

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2020, Legislative Day No. 11

Bill No. 53-20

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Mrs. Cathy Bevins, Chair

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By the County Council, May 4, 2020

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A BILL  
ENTITLED

AN ACT concerning

Zoning Regulations - Permitted Alternative Uses and Development Proposals Adjacent to the MD 43 Overlay District.

FOR the purpose of authorizing alternative uses and development proposals on certain Density Residential (D.R.) and Resource Conservation (R.C.) Zoned properties adjacent to the MD 43 Overlay District under certain conditions; and generally relating to uses in the D.R. and R.C. Zones.

BY adding

Section 1A02.2.C  
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 259.11.A.4  
Baltimore County Zoning Regulations, as amended

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

3  
4 ARTICLE 1A - RESOURCE CONSERVATION ZONES

5 Section 1A02 - R.C. 3 (Deferral of Planning and Development) Zone

6  
7 § 1A02.2. Use Regulations.

8 C. IN ADDITION TO ANY OTHER USE PERMITTED BY THIS SECTION,  
9 ALTERNATIVE USES AND DEVELOPMENT PROPOSALS ARE PERMITTED ON  
10 CERTAIN DEVELOPMENT TRACTS CONTAINING R.C. 3 ZONING LOCATED  
11 ADJACENT TO THE MD 43 OVERLAY DISTRICT IN ACCORDANCE WITH SECTION  
12 259.11.A.4.

13  
14 ARTICLE 2 - ELEVATOR-APARTMENT RESIDENCE ZONES,  
15 RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS  
16 ZONES, MANUFACTURING ZONES AND DISTRICTS

17 Section 259 - Districts

18  
19 § 259.11. - Development Standards for MD 43 Overlay District.

20 These standards are intended to be additions to, modifications of, and exceptions from the  
21 standards required by the underlying zoning classification. All conflicts are to be resolved in  
22 accordance with Section 259.12.

1 A. Uses permitted by right.

2 4. Alternative uses and development proposals.

3 a. D.R.2 OR D.R.3.5 ZONES.

4 (1) AS AN ALTERNATIVE TO DEVELOPMENT IN  
5 ACCORDANCE WITH THE UNDERLYING ZONING, [T]he following uses are permitted by  
6 right on development tracts zoned D.R.2 or D.R.3.5 if such tract is: (1) adjacent to the MD 43  
7 Overlay District; (2) has direct vehicular access to Campbell Boulevard or MD 43; and (3) is  
8 under common ownership or control or part of a common scheme of development as other  
9 property, with a total area of at least 800 acres, [and] having the MD 43 Overlay District:

10 [1] (A) Commercial recreational facilities and additional  
11 complementary and accessory uses, including, but not limited to, indoor recreation centers,  
12 outdoor recreation centers, lighted fields, spectator seating, aquatic centers with leisure pools,  
13 surf pools, or other pools, temporary living quarters for overnight camps and similar programs,  
14 overnight accommodations, restaurants, retail uses, offices, parking lots, with or without solar  
15 canopies, and space for equipment storage. [; and

16 2] Residential uses ASSOCIATED WITH A  
17 COMMERCIAL RECREATIONAL FACILITY ARE ALLOWED as permitted and as limited in  
18 the D.R.5.5 Zone, except that no multi-family or single-family attached units are permitted and  
19 no more than five acres of the development tract may be developed with such residential uses[.];  
20 OR

21 (B) RESIDENTIAL USES NOT ASSOCIATED WITH A  
22 COMMERCIAL RECREATIONAL FACILITY ARE ALLOWED AS PERMITTED AND AS  
23 LIMITED IN THE D.R.3.5 ZONE. RESIDENTIAL USES UNDER THIS SUBPARAGRAPH

1 ARE NOT SUBJECT TO THE LIMITATIONS ON SINGLE-FAMILY DETACHED LOTS  
2 CONTAINED IN SECTION 260.2.

3 [B.] (2) Development proposals under this subsection shall be  
4 reviewed and approved under the provisions of Section 259.11.D, including approval of a pattern  
5 book, which may allow waiver or modification of any applicable laws [of] OR regulations  
6 governing development, including height, area, bulk, or parking requirements. SUCH  
7 WAIVERS OR MODIFICATIONS SHALL BE APPROVED THROUGH THE PROCEDURES  
8 OUTLINED IN SECTIONS 259.11.A.3 AND 259.11.D.

9 B. R.C.3 ZONE.

10 (1) AS AN ALTERNATIVE TO DEVELOPMENT IN  
11 ACCORDANCE WITH THE UNDERLYING ZONING, RESIDENTIAL USES ARE  
12 PERMITTED BY RIGHT ON DEVELOPMENT TRACTS CONTAINING R.C.3 ZONING IF  
13 SUCH TRACT IS ADJACENT TO THE MD 43 OVERLAY DISTRICT AND IS UNDER  
14 COMMON OWNERSHIP OR CONTROL OR PART OF A COMMON SCHEME OF  
15 DEVELOPMENT AS OTHER PROPERTY, WITH A TOTAL AREA OF AT LEAST 800  
16 ACRES, HAVING THE MD 43 OVERLAY DISTRICT.

17 (2) RESIDENTIAL USES ARE PERMITTED IN  
18 ACCORDANCE WITH THE STANDARDS FOR UNIT TYPE OUTLINED IN SECTION  
19 259.11.A.3, EXCEPT THAT MULTI-FAMILY UNITS ARE NOT PERMITTED, AND SUCH  
20 USES ARE ONLY PERMITTED ON THE PORTION OF THE DEVELOPMENT TRACT  
21 THAT IS ZONED R.C.3 OR THAT HAS THE MD 43 OVERLAY DISTRICT  
22 DESIGNATION.

23 (3) DEVELOPMENT OF A TRACT UNDER THIS

1 SUBPARAGRAPH SHALL BE APPROVED BY WAY OF A LIMITED EXEMPTION  
2 UNDER BALTIMORE COUNTY CODE SECTION 32-4-106(B)(2), PROVIDED THE  
3 TRACT IS INCORPORATED INTO AN APPROVED DEVELOPMENT PLAN. THE  
4 AMENDED DEVELOPMENT PLAN SHALL INTEGRATE THE ADDITIONAL  
5 DEVELOPMENT INTO THE APPROVED DEVELOPMENT SCHEME, AND THE  
6 APPROVED PATTERN BOOK MUST BE AMENDED AS PROVIDED IN SECTION  
7 259.11.D. VEHICULAR ACCESS TO THE DEVELOPMENT TRACT SHALL BE  
8 PROVIDED THROUGH THE APPROVED DEVELOPMENT AND NOT THROUGH  
9 EBENEZER ROAD. PUBLIC WATER AND SEWER SERVICE SHALL BE ROUTED  
10 THROUGH THE APPROVED DEVELOPMENT AND NOT THROUGH EBENEZER ROAD,  
11 PROVIDED THERE IS SUFFICIENT AVAILABLE CAPACITY. PRIOR APPROVED  
12 WAIVERS OR MODIFICATIONS FOR THE APPROVED DEVELOPMENT SCHEME MAY  
13 BE UTILIZED FOR THE ADDITIONAL DEVELOPMENT. ADDITIONAL WAIVERS OR  
14 MODIFICATIONS SHALL BE APPROVED THROUGH THE PROCEDURES OUTLINED  
15 IN SECTIONS 259.11.A.3 AND 259.11.D. FOR PURPOSES OF THE APPLICATION OF  
16 SECTION 259.11.A.3, ONCE INCORPORATED INTO THE APPROVED DEVELOPMENT  
17 PLAN, THE DEVELOPMENT TRACT SHALL BE CONSIDERED TO BE PART OF THE  
18 OVERALL ORIGINAL TRACT OF AT LEAST 800 ACRES AS OF FEBRUARY 19, 2013.

19 C. DEVELOPMENT OF PROPERTY UNDER SECTION 259.11.A.4  
20 SHALL BE CONSIDERED TO BE LOCATED WITHIN THE MD 43 OVERLAY DISTRICT.

1           SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed  
2           with the affirmative vote of five (5) members of the County Council, shall take effect on June 15,  
3           2020.