

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0321

Introduced by: Councilmembers Clarke, Henry, Dorsey, Sneed, Cohen, Burnett, Stokes
Introduced and read first time: January 14, 2019
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 15, 2019

AN ORDINANCE CONCERNING

Zoning – Modifications to Approved Final Development Plans

FOR the purpose of modifying the procedure by which a major change may be made to an approved planned unit development; and conforming, clarifying, correcting, and distinguishing related provisions dealing with applications and notice requirements for the creation, modification, or repeal of a planned unit development.

BY repealing and reordaining, with amendments

Article 32 - Zoning

~~Section~~ Sections 5-601(a), 5-604(d)(2), 13-202(a), and 13-403(b)

Baltimore City Code

(Edition 2000)

BY adding

Article 32 - Zoning

Sections 5-604(g), 13-201(d), and 13-205

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32. Zoning

Title 5. Applications and Authorizations

Subtitle 6. Notices

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 For a bill proposing a zoning map amendment, a zoning text amendment, or the creation,
2 [or] modification, OR REPEAL of a planned unit development, the City Council committee
3 to which the bill has been referred must conduct a hearing at which:

4 (1) the parties in interest and the general public will have an opportunity to be heard;
5 and

6 (2) all agency reports will be reviewed.

7 **§ 5-604. Planning Commission consideration of site-specific projects.**

8 (d) Number and manner of posted notices.

9 The number of posted notices and the manner of their posting are as follows:

10 ...
11 (2) For a notice applicable to more than one property (e.g., a [minor] modification to
12 a planned unit development), at least 2 or more signs are required, as the
13 Department of Planning designates.

14

15 (G) WRITTEN NOTICE TO PROPERTY OWNERS WITHIN PUD.

16 WHEN APPLYING FOR THE CREATION OF A NEW PLANNED UNIT DEVELOPMENT OR FOR A
17 MAJOR CHANGE OR REPEAL OF A PLANNED UNIT DEVELOPMENT, THE APPLICANT MUST
18 PROVIDE WRITTEN NOTIFICATION TO ALL OTHER OWNERS, OR THEIR AUTHORIZED AGENTS,
19 OF PROPERTY WITHIN THE PROPOSED OR EXISTING PLANNED UNIT DEVELOPMENT
20 BOUNDARIES, AS THE DEPARTMENT OF PLANNING REQUIRES.

21 **Title 13. Planned Unit Developments**

22 **Subtitle 2. Requirements; Approval Standards; Exceptions**

23 **§ 13-201. Authorization.**

24 (D) REPEAL OF PUDS.

25 PLANNED UNIT DEVELOPMENTS MAY ONLY BE REPEALED BY ORDINANCE OF THE MAYOR
26 AND CITY COUNCIL ENACTED IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

27 **§ 13-202. General requirements.**

28 (a) Common ownership or unified control.

29 (1) The site of the planned unit development must be under common ownership or
30 unified control.

31 (2) If there are 2 or more owners, the application for approval of a NEW planned unit
32 development [or for approval of an amendment to an approved planned unit
33 development] must be jointly filed by all owners, OR THEIR RESPECTIVE CONTRACT
34 PURCHASERS OR AUTHORIZED AGENTS.

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1 (3) WHEN APPLYING FOR A MAJOR CHANGE OR REPEAL OF AN EXISTING PLANNED UNIT
2 DEVELOPMENT, ONE OWNER OR CONTRACT PURCHASER, OR THE AUTHORIZED AGENT
3 OF EITHER, MAY MAKE THE APPLICATION FOR APPROVAL, AS LONG AS ALL OTHER
4 PROPERTY OWNERS, OR THEIR AUTHORIZED AGENTS, ARE NOTIFIED IN ACCORDANCE
5 WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE.

6 **§ 13-205. REPEAL OF PUDs.**

7 IN DETERMINING WHETHER TO TO APPROVE THE REPEAL OF A PLANNED UNIT DEVELOPMENT,
8 THE PLANNING COMMISSION AND THE CITY COUNCIL MUST FIND THAT:

9 (1) THE REPEAL OF THE PLANNED UNIT DEVELOPMENT IS IN THE PUBLIC INTEREST; AND

10 (2) THE APPROVED FINAL DEVELOPMENT PLAN OF THE PLANNED UNIT DEVELOPMENT:

11 (I) HAS BEEN SUBSTANTIALLY COMPLETED;

12 (II) IS NO LONGER NECESSARY IN LIGHT OF THE PROPERTY'S UNDERLYING ZONING;

13 (III) IS NO LONGER CONSISTENT WITH THE CITY'S MASTER PLAN; OR

14 (IV) HAS BEEN ABANDONED BY THE PROPERTY OWNER.

15 **Subtitle 4. Modifications to Approved Final Development Plans**

16 **§ 13-403. Major changes.**

17 (b) [*Change requires repeal of plan and resubmittal*] *CHANGE REQUIRES ENACTMENT BY*
18 *ORDINANCE.*

19 A major change requires[:]

20 [(1) the repeal of the ordinance that approved the planned unit development; and]

21 [(2)] introduction and enactment of an ordinance to approve [a new] AN AMENDMENT
22 TO THE planned unit development and PUD master plan.

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
24 are not law and may not be considered to have been enacted as a part of this or any prior
25 Ordinance.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
27 after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City