

**CITY OF BALTIMORE
COUNCIL BILL 09-0427
(First Reader)**

Introduced by: Councilmember Cole

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

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Introduced and read first time: December 10, 2009

Assigned to: Land Use and Transportation Committee

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, Department of General Services, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of approving the application of the Mayor and City Council of Baltimore and
4 Wylie Funeral Homes, P.A., which are either the owner, potential owner, developer, and/or
5 contract purchaser of the following properties: 1602, 1604, 1606, 1606 ½, 1608, 1610, 1612,
6 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem Avenue; 703, 705, 707, 709, 711,
7 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and 634, 636, and 638 North
8 Gilmor Street (collectively, the “Property”), to have the Property designated a Residential
9 Planned Unit Development; and approving the Development Plan submitted by the applicant.

10 BY authority of

11 Article - Zoning

12 Title 9, Subtitles 1 and 2

13 Baltimore City Revised Code

14 (Edition 2000)

15 **Recitals**

16 The Mayor and City Council of Baltimore and Wylie Funeral Homes, P.A. are either owner,
17 potential owner, developer, and/or contract purchaser of the following properties: 1602, 1604,
18 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem
19 Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and
20 634, 636, and 638 North Gilmor Street. Wylie Funeral Homes, P.A. plans to develop the
21 Property, consisting of 2.18 acres, more or less, for residential and business uses.

22 On November 16, 2009, representatives of the applicant met with the Department of
23 Planning of Baltimore City to hold a preliminary conference to explain the scope and nature of

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

Council Bill 09-0427

1 existing and proposed development on the Property in order to institute proceedings to have the
2 Property designated a Residential Planned Unit Development.

3 The representatives of the applicant have now applied to the Baltimore City Council for
4 designation of the property as a Residential Planned Unit Development, and they have submitted
5 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 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 of Baltimore approves the application of the Mayor and City Council of
9 Baltimore and Wylie Funeral Homes, P.A. to designate the properties known as 1602, 1604,
10 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem
11 Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and
12 634, 636, and 638 North Gilmor Street, consisting of 2.18 acres, more or less, as outlined on the
13 accompanying Development Plan, as a Residential Planned Unit Development under Title 9,
14 Subtitles 1 and 2 of the Baltimore City Zoning Code.

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

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
21 9, Subtitles 1 and 2, the following uses are permitted within the Planned Unit Development:

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

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

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

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

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

38 **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
39 accompanying Development Plan and in order to give notice to the agencies that administer the

Council Bill 09-0427

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

7 **SECTION 8. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
8 after the date it is enacted.