



Legislation Details (With Text)

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Title: Investigative Hearing - Planned Unit Developments - Enforcement of Agreement Standards

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

Sponsors: Mary Pat Clarke, Bill Henry, Belinda Conaway, Robert Curran, President Young, Rochelle Spector, Agnes Welch, Edward Reisinger, Helen L. Holton

Indexes: PUD (Planned Unit Development), Resolution

Code sections:

Attachments: 1. 08-0042R - 1st Reader.pdf, 2. BDC - 08-0042R.pdf

Date	Ver.	Action By	Action	Result
5/8/2008	0	The City Council	Referred for a Report	
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5/8/2008	0	The City Council	Referred for a Report	
5/5/2008	0	City Council	Introduced	
5/5/2008	0	City Council	Assigned	

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: Councilmember Clarke

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Investigative Hearing - Planned Unit Developments - Enforcement of Agreement Standards

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

Recitals

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

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

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

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

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

Enforcement of PUD agreement standards falls to the Board of Municipal Zoning Appeals. Historically when parties refuse or fail to comply with specific requirements for development or management standards, the City has been the only entity to bring action in Circuit Court to force compliance. In cases such as the Northwood Shopping Center PUD however, community groups are frustrated by the lack of any enforcement remedies, for example, for the private owner's failure to engage a professional management organization. For such reasons, community groups are beginning to request direct authority to force compliance of these entities that have such a great impact on their

neighborhoods, as evidenced by the proposed language of a working draft of an amendment to the Belvedere Square PUD Ordinance: “Any neighborhood association that is contiguous to Belvedere Square has the right to enforce the terms of the PUD.”.

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

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

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

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