

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 11

Bill No. 38-11

Mr. David Marks, Councilman

By the County Council, June 6, 2011

A BILL
ENTITLED

AN ACT concerning

Towson Business Core Development

FOR the purpose of providing for an alternative development review process for a development plan proposed for a property located in the Towson Business Core; defining terms; stating the intention and scope of the Act; providing for an alternate review process for certain proposed development plans; providing for the standards applicable to the review of such plans by the Baltimore County Design Review Panel; providing for the finality of the Design Review Panel recommendations in certain cases; amending the County Code to provide for the processing of certain development plans in the Towson Business Core; and generally relating to development in the Towson Business Core.

BY adding

Section 235 B.8
Baltimore County Zoning Regulations

BY adding

Sections 32-4-106(b)(9) and 32-4-204(e)
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code 2003

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.

BY repealing and re-enacting, with amendments

Sections 32-4-203(i)
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2 MARYLAND, that Section 235 B.8. be and it is hereby added to the Baltimore County Zoning
3 Regulations to read as follows:

4 §235 B.8. TOWSON BUSINESS CORE; ALTERNATE DEVELOPMENT PROCESS.

5 A. DEFINITIONS.

6 (1) AS USED IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) “ALTERNATE PROCESS” MEANS THE DEVELOPMENT PLAN APPROVAL
9 PROCESS IN SUBSECTION D.

10 (3) “DESIGN PRINCIPLES” MEANS THE TOWSON BUSINESS CORE DESIGN
11 PRINCIPLES ADOPTED BY THE COUNTY COUNCIL IN RESOLUTION 64-11.

12 (4) “TOWSON BUSINESS CORE” MEANS THE AREA OF TOWSON BOUNDED BY
13 BOSLEY AVENUE ON THE WEST, TO JOPPA ROAD ON THE NORTH, TO VIRGINIA
14 AVENUE ON THE EAST, TO TOWSONTOWN BOULEVARD ON THE SOUTH, WEST TO
15 YORK ROAD, SOUTH TO BURKE AVENUE, AND WEST TO BOSLEY AVENUE, INCLUSIVE
16 OF BOTH SIDES OF ALL STREETS.

1 B. INTENT.

2 THE PURPOSE OF THIS SECTION IS TO ENCOURAGE REDEVELOPMENT IN THE
3 TOWSON BUSINESS CORE IN ACCORDANCE WITH THE DESIGN PRINCIPLES, UTILIZING
4 THE ALTERNATE PROCESS.

5 C. SCOPE.

6 THE DESIGN PRINCIPLES SHALL GOVERN THE REVIEW AND APPROVAL OF A
7 DEVELOPMENT PLAN FILED FOR A PROPERTY LOCATED IN THE TOWSON BUSINESS
8 CORE, IF THE APPLICANT ELECTS THE ALTERNATE DEVELOPMENT PROCESS OF THIS
9 SECTION.

10 D. ALTERNATE PROCESS.

11 (1) AS AN ALTERNATIVE TO THE DEVELOPMENT REVIEW PROCESS OF ARTICLE
12 32, TITLE 4 OF THE COUNTY CODE, AN APPLICANT MAY ELECT THE PROCESS
13 DESCRIBED IN THIS SUBSECTION FOR A DEVELOPMENT PLAN FILED FOR A PROPERTY
14 LOCATED IN THE TOWSON BUSINESS CORE.

15 (2) (I) EXCEPT AS PROVIDED IN (II), ANY USE PERMITTED IN THE B.M.-C.T.
16 DISTRICT AND ANY RESIDENTIAL, OFFICE, RETAIL, LODGING, CIVIC, OR
17 GOVERNMENTAL USE IS PERMITTED.

18 (II) THE FOLLOWING USES ARE PROHIBITED: CHECK CASHING, BAIL
19 BONDSMAN, GAS STATION, OR AUTOMOTIVE STAND-ALONE SERVICE.

20 (3) A DEVELOPMENT PLAN SUBMITTED UNDER THE ALTERNATE PROCESS SHALL
21 BE PROCESSED AS A LIMITED EXEMPTION UNDER SECTION 32-4-106(B) OF THE
22 BALTIMORE COUNTY CODE.

1 (4) THE DESIGN PRINCIPLES SHALL GOVERN THE REVIEW AND APPROVAL OF
2 THE PLAN BY THE DESIGN REVIEW PANEL. ALL OTHER REQUIREMENTS OR
3 RESTRICTIONS, INCLUDING USE RESTRICTIONS, OF THE UNDERLYING ZONE OR OF
4 THESE REGULATIONS DO NOT APPLY. HOWEVER, THE REQUIREMENTS OF SECTIONS
5 32-4-222, 32-4-223, AND 32-4-224 OF THE COUNTY CODE SHALL APPLY.

6 (5) A DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE DEPARTMENT OF
7 PERMITS, APPROVALS AND INSPECTIONS. THE PLAN SHALL BE REVIEWED AND
8 CERTIFIED FOR COMPLIANCE WITH THIS SECTION BY THE OFFICE OF PLANNING. THE
9 PLAN SHALL BE SCHEDULED BEFORE THE DESIGN REVIEW PANEL WITHIN 30 WORKING
10 DAYS OF RECEIPT OF THE PLAN.

11 (6) IF A DEVELOPMENT PLAN IS NOT ACCEPTED FOR SCHEDULING BY THE
12 OFFICE OF PLANNING, THE APPLICANT SHALL BE NOTIFIED , AND THE REASONS
13 STATED, WITHIN 10 WORKING DAYS.

14 (7) A PROPOSED MODIFICATION TO ANY OF THE DESIGN PRINCIPLES SHALL BE
15 NOTED ON THE DEVELOPMENT PLAN AND REVIEWED BY THE DESIGN REVIEW PANEL.

16 (8) THE DESIGN REVIEW PANEL MAY APPROVE, DENY OR MODIFY A PROPOSED
17 DEVELOPMENT PLAN AND ANY PROPOSED MODIFICATION OF THE PLAN OR OF ANY OF
18 THE DESIGN PRINCIPLES.

19 (9) A RECOMMENDATION MADE BY THE DESIGN REVIEW PANEL IS FINAL AND
20 BINDING.

1 SECTION 2. AND BE IT FURTHER ENACTED, that Sections 32-4-106(b)(9) and 32-4-204(e)
2 be and they are hereby added to Article 32 - Planning, Zoning and Subdivision Control, Title 4 -
3 Development, of the Baltimore County Code 2003 to read as follows:

4 §32-4-106. Limited Exemptions.

5 (b) Exemption from community input meetings and Hearing Officer’s hearing. The following
6 development is exempt from the community input meeting and the Hearing Officer’s hearing under
7 Subtitle 2 of this title:

8 (9) A DEVELOPMENT PLAN PROCESSED UNDER SECTION 235 B.8. OF THE
9 BALTIMORE COUNTY ZONING REGULATIONS.

10 §32-4-204. Design Review Areas.

11 (E) A DEVELOPMENT PLAN PROCESSED UNDER SECTION 235.B.8. OF THE BALTIMORE
12 COUNTY ZONING REGULATIONS IS SUBJECT TO REVIEW BY THE DESIGN REVIEW
13 PANEL.

14 SECTION 3. AND BE IT FURTHER ENACTED, that Section 32-4-203(i) of Article 32 -
15 Planning, Zoning and Subdivision Control, Title 4 - Development, of the Baltimore County Code 2003
16 be and it is hereby repealed and re-enacted, with amendments, to read as follows:

17 §32-4-203. Baltimore County Design Review Panel.

18 (i) Recommendation submitted to Hearing Officer; EXCEPTION; time limit.

19 (1) The Review Panel shall consult and advise upon each Development Plan submitted and,

1 EXCEPT IN THE CASE OF A PLAN PROCESSED UNDER SECTION 235B.8 OF THE
2 BALTIMORE COUNTY ZONING REGULATIONS, shall make a recommendation to the Hearing
3 Officer within the time required by §32-4-226(d) of this subtitle.

4 ~~(2) The Panel's recommendation ON A DEVELOPMENT PLAN PROCESSED UNDER~~
5 ~~SECTION 235 B.8. OF THE BALTIMORE COUNTY ZONING REGULATIONS IS FINAL AND~~
6 ~~BINDING. IN ALL OTHER CASES, EXCEPT AS PROVIDED IN (3), THE PANEL'S~~

7 (2) THE PANEL'S RECOMMENDATION is binding on the Hearing Officer, and on the
8 agencies under subsection (1) of this section, unless the Hearing Officer or agencies find that the Panel's
9 actions constitute an abuse of its discretion or are unsupported by the documentation and evidence
10 presented.

11 (3) THE PANEL'S RECOMMENDATION IS NOT BINDING ON THE HEARING OFFICER,
12 OR ON THE AGENCIES UNDER SUBSECTION (L), FOR A DEVELOPMENT PLAN FOR A
13 PROPERTY IN THE TOWSON BUSINESS CORE THAT IS NOT REVIEWED UNDER THE
14 ALTERNATE PROCESS OF SECTION 235 B.8. OF THE BALTIMORE COUNTY ZONING
15 REGULATIONS.

16 SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days after
17 its enactment.

b03811.wpd