

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2007, Legislative Day No. 14

Bill No. 55-07

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Councilmembers Kamenetz, Bartenfelder, Moxley, Oliver, Olszewski & Gardina

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By the County Council, July 2, 2007

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A BILL  
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of requiring an application for a Planned Unit Development to state the community benefit to be provided by the proposal; authorizing the Council to amend or modify certain elements of a proposed Planned Unit Development upon certain conditions; requiring a statement of community benefit in the concept plan; specifying the Planning Board's standards for review; repealing ~~an obsolete provision~~ obsolete provisions in the Zoning Regulations; and generally relating to Planned Unit Developments.

BY repealing and re-enacting, with amendments

Section 32-4-242(b) and (c)(2), 32-4-243(b)(3)(iv) and 32-4-245(c)(3) and (4) and (d)(4)  
Article 32- Planning, Zoning and Subdivision Control  
Title 4 - Development  
Baltimore County Code 2003

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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.

1 BY repealing

2 ~~Section Sections 259.9A.3 and~~ 430.3E  
3 Baltimore County Zoning Regulations

4 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
5 COUNTY, MARYLAND, that Sections 32-4-22(b) and (c) (2), 32-4-243(b)(3)(iv) and 32-4-  
6 245(c)(3) and (4) and (d)(4) of Article 32 - Planning, Zoning and Subdivision Control, Title 4 -  
7 Development, of the Baltimore County Code 2003 be and they are hereby repealed and re-  
8 enacted, with amendments, to read as follows:

9 §32-4-242. Application.

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

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

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

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

20 (4) The projected impact of the Planned Unit Development on the surrounding  
21 community; [and]

22 (5) A statement of how the Planned Unit Development will comply with the  
23 compatibility requirements of §32-4-402; AND

24 (6) A STATEMENT OF HOW THE PLANNED UNIT DEVELOPMENT WILL

1 PROVIDE A COMMUNITY BENEFIT, OR AN ENVIRONMENTAL BENEFIT BY  
2 PROPOSING TO ACHIEVE AT LEAST A SILVER RATING ACCORDING TO THE U.S.  
3 GREEN BUILDING COUNCIL'S LEED FOR HOMES GREEN BUILDING RATING  
4 SYSTEM.

5 (c) Council action.

6 (2) The Council may [impose restrictions or conditions upon] AMEND OR  
7 MODIFY the densities or uses in the proposed Planned Unit Development and shall include such  
8 [restrictions or conditions] AMENDMENTS OR MODIFICATIONS in the resolution adopted  
9 under this subsection. THE COUNCIL SHALL ALSO INCLUDE IN THE RESOLUTION A  
10 STATEMENT OF THE COMMUNITY BENEFIT PROVIDED BY THE AMENDMENT OR  
11 MODIFICATION.

12 § 32-4-243. Requirements for a Planned Unit Development.

13 (b) Concept plan; required.

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

16 (iv) Written documentation describing:

17 1. The effects of the proposed development on the environment,  
18 traffic flow, and on the provision of public facilities and services such as sewers, water, schools,  
19 police, fire, recreation, libraries, community centers, open space or any other public facility or  
20 service which the county requests to be analyzed;

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

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



1 of the underlying zone shall be predicated upon the Planning Board's finding that they are  
2 necessary to achieve the intent and purpose of this section and [are in the public interest.]  
3 PROVIDE A COMMUNITY BENEFIT.

4 (4) The Planning Board may not alter the [restrictions or conditions]  
5 AMENDMENTS OR MODIFICATIONS imposed by the County Council under §32-4-242(c) IF  
6 THE ALTERATION RESULTS IN AN INCREASE IN DENSITIES OR USES.

7 (d) Basis for approval. The Planning Board may approve a proposed planned unit  
8 concept plan only upon finding that:

9 (4) [The] SUBJECT TO THE PROVISIONS OF §32-4-242(C)(2), THE  
10 development is in compliance with Section 430 of the Baltimore County Zoning Regulations;  
11 and

12 SECTION 2. AND BE IT FURTHER ENACTED, that ~~Section~~ Sections 259.9A.3 and  
13 430.3E of the Baltimore County Zoning Regulations, as amended, be and ~~it is~~ they are hereby  
14 repealed.

15 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
16 the affirmative vote of five members of the County Council, shall take effect on August 17,  
17 2007, and shall apply to all applications filed under Section 32-4-242 after August 17, 2007.