

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2012, Legislative Day No. 9

Bill No. 42-12

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Councilmembers Marks & Quirk

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By the County Council, May 7, 2012

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A BILL  
ENTITLED

AN ACT concerning

Development

FOR the purpose of clarifying the relationship of the Master Plan to a proposed development, including a Planned Unit Development; requiring a PUD post-submission community meeting to be held at a certain time; requiring certain County agencies to submit a preliminary evaluation of a proposed PUD plan within a certain time; providing for the processing of proposed amendments to an approved PUD development plan under certain conditions and subject to County Council review; ~~clarifying the permitted location of a general development PUD;~~ and generally relating to the development of land in Baltimore County.

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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.

BY repealing and re-enacting, with amendments  
Sections 32-4-102(a)(1), 32-4-242(c) and 32-4-245(c)  
Article 32 - Planning, Zoning, and Subdivision Control  
Title 4 - Development  
Baltimore County Code 2003

BY adding  
Section 32-4-245(e)  
Article 32 - Planning, Zoning, and Subdivision Control  
Title 4 - Development  
Baltimore County Code 2003

~~BY repealing and re-enacting, with amendments~~  
~~Section 430.3.A~~  
~~Baltimore County Zoning Regulations~~

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

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4 Section 32-4-102. Development Policies.

5 (a) *Conformity with Master Plan required.*

6 (1) Subject to the [limitation in the Charter] LIMITATIONS IN THE CHARTER  
7 AND THIS CODE, all development of land shall conform to:

- 8 (i) The Master Plan;
- 9 (ii) Adopted community plans; and
- 10 (iii) This title.

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Section 32-4-242. Application.

(c) *Post-submission community meeting.* Following the submission of an application for a Planned Unit Development under subsections (a) and (b), and prior to the adoption of a resolution under subsection (d)(1) and (2), the following are required:

(1) The application shall be posted on the County Council internet website.

(2) *Post-submission community meeting.* A post-submission community meeting shall be held as follows:

(i) THE POST-SUBMISSION COMMUNITY MEETING SHALL BE HELD NO EARLIER THAN 21 DAYS AND NO LATER THAN 30 DAYS AFTER THE FILING OF A PUD APPLICATION. The applicant shall provide three weeks advance notice regarding the date, time, and location of the post-submission community meeting by the posting of a sign on the subject property in the same manner as required by § 32-4-217(b) of this subtitle. Written notice shall be mailed to:

1. All adjoining property owners as identified in the records of the State Department of Assessments and Taxation; and

2. Any community associations or civic organizations that represent the geographic area of the subject property or any adjoining properties.

(ii) At the post-submission community meeting, the applicant shall:

1. Make available the Planned Unit Development submission that was presented to the County Council member;

2. Provide information to the community regarding the proposed development and allow community residents to ask questions and make comments;

1                   3. Maintain a record of the names, addresses, and electronic mail addresses, if  
2 available, of the post-submission community meeting attendees; and

3                   4. Compile comprehensive minutes of the meeting, which shall be forwarded  
4 to the Council member and to the Department of Permits, Approvals and Inspections AND  
5 POSTED BY THE DEPARTMENT ON THE COUNTY'S INTERNET WEBSITE.

6                   (iii) Prior to adoption of a resolution approving the continued review of the  
7 Planned Unit Development, community residents and organizations may provide written input  
8 and comments regarding the proposed development to the Council member.

9                   (iv) At the discretion of the Council member, another post-submission  
10 community meeting may be required.

11                   (3) *Preliminary review.* Copies of the application for a Planned Unit Development that  
12 was presented to the Council member shall be submitted to the Department of Permits,  
13 Approvals and Inspections. The Department shall transmit the copies to the DEPARTMENT OF  
14 PLANNING, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
15 SUSTAINABILITY AND THE DEPARTMENT OF PUBLIC WORKS AND OTHER  
16 appropriate reviewing agencies for preliminary review and comment. Prior to adoption of a  
17 resolution under subsection (d), the reviewing county agencies shall provide a written  
18 preliminary evaluation of the proposal to the Council member WITHIN 15 DAYS OF THE  
19 FILING OF A PUD APPLICATION. THE PRELIMINARY EVALUATION SHALL BE  
20 POSTED ON THE COUNTY'S INTERNET WEBSITE.

21                   (d) *Council action.*

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23                   § 32-4-245. Hearing Officer Review.

1 (c) *Basis for approval.* The Hearing Officer may approve a proposed PUD development  
2 plan only upon finding that:

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

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

8 (3) There is a reasonable expectation that the proposed development,  
9 including development schedules contained in the PUD development plan, will be developed to  
10 the full extent of the plan;

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

13 (5) The PUD development plan is in conformance with the goals, objectives  
14 and recommendations of ONE OR MORE OF THE FOLLOWING: the Master Plan, area plans,  
15 or the Department of Planning.

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17 (E) *AMENDMENTS.*

18 (1) IN THIS SUBSECTION, “MATERIAL AMENDMENT” MEANS ANY  
19 SIGNIFICANT CHANGE IN THE TYPE, LOCATION AND ARRANGEMENT OF  
20 PRINCIPAL LAND USE, OR THE DENSITY OF LAND USE, WITHIN THE  
21 DEVELOPMENT AS SHOWN ON THE PREVIOUSLY APPROVED PUD DEVELOPMENT  
22 PLAN.

1                   (2)     IF AN AMENDMENT IS PROPOSED TO AN APPROVED PUD  
2 DEVELOPMENT PLAN, THE AMENDMENT SHALL BE SUBMITTED TO THE  
3 DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS. AFTER RECEIVING  
4 COMMENTS FROM THE DIRECTORS OF THE DEPARTMENT OF PLANNING AND THE  
5 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY AND  
6 THE DEPARTMENT OF PUBLIC WORKS, THE DIRECTOR OF THE DEPARTMENT OF  
7 PERMITS, APPROVALS AND INSPECTIONS SHALL DETERMINE WHETHER THE  
8 CHANGES ARE MATERIAL AND SHALL GIVE WRITTEN NOTICE TO THE COUNTY  
9 COUNCIL, AND THE SECRETARY TO THE COUNTY COUNCIL, OF HIS DECISION  
10 AND THE BASIS FOR HIS DECISION.

11                   (3)     (I) WITHIN 14 DAYS AFTER RECEIPT OF THE DECISION OF THE  
12 DIRECTOR UNDER PARAGRAPH (2), A MEMBER OF THE COUNCIL MAY REQUEST  
13 THAT THE DIRECTOR'S DECISION BE PLACED ON A COUNCIL AGENDA FOR  
14 APPROVAL OR DISAPPROVAL AT A LEGISLATIVE MEETING. IF A REQUEST IS NOT  
15 MADE WITHIN THE 14-DAY PERIOD, A PROPOSED AMENDMENT SHALL BE  
16 PROCESSED IN ACCORDANCE WITH PARAGRAPH ~~(3) OR (4)~~ (4) OR (5).

17                   (II)     IF THE DIRECTOR'S DECISION IS DISAPPROVED, THE  
18 PROPOSED AMENDMENT TO THE PUD DEVELOPMENT PLAN SHALL BE  
19 SUBMITTED TO THE COUNTY COUNCIL PURSUANT TO SECTION 32-4-242.

20                   (4) IF THE DIRECTOR OF THE DEPARTMENT OF PERMITS,  
21 APPROVALS AND INSPECTIONS DETERMINES THAT AN AMENDMENT IS NON-  
22 MATERIAL, AND THE COUNTY COUNCIL DOES NOT DISAPPROVE HIS DECISION,

1 THE PUD DEVELOPMENT PLAN SHALL BE PROCESSED PURSUANT TO SECTION 32-  
2 4-106(B).

3 (5) IF THE DIRECTOR OF THE DEPARTMENT OF PERMITS,  
4 APPROVALS AND INSPECTIONS DETERMINES THAT AN AMENDMENT IS  
5 MATERIAL, AND THE COUNTY COUNCIL DOES NOT DISAPPROVE HIS DECISION,  
6 THE PUD DEVELOPMENT PLAN SHALL BE PROCESSED PURSUANT TO SECTION 32-  
7 4-245.

8 (6) EXCEPT AS PROVIDED IN PARAGRAPH 3(II), AN APPLICATION TO  
9 THE COUNTY COUNCIL PURSUANT TO SECTION 32-4-242 IS NOT REQUIRED FOR  
10 ANY AMENDMENT, MATERIAL OR NON-MATERIAL, TO AN APPROVED PUD  
11 DEVELOPMENT PLAN.

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13 ~~SECTION 2. AND BE IT FURTHER ENACTED, that the Baltimore County Zoning~~  
14 ~~Regulations read as follows:~~

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16 ~~Section 430.3. General Development PUD~~

17 ~~A. Location. A general development PUD shall be located inside the urban rural~~  
18 ~~demarcation line (URDL) OR ON A TRACT WHICH IS WHOLLY OR PARTIALLY~~  
19 ~~SERVED BY PUBLIC WATER AND SEWER.~~

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21 SECTION 3 2. AND BE IT FURTHER ENACTED, that this Act having been passed by  
22 the affirmative vote of five members of the County Council, shall take effect on June 18, 2012.