

**CITY OF BALTIMORE
ORDINANCE
Council Bill 09-0315**

Introduced by: President Rawlings-Blake

At the request of: Uplands Visionaries, LLC

Address: c/o Jon Laria, Esquire, Ballard Spahr Andrews & Ingersoll, LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

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Introduced and read first time: March 30, 2009

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: July 13, 2009

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Uplands

FOR the purpose of approving the application of the Mayor and City Council of Baltimore and Uplands Visionaries, LLC, which are either the owner, potential owner, developer and/or awardee of development rights for the properties listed on Exhibit 1, attached to and made part of this Ordinance, together with certain adjoining roads, highways, alleys, and rights-of-way (collectively, the “Property”), to have the Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

By authority of

Article - Zoning

Title 9, Subtitles 1 and 2

Baltimore City Revised Code

(Edition 2000)

Recitals

The Mayor and City Council of Baltimore and Uplands Visionaries, LLC, are either the owner, potential owner, developer and/or awardee of development rights of the Property, consisting of 61.3 acres, more or less.

Uplands Visionaries, LLC, intends to develop the property or cause it to be developed for residential uses.

On February 6, 2009, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing conditions and proposed development on the Property and to institute proceedings to have the Property designated a Residential 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.

1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the Property as a Residential Planned Unit Development, and they have submitted
3 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 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 Mayor and City Council of Baltimore
7 and Uplands Visionaries, LLC, which are either the owner, potential owner, developer and/or
8 awardee of development rights for the properties listed on Exhibit 1, attached to and made part
9 of this Ordinance, together with certain adjoining roads, highways, alleys, and rights-of-way
10 (collectively, the “Property”), consisting of 61.3 acres, more or less, as outlined on the
11 accompanying Development Plan entitled “Uplands Planned Unit Development”, to designate
12 the property a Residential Planned Unit Development under Title 9, Subtitles 1 and 2 of the
13 Baltimore City Zoning Code.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
15 applicant Uplands Visionaries, LLC, consisting of Sheet 1, “Existing Conditions”, dated
16 February 20, 2009; Sheet 2, “Proposed Development Master Plan”, dated ~~March~~ April 23, 2009;
17 and Sheet 3, “Preliminary Forest Conservation/Landscape Plan”, dated ~~February 20~~ April 23,
18 2009, is approved.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the uses within the Planned Unit
20 Development are as follows:

21 (a) In all areas of the Planned Unit Development:

22 (1) all permitted, accessory, and conditional uses as allowed in the R-5 Zoning
23 District as of the date of this Ordinance, except as further provided in Section
24 3(a)(2);

25 (2) additionally, the following uses are permitted uses:

26 Club or lodge, nonprofit or private, including swimming pools but no athletic
27 courts
28 Leasing or sales offices for dwelling units within the Planned Unit Development
29 Model home and garage displays
30 Multiple family detached dwellings
31 Parks and playgrounds, public or private
32 Single family attached dwellings per the Development Plan

33 (b) Notwithstanding the provisions of Section 3(a) above, the following uses are
34 prohibited within the Planned Unit Development:

35 Automobile accessory stores, including repair and installation
36 Beauty shops and nail salons
37 Blood donor centers
38 Check cashing stores
39 “Dollar” stores
40 Firearm sales or ammunition sales
41 Gasoline service stations
42 Gun shops

1 Health clinics
2 Hospitals
3 Laboratories for research and testing
4 Liquor stores or package goods stores
5 Pawnshops
6 Pool halls and billiard parlors
7 Poultry and rabbit-killing establishments
8 Recycling collection stations
9 Rooming houses
10 Second-hand stores
11 Taverns
12 Theaters
13 Travel trailers, recreational vehicles, and similar camping equipment: parking or
14 storage

15 **SECTION 4. AND BE IT FURTHER ORDAINED**, That within the Planned Unit Development:

16 (a) the maximum allowable floor area may not exceed 1,501,038 square feet.
17 (b) the maximum allowable density may not exceed 761 dwelling units.

18 **SECTION 5. AND BE IT FURTHER ORDAINED**, That notwithstanding any provisions of the
19 Zoning Code, the height of all single-family dwellings (attached, detached, or semi-detached)
20 shall not be subject to a strict height limitation but shall not exceed 3 stories, the precise height
21 to be approved by the Planning Commission as part of final design approval.

22 **SECTION 6. AND BE IT FURTHER ORDAINED**, That parking shall be provided in accordance
23 with the Zoning Code for the underlying zoning district.

24 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the properties designated as part of the
25 Residential Planned Unit Development under this Ordinance shall not be regulated by it until the
26 City or Uplands Visionaries, LLC, or its successors and assigns, has acquired title to the
27 properties.

28 **SECTION 8. AND BE IT FURTHER ORDAINED**, That the exterior signage within the Planned
29 Unit Development shall be subject to final design approval by the Planning Commission.

30 **SECTION 9. AND BE IT FURTHER ORDAINED**, That where there may be a conflict between the
31 provisions of the Uplands Renewal Plan and the provisions of any Planned Unit Development in
32 the Uplands Renewal Area, the provisions of the Uplands Renewal Plan control.

33 **SECTION 10. AND BE IT FURTHER ORDAINED**, That all plans for the construction of
34 permanent improvements on the Property are subject to final design approval by the Planning
35 Commission to insure that the plans are consistent with the Development Plan and this
36 Ordinance.

37 **SECTION 11. AND BE IT FURTHER ORDAINED**, That the Planning Commission may
38 determine what constitutes minor or major modifications to the Development Plan. Minor
39 modifications require approval by the Planning Commission. Major modifications require
40 approval by Ordinance.

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1 **SECTION 12. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
2 accompanying Development Plan and in order to give notice to the agencies that administer the
3 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
4 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
5 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
6 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
7 Appeals, the Planning Commission, the Commissioner of Housing and Community
8 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

9 **SECTION 13. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th
10 day after the date it is enacted.

1

Exhibit 1

2 **Properties to be included in the Planned Unit Development**

3 4400-4412 Old Frederick Road
4 4414-4420 Old Frederick Road
5 4550-4506 Old Frederick Road
6 4508 Old Frederick Road
7 4631 Edmondson Avenue
8 4625 Edmondson Avenue
9 4627-4629 Edmondson Avenue
10 4503-4507 Old Frederick Road
11 4509-4513 Old Frederick Road
12 4601-4627 Old Frederick Road
13 4601-4613 Lawnpark Road
14 522 Swann Avenue
15 524 Swann Avenue
16 526 Swann Avenue
17 528 Swann Avenue
18 530 Swann Avenue
19 4605 Edmondson Avenue
20 4607 Edmondson Avenue
21 4609 Edmondson Avenue
22 4611 Edmondson Avenue
23 4613 Edmondson Avenue
24 4617 Edmondson Avenue
25 4602 Old Frederick Road
26 4600 Old Frederick Road
27 4501 Edmondson Avenue

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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