

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 11

Bill No. 36-11

Councilmembers Olszewski & Oliver

By the County Council, June 6, 2011

A BILL
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of requiring a post-submission community meeting for a proposed Planned Unit Development; providing for the amendment, modification, or revocation, in certain limited cases, of the prior approval for the review of a proposed Planned Unit Development; outlining the procedure and time frame for amendment, modification, or revocation; providing for the application of the Act; and generally relating to the Planned Unit Development process, including the amendment, modification, or revocation of a Planned Unit Development.

BY adding

Section 32-4-242(c)

Article 32 - Planning, Zoning and Subdivision Control

Title 4 - Development

Baltimore County Code, 2003 as amended

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 adding

Section 32-4-242(C)(3), and renumbering “(c)” to be “(d)”
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code, 2003, as amended

WHEREAS, the Baltimore County Council wishes to require a post-submission community meeting for and create a process, in limited cases, for the amendment, modification, or revocation of a previously approved Planned Unit Development; and

WHEREAS, the Council finds it expedient to provide a process for a Councilperson, in certain cases, to revoke the prior approval for review of a Planned Unit Development in his or her district; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 32-4-242(c) be and it is hereby added to Article 32-Planning,
3 Zoning and Subdivision Control, Title 4. Development, of the Baltimore County Code, 2003, to read
4 as follows:

5 Section 32-4-242. Application.

6 (C) POST-SUBMISSION COMMUNITY MEETING. FOLLOWING THE SUBMISSION
7 OF AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT UNDER SUBSECTIONS (A)
8 AND (B), AND PRIOR TO THE ADOPTION OF A RESOLUTION UNDER SUBSECTION (D)
9 (1) AND (2), THE FOLLOWING ARE REQUIRED:

10 (1) POST-SUBMISSION COMMUNITY MEETING. A POST-SUBMISSION
11 COMMUNITY MEETING SHALL BE HELD AS FOLLOWS:

12 (I) THE APPLICANT SHALL PROVIDE THREE WEEKS ADVANCE
13 NOTICE REGARDING THE DATE, TIME, AND LOCATION OF THE POST-SUBMISSION
14 COMMUNITY MEETING BY THE POSTING OF A SIGN ON THE SUBJECT PROPERTY IN

1 THE SAME MANNER AS REQUIRED BY SECTION 32-4-217(B) OF THIS SUBTITLE.
2 WRITTEN NOTICE SHALL BE MAILED TO:

3 1. ALL ADJOINING PROPERTY OWNERS AS IDENTIFIED IN
4 THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

5 2. ANY COMMUNITY ASSOCIATIONS OR CIVIC
6 ORGANIZATIONS THAT REPRESENT THE GEOGRAPHIC AREA OF THE SUBJECT
7 PROPERTY OR ANY ADJOINING PROPERTIES.

8 (II) AT THE POST-SUBMISSION COMMUNITY MEETING, THE
9 APPLICANT SHALL:

10 1. MAKE AVAILABLE THE PLANNED UNIT DEVELOPMENT
11 SUBMISSION THAT WAS PRESENTED TO THE COUNTY COUNCIL MEMBER;

12 2. PROVIDE INFORMATION TO THE COMMUNITY
13 REGARDING THE PROPOSED DEVELOPMENT AND ALLOW COMMUNITY RESIDENTS
14 TO ASK QUESTIONS AND MAKE COMMENTS;

15 3. MAINTAIN A RECORD OF THE NAMES, ADDRESSES, AND
16 ELECTRONIC MAIL ADDRESSES, IF AVAILABLE, OF THE POST-SUBMISSION
17 COMMUNITY MEETING ATTENDEES; AND

18 4. COMPILE COMPREHENSIVE MINUTES OF THE MEETING,
19 WHICH SHALL BE FORWARDED TO THE COUNCIL MEMBER AND TO THE
20 DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.

21 (III) PRIOR TO ADOPTION OF A RESOLUTION APPROVING THE
22 CONTINUED REVIEW OF THE PLANNED UNIT DEVELOPMENT, COMMUNITY
23 RESIDENTS AND ORGANIZATIONS MAY PROVIDE WRITTEN INPUT AND COMMENTS
24 REGARDING THE PROPOSED DEVELOPMENT TO THE COUNCIL MEMBER.

25 (IV) AT THE DISCRETION OF THE COUNCIL MEMBER, ANOTHER

1 POST-SUBMISSION COMMUNITY MEETING MAY BE REQUIRED.

2 (2) PRELIMINARY REVIEW. COPIES OF THE APPLICATION FOR A
3 PLANNED UNIT DEVELOPMENT THAT WAS PRESENTED TO THE COUNCIL MEMBER
4 SHALL BE SUBMITTED TO THE DEPARTMENT OF PERMITS, APPROVALS AND
5 INSPECTIONS. THE DEPARTMENT SHALL TRANSMIT THE COPIES TO THE
6 APPROPRIATE REVIEWING AGENCIES FOR PRELIMINARY REVIEW AND COMMENT.
7 PRIOR TO ADOPTION OF A RESOLUTION UNDER SUBSECTION (D), THE REVIEWING
8 COUNTY AGENCIES SHALL PROVIDE A WRITTEN PRELIMINARY EVALUATION OF THE
9 PROPOSAL TO THE COUNCIL MEMBER.

10 SECTION ~~1~~ 2. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
11 COUNTY, MARYLAND, that Section 32-4-242(c)(3) be and it is hereby renumbered as (d) and
12 added to Article 32 - Planning, Zoning and Subdivision Control, Title 4. Development of the
13 Baltimore County Code, 2003, as amended, to read as follows:

14 Section 32-4-242. Application.

15 ~~(c)~~ (D) Council Action.

16 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH, THE COUNTY COUNCIL MAY NOT AMEND, MODIFY, OR REVOKE A
18 RESOLUTION ADOPTED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

19 (II) 1. IF A RESOLUTION AUTHORIZING THE REVIEW OF A
20 PLANNED UNIT DEVELOPMENT IS PASSED NOT MORE THAN SIXTY DAYS BEFORE A
21 COUNTY COUNCIL MEMBER QUALIFIES UNDER §203 OF THE CHARTER TO
22 REPRESENT THE DISTRICT WHERE THE PLANNED UNIT DEVELOPMENT IS PROPOSED
23 TO BE LOCATED, THE COUNTY COUNCIL MEMBER, NOT LATER THAN SIXTY DAYS

1 AFTER QUALIFYING UNDER §203 OF THE CHARTER, MAY INTRODUCE A
2 RESOLUTION TO REVOKE APPROVAL FOR THAT PLANNED UNIT DEVELOPMENT.

3 2. THE COUNTY COUNCIL MAY INTRODUCE A RESOLUTION
4 THAT AMENDS OR MODIFIES A RESOLUTION ADOPTED UNDER PARAGRAPHS (1) AND
5 (2) OF THIS SUBSECTION AT ANY TIME WITHIN 90 DAYS AFTER THE CONCLUSION OF
6 THE COMMUNITY INPUT MEETING.

7 (III) THE COUNTY COUNCIL SHALL PROVIDE NOTICE OF ANY
8 RESOLUTION INTRODUCED UNDER THIS PARAGRAPH IN ACCORDANCE WITH
9 PARAGRAPH (1) OF THIS SUBSECTION.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, that this Act shall render null and void
11 any prior resolution purporting to revoke approval for the review of a Planned Unit Development.

12 SECTION 3 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by
13 the affirmative vote of five members of the County Council, shall take effect on July 18, 2011.