutions;

8 (3) physicians’ or dentists’ professional (non-resident) offices;

9 (4) accessory radio and television antennas;

10 (5) accessory microwave antennas;

11 (6) day nurseries and nursery schools;

12 (7) governmental services;

13 (8) multi-purpose neighborhood centers;

14 (9) public utility uses;

15 (10) recycling collection stations when an accessory use to a school, church,
16 recreation facility, or public facility;

17 (11) swimming pools; and

18 (12) uses accessory to the uses listed in subsections (c)(1) through (c)(11) above.

19 (d) In the B-2 Zoning District and in “Area A”, identified on Sheet 2 of the Development
20 Plan, all permitted and accessory uses for the B-2 Zoning District set out in §§ 6-306
21 and 6-307 of the Zoning Code are permitted, subject to the following:

22 (1) restaurants ~~and taverns~~ may include live entertainment, dancing, and accessory
23 outdoor table service.

24 (e) In the B-2 Zoning District and in “Area A”, identified on Sheet 2 of the Development
25 Plan”, the following conditional uses are allowed:

26 (1) accessory microwave antennas;

27 (2) animal hospitals that are odor-proofed and sound-proofed;

28 (3) artisans’ and craft work;

29 (4) automobile accessory stores;

30 (5) bed and breakfast establishments;

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- 1 (6) bed and breakfast homes;
 - 2 (7) bus and transit passenger stations (but not terminals);
 - 3 (8) clubs and lodges: private;
 - 4 (9) governmental services;
 - 5 (10) musical instruments: sale and repair;
 - 6 (11) opticians: sales and service;
 - 7 (12) orthopedic and medical appliance stores;
 - 8 (13) prepared food delivery services, including any operated as an accessory use by a
 - 9 restaurant or tavern;
 - 10 (14) public utility uses, but not including bus and transit turnarounds;
 - 11 (15) public utility service centers;
 - 12 (16) schools: commercial and trade;
 - 13 (17) schools and studios: business, dance and music
 - 14 (18) theaters;
 - 15 (19) union halls;
 - 16 (20) upholstering shops;
 - 17 (21) video movies: sales and rentals; and
 - 18 (22) uses accessory to the uses listed in subsections (e)(1) through (e)(21) above.
- 19 (f) In “Area B”, identified on Sheet 2 of the Development Plan, the following uses shall
- 20 also be allowed:
- 21 (1) hotels and motels.
- 22 (g) In “Area C”, identified on Sheet 2 of the Development Plan, the following uses shall
- 23 also be allowed:
- 24 (1) metal finishing;
 - 25 (2) metal products and manufacturing; and
 - 26 (3) sheet metal shop.

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1 (h) In the B-2 Zoning District and in “Area A”, identified on Sheet 2 of the Development
2 Plan, the following use shall be a conditional use that requires Board approval:

3 (1) taverns with live entertainment, dancing and accessory outdoor table service.

4 **SECTION 4. AND BE IT FURTHER ORDAINED**, That the minimum yard requirements are not
5 applicable to specific lots created within the Poppleton Residential/Business Planned Unit
6 Development but must otherwise be in compliance with the plans approved by the Planning
7 Commission.

8 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the maximum height of buildings on the
9 Property shall be as set forth on Sheet 4, “Building Massing Plan”, of the Development Plan.

10 **SECTION 6. AND BE IT FURTHER ORDAINED**, That density and floor area ratios within the
11 Poppleton Residential/Business Planned Unit Development shall be calculated on a cumulative
12 basis and not on a lot-by-lot basis.

13 **SECTION 7. AND BE IT FURTHER ORDAINED**, That signage on the Property, including final
14 size and dimensions, shall be subject to final design approval by the Planning Commission.

15 **SECTION 8. AND BE IT FURTHER ORDAINED**, That parking shall be provided in accordance
16 with the Zoning Code.

17 **SECTION 9. AND BE IT FURTHER ORDAINED**, That the property identified by Note 13 on
18 Sheet 2 of the Development Plan shall be part of the Poppleton Residential/Business Planned
19 Unit Development automatically if such property is removed from the UMB Biomedical
20 Research Park Planned Unit Development.

21 **SECTION 10. AND BE IT FURTHER ORDAINED**, That inasmuch as the Poppleton
22 Residential/Business Planned Unit Development is located within the Poppleton Urban Renewal
23 Area, in case of a conflict between this Ordinance (including the Development Plan) and the
24 Poppleton Urban Renewal Plan, approved by Ordinance 75-837 and amended from time to time,
25 this Ordinance prevails; and this Ordinance having been the subject of public hearings, the
26 community review process in § C.4.a of the Poppleton Urban Renewal Plan shall not apply to
27 any aspect of the Development Plan approved hereby.

28 **SECTION 11. AND BE IT FURTHER ORDAINED**, That all plans for the construction of
29 permanent improvements on the Property must be reviewed by the Planning Commission to
30 insure that the plans are consistent with the Development Plan and this Ordinance.

31 **SECTION 12. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine
32 what constitutes a minor or major amendment or modification to the Development Plan. Any
33 changes determined to be minor require approval by the Planning Commission. Major
34 amendments require approval by Ordinance.

35 **SECTION 13. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
36 accompanying Development Plan and in order to give notice to the agencies that administer the
37 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
38 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
39 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
40 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning

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1 Appeals, the Planning Commission, the Commissioner of Housing and Community
2 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

3 **SECTION 14. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
4 day after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City