

**CITY OF BALTIMORE  
COUNCIL BILL 08-0258  
(First Reader)**

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Introduced by: Councilmember Spector

At the request of: Heather Ridge Condominium Council, Inc., and Kol Torah of Baltimore

Address: c/o AB Associates, 1 South Calvert Street #1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: December 4, 2008

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, Department of Transportation, Baltimore City Parking Authority Board

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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 last amended by Ordinance 07-384, the Mayor and City Council (i)  
12 approved the original application of Carl M. Freeman Associates, Inc., and Ralph DeChiaro  
13 Enterprises, Inc., to have certain property located on the south side of Fallstaff Road, north and  
14 east of Bartol Avenue, north and south of Benhurst Park and east of Clarks Lane, consisting of  
15 50 acres, more or less, designated as a Residential Planned Unit Development and (ii) approved  
16 the Development Plan submitted by the applicant.

17 Heather Ridge Condominium Council, Inc., and Kol Torah of Baltimore wish to amend the  
18 Development Plan, as previously approved by the Mayor and City Council, to permit the  
19 development of a synagogue on a 2.21 acre parcel at 2929 Fallstaff Road for the Kol Torah of  
20 Baltimore congregation.

21 On November 24, 2008, representatives of Kol Torah of Baltimore met with the Department  
22 of Planning for a preliminary conference to explain the scope and nature of the proposed  
23 amendments to the 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 Heather Ridge Condominium Council, Inc., and Kol Torah of  
2 Baltimore have now applied to the Baltimore City Council for approval of these amendments,  
3 and they have submitted amendments to the Development Plan intended to satisfy the  
4 requirements of Title 9, Subtitles 1 and 2 of the 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 amendments to the Development Plan submitted by the  
7 Developer, as attached to and made part of this Ordinance, including Sheet 1, "Overall PUD  
8 Plan", dated November 12, 2008, Sheet 2, "Existing Conditions Plan", dated November 12,  
9 2008, Sheet 3, "Site Plan", dated November 12, 2008, Sheet 4, "Landscape Plan", dated  
10 November 12, 2008, Sheet 5, "Forest Conservation/Forest Stand Delineation Plan", dated  
11 November 12, 2008, Sheet 6, "Front and Left Elevations", dated November 12, 2008, and Sheet  
12 7, "Rear and Right Elevations", dated November 12, 2008.

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

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

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

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