

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 12

Bill No. 82-08

Mr. Joseph Bartenfelder, Councilman

By the County Council, July 7, 2008

A BILL
ENTITLED

AN ACT concerning

MD 43 Overlay District

FOR the purpose of authorizing residential uses in the MD 43 Overlay District under certain conditions; ~~permitting a certain auxiliary commercial use by right~~; and generally relating to permitted uses in the MD 43 Overlay District.

BY adding

Section 259.11A.3
Baltimore County Zoning Regulations, as amended

~~BY repealing and re-enacting, with amendments~~

~~Section 259.11B.
Baltimore County Zoning Regulations, as amended~~

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 259.11A.3 be and it is hereby added to the Baltimore County
3 Zoning Regulations, as amended, to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 259.11 Development standards for MD 43 Overlay District.

1 A. Uses permitted by right.

2 3. NOTWITHSTANDING ANY OF THE REGULATIONS OF THIS SECTION TO THE
3 CONTRARY AND IN ADDITION TO THE RIGHTS GRANTED UNDER THIS SECTION,
4 RESIDENTIAL USES, PERMITTED AND AS LIMITED IN ACCORDANCE WITH THE BM-CT
5 ZONE, ARE PERMITTED TO BE BUILT ON A MAXIMUM OF 8 ACRES THAT ARE PART
6 OF AN OVERALL TRACT OF AT LEAST 800 ACRES UNDER COMMON OWNERSHIP OR
7 CONTROL OR PART OF A COMMON SCHEME OF DEVELOPMENT. SUCH RESIDENTIAL
8 USES ARE PERMITTED ON ANY STORY OF A PROPOSED BUILDING. THE HEIGHT AND
9 AREA REGULATIONS OF THE BM-CT ZONE OR ANY APPLICABLE DEVELOPMENT
10 REGULATIONS MAY BE WAIVED AS PART OF A PATTERN BOOK REVIEWED AND
11 APPROVED BY THE DIRECTOR OF PLANNING OR BY APPLICATION FOR ZONING
12 RELIEF PROVIDED THE REQUIREMENTS OF SECTION 502.1 ARE MET.

13 ~~SECTION 2. AND BE IT FURTHER ENACTED that Section 259.11B. of the Baltimore~~
14 ~~County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with~~
15 ~~amendments, to read as follows:~~

16 ~~B. Uses permitted by special exception.~~

17 ~~1. Any use permitted by special exception by the property's M.L., M.L.-I.M., M.H., or~~
18 ~~M.H.-I.M. zoning classification on which the MD 43 Overlay District designation is applied is~~
19 ~~permitted by special exception as an "employment-intensive use," unless specifically prohibited by~~
20 ~~section 259.11.C.~~

21 ~~2. Notwithstanding any provision in the zoning regulations to the contrary, when located on~~

1 ~~an individual pad site, defined as a site containing a single freestanding building, along with required~~
2 ~~parking, landscaping, and stormwater management areas, all within the confines of a larger~~
3 ~~development project, the following auxiliary commercial uses require a special exception:~~

4 ~~a. Fuel service stations (subject to Section 405).~~

5 ~~b. Convenience stores.~~

6 ~~[c. Fast-food restaurants.]~~

7 ~~3. Any auxiliary commercial use permitted by special exception shall be subject to the~~
8 ~~restrictions contained in Sections 259.11.A.2.a through 259.11A.2.c.~~

9 Section 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days after
10 its enactment.