

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 2

Bill No. 5-10

Councilmembers Kamenetz, Bartenfelder & Moxley

By the County Council, January 19, 2010

A BILL
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of revising the process for the review and approval of a Planned Unit

Development; limiting the location of a Planned Unit Development; and generally
relating to the process for the review and approval of Planned Unit Developments.

BY repealing and re-enacting, with amendments

Sections 430.2 and 430.3A
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 32-4-231, and 32-4-241 through 32-4-247
Article 32 – Planning, Zoning, and Subdivision Control
Title 4 – Development
Baltimore County Code 2003

EXPLANATION: CAPITALS indicate matter added to existing law.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

BY repealing

Section 430.4

Baltimore County Zoning Regulations

By renumbering

Section 430.5

Baltimore County Zoning Regulations

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 430.2 of the Baltimore County Zoning Regulations, as
3 amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

4 § 430.2. Application of Process

5 A. The PUD process may be utilized for:

6 1. A general development PUD, as provided in Section 430.3; or

7 [2. A senior housing PUD, as provided in Section 430.4; or

8 3.] 2. A bed-and-breakfast PUD, as provided in Section 430.[5]4.

9 430.3 General Development PUD.

10 A. Location. A general development PUD shall be located inside the urban rural demarcation
11 line (URDL). [A general development PUD may be located outside the urban rural demarcation
12 line only in a B.M.M. or B.M.B. Zone in the Bowleys Quarters growth management area.]

13 SECTION 2. AND BE IT FURTHER ENACTED, that § 32-4-231 and 32-4-241 through
14 32-4-247 of Article 32 - Planning, Zoning and Subdivision Control, Title 4 - Development, of
15 the Baltimore County Code, be and they are hereby repealed and re-enacted, with amendments,
16 to read as follows:

1 §32-4-231. REFERRAL TO THE PLANNING BOARD.

2 (a) *In General.* The Hearing Officer shall refer the Development Plan to the Planning
3 Board when:

4 (1) The Development Plan conflicts with the Master Plan;

5 (2) The Baltimore County Zoning Regulations require Planning Board consideration;

6 (3) The Development Plan involves a building, structure, or site included on the
7 Landmarks Preservation Commission preliminary or final county landmarks list or is located
8 within a county historic district; OR

9 (4) The applicant has made a written request, under the authority of COMAR
10 27.01.11.01.A, for a variation from the standards provided under Article 33, Title 2 of the Code[;
11 or

12 (5) The proposal is a planned unit development].

13 (b) *Review by the Planning Board at next meeting.* The Planning Board shall review a
14 referred plan at its next scheduled meeting.

15 (c) *Continuation of hearing.* A hearing may be continued by the Hearing Officer.

16 (d) *Final action.* When applicable, the final action of the Hearing Officer is subject to
17 action by the Planning Board and the County Council.

18 § 32-4-241. REVIEW.

19 A proposal for a Planned Unit Development, authorized under Section 430 of the Baltimore
20 County Zoning Regulations, shall be submitted and reviewed in accordance with the procedures
21 of this title.

22 § 32-4-242. APPLICATION.

23 (a) *Submission to County Council.* An application for approval of a site for a Planned Unit
24 Development shall be submitted to the County Council member in whose district the PUD is
25 proposed to be located.

26 (b) *Contents.* The application for a Planned Unit Development shall include:

1 (1) The identification of the proposed project site, the total tract acreage, and an
2 explanation of how the site and the acreage meet the criteria for the type of Planned Unit
3 Development that is proposed;

4 (2) A schematic representation of the proposed PUD, including the general site layout,
5 the proposed building types and uses and the proposed number of units[, including, for a senior
6 housing PUD in which a density bonus is requested, the number of affordable units];

7 (3) A tabulation of the permitted existing density, the floor area ratio allowed and number
8 of parking spaces required in the underlying zones, contrasted with a tabulation of the proposed
9 density, floor area ratio, and number of parking spaces proposed in the PUD;

10 (4) The projected impact of the Planned Unit Development on the surrounding
11 community; and

12 (5) A statement of how the Planned Unit Development will comply with the
13 compatibility requirements of §32-4-402; and

14 (6) A statement of how the Planned Unit Development will provide a community
15 benefit[, or] THAT SHALL INCLUDE ONE OR MORE OF THE FOLLOWING:

16 (I) an environmental benefit by proposing to achieve at least a silver rating
17 according to the U.S. Green Building Council's LEED [for Homes] Green Building Rating
18 System OR PROPOSING RESIDENTIAL STRUCTURES THAT ACHIEVE AT LEAST A
19 SILVER RATING ACCORDING TO THE ANSI (AMERICAN NATIONAL STANDARDS
20 INSTITUTE) NGBS (NATIONAL GREEN BUILDING STANDARD);

21 (II) A LAND USE BENEFIT, INCLUDING PROPOSING A HIGHER
22 QUALITY ARCHITECTURAL DESIGN OR USE OF HIGHER QUALITY BUILDING
23 MATERIALS THAT ENHANCE THE DEVELOPMENT FOR ITS RESIDENTS;

24 (III) A CAPITAL IMPROVEMENT BENEFIT TO ~~A~~ AN ONSITE OR
25 NEARBY COUNTY-OWNED FACILITY FOR USE BY COMMUNITY RESIDENTS, OR TO
26 A VOLUNTEER FIRE COMPANY THAT SERVES THE PLANNED UNIT
27 DEVELOPMENT; OR

1 (IV) A PUBLIC POLICY BENEFIT PROMOTING ECONOMIC
2 DEVELOPMENT OPPORTUNITIES, OR PROVIDING SENIOR OR WORKFORCE
3 HOUSING.

4 (c) *Council action.*

5 (1) If the Council finds that the proposed Planned Unit Development will achieve a
6 development of substantially higher quality than a conventional development would achieve and
7 that the proposed site for the Planned Unit Development is eligible for county review, the
8 Council, by adoption of a resolution, may approve the continued review of the Planned Unit
9 Development in accordance with the procedures of this title and the requirements of the zoning
10 regulations. The Council shall give public notice of the resolution, AND THE DEPARTMENT
11 OF PERMITS AND DEVELOPMENT MANAGEMENT SHALL POST THE PROPERTY, at
12 least 10 business days prior to final vote on the resolution.

13 (2) The Council may amend or modify the densities or uses in the proposed Planned Unit
14 Development and shall include such amendments or modifications in the resolution adopted
15 under this subsection. The Council shall also include in the resolution a statement of the
16 community benefit provided by the [amendment or modification] PROPOSED PLANNED
17 UNIT DEVELOPMENT.

18 § 32-4-243. REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT.

19 (a) *Informational meeting; required.* After adoption of a Council resolution, an applicant for a
20 Planned Unit Development shall participate in an informational meeting with County agencies
21 which shall be conducted in accordance with § 32-4-211 of this subtitle. [The county agencies
22 shall prepare the advisory comments required under §32-4-245(c).]

23 (b) *Concept plan; required.*

24 (1) *Format.*

25 (i) In addition to the information required under Part II of this subtitle, the
26 concept plan for a Planned Unit Development shall contain additional information as provided
27 for in this Part.

1 (ii) The applicant shall submit the concept plan to the Department of Permits and
2 Development Management [in a format designed to contrast] WITH A STATEMENT
3 CONTRASTING the proposed development of the land as a Planned Unit Development with its
4 development in accordance with the requirements of the underlying zoning classification. [The
5 plan shall be submitted 90 days after adoption of the Council resolution.] THE STATEMENT
6 SHALL IDENTIFY THE BENEFITS OF THE DEVELOPMENT OF THE LAND AS A
7 PLANNED UNIT DEVELOPMENT AS OPPOSED TO ITS DEVELOPMENT IN ANY OTHER
8 MANNER.

9 (iii) [The format design required under Paragraph (1)(ii) of this subsection shall
10 reflect the benefits of the development of the land as a Planned Unit Development as opposed to
11 its development in any other manner] THE PLAN SHALL BE SUBMITTED WITHIN 90 DAYS
12 AFTER ADOPTION OF THE COUNCIL RESOLUTION THAT APPROVES THE PLAN FOR
13 COUNTY REVIEW IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

14 (2) *Submission of Multiple Concept Plans.* An applicant may submit more than one
15 concept plan so that multiple options or alternatives may be provided for review.

16 (3) *Contents of the concept plan.* The concept plan for a Planned Unit Development
17 shall include a pattern book that contains:

18 (i) A surveyed existing conditions map including steep slopes, nontidal wetlands
19 and tidal wetlands, wooded areas, existing buildings, topography, and other environmentally
20 sensitive areas as determined by the Director of Environmental Protection and Resource
21 Management based upon the best available existing information;

22 (ii) Sketch building elevations, perspectives, critical cross sections, and massing
23 studies, to demonstrate building relationships to one another and the topography;

24 (iii) A general statement of materials, signage, and screening concepts; and

25 (iv) Written documentation describing:
26 1. The effects of the proposed development on the environment, traffic flow,
27 and on the provision of public facilities and services such as sewers, water, schools, police, fire,
28 recreation, libraries, community centers, open space, or any other public facility or service which
29 the county requests to be analyzed;

1 2. If the proposed development has a significant or adverse effect under
2 subparagraph (iv)1. of this paragraph, how the effect will be addressed or mitigated;

3 3. How the Planned Unit Development will comply with the compatibility
4 requirements of § 32-4-402 of this title;

5 4. [In a senior housing PUD, how the proposal meets the standards of
6 paragraph 430.4 of the Baltimore County Zoning Regulations, including the housing
7 affordability plan, if a density bonus is requested;] Design requirements which shall include:

8 A. Street and alley design, streetscape treatments, public open space, and
9 the building envelope which includes setbacks for principal and accessory buildings, build-to
10 lines, access points, location of off-street parking and buffering from surrounding uses;

11 B. An architectural code and prototype designs for proposed buildings;
12 and

13 C. The architectural standards for each type of building accompanied by
14 a description of each building type for each area of the Planned Unit Development; [and]

15 [6]5. A STATEMENT IDENTIFYING ANY PROPOSED
16 MODIFICATIONS TO THE APPLICABLE DEVELOPMENT OR ZONING
17 REQUIREMENTS; AND

18 6. A statement explaining how the Planned Unit Development will provide a
19 community [or environmental] benefit.

20 (C) *CONCEPT PLAN CONFERENCE; REQUIRED.* A CONCEPT PLAN CONFERENCE
21 SHALL BE HELD IN ACCORDANCE WITH § 32-4-216.

22 [c](D) *Community input meeting; required.* A community input meeting shall be held in
23 accordance with § 32-4-217.

24 (E) *PUD DEVELOPMENT PLAN; REQUIRED.* UPON COMPLETION OF THE
25 COMMUNITY INPUT MEETING, AN APPLICANT SHALL FILE A PUD DEVELOPMENT
26 PLAN WITH THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT,
27 IN ACCORDANCE WITH § 32-4-221 THROUGH § 32-4-224. THE DEPARTMENT OF
28 PERMITS AND DEVELOPMENT MANAGEMENT SHALL UNDERTAKE A
29 PRELIMINARY REVIEW OF THE PUD DEVELOPMENT PLAN IN ACCORDANCE WITH §

1 32-4-225, AND, THEREAFTER, THE COUNTY SHALL REVIEW THE PLAN AND HOLD A
2 DEVELOPMENT PLAN CONFERENCE IN ACCORDANCE WITH § 32-4-226.

3 § 32-4-244. REQUIRED FINAL REPORT FOR PLANNED UNIT DEVELOPMENT.

4 [(a) *Duty of Office of Planning.* For a Planned Unit Development, the Office of Planning shall:

5 (1) Provide a report and the applicant's pattern book to the Planning Board and the
6 applicant within 30 working days after the conclusion of the community input meeting; and

7 (2) Make copies of the report available to the public, residents, and community
8 associations in attendance at the community input meeting.

9 (b) *Authority of Director to recommend changes.* The Director of the Office of Planning may
10 recommend changes to the Planning Board in the site layout, types, intensity of uses, signage,
11 landscaping requirements, or other aspects of the Planned Unit Development that the Director
12 considers necessary for the Planned Unit Development to meet the intent and purposes of this
13 title and the Baltimore County Zoning Regulations.]

14 WHEN PREPARING ITS CONCEPT PLAN CONFERENCE COMMENTS IN ACCORDANCE
15 WITH § 32-4-216, THE OFFICE OF PLANNING MAY MAKE INITIAL
16 RECOMMENDATIONS WITH REGARD TO THE SITE LAYOUT, TYPES AND INTENSITY
17 OF USES, SIGNAGE, LANDSCAPING REQUIREMENTS, OR OTHER ASPECTS OF THE
18 PLANNED UNIT DEVELOPMENT, INCLUDING REQUESTED MODIFICATIONS OF
19 STANDARDS, THAT THE DIRECTOR CONSIDERS NECESSARY FOR THE PLANNED
20 UNIT DEVELOPMENT TO MEET THE INTENT AND PURPOSES OF THIS TITLE AND
21 THE BALTIMORE COUNTY ZONING REGULATIONS. WITH ITS DEVELOPMENT PLAN
22 CONFERENCE COMMENTS, THE OFFICE OF PLANNING SHALL INCLUDE A FINAL
23 REPORT CONTAINING ITS FINAL RECOMMENDATIONS CONSISTENT WITH THIS
24 SECTION, AND THIS FINAL REPORT TOGETHER WITH THE PUD DEVELOPMENT
25 PLAN AND PATTERN BOOK SHALL BE SUBMITTED TO THE HEARING OFFICER FOR
26 REVIEW IN ACCORDANCE WITH § 32-4-245.

1 § 32-4-245. [PLANNING BOARD] HEARING OFFICER REVIEW.

2 (a) *Action by [Planning Board]* HEARING OFFICER.

3 (1) THE HEARING OFFICER SHALL CONDUCT A HEARING ON THE PUD
4 DEVELOPMENT PLAN IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 32-4-
5 227 AND 32-4-228.

6 [(1)](2) The [Planning Board] HEARING OFFICER shall [approve or deny]ISSUE A
7 WRITTEN DECISION THAT APPROVES OR DENIES the [concept plan] PUD
8 DEVELOPMENT PLAN and may condition approval on comments contained in the Director’s
9 report or otherwise.

10 [(2)](3) [The Planning Board shall file a written decision with the Hearing Officer no
11 later than 45 days after the referral to the Planning Board.] The decision shall [include a listing
12 of] IDENTIFY any development or zoning requirements modified under subsection [(c)] (B)(3)
13 and a statement indicating that the [Board] HEARING OFFICER considered the impact of such
14 modifications upon surrounding uses and why such modifications are in the public interest.

15 [(3) The Planning Board may amend or modify the proposed plan in a manner consistent
16 with this section.

17 (4) Applications denied by the Planning Board may not be for forwarded for
18 Development Plan review.

19 (b) *Notice and hearing.*

20 (1) Action may not be taken on the proposed concept plan until after a public hearing
21 before the Planning Board.

22 (2) Notice of the date, time, and place of the Planning Board’s hearing shall be
23 conspicuously posted by the applicant on the lot, parcel, or tract that is the subject of the concept
24 plan at least 20 working days before the hearing and shall remain posted until the date of the
25 hearing. The Office of Planning shall also post notice on the county’s internet web site.]

26 [(c)](B) *Standards for review.*

27 (1) The [Planning Board] HEARING OFFICER shall review the proposed Planned Unit
28 Development for compliance with the requirements of the Baltimore County Zoning Regulations

1 and the development regulations. [The Planning Board may adopt rules and regulations for the
2 conduct of its proceedings in accordance with the process of Article 3, Title 7 of the Code.]

3 [(2) The Directors of the Office of Planning, Economic Development, Permits and
4 Development Management, Community Conservation, Environmental Protection and Resource
5 Management, Public Works and Recreation and Parks shall offer advisory comments to the
6 Planning Board regarding the proposed Planned Unit Development, including comments on the
7 mix and proportion of proposed uses and any affordable residential rental units proposed for a
8 senior housing PUD. The Planning Board may refer any technical issue or other matter to the
9 director of an agency for advice, including the conduct of an administrative hearing to resolve an
10 issue. The director shall promptly report the agency's written findings and recommendations to
11 the Board.]

12 [(3)](2) The height, area, setback, parking, open space, sign and other development and
13 zoning requirements of the underlying zone or district that apply in that portion of the proposed
14 Planned Unit Development shall provide the base for the [Planning Board's] HEARING
15 OFFICER'S review. Unless otherwise [shown on the approved PUD plan] MODIFIED, the base
16 development and zoning requirements shall apply. [The concept plan shall indicate higher
17 standards than the base requirements of the underlying zone.]

18 [(4)](3) The [Planning Board] HEARING OFFICER may:

19 (I) condition approval of a PUD DEVELOPMENT plan on higher standards;

20 (II) [Any reduction or modification in the] APPROVE MODIFICATIONS OF
21 THE applicable requirements of the underlying zone [shall be predicated] upon [the Planning
22 Board's] A finding that they are necessary to achieve the intent and purpose of this section [and
23 provide a community benefit]; AND

24 (III) ACCEPT ~~OR ENHANCE~~ ANY PROPOSED COMMUNITY BENEFIT
25 AND FURTHER DEFINE ITS TERMS.

26 (4) The [Planning Board] HEARING OFFICER may not alter the amendments or
27 modifications imposed by the County Council under §32-4-242(c) [if the alteration results in an
28 increase in densities or uses] , OR, EXCEPT AS PROVIDED IN ITEM (3) (III), ALTER THE
29 COMMUNITY BENEFIT IDENTIFIED IN THE COUNCIL RESOLUTION.

1 (5) The [Planning Board] HEARING OFFICER may require compliance of the plan with
2 §32-4-203 and with any of the general design standards of Article 32, Title 4, Subtitle 4 of the
3 Baltimore County Code.

4 [(d)](C) *Basis for approval.* The [Planning Board] HEARING OFFICER may approve a
5 proposed [planned unit concept plan] PUD DEVELOPMENT PLAN only upon finding that:

6 (1) The proposed development meets the intent, purpose, conditions, and standards of
7 this section;

8 (2) The proposed development will conform with § 502.1.A, B, C, D, E and F of the
9 Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the
10 proposed site;

11 (3) There is a reasonable expectation that the proposed development, including
12 development schedules contained in the [concept plan] PUD DEVELOPMENT PLAN, will be
13 developed to the full extent of the plan;

14 (4) Subject to the provisions of § 32-4-242(c)(2), the development is in compliance with
15 Section 430 of the Baltimore County Zoning Regulations; and

16 (5) The [concept plan] PUD DEVELOPMENT PLAN is in conformance with the goals,
17 objectives, and recommendations of the Master Plan, [or] area plans, OR THE OFFICE OF
18 PLANNING.

19 (D) APPEALS. THE DECISION OF THE HEARING OFFICER IS SUBJECT TO THE
20 APPEAL PROVISIONS OF §32-4-281.

21 [§32-4-246. HEARING OFFICER REVIEW.

22 *Authority of the Hearing Officer.* The Hearing Officer, within 20 days after receipt and
23 review of the report of the Planning Board shall:

24 (1) Deny the concept plan only upon a finding that the decision of the Planning Board
25 under §32-4-245 constitutes an abuse of the Planning Board's discretion or are unsupported by
26 the documentation and evidence presented to the Board; or

27 (2) In the absence of finding under (1), approve the concept plan.

28 (3) The decision of the Hearing Officer is subject to the appeal provisions of §32-4-281.

1 §32-4-247. DEVELOPMENT PLAN REVIEW.

2 (a) *Filing of Development Plan.* Following approval of the concept plan by the Hearing Officer,
3 an applicant may file a Development Plan with the Department of Permits and Development
4 Management for review in accordance with this section.

5 (b) *Acceptance of Plan.* The Department shall accept the Development Plan if:

6 (1) The plan is filed within 12 months of the Hearing Officer's approval under §32-4-
7 246, and

8 (2) The plan meets the requirements of §32-4-224.

9 (c) *Approval of Plan.* The Department shall approve the Development Plan if it materially
10 conforms to the concept plan as approved by the Hearing Officer, subject to any non-material
11 modifications the Department may require.

12 (d) The decision of the Department is subject to the appeal provisions of §32-4-281.]

13 SECTION 3. AND BE IT FURTHER ENACTED, that Section 430.4 of the Baltimore
14 County Zoning Regulations is hereby repealed.

15 SECTION 4. AND BE IT FURTHER ENACTED, that Section 430.5 of the Baltimore
16 County Zoning Regulations is hereby renumbered as Section 430.4.

17 SECTION 5. AND BE IT FURTHER ENACTED, that any PUD proposal for which the
18 County Council passed a resolution, pursuant to Section 32-4-242, prior to the effective date of
19 this Act, may proceed under the law and Master Plan recommendations in effect at the time the
20 resolution was passed.

21 SECTION 6. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
22 after its enactment.