

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 3

Bill No. 7-12

Councilmembers Marks and Quirk

By the County Council, February 6, 2012

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Neighborhood Commons Overlay District

FOR the purpose of establishing the Neighborhood Commons Overlay District; providing a statement of legislative intent for the new overlay district; providing certain permitted uses and special regulations for the overlay district; and generally relating to the Neighborhood Commons Overlay District.

BY adding

Section 259.14
Baltimore County Zoning Regulations, as amended

WHEREAS, there is generally a shortage of community open space in the County's older, more mature neighborhoods, particularly inside the Urban Rural Demarcation Line ("URDL"), compared with newer neighborhood developments that are subject to the current County open space requirements; and

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.

WHEREAS, many of the established neighborhoods inside the URDL have parcels and lots near or within their communities that have not been developed residentially or commercially and could be utilized and maintained as open space; and

WHEREAS, there are certain organizations that specialize in obtaining and maintaining unused land near or within older established neighborhoods in order to preserve and limit the use of the land to community open space related activities; and

WHEREAS, the County Council recognizes the shortage of available community open space in these neighborhoods and encourages the use of land so owned or acquired for open space purposes; and

WHEREAS, the purpose of this Act is to provide a means to regulate the development potential of land near or within neighborhoods inside the URDL owned or acquired by organizations or community groups for purposes that favor community open space activities; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 259.14 be and is hereby added to the Baltimore County
3 Zoning Regulations, as amended, to read as follows:

4
5 259.14. NEIGHBORHOOD COMMONS OVERLAY DISTRICT.

6 A. STATEMENT OF LEGISLATIVE INTENT FOR NEIGHBORHOOD COMMONS OVERLAY
7 DISTRICT.

8 THE NEIGHBORHOOD COMMONS (N.C.) OVERLAY DISTRICT IS ESTABLISHED TO
9 PROMOTE MORE LIVABLE COMMUNITIES THROUGH THE RESERVATION OF LAND

1 FOR THE PURPOSE OF COMMUNITY PARKS, GARDENS AND NATURAL AREAS. IT IS
2 INTENDED THAT THE N.C. DISTRICT BE APPLIED ONLY TO AREAS LOCATED INSIDE
3 THE URBAN RURAL DEMARCATION LINE (URDL) THAT ARE LOCAL TO ESTABLISHED
4 NEIGHBORHOODS, AND THAT RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL
5 DEVELOPMENT NOT BE PERMITTED ON TRACTS WITH THE N.C. DISTRICT
6 DESIGNATION. THE N.C. DISTRICT IS NOT INTENDED TO REMOVE OR REPLACE OR
7 LIMIT ANY OPEN SPACE REQUIREMENTS IN THESE REGULATIONS, THE BALTIMORE
8 COUNTY CODE, OR THE BALTIMORE COUNTY OPEN SPACE MANUAL.

9 B. PERMITTED USES.

10 1. USES PERMITTED BY RIGHT.

11 A. OPEN SPACE

12 B. CIVIC, SOCIAL, EDUCATIONAL, OR RECREATIONAL USES NOT
13 INVOLVING STRUCTURES, OTHER THAN MINOR OPEN RECREATIONAL STRUCTURES
14 OR ANCILLARY UTILITY BUILDINGS OF 1,000 SQUARE FEET OR LESS THAT ARE
15 INCIDENTAL AND SUBORDINATE TO THE PERMITTED CIVIC, SOCIAL, EDUCATIONAL,
16 OR RECREATIONAL USE.

17 2. USES PERMITTED BY SPECIAL EXCEPTION.

18 A. CIVIC, SOCIAL, EDUCATIONAL, OR RECREATIONAL USES INVOLVING
19 ANCILLARY STRUCTURES OR UTILITY BUILDINGS GREATER THAN 1,000 SQUARE
20 FEET.

21 B. OFF-STREET PARKING THAT IS NOT IN COMPLIANCE WITH THE
22 REQUIREMENTS OF SUBSECTION C.5.

1 C. SPECIAL REGULATIONS FOR N.C. DISTRICTS.

2 1. THE N.C. DISTRICT SHALL BE APPLIED ONLY TO A PROPERTY, OR PORTION
3 THEREOF, LOCATED INSIDE THE URDL AND: (I) OWNED BY A NON-GOVERNMENTAL,
4 NON-PROFIT ENTITY AND HELD FOR THE PURPOSE OF COMMUNITY PARKS,
5 GARDENS, OR NATURAL OPEN SPACE AREAS, (II) OWNED AS COMMON AREAS BY A
6 COMMUNITY HOMEOWNER'S ASSOCIATION OR CONDOMINIUM ASSOCIATION
7 ORGANIZED AND OPERATED IN ACCORDANCE WITH THE LAWS OF THIS STATE, OR
8 (III) SPECIFICALLY DESIGNATED AS COMMUNITY OPEN SPACE ON AN APPROVED
9 DEVELOPMENT PLAN.

10 2. NOTWITHSTANDING THE REQUIREMENTS OF SECTION 504.3, THE
11 MAINTENANCE OF A PROPERTY HAVING A N.C. DISTRICT DESIGNATION SHALL BE
12 BY THE NON-GOVERNMENTAL, NON-PROFIT ENTITY OR BY THE HOMEOWNER'S OR
13 CONDOMINIUM ASSOCIATION, AS APPLICABLE. IF THE PARTY RESPONSIBLE FOR
14 THE MAINTENANCE OF THE PROPERTY HEREUNDER CAN NO LONGER MAINTAIN
15 THE PROPERTY, MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER OF
16 RECORD.

17 3. MAXIMUM GROSS RESIDENTIAL DENSITY SHALL APPLY TO THE GROSS
18 RESIDENTIAL AREA OF THE LOT OR TRACT AND BE CALCULATED PURSUANT TO
19 THE DENSITY REQUIREMENTS OF THE UNDERLYING ZONE. HOWEVER, THE USE OF
20 A PROPERTY HAVING A N.C. DISTRICT DESIGNATION IS SUBJECT TO THE USE
21 LIMITATIONS OF SUBSECTION B FOR THE ENTIRE PROPERTY, OR PORTION THEREOF,
22 SO DESIGNATED.

1 4. THE APPLICATION OF THE N.C. DISTRICT DESIGNATION TO A PROPERTY
2 HAVING EXISTING STRUCTURES IS SUBJECT TO THE USE LIMITATIONS OF
3 SUBSECTION B.

4 5. IF FEASIBLE AND IN ADHERENCE TO APPLICABLE ENVIRONMENTAL
5 REGULATIONS, A PROPERTY WITH THE N.C. DISTRICT DESIGNATION AND WITH
6 VEHICULAR ACCESS TO THE PROPERTY MAY HAVE OFF-STREET PARKING AS
7 FOLLOWS:

8 A. REQUIREMENTS AS TO PARKING SPACE DIMENSIONS, ACCESS TO
9 PARKING SPACES, NUMBER OF SMALL CAR SPACES, LOCATION OF PARKING, AND
10 STRIPING SHALL BE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF
11 SECTION 409.

12 B. NOT MORE THAN TWO OFF-STREET PARKING SPACES PER ACRE, UP
13 TO A MAXIMUM OF SIX PARKING SPACES, IS PERMITTED.

14 C. ALLOWABLE PARKING TIMES AND DURATION, INCLUDING ANY
15 PERIODS ALLOTTED FOR MAINTENANCE OPERATIONS, SHALL BE SET AND
16 ENFORCED BY THE OWNERSHIP ENTITY OF THE PROPERTY.

17 D. PARKING SHALL BE COMPOSED OF A DURABLE AND DUSTLESS
18 PERVIOUS MATERIAL APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL
19 PROTECTION AND SUSTAINABILITY.

20
21 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
22 affirmative vote of five members of the County Council, shall take effect March 21, 2012.

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