

**CITY OF BALTIMORE
COUNCIL BILL 08-0042R
(Resolution)**

Introduced by: Councilmembers Clarke, Henry, Conaway, Curran, Young, Spector, Welch,
Reisinger, Holton

Introduced and read first time: May 5, 2008

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Baltimore Development Corporation

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing - Planned Unit Developments -**
3 **Enforcement of Agreement Standards**

4 FOR the purpose of requesting the Director of Planning and the Executive Director of the Board
5 of Municipal Zoning Appeals to brief the City Council on the purpose, scope, nature and
6 number of Planned Unit Developments (PUDs) in Baltimore City; to explain the procedure
7 for application and approval of new PUDs; to report on the methods used to assure
8 compliance with the standards, conditions, and regulations established for existing PUDs;
9 and to recommend more clearly defined and neighborhood-accessible enforcement
10 mechanisms.

11 **Recitals**

12 A Planned Unit Development, or PUD, is a type of building development as well as a
13 regulatory process that had its origins in England in the 1950's to contend with the locations of
14 industrial elements needed to uphold an economic base. In this country, PUDs were developed
15 shortly after WWII to place whole communities within the limits of large metropolitan centers.
16 And in Maryland, in 1949 in Prince Georges County, the first zoning evidence of PUDs
17 permitted the development of a large tract of land as a complete neighborhood unit with a range
18 of dwelling types, local shopping facilities, off-street parking areas, parks, playgrounds, school
19 sites, and other community services.

20 PUDS were established in Baltimore by the 1971 Zoning Code, with the stated purpose of
21 encouraging the best possible design of building forms and site planning for tracts of land under
22 a unitary plan of development. The unitary control over an entire development, rather than lot-
23 by-lot regulation, was meant to produce a well-designed development that would have a
24 beneficial effect upon the health, security, general welfare, and morals of the City and the
25 neighboring areas. The regulations established to govern these developments were designed to
26 permit and encourage sound and imaginative development, while standards were established to
27 insure that a planned development conformed to the character and nature of the district where it
28 was located, that there would be a maximum of coordination between the planned development
29 and neighboring land uses, and that the most appropriate use of land would be encouraged within
30 the area of the planned development.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 As set forth in the Baltimore City Zoning Code, procedures and standards for securing the
2 approval of a PUD dictate that a preliminary conference be held between the applicant and
3 officials of the Planning Department to explain the scope and nature of the proposed
4 development and, following that meeting, formal application can then be made by the applicant
5 or his agent for approval of an Ordinance of the City Council that is subject to approval by the
6 Mayor. The first PUD, approved by Ordinance, in 1972, for the Village of Cross Keys
7 established a certain pattern of language that continues today:

8 “Sec. 2. *And be it further ordained*, That the Development Plan
9 submitted by The Village of Cross Keys, Incorporated, attached hereto
10 and made a part hereof, be and is hereby approved”.

11 The Development Plan attached to a PUD Ordinance comprises large sheet drawings that
12 contain detailed information that might include, but not be limited to, the maximum number of
13 dwelling units, landscaping and lighting details, height limitations, location of businesses, etc.
14 These large sheet drawings are attached to the body of the Ordinance, but the information or
15 agreements contained on them is not reproduced in the written text of the Ordinance. The
16 attachments are, instead, part of the official City Council bill file that, after 2 Council sessions
17 have passed, is stored in the Baltimore City Archives, rendering the details of the PUD difficult
18 to access.

19 Enforcement of PUD agreement standards falls to the Board of Municipal Zoning Appeals.
20 Historically when parties refuse or fail to comply with specific requirements for development or
21 management standards, the City has been the only entity to bring action in Circuit Court to force
22 compliance. In cases such as the Northwood Shopping Center PUD however, community groups
23 are frustrated by the lack of any enforcement remedies, for example, for the private owner’s
24 failure to engage a professional management organization. For such reasons, community groups
25 are beginning to request direct authority to force compliance of these entities that have such a
26 great impact on their neighborhoods, as evidenced by the proposed language of a working draft
27 of an amendment to the Belvedere Square PUD Ordinance: “Any neighborhood association that
28 is contiguous to Belvedere Square has the right to enforce the terms of the PUD.”.

29 To ensure that Baltimore City PUDS continue to meet the intent of their 1970's origins or are
30 amended to satisfy the zoning and esthetic needs of more contemporary society, a review of the
31 Planned Unit Development prototype is necessary.

32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the
33 Director of Planning and the Executive Director of the Board of Municipal Zoning Appeals are
34 requested to brief the City Council on the purpose, scope, nature and number of Planned Unit
35 Developments (PUDs) in Baltimore City; to explain the procedure for application and approval
36 of new PUDs; to report on the methods used to assure compliance with the standards, conditions,
37 and regulations established for existing PUDs; and to recommend more clearly defined and
38 neighborhood-accessible enforcement mechanisms.

39 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the
40 Director of Planning, the Executive Director and Members of the Board of Municipal Zoning
41 Appeals, the Chair and Members of the Planning Commission, the organizations listed in the
42 Planning Department Directory of Community Associations, and the Mayor’s Legislative
43 Liaison to the City Council.