

**CITY OF BALTIMORE  
COUNCIL BILL 06-0470  
(First Reader)**

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Introduced by: Councilmember Spector

At the request of: B.H.S., LLC

Address: c/o Alfred W. Barry, III, 1 South Calvert Street, #1150, Baltimore, MD 21202

Telephone: 410-547-6900

Introduced and read first time: July 10, 2006

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment – Benhurst Park**

3 FOR the purpose of approving certain amendments to the Development Plan of the Benhurst Park  
4 Planned Unit Development.

5 BY authority of

6 Article - Zoning

7 Title 9, Subtitles 1 and 2

8 Baltimore City Revised Code

9 (Edition 2000)

10 **Recitals**

11 By Ordinance 73-417, as amended by Ordinances 78-690 and 83-1127, the Mayor and City  
12 Council approved the original application of Carl M. Freeman Associates, Inc., and Ralph  
13 DeChiaro Enterprises, Inc., to have certain property located on the south side of Fallstaff Road,  
14 north and east of Bartol Avenue, north and south of Benhurst Road, and east of Clarks Lane,  
15 consisting of 50 acres, more or less, designated as a Residential Planned Unit Development and  
16 approved the Development Plan submitted by the applicant.

17 B.H.S., LLC, wishes to amend the Development Plan, as previously approved by the Mayor  
18 and City Council, to permit the development of 5 single-family detached dwellings and a  
19 reconfiguration of the storm water management pond, on Parcel B of the Plan.

20 On May 12, 2006, representatives of B.H.S., LLC, met with the Department of Planning for a  
21 preliminary conference to explain the scope and nature of the proposed amendments to the  
22 Development Plan.

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

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1 The representatives of B.H.S., LLC, have now applied to the Baltimore City Council for  
2 approval of these amendments, and they have submitted amendments to the Development Plan  
3 intended to satisfy the requirements of Title 9, Subtitles 1 and 2 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 amendments to the Development Plan submitted by the  
7 Developer, as attached to and made part of this Ordinance, including Sheet 1, “Cover Sheet”,  
8 dated May 31, 2006; Sheet 2, “Existing Conditions”, dated May 31, 2006; Sheet 3,  
9 “Development Plan”, dated May 31, 2006; Sheet 4, “Landscape Plan”, dated May 31, 2006; and  
10 Sheet 5, “Easement for Access”, dated May 31, 2006.

11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That all plans for the construction of  
12 permanent improvements on the property are subject to final design approval by the Planning  
13 Commission to insure that the plans are consistent with the Development Plan and this  
14 Ordinance.

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

18 **SECTION 4. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
19 accompanying amended Development Plan and in order to give notice to the agencies that  
20 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the  
21 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor  
22 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the  
23 Director of Finance then shall transmit a copy of this Ordinance and the amended Development  
24 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the  
25 Commissioner of Housing and Community Development, the Supervisor of Assessments for  
26 Baltimore City, and the Zoning Administrator.

27 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
28 after the date it is enacted.