

**TITLE 13. PLANNED UNIT DEVELOPMENTS**

**SUBTITLE 1. PURPOSE; TRANSITION RULES**

**§ 13-101. PURPOSE.**

THE PURPOSE OF A PLANNED UNIT DEVELOPMENT IS TO:

- (1) ENCOURAGE FLEXIBILITY IN THE DEVELOPMENT OF LAND AND IN THE DESIGN OF STRUCTURES;
- (2) ENCOURAGE A CREATIVE APPROACH TO THE USE OF LAND THAT RESULTS IN BETTER DEVELOPMENT AND DESIGN THAN MIGHT OTHERWISE BE ACCOMPLISHED UNDER THE STRICT APPLICATION OF THIS CODE ON A LOT-BY-LOT BASIS;
- (3) PROVIDE FOR THE EFFICIENT USE OF LAND TO FACILITATE A MORE EFFECTIVE ARRANGEMENT OF LAND USES, BUILDINGS, CIRCULATION SYSTEMS, AND UTILITIES;
- (4) ENCOURAGE THE CONSTRUCTION OF APPROPRIATE AESTHETIC AMENITIES THAT WILL ENHANCE THE CHARACTER OF THE SITE;
- (5) PROMOTE QUALITY DEVELOPMENT THAT IS COMMENSURATE WITH OTHER DEVELOPMENT WITHIN THE COMMUNITY AND COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA AND ADJACENT PROPERTIES; AND
- (6) FACILITATE THE IMPLEMENTATION OF THE COMPREHENSIVE MASTER PLAN.

**§ 13-102. TRANSITION RULES.**

(A) *IN GENERAL.*

PREVIOUSLY APPROVED RESIDENTIAL, OFFICE-RESIDENTIAL, BUSINESS, AND INDUSTRIAL PLANNED UNIT DEVELOPMENTS REMAIN VALID AND MUST CONTINUE TO COMPLY WITH ALL REQUIREMENTS AND CONDITIONS OF THEIR INITIAL APPROVAL, INCLUDING ALL CODE REGULATIONS IN EFFECT IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS CODE.

(B) *AMENDMENTS.*

ANY AMENDMENTS TO THESE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS WILL BE CATEGORIZED AS EITHER ENGINEERING CORRECTIONS, MINOR CHANGES, OR MAJOR CHANGES IN ACCORDANCE WITH SUBTITLE 4 {“MODIFICATIONS TO APPROVED FINAL DEVELOPMENT PLANS”} OF THIS TITLE AND MUST FOLLOW THE CORRESPONDING APPROVAL PROCEDURE.

(C) *ALLOWED USES.*

ALL PERMITTED AND CONDITIONAL USES OF THE UNDERLYING ZONING DISTRICT OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT ARE ALLOWED UNLESS SPECIFICALLY PROHIBITED BY THE PLANNED UNIT DEVELOPMENT.

**SUBTITLE 2. REQUIREMENTS; APPROVAL STANDARDS; EXCEPTIONS**

**§ 13-201. AUTHORIZATION.**

(A) *ALLOWED AS CONDITIONAL USE.*

A PLANNED UNIT DEVELOPMENT IS ALLOWED AS A CONDITIONAL USE IN ALL ZONING DISTRICTS, EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, AND MUST BE APPROVED THROUGH THE DEVELOPMENT APPROVAL PROCESS OF THIS TITLE.

(B) *REQUIREMENTS OF UNDERLYING DISTRICT.*

UNLESS OTHERWISE SPECIFICALLY PROVIDED BY THE ORDINANCE ESTABLISHING OR AMENDING THE PLANNED UNIT DEVELOPMENT, ALL REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT APPLY.

Comment [A1]: MMI.10 (DLR)

(C) *EXCLUDED ZONING DISTRICTS.*

PLANNED UNIT DEVELOPMENTS ARE PROHIBITED IN THE I-1, I-2, AND MI DISTRICTS.

**§ 13-202. GENERAL REQUIREMENTS.**

(A) *COMMON OWNERSHIP OR UNIFIED CONTROL.*

(1) THE SITE OF THE PLANNED UNIT DEVELOPMENT MUST BE UNDER COMMON OWNERSHIP OR UNIFIED CONTROL.

(2) IF THERE ARE 2 OR MORE OWNERS, THE APPLICATION FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT OR FOR APPROVAL OF AN AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT MUST BE JOINTLY FILED BY ALL OWNERS.

(B) *MINIMUM AREAS.*

PLANNED UNIT DEVELOPMENTS MUST MEET THE FOLLOWING MINIMUM AREAS:

(1) AT LEAST 5 ACRES IN THE R-1A, R-1B, R-1C, R-1D, R-1E, R-1, R-2, R-3, R-4, AND R-5 DISTRICTS;

(2) AT LEAST 2 ACRES IN THE R-6, R-7, R-8, R-9, R-10, ~~B-1, B-2, B-3, B-4, B1, C-1, C-2, C-3, C-4~~, I-MU, TOD, AND OR DISTRICTS;

Comment [A2]: 13.1 (T-778)

(3) AT LEAST 12 ACRES IN THE ~~B-5~~C-5 DISTRICT; AND

(4) AT LEAST 5 ACRES IN THE ~~O~~POIC AND BSC DISTRICTS.

(C) *EXCEPTIONS.*

EXCEPTIONS TO THE REGULATIONS CONTAINED IN THIS CODE, INCLUDING USE, BULK, YARD, PARKING, AND SIGN REGULATIONS, MAY BE GRANTED THROUGH THE PLANNED UNIT DEVELOPMENT PROCESS, AS MAY BE DESIRABLE TO ACHIEVE THE OBJECTIVES OF THE PROPOSED PLANNED UNIT DEVELOPMENT, AS LONG AS THE EXCEPTIONS ARE FULLY CONSISTENT WITH AND AUTHORIZED BY THIS TITLE.

**§ 13-203. APPROVAL STANDARDS.**

(A) *IN GENERAL.*

Comment [A3]: 13.2 (T-434)

IN REVIEWING A PLANNED UNIT DEVELOPMENT:

(1) THE CONDITIONAL USE STANDARDS OF ~~TITLE 5, SUBTITLE 4~~ {"CONDITIONAL USES"} § 5-405(A) {"CONDITIONS: CRITERIA FOR IMPOSING"} AND §5-406 {"APPROVAL STANDARDS"} OF THIS CODE APPLY; AND

(2) THE FOLLOWING ADDITIONAL FACTORS MUST BE CONSIDERED:

(I) WHETHER THE PLANNED UNIT DEVELOPMENT IS IN GENERAL CONFORMANCE WITH ALL ELEMENTS OF THE COMPREHENSIVE MASTER PLAN, AND THE CHARACTER AND NATURE OF EXISTING AND CONTEMPLATED DEVELOPMENT IN THE VICINITY OF THE PROPOSED PLANNED UNIT DEVELOPMENT;

(II) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PRESERVE UNUSUAL TOPOGRAPHIC OR NATURAL FEATURES OF THE LAND, AND THE DESIGN OF THE PLANNED UNIT DEVELOPMENT WILL BEST UTILIZE AND BE COMPATIBLE WITH THE TOPOGRAPHY OF THE LAND;

(III) WHETHER THE PHYSICAL CHARACTERISTICS OF THE PLANNED UNIT DEVELOPMENT WILL NOT ADVERSELY AFFECT FUTURE DEVELOPMENT OR THE VALUE OF UNDEVELOPED NEIGHBORING AREAS, OR THE USE, MAINTENANCE, OR VALUE OF NEIGHBORING AREAS ALREADY DEVELOPED;

(IV) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PROVIDE THE SAME PROTECTION AS THE BASIC DISTRICT REGULATIONS IN REGARD TO FIRE, HEALTH HAZARDS, AND OTHER DANGERS; ~~AND~~

(V) WHETHER THE PLANNED UNIT DEVELOPMENT WILL ENCOURAGE INNOVATIVE DESIGN FEATURES OR ADAPTIVE REUSE OF STRUCTURES THAT WOULD NOT BE POSSIBLE BY APPLICATION OF THE BASIC DISTRICT REGULATIONS; AND

(VI) WHETHER THE PLANNED UNIT DEVELOPMENT IS COMPATIBLE WITH ANY NEARBY INDUSTRIAL DISTRICT.

Comment [A4]: 13.3 (T-435)

(B) REQUIRED FINDINGS.

THE PLANNED UNIT DEVELOPMENT MAY BE APPROVED ONLY IF THERE ARE FINDINGS THAT:

(1) THE USE IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD;

(2) THE USE FURTHERS THE PURPOSE OF THE PROPOSED CLASSIFICATION; AND

(3) THE PUD MASTER PLAN DEVELOPED UNDER § 13-304 OF THIS TITLE ENSURES THAT THERE WILL BE NO DISCORDANCE WITH EXISTING USES.

**§ 13-204. EXCEPTIONS FROM DISTRICT REGULATIONS.**

(A) *CONSIDERATIONS*

IN DETERMINING WHETHER TO GRANT AN EXCEPTION FROM DISTRICT REGULATIONS, THE PLANNING COMMISSION AND CITY COUNCIL MUST CONSIDER WHETHER THE EXCEPTION WILL:

- (1) ENHANCE THE OVERALL MERIT OF THE PLANNED UNIT DEVELOPMENT;
- (2) PROMOTE THE OBJECTIVES OF BOTH THE CITY AND THE DEVELOPMENT;
- (3) ENHANCE THE QUALITY OF THE DESIGN OF THE STRUCTURES AND THE SITE PLAN;
- (4) ENABLE THE DEVELOPMENT TO OFFER ENVIRONMENTAL AND PEDESTRIAN AMENITIES;
- (5) NOT CAUSE SUCH AN ADVERSE IMPACT ON NEIGHBORING PROPERTIES SO AS TO OUTWEIGH THE BENEFITS OF THE DEVELOPMENT;
- (6) NOT NEGATIVELY AFFECT THE VALUE AND ENJOYMENT OF SURROUNDING PROPERTY, THE PROVISION OF MUNICIPAL SERVICES, OR THE FLOW OF TRAFFIC;
- (7) BE COMPATIBLE WITH THE LAND USE POLICIES OF THE COMPREHENSIVE MASTER PLAN;
- (8) PROVIDE A SUBSTANTIAL PUBLIC BENEFIT TO THE CITY, AS ILLUSTRATED IN SUBSECTION (D) OF THIS SECTION; AND
- (9) ALLOW USES THAT PREDOMINANTLY MATCH OR ARE COMPATIBLE WITH USES ALLOWED IN THE UNDERLYING ZONING DISTRICT AND THE ZONING DISTRICTS OF ADJACENT PROPERTIES.

(B) *REQUIRED SUPERIOR DESIGN AND AMENITIES.*

TO BE GRANTED AN EXCEPTION, THE APPLICANT MUST DEMONSTRATE SUPERIOR DESIGN AND ENHANCED AMENITIES.

(C) *REQUIRED BENEFIT TO CITY.*

IN NO CASE MAY ANY EXCEPTION BE GRANTED UNLESS THE APPLICANT DEMONSTRATES A SUBSTANTIAL BENEFIT TO THE CITY.

(D) *EXAMPLES OF SUBSTANTIAL BENEFIT TO CITY.*

EXAMPLES OF SUBSTANTIAL BENEFITS TO THE CITY ARE AS FOLLOWS:

- (1) USE OF SUSTAINABLE DESIGN AND ARCHITECTURE, SUCH AS GREEN ROOFS, WHITE ROOFS, AND OTHER ENERGY EFFICIENT DESIGN CONCEPTS, NEW BUILDING TECHNOLOGIES, AND QUALIFYING AS A LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ("LEED") OR LEED-EQUIVALENT STRUCTURE;
- (2) ENHANCED DESIGN CHARACTERISTICS, INCLUDING MIXED-USE DEVELOPMENT, CIRCULATION SYSTEMS THAT UTILIZE ALLEYS OR TRAFFIC-CALMING TECHNIQUES, AND A PEDESTRIAN-ORIENTED ENVIRONMENT;
- (3) COMMUNITY AMENITIES, INCLUDING PLAZAS, MALLS, FORMAL GARDENS, PLACES TO CONGREGATE, OUTDOOR SEATING, PUBLIC ART, AND PEDESTRIAN AND TRANSIT FACILITIES;

- (4) PRESERVATION OF NATURAL AREAS AND SITE DESIGN THAT IS SENSITIVE TO ENVIRONMENTAL FEATURES;
- (5) HISTORIC PRESERVATION AND ADAPTIVE REUSE OF HISTORIC STRUCTURES;
- (6) ADDITIONAL OPEN SPACE AND RECREATIONAL AMENITIES, SUCH AS RECREATIONAL OPEN SPACE AND PLAYGROUNDS, INCLUDING ATHLETIC FIELDS, DOG PARKS, NATURAL WATER FEATURES, AND CONSERVATION AREAS;
- (7) ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS, IN ADDITION TO THE MINIMUM NEEDED BY THE PLANNED UNIT DEVELOPMENT, SUCH AS NEW OR REPAVED STREETS, BICYCLE PATHS, GUTTERS AND SEWERS, AND TRAFFIC CONTROL DEVICES TO IMPROVE TRAFFIC FLOW;
- (8) SENIOR HOUSING SET-ASIDE;
- (9) AFFORDABLE HOUSING SET-ASIDE;
- (10) PROVISION OF ACCESSIBLE DWELLING UNITS WITH ACCESSIBLE FEATURES BEYOND THOSE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT OR ANY OTHER APPLICABLE CODES; AND
- (11) PROVISION OF PUBLIC CAR OR BIKE SHARE FACILITIES.

**SUBTITLE 3. PROCEDURES FOR PLAN APPROVAL**

**§ 13-301. IN GENERAL.**

(A) *4-STEP PROCESS.*

APPROVAL OF A PLANNED UNIT DEVELOPMENT IS A 4-STEP PROCESS COMPRISING:

- (1) ~~PRE APPLICATION~~ PRELIMINARY CONSULTATION;
- (2) CONCEPT PLAN;
- (3) ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN; AND
- (4) FINAL DEVELOPMENT PLAN.

**Comment [A5]:** 13.4 (T-438)

**Comment [A6]:** 13.5 (T-441, T-446)

(B) *COMPLIANCE REQUIRED.*

THE PROCEDURES, REQUIREMENTS, RESTRICTIONS, AND CONDITIONS OF THIS TITLE MUST BE OBSERVED IN THE AUTHORIZATION OF A PLANNED UNIT DEVELOPMENT.

(C) INTRODUCTION OF LEGISLATION

**Comment [A7]:** 13.6 (T-442)

- (1) IN ACCORDANCE WITH TITLE 5, SUBTITLE 5 OF THIS CODE, AT THE REQUEST OF A PROPERTY'S OWNER OR DEVELOPER, 1 OR MORE MEMBERS OF THE CITY COUNCIL MAY INTRODUCE A-PROPOSED ORDINANCE LEGISLATIVE AUTHORIZATION TO APPROVE, AMEND, OR REPEAL A PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN.

(2) ON REFERRAL OF THE BILL TO THE PLANNING COMMISSION AS REQUIRED BY TITLE 5, SUBTITLE 5 OF THIS CODE:

(I) THE PROPERTY OWNER OR DEVELOPER SEEKING TO ESTABLISH THE PLANNED UNIT DEVELOPMENT THE LEGISLATIVE AUTHORIZATION IS CONSIDERED THE APPLICANT FOR PURPOSES OF THIS TITLE; AND

(II) THE PROCEDURES OF THIS SUBTITLE APPLY.

**§ 13-302. ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION.**

(A) *CONSULTATION REQUIRED.*

(1) BEFORE FILING ANY PLANS FOR A PLANNED UNIT DEVELOPMENT, THE APPLICANT MUST ATTEND A ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION WITH THE DIRECTOR OF PLANNING. THIS CONSULTATION MUST TAKE PLACE BEFORE OR AS SOON AS POSSIBLE AFTER INTRODUCTION OF THE ~~PROPOSED ORDINANCE TO APPROVE BILL SEEKING THE LEGISLATIVE AUTHORIZATION FOR THE PLANNED UNIT DEVELOPMENT.~~

Comment [A8]: (T-439)

(2) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR WHOM A BILL HAS BEEN INTRODUCED TO AUTHORIZE, AMEND, OR REPEAL A PLANNED UNIT DEVELOPMENT.

(B) *INFORMATION TO BE SUBMITTED.*

FOR THE ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION, THE APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

- (1) LOCATION OF THE PROPOSED DEVELOPMENT;
- (2) PROPOSED USES;
- (3) PROPOSED PUBLIC AND PRIVATE IMPROVEMENTS;
- (4) A LIST OF ANY EXCEPTIONS TO DISTRICT REQUIREMENTS THAT THE APPLICANT ANTICIPATES WILL BE REQUESTED ; AND
- (5) ANY OTHER INFORMATION NECESSARY TO CLEARLY EXPLAIN THE PLANNED UNIT DEVELOPMENT.

(C) *PURPOSE OF CONSULTATION.*

THE PURPOSE OF THE ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION IS TO MAKE ADVICE AND ASSISTANCE AVAILABLE TO THE APPLICANT BEFORE PREPARATION OF THE CONCEPT PLAN, SO THAT THE APPLICANT MAY DETERMINE:

- (1) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT APPEARS IN GENERAL TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE AND OTHER APPLICABLE REGULATIONS;
- (2) WHETHER ANY ZONING EXCEPTIONS ARE REQUIRED IN CONNECTION WITH THE PROPOSED PLANNED UNIT DEVELOPMENT; AND

- (3) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT WILL BE IN CONFORMITY WITH THE COMPREHENSIVE MASTER PLAN AND THE GOALS AND POLICIES OF THE CITY FOR DEVELOPMENT.

(D) *APPLICATION AND FEE.*

THE ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION DOES NOT REQUIRE THE FILING OF AN APPLICATION OR PAYMENT OF A FEE.

(E) *OPINIONS GIVEN NOT BINDING.*

OPINIONS OR ADVICE PROVIDED AT THE CONSULTATION ARE IN NO WAY BINDING ON THE PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE PLANNED UNIT DEVELOPMENT.

**§ 13-303. CONCEPT PLAN.**

(A) *SUBMISSION TO COMMISSION.*

AFTER THE ~~PRE-APPLICATION~~ PRELIMINARY CONSULTATION, THE APPLICANT MUST FILE A CONCEPT PLAN WITH THE PLANNING DIRECTOR FOR THE PURPOSE OF OBTAINING INFORMATION AND GUIDANCE FROM THE PLANNING COMMISSION BEFORE THE APPLICANT ENTERS INTO BINDING COMMITMENTS OR INCURS SUBSTANTIAL EXPENSE.

(B) *PLAN COMPONENTS.*

AT MINIMUM, THE CONCEPT PLAN MUST CONSIST OF THE FOLLOWING:

- (1) A SITE PLAN THAT IS DRAWN TO AN APPROPRIATE SCALE AND, IN GENERAL FORM, SHOWS:
  - (I) PROPOSED LAND USES AND STRUCTURES;
  - (II) NATURAL FEATURES OF THE DEVELOPMENT SITE;
  - (III) APPROXIMATE LOCATION OF ALL ROADWAYS AND ACCESS DRIVES PROPOSED WITHIN THE PLANNED UNIT DEVELOPMENT; AND
  - (IV) LOCATION OF ALL ADJACENT PUBLIC STREETS, THOROUGHFARES, AND PUBLIC UTILITIES;
- (2) A SITE LOCATION MAP THAT IS DRAWN TO AN APPROPRIATE SCALE AND SHOWS:
  - (I) THE PROPOSED PLANNED UNIT DEVELOPMENT IN RELATION TO SURROUNDING STREETS AND PROPERTY WITHIN 600 FEET IN ALL DIRECTIONS OF THE DEVELOPMENT SITE; AND
  - (II) THE LOCATION, HEIGHT, AND LAND USE OF ALL EXISTING BUILDINGS AND STRUCTURES ADJOINING THE DEVELOPMENT SITE;
- (3) SCHEMATIC DRAWINGS THAT SHOW THE SIZE, GROSS SQUARE FOOTAGE, CHARACTER, AND DISPOSITION OF BUILDINGS CURRENTLY EXISTING ON THE SITE AND BUILDINGS PROPOSED FOR THE SITE; AND

(4) A WRITTEN STATEMENT THAT CONTAINS:

- (I) A GENERAL EXPLANATION OF THE PLANNED UNIT DEVELOPMENT;
- (II) A STATEMENT OF THE PRESENT OWNERSHIP OF ALL THE LAND WITHIN THE DEVELOPMENT;
- (III) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REQUIREMENTS, INCLUDING EXCEPTIONS TO THE REGULATIONS GOVERNING USE, BULK, YARD, OFF-STREET PARKING, AND SIGNS, AS THEY APPLY TO THE ZONING DISTRICT OR DISTRICTS IN WHICH THE PLANNED UNIT DEVELOPMENT IS TO BE LOCATED; AND
- (IV) PROPOSED PUBLIC BENEFITS AND AMENITIES.

(C) *COMMISSION TO PROVIDE GUIDANCE.*

THE PLANNING COMMISSION MUST REVIEW THE CONCEPT PLAN AND PROVIDE THE INFORMATION AND GUIDANCE THAT IT CONSIDERS APPROPRIATE.

(D) *OPINIONS GIVEN NOT BINDING.*

OPINIONS OR ADVICE PROVIDED BY THE PLANNING COMMISSION ARE IN NO WAY BINDING ON THE PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE PLANNED UNIT DEVELOPMENT.

(E) *REVIEW TO BE AT PUBLIC MEETING.*

THE REVIEW OF THE CONCEPT PLAN IS A PUBLIC MEETING. PUBLIC COMMENT ON THE CONCEPT PLAN WILL BE ACCEPTED AT THAT MEETING. NOTICE OF THE MEETING MUST BE GIVEN AS SPECIFIED BY THE DIRECTOR OF PLANNING IN ACCORDANCE WITH THE PLANNING COMMISSION'S RULES AND REGULATIONS AND THE STATE OPEN MEETINGS ACT (TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE).

Comment [A9]: 13.8 (T-449)

**§ 13-304. ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN.**

(A) ~~IN GENERAL~~ PURPOSE OF PLAN.

Comment [A10]: 13.9 (T-447)

~~AFTER THE PLANNING COMMISSION'S REVIEW OF THE CONCEPT PLAN, THE APPLICANT MUST FILE A PRELIMINARY DEVELOPMENT PUD MASTER PLAN WITH THE PLANNING DIRECTOR, TOGETHER WITH THE APPLICABLE FILING FEE. THE PURPOSE OF THE PUD MASTER PLAN IS TO SERVE AS THE LEGISLATIVELY APPROVED PLAN ENCOMPASSING ALL MAJOR ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS. WHERE CERTAIN ELEMENTS OF SITE DESIGN ARE UNKNOWN, IT IS SUFFICIENT TO REFLECT INTENT AS PROVIDED IN THIS SECTION.~~

(B) *PLAN COMPONENTS.*

THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN MUST INCLUDE THE FOLLOWING:

- (1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;



- (2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO SURROUNDING PROPERTIES;
- (3) THE PATTERN AND INTENDED DESIGN STANDARDS OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;
- (4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS, STRUCTURES, AND BUILDING GROUPS;
- (5) ~~THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING A GENERAL PLAN FOR LANDSCAPING THAT DEMONSTRATES DESIGN INTENT AND HOW ENVIRONMENTAL REQUIREMENTS WILL BE MET;~~
- (6) ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES;
- (7) THE GENERAL LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
- (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
- (9) THE PROPOSED STORM DRAINAGE SYSTEM, SHOWING BASIC TOPOGRAPHIC CHANGES;
- (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;
- (11) STATISTICAL DATA ON:
  - (I) THE TOTAL SIZE OF THE PROJECT AREA;
  - (II) DENSITY COMPUTATIONS;
  - (III) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND
  - (IV) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF THE PROPOSED PLANNED UNIT DEVELOPMENT;
- (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT DEVELOPMENT, INCLUDING A PROPOSED PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED; AND
- (13) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REGULATIONS, CITING BY SECTION NUMBER EACH REGULATION FROM WHICH AN EXCEPTION IS SOUGHT.

**Comment [A11]:** 13.10 (Compilation)

(C) ~~PLAN APPROVAL PROCEDURE—PLANNING COMMISSION REVIEW.~~

**Comment [A12]:** 13.11 (Compilation & T-452)

- (1) BEFORE A PUBLIC HEARING IS SCHEDULED, THE ~~PRELIMINARY DEVELOPMENT PROPOSED PUD MASTER~~ PLAN MUST BE FORWARDED TO THE APPROPRIATE CITY AGENCIES, AS DETERMINED BY THE DIRECTOR OF PLANNING, FOR REVIEW. THESE AGENCIES MUST

REVIEW THE ~~PRELIMINARY DEVELOPMENT~~ PROPOSED PUD MASTER PLAN AND FORWARD THEIR REPORTS TO THE PLANNING COMMISSION WITHIN 30 DAYS OF RECEIPT OF THE PLAN. THE PLANNING COMMISSION MUST SCHEDULE A PUBLIC HEARING ON THE ~~PRELIMINARY DEVELOPMENT~~ PROPOSED PUD MASTER PLAN WITHIN 60 DAYS OF RECEIPT OF A COMPLETE APPLICATION.

(2) IF, IN THE PLANNING COMMISSION'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN SUFFICIENT INFORMATION TO ENABLE IT TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE PLANNING COMMISSION MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT AND THE 60 DAY PERIOD IS SUSPENDED OR THE HEARING CONTINUED.

~~(3) AFTER COMPLETION OF THE PUBLIC HEARING, THE PLANNING COMMISSION MAY:~~

~~(i) RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN, AND SUBMIT ITS WRITTEN RECOMMENDATION TO THE CITY COUNCIL; OR~~

~~(ii) ADVISE THE APPLICANT IN WRITING OF ANY RECOMMENDED CHANGES, ADDITIONS, OR CORRECTIONS TO THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN.~~

(3) THE PLANNING COMMISSION MAY RECOMMEND APPROVAL, RECOMMEND APPROVAL WITH CONDITIONS, OR ADVISE THE APPLICANT IN WRITING OF ANY RECOMMENDED CHANGES, ADDITIONS, OR CORRECTIONS TO THE PROPOSED PUD MASTER PLAN. IF THE PLANNING COMMISSION RECOMMENDS CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PROPOSED PUD MASTER PLAN FOR PLANNING COMMISSION CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE PLANNING COMMISSION MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PLAN. ONCE RESUBMITTED, THE PLANNING COMMISSION MAY THEN RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PROPOSED PUD MASTER PLAN.

~~(4) IF THE PLANNING COMMISSIONS RECOMMEND CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PUD MASTER PLAN FOR PLANNING COMMISSION CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE PLANNING COMMISSION MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PUD MASTER PLAN. ONCE RESUBMITTED, THE PLANNING COMMISSION MAY THEN RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN AND SUBMIT ITS WRITTEN RECOMMENDATION TO THE CITY COUNCIL.~~

(4) ONCE THE PLANNING COMMISSION MAKES ITS FINAL DETERMINATION REGARDING THE PROPOSED PUD MASTER PLAN, THE PLANNING COMMISSION'S RECOMMENDATIONS MUST BE SUBMITTED TO THE CITY COUNCIL.

(D) RECOMMENDATIONS TO CITY COUNCIL.

THE PLANNING COMMISSION'S FINAL DETERMINATION REGARDING A PROPOSED PUD MASTER PLAN MUST BE:

(1) INCLUDED IN THE PLANNING COMMISSION'S REPORT TO THE MAYOR AND CITY COUNCIL PURSUANT TO § 5-506 OF THIS CODE IF THE PLANNED UNIT DEVELOPMENT IS THE SUBJECT OF A LEGISLATIVE AUTHORIZATION THAT HAS ALREADY BEEN INTRODUCED PURSUANT TO UNDER § 13-301 (C) OF THIS TITLE ; OR

(2) RETAINED BY THE PLANNING COMMISSION FOR AT LEAST 12 MONTHS FROM THE DATE THE PLANNING COMMISSION MAKES A FINAL DETERMINATION AND INCLUDED IN THE PLANNING COMMISSION'S REPORT PURSUANT TO § 5-506 OF THIS CODE IF, WITHIN THAT 12-MONTH PERIOD, THE PLANNED UNIT DEVELOPMENT BECOMES THE SUBJECT OF A LEGISLATIVE AUTHORIZATION .

~~(D) PLAN APPROVAL PROCEDURE – CITY COUNCIL CONSIDERATION:~~

**Comment [A13]:** 13.12 (Compilation & T-457)

~~(1) AFTER THE CITY COUNCIL RECEIVES THE PLANNING COMMISSION'S RECOMMENDATION, THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN MAY BE INTRODUCED INTO THE CITY COUNCIL 1 OR MORE MEMBERS OF THE CITY COUNCIL MAY INTRODUCE A PROPOSED ORDINANCE TO APPROVE THE PLANNED UNIT DEVELOPMENT AND ITS PUD MASTER PLAN IF A BILL HAS NOT ALREADY BEEN INTRODUCED FOR THE SAME PURPOSE PURSUANT TO § 13-301.~~

~~(2) ONCE THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN IS INTRODUCED, THE CITY COUNCIL MAY:~~

~~(i) APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN; OR~~

~~(ii) REQUIRE THAT THE APPLICANT CHANGE, ADD TO, OR CORRECT THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN BEFORE APPROVAL AND RESUBMIT THE PLAN TO THE CITY COUNCIL.~~

~~(3) IF THE CITY COUNCIL RECOMMEND CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PUD MASTER PLAN FOR CITY COUNCIL CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE CITY COUNCIL MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PUD MASTER PLAN. ONCE RESUBMITTED, THE CITY COUNCIL MAY APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN.~~

~~(4) THE CITY COUNCIL'S PRELIMINARY DEVELOPMENT PUD MASTER PLAN APPROVAL MUST BE IN THE FORM OF AN ORDINANCE ORDINANCE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.~~

**Comment [A14]:** MML9 (DLR)

~~(E) CHART OF PROCESS:~~

~~*FIGURE 13-304: PRELIMINARY DEVELOPMENT PUD MASTER PLAN SUMMARIZES THE PROCESS BY WHICH PRELIMINARY DEVELOPMENT PUD MASTER PLANS MAY BE APPROVED.*~~

**§ 13-305. FINAL DEVELOPMENT PLAN.**

~~(A) PURPOSE OF PLAN.~~

**Comment [A15]:** 13.13 (Compilation)

THE PURPOSE OF THE FINAL DEVELOPMENT PLAN IS TO PROVIDE, AFTER ENACTMENT OF THE ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT AND ITS PUD MASTER PLAN, ADDITIONAL DETAILED INFORMATION ON ALL ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS ONCE CONSTRUCTION IS IMMINENT. WHEREAS THE PUD MASTER PLAN MAY REFLECT DESIGN INTENT, THE FINAL DEVELOPMENT PLAN MUST REFLECT ACTUAL AND FINAL PROPOSED CONDITIONS. THE PLANNING COMMISSION MAY NOT APPROVE THE FINAL DEVELOPMENT PLAN, AS PROVIDED IN THIS SECTION, UNLESS THE FINAL DEVELOPMENT PLAN SUBSTANTIALLY COMPLIES WITH THE PUD MASTER PLAN.

~~(A)~~(B) *WHEN REQUIRED.*

- (1) WITHIN 2 YEARS AFTER ~~APPROVAL OF THE~~ ENACTMENT OF THE ORDINANCE APPROVING OR AMENDING THE PLANNED UNIT DEVELOPMENT AND ITS ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN, THE APPLICANT MUST FILE A FINAL DEVELOPMENT PLAN WITH THE DIRECTOR OF PLANNING, TOGETHER WITH THE APPLICABLE FILING FEE.
- (2) IF THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN WAS APPROVED TO BE CONSTRUCTED IN PHASES, THE APPLICANT MUST SUBMIT THE FINAL DEVELOPMENT PLAN FOR THE FIRST PHASE WITHIN 2 YEARS OF THE APPROVAL OF THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN. FINAL DEVELOPMENT PLANS FOR SUBSEQUENT PHASES MAY BE SUBMITTED ACCORDING TO THE PHASING SCHEDULE APPROVED AS PART OF THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN.

~~(B)~~(C) *PLAN COMPONENTS.*

THE FINAL DEVELOPMENT PLAN MUST INCLUDE THE FOLLOWING, IN FINAL FORM:

- ~~(1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;~~
- ~~(2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO SURROUNDING PROPERTIES;~~
- ~~(3) THE PATTERN AND DESIGN OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;~~
- ~~(4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS, STRUCTURES, AND BUILDING GROUPS;~~
- ~~(5) THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING;~~
- ~~(6) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES;~~
- ~~(7) THE LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;~~
- ~~(8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;~~
- ~~(9) THE PROPOSED STORM DRAINAGE SYSTEM SHOWING BASIC TOPOGRAPHIC CHANGES;~~
- ~~(10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;~~

~~(11) STATISTICAL DATA ON:~~

- ~~(i) THE TOTAL SIZE OF THE PROJECT AREA;~~
- ~~(ii) DENSITY COMPUTATIONS;~~
- ~~(iii) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND~~
- ~~(iv) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF THE PROPOSED PLANNED UNIT DEVELOPMENT;~~

~~(12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT DEVELOPMENT, INCLUDING A PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED.~~

~~(13) A SCHEDULE SETTING FORTH THE EXCEPTIONS TO DISTRICT REGULATIONS THAT WERE APPROVED AS PART OF THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN, CITING BY SECTION NUMBER EACH REGULATION FOR WHICH AN EXCEPTION WAS APPROVED.~~

(1) THE PLAN COMPONENTS REQUIRED BY § 13-304(B) OF THIS SUBTITLE, UPDATED AS REQUIRED TO REFLECT ACTUAL AND PROPOSED CONDITIONS;

Comment [A16]: 13.14

(2) THE FINAL LOCATION, TYPE, AND SIZE OF PROPOSED LANDSCAPING FEATURES; AND

(3) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES.

~~(D) CONFORMANCE REVIEW.~~

(1) THE DIRECTOR OF PLANNING MUST REVIEW THE FINAL DEVELOPMENT PLAN WITHIN 60 DAYS OF ITS RECEIPT AND TAKE ACTIONS DESCRIBED IN THIS SUBSECTION.

(2) THE DIRECTOR OF PLANNING MAY RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT PLAN TO THE PLANNING COMMISSION IF IT IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN AND ALL CITY REGULATIONS. THE DIRECTOR OF PLANNING WILL CERTIFY TO THE PLANNING COMMISSION THAT THE FINAL PLAN IS IN SUBSTANTIAL CONFORMANCE WITH THE ~~PREVIOUSLY FILED~~ PRELIMINARY DEVELOPMENT PUD MASTER PLAN AND CITY REGULATIONS. WITHIN 60 DAYS OF RECEIPT OF THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING COMMISSION MUST REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A PUBLIC MEETING.

Comment [A17]: 13.15

(3) IF THE DIRECTOR OF PLANNING FINDS THAT THE FINAL DEVELOPMENT PLAN IS SUBSTANTIALLY CHANGED FROM THE ~~APPROVED PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN, OR IS OTHERWISE NOT IN ACCORDANCE WITH CITY REGULATIONS, THEN THE DIRECTOR OF PLANNING MAY RECOMMEND TO THE PLANNING COMMISSION THAT THE FINAL DEVELOPMENT PLAN BE DENIED. IF THE PLANNING COMMISSION FINDS THAT THE FINAL DEVELOPMENT PLAN IS NOT IN CONFORMITY WITH THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN OR ~~OTHER~~ CITY REGULATIONS, THE DIRECTOR OF PLANNING MUST INFORM THE APPLICANT OF THE SPECIFIC AREAS FOUND NOT TO BE IN COMPLIANCE, AND THE APPLICANT MAY RESUBMIT THE FINAL DEVELOPMENT PLAN TO

THE DIRECTOR OF PLANNING WITH CHANGES TO THOSE AREAS FOUND NOT TO BE IN COMPLIANCE.

- (4) ONCE RESUBMITTED AND THE DIRECTOR OF PLANNING HAS DETERMINED THE FINAL DEVELOPMENT PLAN TO BE IN SUBSTANTIAL COMPLIANCE WITH THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN AND CITY REGULATIONS, THE DIRECTOR OF PLANNING MUST CERTIFY TO THE PLANNING COMMISSION THAT THE FINAL DEVELOPMENT PLAN IS IN SUBSTANTIAL CONFORMANCE WITH THE ~~PREVIOUSLY FILED PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN AND CITY REGULATIONS. WITHIN 60 DAYS OF RECEIPT OF THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING COMMISSION MUST REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A PUBLIC MEETING.
- (5) BEFORE FINAL APPROVAL OF THE FINAL DEVELOPMENT PLAN, THE PLANNING COMMISSION MAY APPROVE MINOR CHANGES TO THE FINAL DEVELOPMENT PLAN THAT ~~ARE NOT IN DIRECT CONFORMANCE~~ DO NOT CONFLICT WITH THE ~~PRELIMINARY DEVELOPMENT~~ PUD MASTER PLAN AND CITY REGULATIONS. THE MINOR CHANGES THAT MAY BE APPROVED BY THE PLANNING COMMISSION ARE LIMITED TO THOSE THAT QUALIFY AS MINOR VARIANCES UNDER § 5-302(B) {"MINOR AND MAJOR VARIANCES: MINOR VARIANCES"} OF THIS CODE.

~~(D)~~(E) APPROVED FINAL DEVELOPMENT PLAN.

AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE PLANNING COMMISSION, THE USE OF THE LAND AND THE CONSTRUCTION, MODIFICATION, OR ALTERATION OF ANY STRUCTURES WITHIN THE PLANNED UNIT DEVELOPMENT ARE GOVERNED BY THE APPROVED FINAL DEVELOPMENT PLAN RATHER THAN BY THE PROVISIONS OF THIS CODE.

~~(E)~~(F) CHART OF PROCESS.

FIGURE 13-305: FINAL DEVELOPMENT PLAN SUMMARIZES THE PROCESS BY WHICH FINAL DEVELOPMENT PLANS MAY BE APPROVED.

#### SUBTITLE 4. MODIFICATIONS TO APPROVED FINAL DEVELOPMENT PLANS

##### § 13-401. ENGINEERING CORRECTIONS.

(A) DIRECTOR MAY APPROVE.

(1) DURING CONSTRUCTION ONLY, MINOR CHANGES REQUIRED BY ENGINEERING OR OTHER PHYSICAL SITE CIRCUMSTANCES NOT FORESEEN AT THE TIME THAT THE FINAL DEVELOPMENT PLAN WAS APPROVED, BUT ENCOUNTERED DURING CONSTRUCTION ON SITE, MAY BE AUTHORIZED BY THE DIRECTOR OF PLANNING.

(2) HOWEVER, THE DIRECTOR OF PLANNING MAY NOT APPROVE ANY CHANGE: ~~THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION ATTACHED TO THE APPROVED PLANNED UNIT DEVELOPMENT.~~

(I) THAT FAILS TO SUBSTANTIALLY COMPLY THE WITH PUD MASTER PLAN OR CITY REGULATIONS; OR

(II) THAT VIOLATES:

(A) THE UNDERLYING ZONING;

(B) AN APPROVED EXCEPTION;

(C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT; OR

(D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.

(3) THE DIRECTOR OF PLANNING MAY NOT APPROVE AN ENGINEERING CORRECTION FOR A SITE THAT HAS NOT HAD BUILDING PERMITS ISSUED.

(B) *REVISED DEVELOPMENT PLAN.*

(1) A REVISED FINAL DEVELOPMENT PLAN SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING, WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE ~~ORDINANCE AND PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT.~~

Comment [A18]: 13.17 (Compilation)

(2) THE REVISED FINAL DEVELOPMENT PLAN PROPOSED UNDER THIS SECTION MUST BE REVIEWED AND APPROVED OR DENIED BY THE DIRECTOR OF PLANNING WITHIN 15 DAYS.

~~(C) AMENDMENTS; NEW DEVELOPMENT PLAN.~~

~~ALL CHANGES TO THE FINAL DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT ORDINANCE.~~

(3) A NEW FINAL DEVELOPMENT PLAN, REFLECTING ~~THESE CHANGES~~ THE CHANGES APPROVED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

### § 13-402. MINOR CHANGES.

(A) *COMMISSION MAY APPROVE.*

(1) THE PLANNING COMMISSION MAY APPROVE A CHANGE TO THE APPROVED FINAL DEVELOPMENT PLAN THAT IS NOT A MAJOR CHANGE GOVERNED BY § 13-403 {"MAJOR CHANGES"} OF THIS SUBTITLE.

(2) HOWEVER, THE PLANNING COMMISSION MAY NOT APPROVE ANY CHANGE; ~~THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION ATTACHED TO THE APPROVED PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE.~~

(I) THAT FAILS TO SUBSTANTIALLY COMPLY WITH THE PUD MASTER PLAN OR CITY REGULATIONS; OR

(II) THAT VIOLATES:

(A) THE UNDERLYING ZONING;

(B) AN APPROVED EXCEPTION;

(C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO THE PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE; OR

(D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.

(B) *REVISED DEVELOPMENT PLAN.*

(1) A REVISED FINAL DEVELOPMENT PLAN SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING, WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE ~~ORDINANCE AND~~ PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT. THE DIRECTOR OF PLANNING MUST FORWARD THE REVISIONS TO THE PLANNING COMMISSION.

(2) THE PLANNING COMMISSION MUST REVIEW THE REVISED FINAL DEVELOPMENT PLAN AND APPROVE, APPROVE WITH CONDITIONS, OR DENY IT WITHIN 30 DAYS OF ITS SUBMITTAL.

~~(C) AMENDMENTS; NEW DEVELOPMENT PLAN.~~

~~ALL CHANGES TO THE FINAL DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT ORDINANCE.~~

(3) A NEW FINAL DEVELOPMENT PLAN, REFLECTING THESE CHANGES THE CHANGES APPROVED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

### § 13-403. MAJOR CHANGES.

(A) *SCOPE OF SECTION.*

THIS SECTION APPLIES TO THE FOLLOWING MAJOR CHANGES:



- (1) A 10% INCREASE OR 25% DECREASE IN THE APPROVED NUMBER OF DWELLING UNITS;
- (2) ~~A CHANGE IN BUILDING HEIGHT OVER THE STATED MAXIMUM HEIGHTS~~ A 10% INCREASE OR A 25% DECREASE IN THE MAXIMUM BUILDING HEIGHTS IN THE APPROVED PLANNED UNIT DEVELOPMENT;
- (3) ~~A SIGNIFICANT CHANGE IN THE TYPE, LOCATION, OR ARRANGEMENT OF LAND USE WITHIN THE DEVELOPMENT, AS SHOWN ON THE PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN;~~
- (4) A CHANGE IN THE BOUNDARIES OF THE PLANNED UNIT DEVELOPMENT;
- (5) A DECREASE IN OPEN SPACE THAT HAD BEEN INCLUDED AS A PUBLIC BENEFIT OR AMENITY UNDER § 13-204 {"EXCEPTIONS FROM DISTRICT REGULATIONS"} OF THIS TITLE; AND
- (6) ANY CHANGE: ~~THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION OF APPROVAL ATTACHED TO THE APPROVED PLANNING UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE.~~
  - (I) THAT FAILS TO SUBSTANTIALLY COMPLY WITH THE PUD MASTER PLAN OR CITY REGULATIONS; OR
  - (II) THAT VIOLATES:
    - (A) THE UNDERLYING ZONING;
    - (B) AN APPROVED EXCEPTION;
    - (C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO THE PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE; OR
    - (D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.

(B) *CHANGE REQUIRES REPEAL OF PLAN AND RESUBMITTAL.*

A MAJOR CHANGE REQUIRES:

- (1) THE REPEAL OF THE PREVIOUSLY ORDINANCE THAT APPROVED THE PLANNED UNIT DEVELOPMENT AND
- (2) RESUBMITTAL OF A PLANNED UNIT DEVELOPMENT NEW APPLICATION AND BILL AT THE PRELIMINARY DEVELOPMENT PUD MASTER PLAN STAGE, INCLUDING ALL APPLICATION REQUIREMENTS AND FEES INTRODUCTION AND APPROVAL ENACTMENT OF A LEGISLATIVE AUTHORIZATION AND ORDINANCE TO APPROVE A REVISED- NEW PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN.
- AND
- (3) MUST FOLLOW COMPLIANCE WITH THE PLANNED UNIT DEVELOPMENT APPROVAL PROCESS.

**SUBTITLE 5. ENFORCEMENT**

**§ 13-501. ORDINANCE AND DEVELOPMENT PLAN AS BINDING AGREEMENT.**

THE ORDINANCE AND APPROVED FINAL DEVELOPMENT PLAN CONSTITUTE A BINDING AGREEMENT BY THE ~~OWNER AND DEVELOPER APPLICANT TO THAT THEY WILL~~ APPLICANT TO PROCEED WITH THE DEVELOPMENT IN STRICT ACCORDANCE WITH THE APPROVED FINAL DEVELOPMENT PLAN, INCLUDING THE DETAILED TIME SCHEDULE.

**§ 13-502. EXPIRATION ON FAILURE TO PROCEED TIMELY.**

(A) *IN GENERAL.*

AN APPROVED PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN AUTOMATICALLY EXPIRE 2 YEARS AFTER THE DATE OF APPROVAL IF:

- (1) A BUILDING PERMIT HAS NOT BEEN ISSUED; OR
- (2) THE INSTALLATION OF REQUIRED INFRASTRUCTURE HAS NOT BEGUN.

(B) *EXTENSION OF TIME.*

(1) THE PLANNING COMMISSION MAY EXTEND THE TIME FOR EXPIRATION OF AN APPROVED PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN ON:

- (I) A WRITTEN REQUEST FOR EXTENSION THAT IS SUBMITTED BEFORE THE EXPIRATION: AND
- (II) FOR GOOD CAUSE SHOWN.

(2) THE PLANNING COMMISSION MUST CONDUCT A PUBLIC HEARING TO DETERMINE WHETHER TO TERMINATE OR EXTEND THE APPROVAL.

(3) IN MAKING ITS DETERMINATION, THE PLANNING COMMISSION MUST TAKE INTO ACCOUNT:

- (I) HARDSHIP TO THE APPLICANT;
- (II) CHANGES IN SURROUNDING CIRCUMSTANCES THAT HAVE OCCURRED SINCE THE ORIGINAL APPROVAL;
- (III) THE SCHEDULE FOR PROVIDING REQUIRED PUBLIC BENEFITS AND AMENITIES; AND
- (IV) THE LIKELIHOOD THAT SUBSTANTIAL CONSTRUCTION WILL OCCUR DURING ANY PERIOD OF EXTENSION.

**§ 13-503. NONCOMPLIANCE.**

(A) *CAUSE FOR CANCELLING DEVELOPMENT, PLAN.*

FAILURE TO COMPLY WITH THE REQUIREMENTS SET BY OR UNDER AUTHORITY OF THIS TITLE IS CAUSE FOR CANCELING THE PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN.

(B) *NOTICE.*

THE ZONING ADMINISTRATOR MUST PROVIDE THE ~~OWNER OR DEVELOPER~~ APPLICANT AT LEAST 15 DAYS NOTICE TO APPEAR BEFORE THE ZONING ADMINISTRATOR AND ANSWER TO ANY CHARGE OF NONCOMPLIANCE.

(C) *ACTION BY ADMINISTRATOR.*

IF THE ZONING ADMINISTRATOR FINDS THE CHARGES TO BE SUBSTANTIATED AND IF THE SITUATION IS NOT SATISFACTORILY ADJUSTED WITHIN A SPECIFIED PERIOD SET BY THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MAY:

- (1) ORDER CANCELLATION OF THE PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN; AND
- (2) TAKE ANY OTHER ACTION THAT IS APPROPRIATE.