

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 09-0427**

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Introduced by: Councilmember Cole

At the request of: Wylie Funeral Homes, P.A.

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: December 10, 2009

Assigned to: Land Use and Transportation Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 8, 2010

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**AN ORDINANCE CONCERNING**

**Planned Unit Development – Designation – Wylie Funeral Home**

FOR the purpose of approving the application of the Mayor and City Council of Baltimore and Wylie Funeral Homes, P.A., which are either the owner, potential owner, developer, and/or contract purchaser of the following properties: 1602, 1604, 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and 634, 636, and 638 North Gilmor Street (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 Wylie Funeral Homes, P.A. are either owner, potential owner, developer, and/or contract purchaser of the following properties: 1602, 1604, 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and 634, 636, and 638 North Gilmor Street. Wylie Funeral Homes, P.A. plans to develop the Property, consisting of 2.18 acres, more or less, for residential and business uses.

On November 16, 2009, representatives of the applicant met with the Department of Planning of Baltimore City to hold a preliminary conference to explain the scope and nature of existing and proposed development on the Property in order 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.

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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 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 of Baltimore approves the application of the Mayor and City Council of  
7 Baltimore and Wylie Funeral Homes, P.A. to designate the properties known as 1602, 1604,  
8 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem  
9 Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and  
10 634, 636, and 638 North Gilmor Street, consisting of 2.18 acres, more or less, as outlined on the  
11 accompanying Development Plan, as a Residential Planned Unit Development under Title 9,  
12 Subtitles 1 and 2 of the Baltimore City Zoning Code.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan entitled “Wylie  
14 Funeral Home” submitted by the applicant, Wylie Funeral Homes, P.A., consisting of Sheet 1,  
15 “Existing Conditions”, dated November 16, 2009; Sheet 2, “Proposed Site Plan”, dated  
16 November 16, 2009 and revised December 31, 2009; Sheet 3, “Preliminary Landscape Plan,”  
17 dated November 16, 2009 and revised December 31, 2009; and Sheet 4, “Exterior Elevations”,  
18 dated November 16, 2009, is approved.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title  
20 9, Subtitles 1 and 2, the following uses are permitted within the Planned Unit Development:

21 (a) The following principal uses are permitted within the Planned Unit Development:

- 22 (1) all permitted, accessory, and conditional uses as allowed in the R-8 Zoning  
23 District;
- 24 (2) undertaking establishments and funeral parlors; and
- 25 (3) offices: business, governmental, and professional.

26 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the properties designated as being part of  
27 the Residential Planned Unit Development under this Ordinance shall not be regulated by this  
28 Ordinance until the City or Wylie Funeral Homes, P.A., or its successors or assigns, has acquired  
29 title to the properties.

30 **SECTION 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of  
31 permanent improvements on the Property within the Planned Unit Development are subject to  
32 final design approval by the Planning Commission to insure that the plans are consistent with the  
33 Development Plan and this Ordinance.

34 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine  
35 what constitutes minor or major modifications to the Plan. Minor modifications require approval  
36 by the Planning Commission. Major modifications require approval by Ordinance.

37 **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
38 accompanying Development Plan and in order to give notice to the agencies that administer the  
39 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the  
40 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the

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1 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a  
2 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning  
3 Appeals, the Planning Commission, the Commissioner of Housing and Community  
4 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

5 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
6 after the date it is enacted.

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\_\_

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Mayor, Baltimore City