

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 8

Bill No. 38-12

Councilmembers Olszewski, Oliver, Huff & Marks

By the County Council, April 16, 2012

AN ACT concerning

Development - Compatibility Requirements

FOR the purpose of providing exceptions to the general compatibility requirements of the development regulations in certain cases; specifying the compatibility objectives and the procedure to apply those objectives to certain proposed planned unit developments; providing for the application of the Act; and generally relating to the compatibility requirements applicable to certain planned unit developments.

BY repealing and re-enacting, with amendments,

Section 32-4-402(c)
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code 2003

BY adding

Section 32-4-402.1
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.

WHEREAS, there is a need to promote and implement the principles and policies of the Baltimore County Master Plan 2020, to encourage compact, concentrated, quality development and redevelopment and to direct such smart growth development toward specific areas identified in the Baltimore County Master Plan 2020; and

WHEREAS, the Master Plan establishes areas in Baltimore County that are appropriate for such development; and

WHEREAS, some smart growth development which implements the policies of the Master Plan for such areas may be inconsistent with the compatibility requirements of Section 32-4-402 of the Baltimore County Code; and

WHEREAS, there is a need to promote compact, concentrated, quality development and redevelopment in certain urban areas, Revitalization Areas, and Community Enhancement Areas adjacent to an interstate highway or within the Towson Core, among other specific areas; and

WHEREAS, the compatibility requirements of Section 32-4-402 of the Baltimore County Code should not limit compact, concentrated, quality development and redevelopment in such areas of Baltimore County if such proposed development implements the policies and principles of the Master Plan; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the laws of Baltimore County read as follows:

3 §32-4-402. Compatibility.

1 (c) Recommendations by Director of Planning. The Director of Planning shall make
2 compatibility recommendations to the Hearing Officer for:

3 (1) A cluster subdivision;

4 (2) A development in the RCC, R-O, OR-1, OR-2, O-3, SE, OT zones, the CR
5 districts, or, EXCEPT AS PROVIDED FOR A DEVELOPMENT DESCRIBED IN SECTION
6 32-4-402.1, a Planned Unit Development; or

7 (3) Alternative site design dwellings as provided in the comprehensive manual of
8 development policies.

9 §32-4-402.1. PLANNED UNIT DEVELOPMENT - COMPATIBILITY

10 (A) THE DIRECTOR OF PLANNING SHALL MAKE COMPATIBILITY
11 RECOMMENDATIONS TO THE HEARING OFFICER FOR A PLANNED UNIT
12 ~~DEVELOPMENT, OR ANY PART THEREOF, THAT IS:~~ DEVELOPMENT, WHICH, IN
13 WHOLE OR IN PART, IS:

14 (1) LOCATED IN A BALTIMORE COUNTY COMMERCIAL
15 REVITALIZATION DISTRICT;

16 (2) IDENTIFIED WITHIN A TRANSECT OVERLAY OF T-6 IN THE
17 MASTER PLAN (MAP 5);

18 (3) A BROWNFIELDS SITE AS DEFINED IN SECTION 5-301 OF THE
19 ECONOMIC DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

20 (4) AN APPROVED TRANSIT ORIENTED DEVELOPMENT

1 OPPORTUNITY SITE; OR

2 (5) IDENTIFIED WITHIN A TRANSECT OVERLAY OF T-5 IN THE
3 MASTER PLAN (MAP 5), LOCATED IN AN AREA IDENTIFIED IN THE MASTER PLAN
4 AS A COMMUNITY ENHANCEMENT AREA (MAP 6), AND ADJACENT TO AN
5 INTERSTATE HIGHWAY.

6 (B) THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT LISTED IN
7 SUBSECTION (A) SHALL BE DESIGNED TO ~~ACHIEVE~~ SUBSTANTIALLY COMPLY
8 WITH THE FOLLOWING COMPATIBILITY OBJECTIVES SO THAT THE
9 DEVELOPMENT:

10 (1) IS IN A LOCATION THAT IS SIGNIFICANT DUE TO ITS VISIBILITY,
11 ACCESSIBILITY OR SITING;

12 (2) HAS OR WILL PROVIDE ADEQUATE PUBLIC INFRASTRUCTURE;

13 (3) PROVIDES COMPACT DEVELOPMENT;

14 (4) PROVIDES SUSTAINABLE DESIGN;

15 (5) ENCOURAGES NEW INVESTMENT OR REINVESTMENT

16 OPPORTUNITIES;

17 (6) FOSTERS DEVELOPMENT OR REDEVELOPMENT OF WELL-

18 LOCATED BUT UNDER-UTILIZED OR OBSOLETE PROPERTIES;

19 (7) PROVIDES ECONOMIC BENEFITS;

20 (8) DEMONSTRATES THAT ITS BUILDINGS, PARKING STRUCTURES,

1 LANDSCAPING, OPEN SPACE PATTERNS, SIGNAGE AND OTHER ARCHITECTURAL
2 TREATMENTS ARE SPATIALLY AND VISUALLY INTEGRATED WITHIN THE
3 DEVELOPMENT AND INCORPORATE APPROPRIATE ELEMENTS OF URBAN DESIGN;

4 (9) CONNECTS PROPOSED STREETS WITH THE EXISTING
5 NEIGHBORHOOD ROAD NETWORK, IF PRACTICABLE, AND LOCATES PROPOSED
6 SIDEWALKS TO SUPPORT THE FUNCTIONAL PATTERNS OF THE NEIGHBORHOOD;

7 (10) INTEGRATES LOCALLY SIGNIFICANT FEATURES OF THE SITE
8 SUCH AS DISTINCTIVE BUILDINGS OR VISTAS INTO THE SITE DESIGN; AND

9 (11) SUPPORTS A UNIFORM ARCHITECTURAL THEME IN ITS
10 EXTERIOR SIGNS, SITE LIGHTING AND ACCESSORY STRUCTURES.

11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
12 the affirmative vote of five members of the County Council, shall take effect on June 6, 2012
13 and shall apply to any Planned Unit Development for which a hearing before the Administrative
14 Law Judge commences after the effective date of this Act.