

TEXT AMENDMENTS TO COUNCIL BILL 12-152

TITLE 13. PLANNED UNIT DEVELOPMENTS

(1st Reader Copy)

Proposed by: Various

{To be offered to the Land Use and Transportation Committee}

{DLR GENERAL NOTE FOR INTERIM: Post-enactment and pending effective date, careful re-review of this Subtitle is strongly urged.}

Amendment No. 1 (T-778) {Minimum Areas}

On page 200, in line 23, strike beginning with “B-1” through “BI” and substitute “C-1, C-2, C-3, C-4”; and in line 25, strike “B-5” and substitute “C-5”; and, in line 26, “OIP” and substitute “OIC”.

Amendment No. 2 (T-434 and T-435) {Approval Standards}

On page 201, after line 1, insert the subsection designator and caption “(A) IN GENERAL.”; and, in line 3, strike “TITLE 5, SUBTITLE 4 {“CONDITIONS USES”}” and substitute “§ 5-405(A) {“CONDITIONS: CRITERIA FOR IMPOSING”} AND § 5-406 {“APPROVAL STANDARDS”}”; in line 20, strike “AND”; and, in line 23, after “REGULATIONS”, insert:

“; AND

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

and, after line 23, insert:

“(B) REQUIRED FINDINGS.

THE PLANNED UNITY 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.”

Amendment No. 3 (T-438 & others) {“Preliminary Consultation”}

On page 203, in lines 5, 12, 15, 17, and 27, and on page 204, in lines 5 and 13, in each instance, strike “PRE-APPLICATION”, in whatever font or case, and substitute “PRELIMINARY”, in the corresponding font and case.

Amendment No. 4 (T-441, T-446 & others) {“PUD Master Plan”}

On page 203, in line 7, on page 205, in lines 21, 24, and 27, on page 206, in lines 21, 23, 26, 34, and 37, on page 207, in lines 3, 5, 7, 11, 12, 13, 15 & 16, 19 & 20, 22, 23, 24, 27, 28, 31, 34, 36, and 38, on page 208, in lines 27, 33 & 34, and 36, on page 209, in lines 4, 8, 13 & 14, 16, and 21, and on page 211, in lines 12 & 13, in each instance, strike “PRELIMINARY DEVELOPMENT”, in whatever font or case, and substitute “PUD MASTER”, in the corresponding font and case.

Amendment No. 5 (T-442) {Bill Intro}

On page 203, after line 11, insert:

“(C) INTRODUCTION OF LEGISLATION.

(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 LEGISLATIVE AUTHORIZATION TO APPROVE, AMEND, OR REPEAL A PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN.

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

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

(II) THE PROCEDURES OF THIS SUBTITLE APPLY.”

Amendment No. 6 (T-439) {Preliminary Consultation}

On page 203, in line 15, after the period, insert “THIS CONSULTATION MUST TAKE PLACE BEFORE OR AS SOON AS POSSIBLE AFTER INTRODUCTION OF THE BILL SEEKING THE LEGISLATIVE AUTHORIZATION FOR THE PLANNED UNIT DEVELOPMENT.”

Amendment No. 7 (T-449) {Concept Plan - Public Review}

On page 205, in line 20, after “REGULATIONS”, insert “AND THE STATE OPEN MEETINGS ACT (TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE)”.

Amendment No. 8 (T-447) {PUD Master Plan - Purpose}

On page 205, in line 22, strike “*IN GENERAL*” and substitute “PURPOSE OF PLAN”; and, on the same page, strike lines 23 through 25, in their entirety, and substitute:

“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.”

Amendment No. 9 (Compilation) {PUD Master Plan - Components}

On page 205, in line 36, strike beginning with “THE LOCATION” through “LANDSCAPING” and substitute “A GENERAL PLAN FOR LANDSCAPING THAT DEMONSTRATES DESIGN INTENT AND HOW ENVIRONMENTAL REQUIREMENTS WILL BE MET”; and, on page 206, in line 3, before “LOCATION”, insert “GENERAL”.

Amendment No. 10 (Compilation & T-452) {PUD Master Plan - Commission Review}

On page 206, in line 20, strike “*PLAN APPROVAL PROCEDURE –*”; and, in the same line, after “COMMISSION”, insert “REVIEW”; and, in lines 21, 23, and 26, in each instance, before (as substituted by amendment) “PUD MASTER”, insert “PROPOSED”; and strike lines 32 through 37, in their entirety, and substitute:

“(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.”;

and, on page 207, strike lines 1 through 28, in their entireties, and substitute:

“(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 UNDER § 5-506 OF THIS CODE IF THE PLANNED UNIT DEVELOPMENT IS THE SUBJECT OF A PROPOSED LEGISLATIVE AUTHORIZATION THAT HAS ALREADY BEEN INTRODUCED 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 UNDER § 5-506 OF THIS CODE IF, WITHIN THAT 12-MONTH PERIOD, THE PLANNED UNIT DEVELOPMENT BECOMES THE SUBJECT OF A LEGISLATIVE AUTHORIZATION.

{DLR NOTE FOR INTERIM: This subsection (d) may still need some rewriting, both for improved clarity and parallel construction of the “if” clauses.}

Amendment No. 11 (Compilation) {Final Plan - Purpose; Requirements}

On page 207, after line 29, insert:

“(A) PURPOSE OF PLAN.

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.”;

and, beginning on page 207, in line 30, through page 209, in line 30, reletter subsections “(B)” through “(E)” to be subsections “(C)” through “(F)”, respectively; and, on page 207, in line 31, strike “APPROVAL OF THE” and substitute “ENACTMENT OF THE ORDINANCE APPROVING {OR AMENDING?} THE PLANNED UNIT DEVELOPMENT AND ITS”.

Amendment No. 12 (Compilation) {Final Plan - Plan Components}

On page 208, strike lines 1 through 28, in their entirety, and substitute:

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

(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.”.

Amendment No. 13 (Compilation) {Final Plan - Conformance Review}

On page 208, in line 36, and on page 209, in line 16, in each instance, strike “PREVIOUSLY FILED”; and, on page 208, in line 36, and on page 209, in lines 14, 16, and 21, in each instance, after “PLAN”, insert “AND CITY REGULATIONS”; and, on page 209, in line 4, strike “APPROVED”; and, on the same page, in line 8, before “REGULATIONS”, strike “OTHER” and substitute “CITY”; and, in line 10, before “PLAN”, insert “DEVELOPMENT”; and, in lines 20-21, strike “ARE NOT IN DIRECT CONFORMANCE” and substitute “DO NOT CONFLICT”.

Amendment No. 14 (Compilation) {Final Plan - Engineering Corrections - Approval}

On page 209, in line 40, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 40 through the period in line 42, and substitute:

“(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; OR

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

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

Amendment No. 15 (Compilation) {Final Plan - Engineering Corrections - Revised Plan}

On page 210, in line 2, after “PLAN”, insert “SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION”; and in the same line, after “PLANNING”, insert a comma; and, in lines 3 and 4, strike “ORDINANCE AND”; and, in line 4, strike beginning with “, SHOWING” through “DEVELOPMENT”; and, in line 5, after “PLAN”, insert “PROPOSED UNDER THIS SECTION”; and, strike beginning with “(C)” in line 7 through the period in line 9 and substitute a return and the new paragraph designator “(3)”; and, in line 9, after “NEW”, insert “FINAL DEVELOPMENT”; and, in the same line, after “PLAN”, insert a comma; and, in the same line, strike “THESE CHANGES” and substitute “THE CHANGES APPROVED UNDER THIS SECTION”.

Amendment No. 16 (Compilation) {Final Plan - Minor Changes}

On page 210, in line 16, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 16 through the period in line 19, and substitute:

“(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.”;

and, on page 210, in line 21, after “PLAN”, insert “SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION”; and in the same line, after “PLANNING”, insert a comma; and, in lines 22 and 23, strike “ORDINANCE AND”; and, in line 23, strike beginning with “, SHOWING” through “DEVELOPMENT”; and, strike beginning with “(C)” in line 27 through the period in line 29 and substitute a return and the new paragraph designator “(3)”; and, in line 29, after “NEW”, insert “FINAL DEVELOPMENT”; and, in the same line, after “PLAN”, insert a comma; and, in the same line, strike “THESE CHANGES” and substitute “THE CHANGES APPROVED UNDER THIS SECTION”.

Amendment No. 17 (Compilation) {Final Plan - Major Changes}

On page 210, in line 35, strike beginning with “A CHANGE” through “HEIGHTS” and substitute “A 10% INCREASE OR A 25% DECREASE IN THE MAXIMUM BUILDING HEIGHTS”; and, on page 211, in line 1, strike “SIGNIFICANT”; and, in the same line, before “DEVELOPMENT PLAN”, insert “FINAL”; and, on page 211, in line 6, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 6 through the period in line 9, and substitute:

“(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.”;

and, on page 211, in line 11, after “REQUIRES”, insert a colon, a return, and the item designator “(1)”; and, in the same line, strike “PREVIOUSLY” and substitute “ORDINANCE THAT”; and, in the same line, before “PLANNED”, insert “THE”; and, in line 12, before “AND” insert a semicolon; and, strike beginning with “RESUBMITTAL” in line 12 through “PROCESS” in line 14, and substitute:

“(2) INTRODUCTION AND ENACTMENT OF AN ORDINANCE TO APPROVE A NEW PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN”.

Amendment No. 18 (T-477) {Binding Agreement}

On page 211, in line 18, after “AGREEMENT BY THE”, strike “OWNER AND DEVELOPER THAT THEY WILL” and substitute “APPLICANT TO”.

{DLR NOTE FOR INTERIM: Since the “applicant” can be *either* the “property owner” or the “developer” (see Amendment #5 above), shouldn’t this require the binding agreement to be with *both* the owner *and* the developer, lest one escape the binding obligation simply by refraining from signing on as a formal “applicant”?}

Amendment No. 19 (T-483) {Noncompliance}

On page 212, in line 12, strike “OWNER OR DEVELOPER” and substitute “APPLICANT”.

{DLR NOTE FOR INTERIM: For much the same reasons raised in the Query to Amendment #18, shouldn’t “owner or developer” be modified to read the “*property owner and the developer*”?}

OMITTED PROPOSALS

{T-810 (BICYCLE PARKING / SHOPPING CENTERS): The Chart, but not the List, shows the following proposal by the Planning Department: “misc. text - remove shopping center from 16 bicycle parking, correct cross-references p. 199”. Page 199 mentions neither shopping centers nor bicycle parking. And the Chart “Notes” seem to confirm: “Need to correct location – ask Laurie”. DESPITE REPEATED “ASKS”, NO CLARIFICATION HAS BEEN FORTHCOMING.}

{T-432 (VICE “ALLOWED AS CONDITIONAL USE”): This amendment would delete § 13-201(a) (page 200, lines 2-6) and replace it with an uncaptioned, rambling, run-on overview of but certain characteristics of and requirements for a PUD. It adds nothing to what is already said, far more clearly, in the operative provisions of this title. And, in many respects, it muddies the waters by its omissions, its inconsistent or even mistaken references, and its misplaced emphases on certain requirements and not others.}

{T-469 AND T-470 (ENGINEERING CORRECTIONS): T-469 and T-470 propose amendments to the same the same section (§ 13-401) that is being amended by Amendment ##16 and 17. These amendments are replete with substantive errors – not the least of which is that they do not at all comport with the context into which they have been placed. Moreover, they are inconsistent with and, if adopted, would override or be overridden by Amendment ##16 and 17. Accordingly, they have been omitted.}

{T-480 (MAJOR CHANGES): T-480 proposes an amendment to the same section (§ 13-403) that is being amended by (T-480). It has been omitted because, apparently, no one has yet been able to decipher how it would work. Moreover, it is inconsistent with and, if adopted, would override or be overridden by Amendment #19. }

