

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2015, Legislative Day No. 18

Bill No. 86-15

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Mr. Todd K. Crandell, Councilman

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By the County Council, November 2, 2015

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A BILL  
ENTITLED

AN ACT concerning

Manufacturing, Heavy (M.H.) Zone Use Regulations

FOR the purpose of permitting certain uses on certain large tracts of land in the Manufacturing, Heavy (M.H.) Zone by right and by special exception; providing for the process of development for uses permitted by right on certain large tracts in the Manufacturing, Heavy (M.H.) Zone; and generally relating to the Manufacturing, Heavy (M.H.) Zone.

BY adding

Section 256.5  
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

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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 SECTION 256

2 Manufacturing, Heavy (M.H.) Zone Use Regulations

3 § 256.5. USES ON CERTAIN LARGE TRACTS.

4 A. SCOPE. THIS SECTION APPLIES TO A TRACT OF LAND LOCATED IN THE M.H.  
5 OR M.H.-I.M. ZONE WITH AT LEAST 2,500 ACRES IN AREA THAT IS UNDER  
6 COMMON OWNERSHIP OR CONTROL.

7 B. USES PERMITTED BY RIGHT. THE FOLLOWING USES ONLY ARE PERMITTED:

8 1. ANY USE PERMITTED IN THE M.H.-I.M. ZONE BY RIGHT.

9 2. ANY USE PERMITTED IN THE M.L.-I.M. ZONE BY RIGHT.

10 3. ANY USE PERMITTED IN THE B.M. ZONE BY RIGHT.

11 4. THE FOLLOWING ADDITIONAL USES:

12 A. AIRSTRIPS OR AIRPORTS, WHERE IT IS SHOWN THAT SUCH USE  
13 WILL SERVE PRIMARILY THE INDUSTRIAL USES IN THE SAME  
14 AREA.

15 B. CAR WASHES, SUBJECT, FURTHER, TO THE PROVISIONS OF  
16 SECTION 419.

17 C. CEMETERY.

18 D. COMMERCIAL KENNEL AND PRIVATE KENNEL, SUBJECT TO  
19 SECTION 421.

20 E. EXCAVATIONS, CONTROLLED (SEE SECTION 403).

21 F. FUEL SERVICE STATIONS, INCLUDING USES IN COMBINATION

- 1                   THEREWITH (SUBJECT TO SECTION 405).
- 2                   G.     GARAGES, SERVICE, INCLUDING ESTABLISHMENTS FOR THE
- 3                   SERVICE OR REPAIR OF TRUCKS, TRUCK TRAILERS OR FREIGHT-
- 4                   SHIPPING CONTAINERS DESIGNED TO BE MOUNTED ON A
- 5                   CHASSIS FOR PART OR ALL OF THEIR TRANSPORT.
- 6                   H.     MOVING AND STORAGE ESTABLISHMENTS.
- 7                   I.     SIGNS, OUTDOOR ADVERTISING (SEE SECTION 450).
- 8                   J.     TRUCK STOPS.
- 9                   K.     UNION HALLS OR OTHER PLACES OF ASSEMBLY FOR
- 10                  EMPLOYMENT-RELATED ACTIVITIES.
- 11 C.     USES PERMITTED BY SPECIAL EXCEPTION. THE FOLLOWING USES ONLY ARE
- 12                  PERMITTED BY SPECIAL EXCEPTION:
- 13                  1.     ANY USE PERMITTED IN THE M.H.-I.M. ZONE BY SPECIAL EXCEPTION,
- 14                  IF NOT OTHERWISE PERMITTED BY RIGHT IN SUBSECTION B.
- 15                  2.     ANY USE PERMITTED IN THE M.L.-I.M. ZONE BY SPECIAL EXCEPTION, IF
- 16                  NOT OTHERWISE PERMITTED BY RIGHT IN SUBSECTION B.
- 17 D.     LIMITATION ON USES. NO MORE THAN 5% OF THE AREA OF A TRACT THAT
- 18                  QUALIFIES UNDER SUBSECTION A MAY BE USED FOR USES PERMITTED IN THE
- 19                  B.M. ZONE THAT ARE NOT OTHERWISE PERMITTED IN THE M.H. OR M.L. ZONE.
- 20 E.     DEVELOPMENT PROCESS. A PLAN FOR DEVELOPMENT FOR ANY PORTION OF
- 21                  A USE PERMITTED BY RIGHT UNDER SUBSECTION B SHALL BE PROCESSED IN
- 22                  THE SAME MANNER AS A LIMITED EXEMPTION UNDER SECTION 32-4-106(A)
- 23                  OF THE BALTIMORE COUNTY CODE.

1 F. PUBLIC OPEN SPACE. THE ENTITY THAT HAS COMMON OWNERSHIP OR  
2 CONTROL OF ANY TRACT TO WHICH THIS SECTION APPLIES SHALL PROVIDE  
3 OPEN SPACE OR PAY A FEE IN LIEU OF PROVIDING OPEN SPACE AS FOLLOWS:

4 1. OPEN SPACE WITHIN THE SUBJECT TRACT.

5 A. FOR EVERY 10,000 SQUARE FEET OF GROSS FLOOR AREA OF A  
6 USE PERMITTED IN THE B.M. ZONE BUT NOT PERMITTED IN THE  
7 M.H. OR M.L. ZONE, THE OWNER OR CONTROLLING ENTITY  
8 SHALL PROPOSE ONE-HALF ACRE OF LAND ON THE TRACT TO BE  
9 RESERVED AS PUBLIC OPEN SPACE. THE DEPARTMENTS OF  
10 RECREATION AND PARKS, ENVIRONMENTAL PROTECTION AND  
11 SUSTAINABILITY, PERMITS, APPROVALS AND INSPECTIONS, AND  
12 THE MARYLAND DEPARTMENT OF THE ENVIRONMENT SHALL  
13 DETERMINE THE SUITABILITY OF THE PROPOSED OPEN SPACE.

14 B. THE RESERVATION OF OPEN SPACE SHALL BE MADE IN WRITING  
15 AND BE PROVIDED TO AND ACCEPTED BY THE DEPARTMENT OF  
16 PERMITS, APPROVALS, AND INSPECTIONS PRIOR TO THE  
17 ISSUANCE OF A USE AND OCCUPANCY PERMIT.

18 C. THE OWNER OR CONTROLLING ENTITY MAY ELECT TO RETAIN  
19 IN FEE AND MAINTAIN THE RESERVED OPEN SPACE ON THE  
20 TRACT OR CONVEY THE OPEN SPACE IN FEE TO THE COUNTY.

21 2. PAYMENT OF A FEE IN LIEU OF OPEN SPACE.

1           A. IF DETERMINED THAT THE PROPOSED OPEN SPACE IS NOT  
2           SUITABLE UNDER PARAGRAPH F.1.A, THE COUNTY SHALL  
3           ACCEPT A FEE IN LIEU OF PROVIDING THE PROPOSED OPEN  
4           SPACE, OR A COMBINATION OF A PORTION OF THE PROPOSED  
5           OPEN SPACE AND A FEE PAYMENT.

6           B. THE FEE SHALL BE CALCULATED AT A RATE OF \$10,000 FOR  
7           EVERY 10,000 SQUARE FEET OF GROSS FLOOR AREA. THE FUNDS  
8           SHALL BE UTILIZED WITHIN A 15 MILE RADIUS IN THE SAME  
9           COUNCILMANIC DISTRICT AS THE TRACT FOR THE ACQUISITION  
10          OF OPEN SPACE LAND OR THE CONSTRUCTION OR  
11          INSTALLATION OF RECREATIONAL IMPROVEMENTS ON COUNTY-  
12          OWNED LAND.

13           SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the  
14          affirmative vote of five members of the County Council, shall take effect on December 21, 2015.