

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 20

Bill No. 122-10

Mr. John Olszewski, Sr., Chairman
By Request of County Executive

By the County Council, December 6, 2010

A BILL
ENTITLED

Government Reorganization

FOR the purpose of reorganizing county government by abolishing the Department of Workforce Development and moving its functions to the Department of Economic Development; abolishing the Office of Community Conservation and moving its functions to the Office of Planning; renaming the Office of Planning and Community Conservation to be the Office of Planning; renaming the Department of Environmental Protection and Resource Management to be the Department of Environmental Protection and Sustainability; renaming the Department of Permits and Development Management to be the Department of Permits, ~~Inspections, and Approvals~~ Approvals and Inspections; making certain corrections for style and certain technical corrections; correcting certain cross-references; providing for the construction and application of this Act; providing for the continuity of terms of certain officials, the status of certain transactions and employees, rights, titles, and interests, licenses, registrations, certifications, and permits; ~~providing for a contingent effective date of this Act~~; providing instructions to the publishers of the Baltimore County Code and Baltimore County Zoning Regulations; and generally relating to the reorganization of county government.

BY repealing

Article. 3. Administration.
Title 2. The Administrative Services
Subtitle 5. Office of Workforce 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

Section 3-2-1204

Article. 3. Administration.
Title 2. The Administrative Services
Subtitle 12. Office of Planning and Community Conservation
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 3-2-403, 3-2-601, 3-2-602, 3-2-603(a), 3-2-604, 3-2-605, 3-2-1101, 3-2-1102(a), 3-2-1103, 3-2-1104(a), 3-2-1201, 3-2-1203(c), 3-3-305(b), 3-3-602(a)(7), 3-3-805(a), 3-3-1502, 3-3-1504, 3-3-1507(a), 3-3-1510, 3-3-1602(a)(2), 3-3-1603, 3-3-1605(b), 3-3-1606, 3-3-2102(a)(3), 3-3-2106(b), 3-6-101(b)(1), (d), and (f), and 3-10-101
Article 3. Administration
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 10-12-104(c) and 10-13-104(c)
Article 10. Finance
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Section 11-4-301(a)
Article 11. Taxation
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 12-1-111(b), 12-2-101, 12-2-102(b), 12-2-103(c)(1), 12-2-104(a), 12-2-204(c)(2), 12-6-102(a), 12-6-104, 12-7-101(d), and 12-7-102
Article 12. Animals
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 13-1-101(b) and (c), 13-4-101(c), 13-4-105(b), 13-4-204(a), 13-4-205(a) and (b), 13-4-207, 13-4-213(d), 13-4-301(a) and (c)(2), 13-4-302(d), (g)(1) and (h)(1)(i), 13-6-101(d), 13-6-201(b), 13-6-202(a), (b)(1), (c), (d), and (e), 13-6-203(a) and (e), 13-6-205(c), 13-6-207, 13-7-112, 13-7-113(a) and (c)(3), 13-7-117, 13-7-123(a), 13-7-201(c), 13-7-402(b), 13-7-404(a)(2), and 13-10-101(a)(2)
Article 13. Public health, safety and the Environment
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Section 14-2-201(c)(2)
Article 14. Fire Protection
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 17-1-117(d)(1) and 17-4-106(c) and (d)
Article 17. Miscellaneous provisions and offenses
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 18-2-406, 18-2-408(a) and (b), 18-2-409(a), 18-2-411(b), and 18-2-413(b) and (c)
Article 18. Transportation
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 21-1-101(c) and (d), 21-3-203(a) and (b), 21-4-303(b), 21-6-101, 21-6-102(b)(1), 21-6-104(b)(2), 21-7-202(b), 21-14-103(b) and 21-16-111.1(c)(4), 21-16-118(a), 21-16-120(b), 21-18-101(b), 21-18-106(a) and 21-19-101(d)

Article 21. Permits, licenses, and business regulation

Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Section 24-1-101(f) and (h)

Article 24. Land preservation

Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 32-3-102, 32-3-104(a), 32-3-105(a), 32-3-109, 32-3-224(b), 32-3-302, 32-3-303(a)(3) and (b), 32-3-304(c) and (e)(2) and (3), 32-3-401(a) and (c), 32-3-503(c)(1), 32-3-505(a), (b), (c), and (d)(1), 32-3-508(b)(1), 32-3-509(c)(1) and (d), 32-3-513(c)(1), 32-3-515(b), 32-3-602(a) and (b), 32-3-603(a), 32-3-604(a) and (b)(1), (2), and (3), 32-3-607, 32-4-101(aa) and (zz), 32-4-107(b), 32-4-107.1(a) and (c), 32-4-112, 32-4-202(a)(1), 32-4-203(l), 32-4-211(b), 32-4-212(a), 32-4-214, 32-4-216(a), 32-4-217(b)(1)(i) and (3), (c), (d)(1), and (e)(2), 32-4-221(b), 32-4-222(a), 32-4-223, 32-4-224(a), 32-4-225(a)(1), (b), and (c), 32-4-226(b), (c)(1) and (2), and (d), 32-4-227(c)(1) and (3), 32-4-229(c) and (f), 32-4-242(c)(1), 32-4-243(b)(1)(ii) and (3) and (e), 32-4-252(a)(1), (b), and (c)(2), 32-4-253, 32-4-254, 32-4-271(f) and (g), 32-4-272(a)(1) and (2), (b), (c)(1), and (d), 32-4-274(a) and (c), 32-4-281(a) and (b)(1) and (3), 32-4-301, 32-4-304(b), (c), (d), and (e), 32-4-305(b)(1)(ii) and (c)(5), 32-4-306(a), 32-4-307(a), 32-4-308(a), 32-4-313(b) and (d)(2), 32-4-404(c)(3), 32-4-415(c), 32-4-503, 32-6-101(c) and (e), 32-6-108(l)(1), 32-6-109(c), (e), (g), and (h), 32-7-303(e), 32-9-103(a)(2), 32-9-106(a) and (b)(1), (2), and (4), 32-9-107(a), 32-9-108, 32-9-110(a), and 32-9-112(b), (c), (e)(3), (h), and (i)(2) and (3)

Article 32. Planning, zoning and, subdivision control

Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 33-1-101(cc)(1) and (jj), 33-2-101(q) and (ff)(1), 33-2-105(a)(1), 33-2-201, 33-2-202, 33-2-203(c), 33-2-204(b) and (d), 33-2-205(a), (c), (d) and (e), 33-2-209(c), 33-2-303(d)(2), 33-2-401(b)(2)(ii), 33-2-402(d)(2), (f) and (g), 33-2-403(a), 33-2-404(a)(2), (3)(i), and (4), 33-2-405(b)(1)(ii) and (6)(ii), 33-2-406(d)(1)(ii) and (2), 33-2-501(b)(1), (3) and (4) and (c)(2), 33-2-502(b), 33-2-602(b)(1)(iii)1 and 3 and (c)(1) and (2), 33-2-603(b)(3)(iii), (iv)2, (v)1, 3, and 4 and (5), (c)(2)(i), (3)(v)2, 3B, and (vi), and (d), 33-2-605(b)(2) and (g), 33-2-606(d)(2), 33-2-607(e), 33-2-702(b), 33-2-801(a), 33-2-901(a), 33-3-101(f), 33-3-108(c), 33-3-109, 33-3-110(c), 33-3-113(b), 33-4-101(i) and (o), 33-4-108(c)(1), (2)(i) and (iii), (d), (e)(2), and (f), 33-4-115(d), 33-5-101(c) and (n), 33-5-202(a)(1), (e)(2), and (h), 33-6-101(k), 33-6-116(b)(1), (2), (4), and (5), (c)(1), (f), (h) and (i), 33-7-101(b), 33-7-103(a)(1)(i) and (2) and (b)(3), and 33-8-101(a) and (c)

Article 33. Environmental Protection and Resource Management

Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 34-1-101(a), 34-2-102(a)(3), 34-2-103(b)(1) and (c), 34-2-104(b)(1), (c) and (e)(2), 34-2-105(c), 34-3-101(a)(1) and (c), 34-3-102, 34-3-103(c), 34-3-104(b), and 34-3-105

Article 34. Water and sewers

Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 35-1-101(b) and (c), 35-2-101, 35-2-206(c)(3), 35-2-302(e)(2), 35-2-305(a), 35-5-209(h)(2) and (4), 35-5-305(a) and (d), and 35-6-101(f)

Article 35. Buildings and housing
Baltimore County Code, 2003

BY repealing and reenacting, with amendments

Sections 101.1 (definitions of “County Trucking-facilities-development officials” and “Wetland (Tidal)”) 101A.1 (definition of “Transportation facilities”), 102.6, 103.5D.2., 1A03.3.A.1.b.(1), 1A01.2.C.29.i, 1A03.5.A.2. and 4., B., D.4., H. and I., 1A04.4.C., 1A05.4.C., 1A05.5.D. and G., 1A06.3.A., 1A07.2 (Definitions of “Forest patch area” and “Primary conservancy area”), 1A07.3.A.6., B.15.b., 1A07.7.A.B.and C.1., 1A07.8.B.5.b., 1A07.10.A., 1A08.3.A.6. and B.5., 1A08.6.B.5.b., 1A09.3.A.6.and B.3., 1A09.5, 1A09.7.B.5.b.(1), 1B01.1.B.1.c.(1) and .2, 1B01.3.A.5.b., 205.4.A., 206.4.A., 210.5, 220.1.C., 229.3, 232C.2, 235B.4.B.3., 235B.7.B. and C.1., 235C.2, 238C.2, 259.3.C.5., 259.5 (definitions of “Authorization” and “Director”), 259.7.C., 259.8, 259.9.E.2. and F.4., 260.1.C., Sections 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 404.12, 404.14.B.1, 405.5.A., 405.6.A, 405.7.B. and E.1. and 2., 407.1.F., 408B.1.A. and C., 409.6.A.2. and 4., 3.B., and B.3.b., 409.7.C., 410.1.A.1. and 2., 410A.1.A.1. and 2., 412.3., 412.4.C.3.d.(4), 412.5, 412.6, 415.4.A. and B., 415.5, 415A.1.C., 415A.3.B., 417.3.C., 419.2, 430A.5 (Definitions of “County Government Team” and “Master developer”), 430A.8.E. and F.2., 430A.9.B.1. and G., 430A.11.D., 430A.13.A. and C., 430A.14.B., 430A.15., 430A.17.C.3., 436.2, 436.5, 450.6.A.7., 450.8.C.8. and D.5.a., 4A03.5.A.1., B. and C., 4A03.6, 4A03.7.B. and C., 4A03.8, 4A03.9., 4A03.10, 4A03.12., 500.14, 501.4, 502.5.A., 502.9.C, 502.10
Baltimore County Zoning Regulations

BY renaming

Article 3. Administration
Title 2. The Administrative Services
Subtitle 6. Department of Environmental Protection and Resource Management
Baltimore County Code, 2003

to be

Article 3. Administration
Title 2. The Administrative Services
Subtitle 6. Department of Environmental Protection and Sustainability

BY renaming

Article 3. Administration
Title 2. The Administrative Services
Subtitle 11. Department of Permits and Development Management
Baltimore County Code, 2003

to be

Article 3. Administration
Title 2. The Administrative Services
Subtitle 11. Department of Permits, ~~Inspections, and Approvals~~ Approvals and Inspections

BY renaming

Article 3. Administration
Title 2. The Administrative Services
Subtitle 12. Office of Planning and Community Conservation
Baltimore County Code, 2003

to be

Article 3. Administration

Title 2. The Administrative Services
Subtitle 12. Office of Planning

BY renaming

Article 33. Environmental Protection and Resource Management
Baltimore County Code, 2003
to be
Article 33. Environmental Protection and Sustainability

1 SECTION 1. BE IT ENACTED, BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2 MARYLAND, that Article 3, Title 2, Subtitle 5 and Section 3-2-1204, of the Baltimore County Code, 2003,
3 as amended, are hereby repealed.

4
5 SECTION 2. AND BE IT FURTHER ENACTED, that Sections Sections 3-2-403, 3-2-601, 3-2-602,
6 3-2-603(a), 3-2-604, 3-2-605, 3-2-1101, 3-2-1102(a), 3-2-1103, 3-2-1104(a), 3-2-1201, 3-2-1203(c), 3-3-
7 305(b), 3-3-602(a)(7), 3-3-805(a), 3-3-1502, 3-3-1504, 3-3-1507(a), 3-3-1510, 3-3-1602(a)(2), 3-3-1603, 3-3-
8 1605(b), 3-3-1606, 3-3-2102(a)(3), 3-3-2106(b), 3-6-101(b)(1), (d), and (f), and 3-10-101 of Article 3.
9 Administration, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with
10 amendments, to read as follows:

11
12 § 3-2-403.

13 (a) The Department of Economic Development may appoint and convene advisory committees
14 to aid and advise the Department in performing its duties under this subtitle.

15 (b) The Department shall:

16 (1) Adopt a progressive program to promote the economic development of the county
17 by attracting additional industry and commerce;

18 (2) Gather, maintain, and disseminate information concerning plant industrial sites
19 throughout the county and the advantages of locating industries within the county;

20 (3) Act as the county's official liaison agency with persons interested in locating business
21 firms in the county;

22 (4) Enlist the cooperation of industry, city, state, national, and private agencies and
23 national publications in promoting the purposes of the Department;

24 (5) Administer the Economic Development Revolving Loan Fund;

25 (7) ADMINISTER JOB TRAINING PROGRAMS FOR THE PURPOSE OF
26 PROVIDING EMPLOYMENT OPPORTUNITIES FOR ADULTS AND YOUTH FACING BARRIERS TO

1 EMPLOYMENT;

2 (8) ADMINISTER AND OPERATE INITIATIVES THAT PROMOTE ECONOMIC
3 DEVELOPMENT THROUGH PROVISION OF RESPONSIVE WORKFORCE DEVELOPMENT
4 SERVICES FOR JOB SEEKERS AND THE BUSINESS COMMUNITY; and

5 [(6)] (9) Submit an annual report of its work to the County Executive.

6
7 § 3-2-601.

8 There is a Department of Environmental Protection and [Resource Management]
9 SUSTAINABILITY.

10
11 § 3-2-602.

12 The Department of Environmental Protection and [Resource Management] SUSTAINABILITY
13 includes:

- 14 (1) The Bureau of Waste Management and Community Services; and
15 (2) The Bureau of Resource Management And Engineering Services.

16
17 § 3-2-603.

18 (a) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY,
19 appointed in accordance with § 402 of the Charter, shall administer the Department and is directly responsible
20 to the County Administrative Officer.

21
22 § 3-2-604.

23 (a) The Department of Environmental Protection and [Resource Management]
24 SUSTAINABILITY shall:

25 (1) Administer and enforce environmental laws, regulations, programs, and activities
26 for the purpose of conserving, enhancing, and perpetuating the natural resources of the county and preserving
27 and protecting the environmental health of its citizens; and

28 (2) Have the duties, functions, and responsibilities provided for in the Code and assigned
29 to it by directive of the County Administrative Officer.

30 (b) The Department of Environmental Protection and [Resource Management]
31 SUSTAINABILITY is responsible for:

- 32 (1) Enforcement of the state laws and regulations concerning the environment that are

1 delegated to the Department by state law, regulation, or directive; and

2 (2) All activities and functions performed by:

3 (i) The Bureau of Environmental Services of the County Health Department,
4 including air pollution control, water quality management, wastewater management, regional community
5 services, and environmental support services;

6 (ii) The Chesapeake Bay Critical Area staff of the Office of Planning [and
7 Community Conservation], including preparation and development of the County's Critical Area Protection
8 Program, and review of all development within the critical area or elsewhere for compliance with state or
9 county environmental laws and regulations;

10 (iii) The land use planning section of the division of comprehensive planning of
11 the Office of Planning [and Community Conservation]; and

12 (iv) The sediment control section of the Department of [Permits and
13 Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

14
15 § 3-2-605.

16 The Director of Environmental Protection and [Resource Management] SUSTAINABILITY shall:

17 (1) Provide the County Health Officer with assistance in the administration and enforcement of
18 all state health laws and regulations adopted by the State Secretary of Health and Mental Hygiene; and

19 (2) Provide information and make reports to the County Health Officer necessary for the County
20 Health Officer and County Board of Health to perform their duties under state and county laws and
21 regulations.

22
23 § 3-2-1101.

24 (a) There is a Department of [Permits and Development Management] PERMITS,
25 INSPECTIONS, AND APPROVALS.

26 (b) Except as otherwise provided in the Code:

27 (1) All of the activities, duties, functions, and responsibilities previously performed by
28 the DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, Department of Permits and
29 Licenses, the Office of Zoning Administration and Development Management, and, with regard to the
30 Livability Code, the Department of Community Development are transferred to and merged in the
31 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS;
32 and

1 (2) All of the authority of the Director of PERMITS AND DEVELOPMENT
2 MANAGEMENT, Permits and Licenses, the Director of Zoning Administration and Development
3 Management, and, with regard to the Livability Code, the Director of Community Development are
4 transferred to the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
5 APPROVALS.

6 (c) All references to the Director or Department of PERMITS AND DEVELOPMENT
7 MANAGEMENT, Permits and Licenses and the Director or Office of Zoning Administration and
8 Development Management in all codes, manuals, regulations, rules, and policies adopted either by the County
9 Council or in the Code of Baltimore County Regulations mean and refer to the Department of [Permits and
10 Development Management] PERMITS, INSPECTIONS, AND APPROVALS and its Director.

11
12 § 3-2-1102.

13 (a) The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
14 APPROVALS, qualified and appointed in accordance with § 402 of the Charter, shall administer the
15 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

16
17 § 3-2-1103.

18 The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
19 APPROVALS shall administer and enforce:

20 (1) All laws and regulations associated with:

- 21 (i) The development process; and
- 22 (ii) The permitting and licensing process; and

23 (2) Notwithstanding any provision in the Code or in the Baltimore County Zoning
24 Regulations to the contrary:

- 25 (i) All laws, maps, and regulations related to zoning; and
- 26 (ii) Except for the conduct of hearings under Article 32 of the Code, all other
27 administrative matters assigned to the Zoning Commissioner in Article 32 of the Code, by the Baltimore
28 County Zoning Regulations, or under any other authority.

29
30 § 3-2-1104.

31 (a) There is a Building Engineer in the Department of [Permits and Development Management]
32 PERMITS, INSPECTIONS, AND APPROVALS who shall be under the direction and supervision of the
33 Director.

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§ 3-2-1201.

- (a) There is an Office of Planning [and Community Conservation] which is composed of:
 - (1) A Director of Planning;
 - (2) The Planning Board;
 - (3) A Zoning Commissioner and Deputy Zoning Commissioner; AND
 - (4) A people's [counsel; and
 - (5) A Director of the Office of Community Conservation] COUNSEL.

(b) For budgetary purposes, the Zoning Commissioner, Deputy Zoning Commissioner, Office of the Zoning Commissioner, [Office of Community Conservation,] Director of Planning, Office of Planning, and Planning Board shall be treated as being within the Office of Planning [and Community Conservation].

§ 3-2-1203.

(c) The Zoning Commissioner and Deputy Zoning Commissioner, as holders of the delegated legislative power conferred on them in this subtitle and in Article 32 of the Code:

- (1) Are independent officers within the county government, and are within the Office of Planning [and Community Conservation] solely for budgetary purposes;
- (2) Shall be appointed solely with regard to their qualifications for the duties of their office;
- (3) Shall have the training or experience to qualify them to conduct quasi-judicial hearings on zoning matters and to discharge the other functions conferred on them in this subtitle and in Article 32 of the Code; and
- (4) May not hold another appointive or elective public office or position in the county government except as provided in the Code.

§ 3-3-305

- (b) In addition to the duties prescribed in Article 24 of the Code and state law, the Board shall:
 - (1) Make recommendations on areas of productive agricultural land and their inclusion within the county master plan as agricultural protection areas;
 - (2) Recommend to the Department of Environmental Protection and [Resource Management] SUSTAINABILITY procedures for mediation or arbitration of disputes regarding the value

1 of easements being considered for purchase by the county;

2 (3) Perform other duties assigned by the County Council or County Executive;

3 (4) Prepare or review recommendations to the County Council on county policies and
4 programs for agricultural preservation and protection of agricultural soil resources;

5 (5) Review and make recommendations to the Department of [Permits and Development
6 Management] PERMITS, INSPECTIONS, AND APPROVALS on zoning regulation proposals that relate
7 to agricultural uses including tenant buildings, farmer's roadside stands, and other agricultural issues;

8 (6) Discuss and make recommendations to the County Council on programs to promote
9 the agricultural industry in the county; and

10 (7) Cooperate with county agencies and boards, the Cooperative Extension Service, and
11 the Soil Conservation District in carrying out its responsibilities.

12
13 § 3-3-602.

14 (a) (7) The County Executive shall appoint one representative from each of the following
15 county agencies to serve as voting members:

16 (i) The Department of Aging;

17 (ii) The Department of Health;

18 (iii) The Department of Recreation and Parks;

19 (iv) The Office of Planning [and Community Conservation];

20 (v) The Department of Social Services;

21 (vi) The Department of [Permits and Development Management] PERMITS,
22 INSPECTIONS, AND APPROVALS;

23 (vii) The Fire Department; and

24 (viii) The Police Department.

25
26 § 3-3-805.

27 (a) The Electrical Administrative Board shall have the duties and powers necessary and advisable
28 for the proper administration and enforcement of the Electrical Code adopted by the Director of [Permits and
29 Development Management] PERMITS, INSPECTIONS, AND APPROVALS under Article 21, Title 7 of the
30 Code for the supervision of the electrical business in the county.

31
32 § 3-3-1502.

1 [(1)] (A) The Plumbing and Gasfitting Board consists of seven members.

2 [(2)] (B) The seven members of the Board shall include:

3 [(i)] (1) The Director of Environmental Protection and [Resource Management]
4 SUSTAINABILITY or the Director's designee;

5 [(ii)] (2) The Chief Plumbing Inspector of the county; and

6 [(iii)] (3) Five members who shall be appointed by the County Executive, including:

7 [1.] (I) Three board-certified master plumbers who reside in the county;

8 [2.] (II) One journeyman plumber who resides in and is certified to work in the
9 county; and

10 [3.] (III) One practicing mechanical engineer.

11
12 § 3-3-1504.

13 [(1)] (A) The Director of Environmental Protection and [Resource Management]
14 SUSTAINABILITY and the Chief Plumbing Inspector of the county may not receive additional compensation
15 for their services on the Plumbing and Gasfitting Board.

16 [(2)] (B) Each appointed member of the Board is entitled to:

17 (i) Compensation determined by the County Executive; and

18 (ii) Reimbursement for expenses necessarily incurred, if approved by the Board and
19 provided for in the county operating budget.

20 [(3)] (C) Compensation and reimbursement paid under this section shall be paid from the fees for
21 examinations and certificates.

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23
24
25 § 3-3-1507.

26 (a) (1) The Plumbing and Gasfitting Code Committee consists of eight members.

27 (2) The eight members of the Committee shall include:

28 (i) The Director of Environmental Protection and [Resource Management]
29 SUSTAINABILITY or the Director's designee;

30 (ii) A representative of the Department of Public Works;

31 (iii) The Chief Plumbing Inspector of the county; and

32 (iv) Five members who shall be appointed by the County Administrative Officer,

1 including:

- 2 1. Three master plumbers certified to do business in the county, two
3 of whom must be members of the Plumbing and Gasfitting Board;
- 4 2. One registered professional engineer licensed to do business in the
5 state; and
- 6 3. One member of the Home Builders Association, who is not a
7 plumber.

8
9 § 3-3-1510.

10 The Plumbing and Gasfitting Code Committee shall advise and assist the Director of [Permits and
11 Development Management] PERMITS, INSPECTIONS, AND APPROVALS in proposing rules and
12 regulations, approving materials, interpreting Article 21, Title 15 of the Code, and making recommendations
13 for future revision of Article 21, Title 15 of the Code.

14
15 § 3-3-1602.

16 (a) (2) The eight members of the Committee shall include:

- 17 (i) A member of the Board of Health, approved by the Chairman of the Board;
- 18 (ii) A representative of the State Department of Health and Mental Hygiene; and
- 19 (iii) Six members who shall be appointed by the Director of Environmental
20 Protection and [Resource Management] SUSTAINABILITY, including:

21 1. One representative of the Department of Environmental Protection
22 and [Resource Management] SUSTAINABILITY;

23 2. One member of the American Red Cross or a similar organization;
24 and

25 3. Four members of the swimming pool industry, of whom:

26 A. Two must be actively engaged in the swimming pool
27 construction or swimming pool supply business; and

28 B. Two must be actively engaged in the ownership,
29 management, or operation of one or more public swimming pools.

30
31 § 3-3-1603.

32 The representative from the Department of Environmental Protection and [Resource Management]

1 SUSTAINABILITY shall be the secretary for the Review Committee for Public Swimming Pools and Bathing
2 Beaches.

3
4 § 3-3-1605.

5 (b) The Review Committee may submit recommendations for changes in the rules and
6 regulations for public swimming pools and bathing beaches to the Director of Environmental Protection and
7 [Resource Management] SUSTAINABILITY for the Director's consideration.

8
9 § 3-3-1606.

10 The Director of Environmental Protection and [Resource Management] SUSTAINABILITY may
11 adopt by regulations adopted under Title 7 of this article any or all of the recommendations of the Review
12 Committee for Public Swimming Pools and Bathing Beaches.

13
14 § 3-3-2102

15 (a) (3) The directors of the Departments of Environmental Protection and [Resource
16 Management] SUSTAINABILITY, Planning, and Public Works shall each designate to the Commission an
17 ex officio, non-voting member to provide technical assistance.

18
19 § 3-3-2106

20 (b) Before submitting a recommendation under this subtitle to the County Council or County
21 Executive, the Commission shall submit its recommendations to the Director of Environmental Protection
22 and [Resource Management] SUSTAINABILITY for technical and fiscal review.

23
24 § 3-6-101.

- 25 (b) (1) "Code" means the:
- 26 (i) Building Code;
 - 27 (ii) Electric Code;
 - 28 (iii) Mechanical Code;
 - 29 (iv) Permits and licenses law and regulations;
 - 30 (v) Plumbing and Gasfitting Code;
 - 31 (vi) Livability Code;
 - 32 (vii) Fire Code;

1 (viii) Zoning Regulations; and

2 (ix) Any other code, regulation, or standard administered by the Department of
3 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

4 (d) “Code Official” means the Director of [Permits and Development Management] PERMITS,
5 INSPECTIONS, AND APPROVALS or the Director's designee.

6 (f) “Director” means the Director of Environmental Protection and [Resource Management]
7 SUSTAINABILITY or the Director's designee.

8
9 § 3-10-101.

10 This title does not apply to:

11 (1) A grant administered under the Economic Development Revolving Financing Fund;

12 (2) A grant that involves the provision of services requiring County Council approval under §
13 715 of the Charter;

14 (3) The following programs administered by the Office of Planning [and Community
15 Conservation] for grants in amounts less than \$50,000 to a recipient in any fiscal year:

16 (i) The Settlement Expense Program;

17 (ii) The Incentive Purchase Program;

18 (iii) The Single Family Rehabilitation Program; and

19 (iv) The Emergency Assistance Program;

20 (4) Emergency assistance grants administered by the Department of Social Services; and

21 (5) Emergency senior care grants administered by the Department of Aging.

22
23 SECTION 3. AND BE IT FURTHER ENACTED, that Sections 10-12-104(c) and 10-13-104(c), of
24 Article 10. Finance, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted,
25 with amendments, to read as follows:

26
27 § 10-12-104

28 (c) The Directors of Budget and Finance and Environmental Protection and [Resource
29 Management] SUSTAINABILITY shall jointly authorize any payments by or charges against the Fund.

30
31 § 10-13-104

32 (c) The Directors of Budget and Finance and Environmental Protection and [Resource

1 Management] SUSTAINABILITY shall jointly authorize any payments by or charges against the Fund.

2
3 SECTION 4. AND BE IT FURTHER ENACTED, that Section 11-4-301(a) of Article 11. Taxation,
4 of the Baltimore County Code, 2003, as amended, is hereby repealed and reenacted, with amendments, to read
5 as follows:

6
7 § 11-4-301.

8 (a) This subtitle applies to each person licensed by the Department of [Permits and Development
9 Management] PERMITS, INSPECTIONS, AND APPROVALS to operate a mobile home park which has
10 two or more spaces in the mobile home park in operation.

11
12 SECTION 5. AND BE IT FURTHER ENACTED, that Sections 12-1-111(b), 12-2-101, 12-2-102(b),
13 12-2-103(c)(1), 12-2-104(a), 12-2-204(c)(2), 12-6-102(a), 12-6-104, 12-7-101(d), and 12-7-102, of Article
14 12. Animals, of the Baltimore County Code, 2003, as amended, is hereby repealed and reenacted, with
15 amendments, to read as follows:

16
17 § 12-1-111.

18 (b) If a person is convicted of cruelty to animals:

19 (1) If applicable, the Health Officer may request the Department of [Permits and
20 Development Management] PERMITS, INSPECTIONS, AND APPROVALS to revoke the person's holding
21 facility licenses for a period not exceeding 1 year following conviction; and

22 (2) The person is ineligible to hold a holding facility license for a period of 1 year
23 following the date of conviction.

24
25 § 12-2-101.

26 The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
27 APPROVALS may issue all licenses and permits required under this article, on receipt and approval of a
28 license or permit application.

29
30 § 12-2-102.

31 (b) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
32 AND APPROVALS shall refuse to issue a license or permit if the applicant is or would be in violation of any

1 provision of:

- 2 (1) This article; or
- 3 (2) The BALTIMORE County Zoning Regulations.

4
5 § 12-2-103.

6 (c) (1) The Department of [Permits and Development Management] PERMITS,
7 INSPECTIONS, AND APPROVALS may charge a fee for a license or permit issued under this article.

8
9 § 12-2-104.

10 (a) Except as otherwise provided in this article, unless a person has received a license or permit
11 from the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
12 APPROVALS, the person may not:

- 13 (1) Own or harbor an animal for which a license or permit is required; or
- 14 (2) Operate a holding facility.

15
16 § 12-2-204.

17 (c) (2) The rebate shall be paid on application to the Department of [Permits and
18 Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

19
20
21 § 12-6-102.

22 (a) An applicant for a license shall submit an application to operate a holding facility to the
23 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
24 indicating:

- 25 (1) The type of facility;
- 26 (2) The name and address of the holding facility; and
- 27 (3) The name and address of the owner of the holding facility.

28
29 § 12-6-104.

30 At the request of the Health Officer, the Department of [Permits and Development Management]
31 PERMITS, INSPECTIONS, AND APPROVALS may refuse to issue a license to or revoke a license for a
32 holding facility that:

- 1 (1) Is maintained in an unsanitary or inhumane manner;
- 2 (2) Violates any provision of this article; or
- 3 (3) Fails to meet the standards established under § 12-6-103 of this title.

4
5 § 12-7-101.

6 (d) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
7 AND APPROVALS may issue a permit on recommendation of the Health Officer.

8
9 § 12-7-102.

10 At the request of the Health Officer, the Director of [the Department of Permits and Development
11 Management] PERMITS, INSPECTIONS, AND APPROVALS or the Director's designee may revoke a wild
12 animal permit issued under this title if in the judgment of the Health Officer the maintaining of the wild
13 animal is detrimental to the public safety, health, or welfare.

14
15 SECTION 6. AND BE IT FURTHER ENACTED, that Sections 13-1-101(b) and (c), 13-4-101(c),
16 13-4-105(b), 13-4-204(a), 13-4-205(a) and (b), 13-4-207, 13-4-213(d), 13-4-301(a) and (c)(2), 13-4-302(d),
17 (g)(1) and (h)(1)(i), 13-6-101(d), 13-6-201(b), 13-6-202(a), (b)(1), (c), (d), and (e), 13-6-203(a) and (e), 13-6-
18 205(c), 13-6-207, 13-7-112, 13-7-113(a) and (c)(3), 13-7-117, 13-7-123(a), 13-7-201(c), 13-7-402(b), 13-7-
19 404(a)(2), and 13-10-101(a)(2) of Article 13. Public health, safety and the Environment, of the Baltimore
20 County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

21
22 § 13-1-101.

23 (b) “Department” means the Department of Environmental Protection and [Resource
24 Management] SUSTAINABILITY.

25 (c) “Director” means the Director of Environmental Protection and [Resource Management]
26 SUSTAINABILITY or the Director’s designee.

27
28 § 13-4-101.

29 (c) “Approving authority” means the Director of Environmental Protection and [Resource
30 Management] SUSTAINABILITY.

31
32 § 13-4-105.

33 (b) A person may not allow the materials described in subsection (a) of this section to be

1 deposited on the person's property without obtaining a permit from the Department of [Permits and
2 Development Management] PERMITS, INSPECTIONS, AND APPROVALS on terms and conditions that
3 the Department [of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
4 may prescribe in the permit.
5

6 § 13-4-204.

7 (a) Except as otherwise provided in this section, a person shall have a written permit from the
8 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
9 before the person may operate a solid waste collection vehicle.
10

11 § 13-4-205.

12 (a) An applicant for a permit to engage in solid waste collection shall submit an application on
13 the form provided by the Department of [Permits and Development Management] PERMITS,
14 INSPECTIONS, AND APPROVALS.

15 (b) On a satisfactory review of the application and inspection of the solid waste collection
16 vehicles, the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
17 APPROVALS shall issue a written permit to proceed with the operation.
18

19 § 13-4-207.

20 Except as otherwise provided in this subtitle, a person may not engage in solid waste collection unless
21 the person has a written permit from the Department of [Permits and Development Management] PERMITS,
22 INSPECTIONS, AND APPROVALS.
23

24 § 13-4-213.

25 (d) In order to engage in the collection of source separated recyclable materials under this
26 section, a private company shall:

27 (1) Obtain from the Department of [Permits and Development Management] PERMITS,
28 INSPECTIONS, AND APPROVALS a permit to collect recyclable material by making application on a form
29 provided by that department;

30 (2) Comply with the provisions of the permit; and

31 (3) Renew the permit by December 31 of each year.
32

1 § 13-4-301.

2 (a) A solid waste processing facility or site or land disposal site, may not be established or
3 operated without a permit having first been issued by the Department of [Permits and Development
4 Management] PERMITS, INSPECTIONS, AND APPROVALS after approval of and being subject to the
5 regulations and requirements of:

- 6 (1) The Office of Planning;
- 7 (2) The Department of Public Works;
- 8 (3) The Fire Department; and
- 9 (4) The Department of Environmental Protection and [Resource Management]

10 SUSTAINABILITY.

11 (c) (2) If a facility or site involves activities that would require other permits or approvals
12 under this subtitle, the Department of Environmental Protection and [Resource Management]
13 SUSTAINABILITY shall consolidate all permit or approval processes and its review of the processes into
14 one application.

15
16 § 13-4-302.

17 (d) The application shall contain the technical plans and reports specified in the regulations of
18 the Department of Environmental Protection and [Resource Management] SUSTAINABILITY.

19 (g) (1) If the Department of Public Works or the Department of Environmental Protection
20 and [Resource Management] SUSTAINABILITY determines that establishment of the facility or an addition
21 to an existing facility or site will necessitate the construction, relocation, extension, or expansion of public
22 storm drains and utilities, on or off site, the applicants shall acquire all necessary easements and pay for all
23 engineering, overhead, and construction and relocation costs.

24 (h) (1) (i) On approval of an application and before any permit may be issued, the
25 applicant shall give a performance bond to the county in the amount set forth in the regulations of the
26 Department of Environmental Protection and [Resource Management] SUSTAINABILITY.

27
28 § 13-6-101.

29 (d) (1) For purposes of this section, the owner may use a natural barrier, hedge, or other
30 protective device approved by the Department of [Permits and Development Management] PERMITS,
31 INSPECTIONS, AND APPROVALS if the degree of protection afforded by the substituted devices or
32 structures is not less than the protection afforded by the enclosure, gate, and latch described in subsections
33 (a) through (c) of this section.

1 (2) A swimming pool cover is not another protective device that may be approved by
2 the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
3 APPROVALS.

4
5 § 13-6-201

6 (b) “Approving authority” means the Director of Environmental Protection and [Resource
7 Management] SUSTAINABILITY or the Director's designee.

8
9 § 13-6-202.

10 (a) (1) A person may not begin construction of or substantial alteration or reconstruction
11 of any public swimming pool or public bathing beach without first submitting plans and specifications to the
12 Department of Environmental Protection and [Resource Management] SUSTAINABILITY for review and
13 approval.

14 (2) The plans shall be prepared and copies submitted to the Department of
15 Environmental Protection and [Resource Management] SUSTAINABILITY for review and approval within
16 a reasonable time.

17 (b) (1) The Department of Environmental Protection and [Resource Management]
18 SUSTAINABILITY shall review plans in accordance with the standards set forth in Design, Regulations, and
19 Criteria for Public Swimming Pools and Bathing Beaches in Baltimore County, as amended from time to
20 time.

21 (c) If a building permit is required, the applicant for a permit shall submit an application on
22 forms required by the Department of [Permits and Development Management] PERMITS, INSPECTIONS,
23 AND APPROVALS together with any supporting data required for the proper review of the plans.

24 (d) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
25 AND APPROVALS may not issue a permit under this section until approval is granted by all departments
26 involved.

27 (e) Unless changes have been submitted in writing to and approved by the Department of
28 Environmental Protection and [Resource Management] SUSTAINABILITY, the public swimming pool or
29 public bathing beach facilities shall be built in accordance with the plans as approved.

30
31 § 13-6-203.

32 (a) A person may not operate or maintain a public swimming pool or public bathing beach unless

1 the person has obtained, in accordance with the approval of the Department of Environmental Protection and
2 [Resource Management] SUSTAINABILITY, a permit to operate a public swimming pool or public bathing
3 beach from the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
4 APPROVALS.

5 (e) (1) The Department of Environmental Protection and [Resource Management]
6 SUSTAINABILITY may recommend suspension or revocation of a permit because of the permit holder's
7 failure to comply with proper operational procedures as set forth in Design, Regulations, and Criteria for
8 Public Swimming Pools and Bathing Beaches in Baltimore County.

9 (2) The Department of [Permits and Development Management] PERMITS,
10 INSPECTIONS, AND APPROVALS shall suspend or revoke the permit on recommendation of the approving
11 authority.

12
13 § 13-6-205.

14 (c) To qualify as a lifeguard under this section, the lifeguard shall show proof that the lifeguard
15 has been successfully certified by the current lifeguard test conducted by the American Red Cross or an
16 equivalent lifeguard test as designated by the Director of Environmental Protection and [Resource
17 Management] SUSTAINABILITY.

18
19 § 13-6-207.

20 The Department of Environmental Protection and [Resource Management] SUSTAINABILITY may
21 conduct inspections that it considers necessary to ensure compliance with all provisions of this subtitle and
22 may enter a public swimming pool or public bathing beach at any time that it is open and operational.

23
24 § 13-7-112.

25 An owner may not create or allow to exist on the owner's property a nuisance determined by the
26 County Health Department or the Department of Environmental Protection and [Resource Management]
27 SUSTAINABILITY to be detrimental to public health, safety, or welfare, or the environment.

28
29 § 13-7-113.

30 (a) Except as provided in § 13-1-103 of this article, if the County Health Officer or the Director
31 of Environmental Protection and [Resource Management] SUSTAINABILITY or either of their designated
32 representatives has determined that an owner is violating § 13-7-112 of this Part II of this subtitle, the

1 Director or the Director's official representative shall serve a written notice on the owner.

2 (c) (3) Notice is presumed to have been given when placed in the United States mail,
3 delivered to an owner by a designated representative of the Department of Health or the Department of
4 Environmental Protection and [Resource Management] SUSTAINABILITY, or posted on the lot or land as
5 provided in paragraph (2) of this subsection.

6
7 § 13-7-117.

8 The Director of Environmental Protection and [Resource Management] SUSTAINABILITY may
9 enforce the provisions of this [part] PART III OF THIS SUBTITLE in accordance with Article 3, Title 6 of
10 the Code.

11
12 § 13-7-123.

13 (a) If the investigation required under this Part III of this subtitle determines that a nuisance on
14 a road originated on lands adjoining or near to the road, the Director of Environmental Protection and
15 [Resource Management] SUSTAINABILITY may enforce the provisions of this Part III in accordance with
16 Article 3, Title 6 of the Code.

17
18 § 13-7-201.

19 (c) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
20 may enforce the provisions of this section in accordance with Article 3, Title 6 of the Code.

21
22 § 13-7-402.

23 (b) In addition to the penalty provided in § 13-7-401(d) of this subtitle, the Code Official or the
24 Director of Environmental Protection and [Resource Management] SUSTAINABILITY, or the Director's
25 designated representative may enforce the requirements of § 13-7-401(a) of this subtitle in accordance with
26 Article 3, Title 6 of the Code.

27
28 § 13-7-404.

29 (a) (2) Notwithstanding any other provision of law, the code enforcement hearing request
30 shall be made, in writing, to the Director of Environmental Protection and [Resource Management]
31 SUSTAINABILITY or the Code Official within the 7-day time period and shall state, with particularity, any
32 explanation for the nuisance or any defenses intended to be raised.

1 § 13-10-101.

2 (a) (2) “Approving authority” means the Department of Environmental Protection and
3 [Resource Management] SUSTAINABILITY or the Department's designee.

4
5 SECTION 7. AND BE IT FURTHER ENACTED, that Section 14-2-201(c)(2) of Article 14. Fire
6 Protection, of the Baltimore County Code, 2003, as amended, is hereby repealed and reenacted, with
7 amendments, to read as follows:

8
9 § 14-2-201.

10 (c) (2) On or before October 1, 1985 and every third year thereafter, the building owner
11 shall submit the written verification to the Department of [Permits and Development Management]
12 PERMITS, INSPECTIONS, AND APPROVALS.

13
14 SECTION 8. AND BE IT FURTHER ENACTED, that Sections 17-1-117(d)(1) and 17-4-106(c) and
15 (d) of Article 17. Miscellaneous provisions and offenses, of the Baltimore County Code, 2003, as amended,
16 are hereby repealed and reenacted, with amendments, to read as follows:

17
18 § 17-1-117.

19 (d) (1) The Department of [Permits and Development Management] PERMITS,
20 INSPECTIONS, AND APPROVALS may enforce the provisions of this section in accordance with Article
21 3, Title 6 of the Code.

22
23 § 17-4-106.

24 (c) After submitting the certification required under subsection (a) of this section to the
25 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS,
26 the owner, manager, or operator of a shopping center shall be required to submit a recertification only on
27 request of the Director or if a change occurs in the information that was previously certified. If a
28 recertification is required as a result of a change, it shall be filed within 60 days [of] AFTER the change
29 unless an extension is granted for good cause shown.

30 (d) The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
31 APPROVALS shall have sole discretion to determine the adequacy of a certification filed under this section.

1 SECTION 9. AND BE IT FURTHER ENACTED, that Sections 18-2-406, 18-2-408(a) and (b), 18-2-
2 409(a), 18-2-411(b), and 18-2-413(b) and (c) of Article 18. Transportation, of the Baltimore County Code,
3 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

4
5 § 18-2-406.

6 After the County Council has designated a residential permit parking area, the Department of [Permits
7 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall issue appropriate
8 residential parking permits, subject to the regulations adopted by the Director of Public Works under this
9 subtitle.

10
11 § 18-2-408.

12 (a) An applicant for a permit shall:

13 (1) Submit to the Department of [Permits and Development Management] PERMITS,
14 INSPECTIONS, AND APPROVALS an application that contains information required by the Department;
15 and

16 (2) Pay an annual fee established by the County Administrative Officer.

17 (b) (1) In order to verify the contents of the application, the Department of [Permits and
18 Development Management] PERMITS, INSPECTIONS, AND APPROVALS may require an applicant to
19 present the motor vehicle's registration and the operator's license when the applicant submits the application.

20 (2) If the vehicle is registered at an address other than the local residence, the applicant
21 shall provide an affidavit from the property owner, acceptable to the Department of [Permits and
22 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, showing residency within the
23 residential parking area.

24
25 § 18-2-409.

26 (a) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
27 AND APPROVALS shall issue a permit to each applicant who meets the requirements of this subtitle.

28
29 § 18-2-411.

30 (b) The permit holder may renew the permit for each successive year if the permit holder:

31 (1) Pays the annual fee for renewal; and

32 (2) Complies with any other conditions and procedures specified by the Department of

1 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

2
3 § 18-2-413.

4 (b) A person may not falsely represent himself or herself as eligible for a residential parking
5 permit or furnish any false information in an application to the Department of [Permits and Development
6 Management] PERMITS, INSPECTIONS, AND APPROVALS in order to obtain a residential parking
7 permit.

8 (c) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
9 AND APPROVALS may revoke the residential parking permit of any permittee found to be in violation of
10 this subtitle.

11
12 SECTION 10. AND BE IT FURTHER ENACTED, that Sections 21-1-101(c) and (d), 21-3-203(a)
13 and (b), 21-4-303(b), 21-6-101, 21-6-102(b)(1), 21-6-104(b)(2), 21-7-202(b), 21-14-103(b) and 21-16-
14 111.1(c)(4), 21-16-118(a), 21-16-120(b), 21-18-101(b), 21-18-106(a) and 21-19-101(d) of Article 21.
15 Permits, licenses, and business regulation, of the Baltimore County Code, 2003, as amended, are hereby
16 repealed and reenacted, with amendments, to read as follows:

17
18 § 21-1-101.

19 (c) “Department” means the Department of [Permits and Development Management] PERMITS,
20 INSPECTIONS, AND APPROVALS.

21 (d) “Director” means the Director of the Department of [Permits and Development Management]
22 PERMITS, INSPECTIONS, AND APPROVALS.

23
24 § 21-3-203.

25 (a) An applicant for a license or permit shall submit an application to the Department of [Permits
26 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS on the form required, by
27 regulation, by the County Health Officer.

28 (b) After the approving authority has approved the application and the applicant has paid the
29 required fees, the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
30 APPROVALS shall issue a permit or license to the applicant.

31
32 § 21-4-303.

1 (b) In order to receive or renew a license under this section, a person shall submit to the Director
2 certificates from:

3 (1) The Division of Code Inspection and Enforcement of the Department stating that the
4 building to be occupied by the amusement hall or roller skating rink is structurally safe and that the building
5 is in compliance with the applicable building, electric, and the Plumbing and Gasfitting Code;

6 (2) The Fire Marshal stating that the building is in compliance with the county Fire
7 Prevention Code; and

8 (3) The Director of Environmental Protection and [Resource Management]
9 SUSTAINABILITY stating that the building and the premises on which the building is located are in
10 compliance with the standards and regulations of the Department of Environmental Protection and [Resource
11 Management] SUSTAINABILITY and the State Department of Health and Mental Hygiene.

12
13
14 § 21-6-101.

15 A person may not operate a camp without receiving a license from the Department of [Permits and
16 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, subject to:

17 (1) The approval of the Department of Environmental Protection and [Resource Management]
18 SUSTAINABILITY; and

19 (2) The applicant's compliance with all county laws and regulations.

20
21 § 21-6-102.

22 (b) (1) The applicant shall apply for a license to operate a camp on a form designated by the
23 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
24 which shall require the applicant to state for the existing or proposed camp:

25 (i) Its exact location;

26 (ii) Its type;

27 (iii) The approximate number of individuals to be quartered; and

28 (iv) Its existing or proposed:

29 1. Source of water; and

30 2. Method of sewage and garbage disposal.

31
32 § 21-6-104.

1 (b) (2) The Department of Environmental Protection and [Resource Management]
2 SUSTAINABILITY may, at its discretion, reduce these requirements by 50%.

3
4 § 21-7-202.

5 (b) This section does not apply to:

6 (1) A utility company regulated by the State Public Service Commission;
7 (2) An individual making minor repairs and replacements to existing wiring or
8 equipment in the individual's own home;

9 (3) A radio and electronic experimenter and amateur if no change in existing wiring is
10 necessary, unless changes are authorized by the Board, and in each case the applicant must file an application
11 with the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
12 APPROVALS for a permit and inspection;

13 (4) An employee of the United States government, when engaged in performance of the
14 employee's official duties only; and

15 (5) An individual working under the supervision of a master general electrician or under
16 the supervision of a specified representative of a person or business holding a master limited electrician
17 license.

18
19 § 21-16-111.1.

20 (c) (4) The contractor shall offer each police-initiated towing licensee whom the contractor
21 intends to place in the rotation a standard contract approved by the Director of [Permits and Development
22 Management] PERMITS, INSPECTIONS, AND APPROVALS.

23
24 § 21-16-118.

25 (a) A person who undertakes trespass towing:

26 (1) May not charge the owner of the vehicle:
27 (i) More than the fee approved by the Department for the service provided; or
28 (ii) Except as provided in § 16-207(f)(1) of the Commercial Law Article of the
29 Annotated Code of Maryland, more than \$8 per day for storage;

30 (2) Shall maintain a record in its ordinary course of business of every tow made under
31 this title and shall retain the record for a minimum of 2 years and shall make available in a reasonable time
32 and manner, for inspection by the Police Department or by the Department of [Permits and Development

1 Management] PERMITS, INSPECTIONS, AND APPROVALS, its records kept in the ordinary course of
2 business under this title;

3 (3) Subject to paragraph (4) of this subsection, shall:

4 (i) Immediately notify the Baltimore County Police Department and shall notify
5 the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
6 within one business day after towing or removing the vehicle from the parking lot or garage; and

7 (ii) Provide a second notification to the Police Department and the Department
8 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS if the vehicle
9 is not reclaimed within 72 hours;

10 (4) In each notification required under this subsection, shall provide the following
11 information:

12 (i) A description of the vehicle including the vehicle's registration plate number
13 and vehicle identification number;

14 (ii) The date and time the vehicle was towed or removed;

15 (iii) The reason the vehicle was towed or removed; and

16 (iv) The locations from which and to which the vehicle was towed or removed;

17 (5) Before towing or removing the vehicle, shall have written authorization of the
18 parking lot or garage owner or operator or the owner or operator's agent, which shall include:

19 (i) The name of the person authorizing the tow or removal; and

20 (ii) A statement that the vehicle is being towed or removed at the request of the
21 parking lot or garage owner or operator or the owner or operator's agent;

22 (6) Shall make available for inspection by the Police Department or by the Department
23 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS those motor
24 vehicles that remain impounded or stored in the storage or repair facility of the towing service;

25 (7) Shall obtain a surety bond in the amount of \$20,000 to guarantee payment of any
26 liability incurred under this title;

27 (8) May not employ individuals commonly referred to as "spotters", whose primary task
28 is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and
29 impounding;

30 (9) May not pay any remuneration to the owner of the parking lot or garage or to the
31 agent of the owner;

32 (10) May not charge a vehicle owner or agent or operator any fee for the services of a

1 property owner's agent; and

2 (11) May not charge the full approved trespass towing fee for incomplete tows.

3
4 § 21-16-120.

5 (b) For any vehicle towed from private property, the receipt given to the owner must contain the
6 following statement:

7 "Towing from private parking facilities is regulated by county code, Article 21, Title 16. For
8 complaints, please call the Department of [Permits and Development Management] PERMITS,
9 INSPECTIONS, AND APPROVALS at [telephone number]."

10
11
12 § 21-18-101.

13 (b) "Department" means the Department of [Permits and Development Management] DIVISION
14 OF PERMITS, INSPECTIONS, AND APPROVALS.

15
16 § 21-18-106.

17 (a) A permit issued under this [division] TITLE shall contain:

18 (1) The name and address of the person or entity making the solicitation;

19 (2) The date and time on which the person may solicit; and

20 (3) A statement that the permit does not constitute an endorsement by the county of the
21 solicitation or the person conducting the solicitation.

22
23 § 21-19-101.

24 (d) "Director" means the Director of the Department of [Permits and Development Management]
25 PERMITS, INSPECTIONS, AND APPROVALS or [his] THE DIRECTOR'S designee.

26
27 SECTION 11. AND BE IT FURTHER ENACTED, that Section 24-1-101(f) and (h), of Article 24.
28 Land preservation, of the Baltimore County Code, 2003, as amended, is hereby repealed and reenacted, with
29 amendments, to read as follows:

30
31 § 24-1-101.

32 (f) "Department" means the Department of Environmental Protection and [Resource

1 Management] SUSTAINABILITY.

2 (h) "Director" means the Director of Environmental Protection and [Resource Management]
3 SUSTAINABILITY.

4
5 SECTION 12. AND BE IT FURTHER ENACTED, that Sections 32-3-102, 32-3-104(a), 32-3-
6 105(a), 32-3-109, 32-3-224(b), 32-3-302, 32-3-303(a)(3) and (b), 32-3-304(c) and (e)(2) and (3), 32-3-401(a)
7 and (c), 32-3-503(c)(1), 32-3-505(a), (b), (c), and (d)(1), 32-3-508(b)(1), 32-3-509(c)(1) and (d), 32-3-
8 513(c)(1), 32-3-515(b), 32-3-602(a) and (b), 32-3-603(a), 32-3-604(a) and (b)(1), (2), and (3), 32-3-607, 32-
9 4-101(aa) and (zz), 32-4-107(b), 32-4-107.1(a) and (c), 32-4-112, 32-4-202(a)(1), 32-4-203(l), 32-4-211(b),
10 32-4-212(a), 32-4-214, 32-4-216(a), 32-4-217(b)(1)(i) and (3), (c), (d)(1), and (e)(2), 32-4-221(b), 32-4-
11 222(a), 32-4-223, 32-4-224(a), 32-4-225(a)(1), (b), and (c), 32-4-226(b), (c)(1) and (2), and (d), 32-4-
12 227(c)(1) and (3), 32-4-229(c) and (f), 32-4-242(c)(1), 32-4-243(b)(1)(ii) and (3) and (e), 32-4-252(a)(1), (b),
13 and (c)(2), 32-4-253, 32-4-254, 32-4-271(f) and (g), 32-4-272(a)(1) and (2), (b), (c)(1), and (d), 32-4-274(a)
14 and (c), 32-4-281(a) and (b)(1) and (3), 32-4-301, 32-4-304(b), (c), (d), and (e), 32-4-305(b)(1)(ii) and (c)(5),
15 32-4-306(a), 32-4-307(a), 32-4-308(a), 32-4-313(b) and (d)(2), 32-4-404(c)(3), 32-4-415(c), 32-4-503, 32-6-
16 101(c) and (e), 32-6-108(l)(1), 32-6-109(c), (e), (g), and (h), 32-7-303(e), 32-9-103(a)(2), 32-9-106(a) and
17 (b)(1), (2), and (4), 32-9-107(a), 32-9-108, 32-9-110(a), and 32-9-112(b), (c), (e)(3), (h), and (i)(2) and (3)
18 of Article 32. Planning, zoning and, subdivision control, of the Baltimore County Code, 2003, as amended,
19 are hereby repealed and reenacted, with amendments, to read as follows:

20
21 § 32-3-102.

22 The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
23 APPROVALS shall interpret and enforce the Baltimore County Zoning Regulations to insure that uses or
24 buildings, including structures, landscaping, roads, and streets, conform to plans approved by the county.

25
26 § 32-3-104.

27 (a) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
28 AND APPROVALS shall keep a separate book of all regulations and restrictions and amendments or
29 supplements to the regulations and restrictions adopted by the County Council under the authority of this title.

30
31 § 32-3-105.

32 (a)(1) The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND

1 APPROVALS may adopt policies that are:

2 (i) Necessary and proper to carry out and enforce the provisions of this title;
3 and

4 (ii) Consistent with this article.

5 (2) The Director of [Permits and Development Management] PERMITS,
6 INSPECTIONS, AND APPROVALS shall send a copy of proposed policies to the County Council for its
7 review.

8 (3) The Director of [Permits and Development Management] PERMITS,
9 INSPECTIONS, AND APPROVALS may adopt regulations under Article 3, Title 7 of the Code.

10
11
12 § 32-3-109.

13 (a) (1) The Zoning Commissioner shall file all papers delivered to the Commissioner's office
14 for filing.

15 (2) The Director of [Permits and Development Management] PERMITS,
16 INSPECTIONS, AND APPROVALS shall have the official custody of all books and papers relating to the
17 office of the Zoning Commissioner.

18 (b) (1) The Director of [Permits and Development Management] PERMITS,
19 INSPECTIONS, AND APPROVALS shall furnish with reasonable promptness a copy of any record in the
20 office to a person applying for the record upon advanced payment of the charges established by the County
21 Administrative Officer for transcribing, photographing, or reproducing the paper or record.

22 (2) Except as provided under § 32-3-108(b) of this subtitle, the reproduction when made
23 and certified under the seal of the Director of [Permits and Development Management] PERMITS,
24 INSPECTIONS, AND APPROVALS shall be evidence in any court or before any county board, commission,
25 or official.

26 (c) Upon request, the Director of [Permits and Development Management] PERMITS,
27 INSPECTIONS, AND APPROVALS shall promptly give a person immediate access to:

28 (1) Inspect and examine, as soon as received for filing or at any time thereafter, all
29 papers filed in the Zoning Commissioner's office;

30 (2) Make notes from the papers filed in the Zoning Commissioner's office for any lawful
31 purpose, without payment of fees; and

32 (3) Examine the records and indexes in the office, without payment of fees.

1 (d) (1) The Director of [Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS shall keep all records open to inspection by the County Executive or
3 any member of the County Council at all reasonable times, whether or not the records are required to be kept
4 by statute or ordinance.

5 (2) The Director of [Permits and Development Management] PERMITS,
6 INSPECTIONS, AND APPROVALS may allow other county officials to remove a zoning file from the
7 office, provided the official signs a receipt book kept by the Director [of Permits and Development
8 Management] as a permanent record that shows the date and time that the file is taken and returned.

9 (3) When the file is returned, the receipt book shall be signed by the person who
10 removed the file and countersigned by the Director [of Permits and Development Management] or the
11 Director's designee.

12 (e) When the Director of [Permits and Development Management] PERMITS, INSPECTIONS,
13 AND APPROVALS transfers a file to the Board of Appeals, a circuit court, or the State Court of Appeals,
14 the Director [of Permits and Development Management] is relieved from any duties or responsibilities in
15 connection with the file until the file is returned to the Director [of Permits and Development Management].

16
17 § 32-3-224.

18 (b) In order for the County Council to amend the zoning map as provided under subsection (a)
19 of this section, the County Council shall:

20 (1) Receive the recommendation of the Planning Board in accordance with Title 9 of
21 this article;

22 (2) Submit all applications for growth allocation that involve changes to the underlying
23 zones not subject to § 32-3-511 of this title to the Director of [Permits and Development Management]
24 PERMITS, INSPECTIONS, AND APPROVALS who shall process the request under Title 9 of this article;

25 (3) Hold a public hearing on the proposed zoning changes after:

26 (i) A reasonable period of time after receipt of the recommendations from the
27 Planning Board under Title 9 of this article; and

28 (ii) Giving public notice at least 20 days before the hearing in two newspapers
29 of general circulation; and

30 (4) Take action on the Planning Board's recommendation within 30 days after the County
31 Council's public hearing.

1 § 32-3-302.

2 (a) Except as provided in §32-3-303 of this subtitle, the Department of [Permits and
3 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall schedule a public hearing
4 on a petition for a variance or special exception for a date not less than 21 days and not more than 90 days
5 after the petition is accepted for filing.

6 (b) (1) The Department of [Permits and Development Management] PERMITS,
7 INSPECTIONS, AND APPROVALS shall ensure that notice of the time and place of the hearing relating
8 to the property under petition be provided:

9 (i) By conspicuously posting the notice on the property for a period of at least
10 15 days before the date of the hearing; and

11 (ii) By a notice in at least one newspaper of general circulation at least 15 days
12 before the hearing.

13 (2) The notice shall provide:

14 (i) The address of the property under petition or, if not available, a description
15 of the property; and

16 (ii) The action requested by the petition.

17 (c) Once a hearing date for a petition is established, the Department of [Permits and
18 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall promptly forward a copy
19 of the petition to the Director or Deputy Director of the Office of Planning for consideration and a written
20 report containing findings relating to planning factors.

21
22 § 32-3-303.

23 (a) (3) The Zoning Commissioner may not grant a variance under this section unless notice
24 of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of
25 the application in accordance with the requirement of the Department of [Permits and Development
26 Management] PERMITS, INSPECTIONS, AND APPROVALS.

27 (b) (1) Within the 15 day posting period required under subsection (a)(3) of this section, an
28 occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with
29 the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
30 APPROVALS.

31 (2) The Department [of Permits and Development Management] shall schedule a hearing
32 to be held on a date within 75 days after receiving a request for a public hearing.

1 § 32-3-304.

2 (c) The Department OF PERMITS, INSPECTIONS, AND APPROVALS shall:

3 (1) Schedule a public hearing on a transit facility petition for a date not more than 60
4 days after the petition is filed; and

5 (2) Provide notice of the hearing as provided under § 32-3-302(b) of this subtitle.

6 (e) (2) The appealing party shall file written notice of the appeal with the Department [of
7 Permits and Development Management] within 15 days after the date of the Zoning Commissioner's final
8 order with the required fee.

9 (3) The Board of Appeals shall:

10 (i) Schedule a public hearing for a date not more than 45 days after the notice
11 of appeal is received by the Department [of Permits and Development Management];

12 (ii) Provide notice of the date, time, and location of the public hearing and post
13 the property at issue as provided in this Code; and

14 (iii) Issue its decision within 15 days after the conclusion of the public hearing.
15

16 § 32-3-401.

17 (a) A person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the
18 Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS may
19 appeal the decision or order to the Board of Appeals.

20 (c) The appealing party shall:

21 (1) File notice of the appeal, in writing, with the Department of [Permits and
22 Development Management] PERMITS, INSPECTIONS, AND APPROVALS within 30 days after the final
23 decision; and

24 (2) Pay the required fee.
25

26 § 32-3-503.

27 (c) (1) The Department of [Permits and Development Management] PERMITS,
28 INSPECTIONS, AND APPROVALS may not accept a petition for filing unless the petition meets the rules
29 of practice and procedure established by the Board of Appeals.
30

31 § 32-3-505.

32 (a) (1) With the exception of a reclassification petition exempt under § 32-3-509 of this

1 subtitle, the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
2 APPROVALS shall transmit copies of all zoning reclassification petitions accepted for filing to the Board
3 of Appeals within 5 days after receipt.

4 (2) As required by this section and rules of practice and procedure established by the
5 Board of Appeals, the Department of [Permits and Development Management] PERMITS, INSPECTIONS,
6 AND APPROVALS shall make the facilities and staff of the department available to the Board of Appeals
7 for the purpose of:

8 (i) Reviewing all the petitions for compliance with applicable statutes and
9 regulations;

10 (ii) Preparing the appropriate advertisements;

11 (iii) Causing the advertisements to be published; and

12 (iv) Posting the individual properties involved in the petitions.

13 (b) Not later than 5 days before Period I of the cycle, the Department of [Permits and
14 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall transmit the petition and
15 appropriate comments to the Board of Appeals.

16 (c) (1) In the case of each petition pertaining to land in the Chesapeake Bay Critical Area
17 as defined in § 33-1-101 of the Code, the Department of [Permits and Development Management] PERMITS,
18 INSPECTIONS, AND APPROVALS shall simultaneously transmit a copy of the petition and comments to
19 the Director of Environmental Protection and [Resource Management] SUSTAINABILITY.

20 (2) The Director of Environmental Protection and [Resource Management]
21 SUSTAINABILITY may adopt and amend regulations to be used by the Board of Appeals when reviewing
22 petitions for compliance with applicable statutes and regulations.

23 (d) (1) The Department of [Permits and Development Management] PERMITS,
24 INSPECTIONS, AND APPROVALS shall transmit the petition and comments to the Director of Planning
25 within the first 5 days of Period I of the cycle.

26
27 § 32-3-508.

28 (b) (1) With the assistance of the Office of Planning, the Department of [Permits and
29 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall:

30 (i) Within the first 15 days of the period, publish its entire schedule of hearings
31 together with a map showing the locations of all properties under petition in at least two newspapers of
32 general circulation in the county;

1 (ii) Require the hearing notice to be posted conspicuously on each property for
2 a period of at least 15 days before the time of the hearing, with notice of the time and place of the hearing
3 on the petition; and

4 (iii) Require a notice of the hearing to be placed one time in two newspapers of
5 general circulation in the county at least 15 days before the time of the hearing.

6
7 § 32-3-509.

8 (c) (1) The Department of [Permits and Development Management] PERMITS,
9 INSPECTIONS, AND APPROVALS shall:

10 (i) Require a notice of the hearing, with notice of the time and place of the
11 hearing, to be posted conspicuously on the property that is the subject of the hearing for a period of at least
12 15 days before the time of the hearing; and

13 (ii) Require a notice of the hearing to be placed one time in two newspapers of
14 general circulation in the county at least 15 days before the hearing.

15 (d) Within 5 days after receipt of a petition under this section, the Department of [Permits and
16 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall forward a copy of the
17 petition for consideration and a written report containing findings on the petition with regard to compliance
18 with Baltimore County Zoning Regulations, planning factors, or Chesapeake Bay Critical Area standards,
19 subject to § 32-3-224 of this title and Title 9 of this article to:

20 (1) The Director of Planning; and

21 (2) In the case of a petition pertaining to any land within the Chesapeake Bay Critical
22 Area, to the Director of Environmental Protection and [Resource Management] SUSTAINABILITY.

23
24 § 32-3-513.

25 (c) (1) In all other cases, the Director of Planning shall:

26 (i) Promptly transmit copies of the amendment to:

27 1. The Planning Board;

28 2. The Department of [Permits and Development Management]
29 PERMITS, INSPECTIONS, AND APPROVALS; and

30 3. Upon reviewing the petition files, any other agency that the Director
31 considers to have an interest in the petition; and

32 (ii) Request that the agency provide the Director with comments on the

1 amendment for distribution to the Planning Board, by a time specified by the Director.

2
3 § 32-3-515.

4 (b) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
5 AND APPROVALS shall advertise and post the special exceptions and variances in accordance with the
6 procedures provided in this subtitle for advertising and posting reclassification petitions.

7
8 § 32-3-602.

9 (a) After inspection by a representative of the Department of [Permits and Development
10 Management] PERMITS, INSPECTIONS, AND APPROVALS, a person is subject to the civil penalty
11 provided in subsection (c) of this section if the use of property by a person is alleged to be in violation of:

12 (1) The Baltimore County Zoning Regulations, policies, rules, or regulations interpreting
13 the zoning regulations; or

14 (2) Orders of the Zoning Commissioner or Board of Appeals.

15 (b) Representatives of the Department of [Permits and Development Management] PERMITS,
16 INSPECTIONS, AND APPROVALS:

17 (1) Shall enforce the Baltimore County Zoning Regulations, policies, rules, or
18 regulations interpreting the zoning regulations and inspect property for enforcement purposes; and

19 (2) May enter upon open land during the performance of their duties.

20
21 § 32-3-603.

22 (a) On receipt of the initial inspection report alleging a civil violation of the Baltimore County
23 Zoning Regulations, the Director of [Permits and Development Management] PERMITS, INSPECTIONS,
24 AND APPROVALS shall:

25 (1) On a form adopted by the Director, issue a citation to the person alleged to be in
26 violation of the Baltimore County Zoning Regulations; and

27 (2) Affirm that the contents of the citation are correct to the best of Director's knowledge.

28
29 § 32-3-604.

30 (a) (1) Any person who receives a citation may:

31 (i) Pay the civil penalty within 35 days; or

32 (ii) Elect to stand trial for the violation by filing a notice of intention to stand

1 trial with the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
2 APPROVALS at least 5 days before the date of payment as set forth in the citation.

3 (2) On receipt of a notice of intention to stand trial, the Director of [Permits and
4 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall forward a copy of the
5 citation and the notice of intention to stand trial to the District Court of Maryland for Baltimore County.

6 (b) (1) If the civil penalty remains unpaid at the expiration of 35 days after the date of the
7 citation, the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
8 APPROVALS may request adjudication of the case in the District Court.

9 (2) The Director of [Permits and Development Management] PERMITS,
10 INSPECTIONS, AND APPROVALS shall send a formal notice of violation to a person who received a
11 citation and who fails to either pay the civil penalty or elect to stand trial for the civil zoning violation.

12 (3) If the civil penalty remains unpaid at the expiration of 35 days from the date of the
13 formal notice of violation, the Director of [Permits and Development Management] PERMITS,
14 INSPECTIONS, AND APPROVALS may request adjudication of the case in the District Court.

15
16 § 32-3-607.

17 In addition to all other remedies provided by law, the Director of [Permits and Development
18 Management] PERMITS, INSPECTIONS, AND APPROVALS or any person whose property is affected by
19 any violation, including abutting and adjacent property owners, whether specially damaged or not, may
20 maintain an action in an appropriate court for an injunction:

21 (1) Enjoining the erection, construction, reconstruction, alteration, repair, or use of buildings,
22 structures, and land in violation of this title or the zoning regulations and restrictions adopted under this title;
23 and

24 (2) Requiring the return of the property, to the extent possible, to its condition before the
25 violation, including removal of the source of the violation.

26
27 § 32-4-101.

28 (aa) “Minor development” means:

- 29 (1) A development without a public works agreement;
30 (2) A residential development with a public works agreement involving only road
31 widening; or
32 (3) A development in which the improvements are determined by the Director of

1 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS as minimal under
2 § 32-4-304(e) of this title.

3 (zz) "Tidal wetland" means:

4 (1) All state and private tidal wetlands, marshes, submerged aquatic vegetation, lands,
5 and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its
6 tributaries; and

7 (2) Additional tidal wetlands identified through site inspection by the Department of
8 Environmental Protection and [Resource Management] SUSTAINABILITY that are subject to the daily and
9 periodic rise and fall of the tide.

10
11 § 32-4-107.

12 (b) (1) The Director of [Permits and Development Management] PERMITS,
13 INSPECTIONS, AND APPROVALS may waive the Development Plan requirements under §§ 32-4-221(b)
14 and (c) and 32-4-222 through 32-4-224 of this title and the Hearing Officer's hearing if, after consultation
15 with appropriate county agencies, the Director finds:

16 (i) That the size, scope, and nature of a proposed development does not justify
17 strict compliance with this title; {and}

18 (ii) That a waiver would be within the scope, purpose, and intent of this title;
19 and

20 (iii) That the proposed development complies with all other county laws and
21 regulations.

22 (2) Before proposing to grant a waiver for development within the critical area, the
23 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
24 shall obtain recommended findings from the Director of Environmental Protection and [Resource
25 Management] SUSTAINABILITY based on the standards specified under § 32-4-226(d)(1)(iv) of this title.

26
27 § 32-4-107.1.

28 (a) The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
29 APPROVALS shall give notice of a request for a limited exemption under § 32-4-106 OF THIS SUBTITLE
30 or a request for a waiver under §32-4-107 OF THIS SUBTITLE.

31 (c) After the limited exemption or waiver has been granted or denied, the Director of [Permits
32 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall post on the county's

1 internet web site the disposition of the request and the date of disposition.

2
3
4 § 32-4-112.

5 The directors of the Department of [Permits and Development Management] PERMITS,
6 INSPECTIONS, AND APPROVALS and Office of Planning and the Hearing Officer shall adopt and, from
7 time to time, may amend a comprehensive manual of administrative procedures for the review and processing
8 of plans and plats under the provisions of Subtitle 2 of this title.

9
10 § 32-4-202.

11 (a) (1) The Director of [Permits and Development Management] PERMITS,
12 INSPECTIONS, AND APPROVALS shall:

13 (i) Ensure that a concept plan, Development Plan, or any action or review
14 associated with the plans is efficiently processed by all county agencies; and

15 (ii) Facilitate the processing of the plans referred to the other agencies.

16
17 § 32-4-203.

18 (l) If a Development Plan or Hearing Officer's hearing is not required, the Directors of the Office
19 of Planning, the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
20 APPROVALS and the Department of Environmental Protection and [Resource Management]
21 SUSTAINABILITY or their designees shall consider any recommendations of the Panel and may impose the
22 recommendation as a condition of approval before either approval of a Development Plan or the issuance of
23 a permit, whichever occurs first.

24
25 § 32-4-211.

26 (b) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
27 AND APPROVALS shall coordinate the information to be provided, including:

28 (1) Zoning;

29 (2) Development regulations and standards;

30 (3) The plan preparation, review, and approval process;

31 (4) Design policies and guidelines;

32 (5) Master Plan intent and potential conflict;

- 1 (6) Growth management policies;
- 2 (7) Proximity of sewer, water and storm drainage conveyance system, and roads;
- 3 (8) Basic services mapping;
- 4 (9) Housing policies;
- 5 (10) Microwave pathways;
- 6 (11) Environmental constraints, including areas subject to tidal and riverine flooding, tidal
- 7 wetlands and nontidal wetlands, areas of wet soils, county-designated critical areas, steep slopes, agricultural
- 8 preservation areas, water courses, rare and significant plant and wildlife habitats and forest conservation;
- 9 (12) Recreation and open space requirements;
- 10 (13) Historical structures, areas, and sites and archeological sites;
- 11 (14) State or federal permits which may be applicable;
- 12 (15) Critical area findings under § 33-2-202 of the Code and standards under Article 33,
- 13 Title 2 of the Code;
- 14 (16) Master water and sewerage plan designations; and
- 15 (17) A statement whether the plan is located within an area subject to review by the
- 16 procedures, if applicable, for complying with Design Review Panel requirements.

17

18 § 32-4-212.

19 (a) Except as provided in subsection (b) of this section, at the request of an applicant, the

20 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS

21 shall schedule a preconcept plan conference between the applicant and the relevant county departments and

22 agencies to discuss the concept plan requirements.

23

24 § 32-4-214.

25 [(1)] (A) Before the community input meeting and the filing of a Development Plan, an

26 applicant shall file copies of the concept plan with the Department of [Permits and Development

27 Management] PERMITS, INSPECTIONS, AND APPROVALS.

28 [(2)] (B) The Department shall transmit the copies of the concept plan to the appropriate

29 reviewing agencies for comment.

30

31 § 32-4-216.

32 (a) Within 10 working days following the filing of a concept plan, the Department of [Permits

1 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall hold a concept plan
2 conference with the applicant and representatives from the Department of Environmental Protection and
3 [Resource Management] SUSTAINABILITY, the Office of Planning, the Department of [Permits and
4 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, and other appropriate
5 agencies, to receive the comments of the agencies.

6
7 § 32-4-217.

8 (b) (1) (i) Within 10 working days after the concept plan conference, the Department
9 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall direct
10 the posting of notice on the property subject to the concept plan.

11 (3) At the time of posting notice under paragraph (1) of this subsection, the Department
12 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall make the
13 concept plan available for inspection and the concept plan and agency comments shall be transmitted to the
14 persons identified under § 32-4-216(b) of this subtitle.

15 (c) (1) A representative of the Department of [Permits and Development Management]
16 PERMITS, INSPECTIONS, AND APPROVALS shall attend the community input meeting.

17 (2) (i) A participant may request to the Department of [Permits and Development
18 Management] PERMITS, INSPECTIONS, AND APPROVALS or the [Department's] DIVISION'S designee
19 that a representative of a reviewing agency attend the community input meeting in order to respond to
20 comments which may be raised or conditions to the concept plan which may be proposed or requested by a
21 participant.

22 (ii) The participant shall make the request to the Department of [Permits and
23 Development Management] PERMITS, INSPECTIONS, AND APPROVALS or the Department's designee
24 at least 10 days before the community input meeting and shall identify the possible comment or condition.

25 (3) The Director of the [Department of Permits and Development Management]
26 PERMITS, INSPECTIONS, AND APPROVALS may require that representatives of any county reviewing
27 agency attend the meeting in order to respond to comments which may be raised or conditions which may
28 be proposed or requested by a participant.

29 (d) (1) A representative of the Department of [Permits and Development Management]
30 PERMITS, INSPECTIONS, AND APPROVALS shall:

31 (i) Conduct the community input meeting;

32 (ii) Take minutes of the meeting to be placed in the Development Plan file; and

1 (iii) Prepare a list of comments or conditions raised by any participant at the
2 meeting and sign the list and place it in the Development Plan file.

3 (e) (2) If a comment or condition is unresolved, the Director of [Permits and Development
4 Management] PERMITS, INSPECTIONS, AND APPROVALS may require:

5 (i) An additional meeting to be held; and

6 (ii) Representatives of any county reviewing agency to attend the meeting in
7 order to address the comments or conditions.

8
9 § 32-4-221.

10 (b) The applicant shall:

11 (1) File the Development Plan with the Department of [Permits and Development
12 Management] PERMITS, INSPECTIONS, AND APPROVALS within 12 months after the final community
13 input meeting is concluded;

14 (2) Draw the Development Plan to an appropriate scale in a clear and legible manner;

15 (3) Clearly identify in the Development Plan any comment raised or condition requested
16 or proposed to the concept plan by a participant if the comment or condition is unresolved at the time of filing
17 the Development Plan; and

18 (4) Transmit copies of the Development Plan to those participants in the community
19 input meeting who provide their name and address.

20
21 § 32-4-222.

22 (a) The Development Plan shall contain the following background information:

23 (1) A vicinity map showing site location;

24 (2) A note identifying election and councilmanic districts;

25 (3) Census tract, watershed, and subwatershed;

26 (4) Subdivision name and applicant's name and address;

27 (5) Name and address of person who prepared the Development Plan;

28 (6) Current zoning of the subject property and surrounding properties, including the
29 location of any residential transition areas;

30 (7) Ownership of the subject property and adjacent properties, including deed references
31 and tax account number, as shown on the most recent tax maps published by the State Department of
32 Assessments and Taxation, or more current information if available to the applicant;

- 1 (8) Existing buildings and access points on property adjacent to the subject property;
2 (9) Petitions for variances, special exceptions, special hearings, Chesapeake Bay Critical
3 Area variations, or requests for waivers from county regulations or standards; and
4 (10) Limitations established by the courts, [County] Board of Appeals, Planning Board,
5 Zoning Commissioner and the Director of [the Department of Permits and Development Management]
6 PERMITS, INSPECTIONS, AND APPROVALS or restrictive covenants recorded with individuals or groups
7 that would limit proposed development on the site.

8
9 § 32-4-223.

10 The Development Plan shall identify the following information concerning existing site conditions:

- 11 (1) Topography, and existing topography for adjacent properties as shown on the county
12 photogrammetric plats or more recent information where available;
13 (2) Streams, springs, seeps, bodies of water, and forest buffers;
14 (3) Soil types in accordance with the soil survey, Baltimore County, Maryland, including
15 identification of prime and productive soils;
16 (4) Wooded areas;
17 (5) Buildings on the property;
18 (6) One-hundred-year floodplains or flood areas for both riverine and tidal areas;
19 (7) Nontidal wetlands and tidal wetlands;
20 (8) Identification of any building, property, or site within or contiguous to the proposed
21 development that is included in:
22 (i) The Maryland Historical Trust Inventory of Historic Properties or the county
23 inventory;
24 (ii) The county preliminary or final landmarks list;
25 (iii) The National Register of Historic Places;
26 (iv) The Maryland Archeological Survey; [or]
27 (v) Any county historic district; or
28 (vi) A National Register District covering the proposed development;
29 (9) Areas of critical state concern as designated under the procedures of § 5-611 of the
30 State Finance and Procurement Article of the Annotated Code of Maryland;
31 (10) As known to the applicant, location and description of hazardous material as defined
32 under § 7-101 of the Environment Article of the Annotated Code of Maryland;

1 (11) Any additional information as may be required by the Department of Environmental
2 Protection and [Resource Management] SUSTAINABILITY to determine compliance with the critical areas
3 local protection program, under § 33-2-202 of the Code.

4
5 § 32-4-224.

6 (a) The Development Plan shall contain the following development information:

7 (1) Proposed lot or building layout with parking and loading areas;

8 (2) Proposed street layout with existing and future paving and right-of-way widths
9 indicated, including pedestrian walkways;

10 (3) Location of public and private existing and proposed easements or rights-of-way;

11 (4) Existing and proposed county, state, and private streets, along with estimated
12 proposed average daily trips attributable to the development in the plan;

13 (5) When appropriate, transit services and facilities detailed in the Maryland Mass
14 Transit Administration's Access by Design publication;

15 (6) Proposed and existing water and sewer lines;

16 (7) Proposed and existing underground fuel storage tanks, wells, and septic areas;

17 (8) Proposed and existing utility systems and fire hydrants;

18 (9) General schematic proposals for grading and retaining walls, including:

19 (i) The anticipated alteration or removal of vegetation or other natural features;

20 or

21 (ii) A designated limit of disturbance line;

22 (10) Stormwater management areas supported by preliminary hydrology computations,
23 and proposed and existing storm drainage systems and verification of suitable outfall;

24 (11) If required by the Department of Environmental Protection and [Resource
25 Management] SUSTAINABILITY, a hydrogeological study and an environmental effects report;

26 (12) A preliminary forest conservation plan in accordance with § 33-6-109 of the Code;

27 (13) For developments with lots to be served by individual water supplies, evidence of
28 compliance with Article 34, Title 2 of the Code;

29 (14) Proposed location and use of open space and acreage in accordance with the Open
30 Space Manual;

31 (15) A chart indicating:

32 (i) Required and proposed area of open space and parking spaces; and

- 1 (ii) The number of dwelling units permitted and proposed;
- 2 (16) When required by the Baltimore County Zoning Regulations, an indication of:
- 3 (i) The expected levels of potential emanations, including, smoke, noise, dust,
- 4 odors, vibrations, glare, and heat; and
- 5 (ii) The means to continuously control the emanations;
- 6 (17) A schematic landscape plan showing:
- 7 (i) Existing vegetation and proposed planting; and
- 8 (ii) The location and quantity of street trees;
- 9 (18) All additional information required for critical area review under § 33-2-202 of the
- 10 Code; [and]
- 11 (19) Design and placement of signage, lighting, and [fencing.] FENCING; AND
- 12 (20) For a residential development in the Middle River Area, as defined in County
- 13 Council Bill 59-07, specific practices that will be employed to prevent deterioration of any subwatershed, as
- 14 described in the Middle River Community Plan adopted by Resolution 77-07, that is potentially affected by
- 15 the development.
- 16
- 17 § 32-4-225.
- 18 (a) (1) The Department of [Permits and Development Management] PERMITS,
- 19 INSPECTIONS, AND APPROVALS shall:
- 20 (i) Review each Development Plan within 15 days of receiving the plan and the
- 21 required review fee;
- 22 (ii) Accept the Development Plan for filing only if the plan:
- 23 1. Generally conforms to the concept plan presented at the community
- 24 input meeting;
- 25 2. Contains the information required under §§ 32-4-221(b) and (c) and
- 26 32-4-222 through 32-4-224 of this subtitle; and
- 27 3. Complies with other related laws, regulations, or policies;
- 28 (iii) Forward copies of each accepted Development Plan to the appropriate county
- 29 agencies for review; and
- 30 (iv) Return any unaccepted Development Plan to the applicant with an
- 31 explanation for its return.
- 32 (b) For development activities outside the critical area, the Department of [Permits and

1 Development Management] PERMITS, INSPECTIONS, AND APPROVALS may not accept the
2 Development Plan until the applicant has complied with the forest conservation requirements in Article 33,
3 Title 6 of the Code.

4 (c) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
5 AND APPROVALS shall schedule a hearing before the Hearing Officer no earlier than 21 days and no later
6 than 30 days after the plan has been accepted as filed.

7
8 § 32-4-226.

9 (b) The following agencies shall review the Development Plan:

10 (1) Office of Planning;

11 (2) Department of Environmental Protection and [Resource Management]
12 SUSTAINABILITY;

13 (3) Department of Education;

14 (4) Department of Recreation and Parks;

15 (5) Fire Department;

16 (6) Police Department;

17 (7) [Office of Community Conservation;

18 (8)] Department of Economic Development;

19 [(9)] (8) Department of [Permits and Development Management] PERMITS,
20 INSPECTIONS, AND APPROVALS;

21 [(10)] (9) Landmarks Preservation Commission, if the Development Plan involves any
22 building or site identified on any one of the lists referred to in § 32-4-223(8) of this subtitle;

23 [(11)] (10) State Highway Administration; and

24 [(12)] (11) Any other county agency requested to be represented.

25 (c) (1) In this subsection, “participant” means a person who has attended a community input
26 meeting and provided a name and address to the Department of [Permits and Development Management]
27 PERMITS, INSPECTIONS, AND APPROVALS.

28 (2) At least 10 working days before the Hearing Officer's hearing, the Department of
29 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall:

30 (i) Schedule a Development Plan conference to be attended by representatives
31 of the agencies listed in subsection (b) of this section;

32 (ii) Post notice of the conference, which is open to the public, in the County

1 Office Building;

2 (iii) Send written notice to all known participants;

3 (iv) Attempt to resolve any conflict between agency comments; and

4 (v) Attempt to resolve any comments raised or conditions proposed at the
5 community input meeting.

6 (d) (1) At least 5 working days before the Hearing Officer's hearing, the Department of
7 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall submit in
8 writing to the Hearing Officer the following information:

9 (i) Comments on the Development Plan from an agency listed in subsection (b)
10 of this section;

11 (ii) Agency responses to the unresolved comments raised or conditions proposed
12 or requested at the community input meeting;

13 (iii) Compatibility recommendations from the Director of Planning under §
14 32-4-402 of this title; and

15 (iv) Comments from the Director of Environmental Protection and [Resource
16 Management] SUSTAINABILITY as to whether the proposed development and resource protection activities
17 under § 33-2-202 of the code:

18 1. Minimize adverse impacts on water quality that result from
19 pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

20 2. Conserve fish, wildlife, and plant habitat; and

21 3. Are consistent with established land use policies for development
22 in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if
23 pollution is controlled, the number, movement, and activities of persons in that area can create adverse
24 environmental impacts.

25 (2) The Department of [Permits and Development Management] PERMITS,
26 INSPECTIONS, AND APPROVALS shall:

27 (i) Make the information under paragraph (1) of this subsection available for
28 public inspection; and

29 (ii) Send written notice of the availability of the information to all identified
30 participants.

31
32 § 32-4-227.

1 (c) (1) The Department of [Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS shall have responsibility for compiling and maintaining complete files
3 with respect to all hearing proceedings over which the Hearing Officer presides.

4 (3) The Department of [Permits and Development Management] PERMITS,
5 INSPECTIONS, AND APPROVALS shall make available to any person copies of any portion of the
6 Development Plan file upon request and payment of any necessary fees.

7
8 § 32-4-229.

9 (c) The Hearing Officer shall forward copies of the approved Development Plan to the directors
10 of the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
11 APPROVALS, the Department of Public Works, the Office of Planning, and the Department of
12 Environmental Protection and [Resource Management] SUSTAINABILITY within 5 working days after the
13 date of the Hearing Officer's decision granting approval of:

14 (1) The Development Plan as submitted; or

15 (2) The Development Plan as revised within the 5-day period in compliance with the
16 Hearing Officer's requirements for any condition imposed upon the plan.

17 (f) A plat may not be recorded and the Department of [Permits and Development Management]
18 PERMITS, INSPECTIONS, AND APPROVALS may not issue a permit or record a plat in connection with
19 a Development Plan for a period of 30 days after a final decision by the Hearing Officer on the Development
20 Plan if the case involved an unresolved comment or condition.

21
22 § 32-4-242.

23 (c) (1) If the Council finds that the proposed Planned Unit Development will achieve a
24 development of substantially higher quality than a conventional development would achieve and that the
25 proposed site for the Planned Unit Development is eligible for county review, the Council, by adoption of
26 a resolution, may approve the continued review of the Planned Unit Development in accordance with the
27 procedures of this title and the requirements of the zoning regulations. The Council shall give public notice
28 of the resolution, and the Department of [Permits and Development Management] PERMITS,
29 INSPECTIONS, AND APPROVALS shall post the property, at least 10 business days prior to final vote on
30 the resolution.

31
32 § 32-4-243.

1 (b) Concept plan; required.

2 (1) (ii) The applicant shall submit the concept plan to the Department of [Permits
3 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS with a statement
4 contrasting the proposed development of the land as a Planned Unit Development with its development in
5 accordance with the requirements of the underlying zoning classification. The statement shall identify the
6 benefits of the development of the land as a Planned Unit Development as opposed to its development in any
7 other manner.

8 (3) Contents of the concept plan. The concept plan for a Planned Unit Development
9 shall include a pattern book that contains:

10 (i) A surveyed existing conditions map including steep slopes, nontidal wetlands
11 and tidal wetlands, wooded areas, existing buildings, topography, and other environmentally sensitive areas
12 as determined by the Director of Environmental Protection and [Resource Management] SUSTAINABILITY
13 based upon the best available existing information;

14 (ii) Sketch building elevations, perspectives, critical cross sections, and massing
15 studies, to demonstrate building relationships to one another and the topography;

16 (iii) A general statement of materials, signage, and screening concepts; and

17 (iv) Written documentation describing:

18 1. The effects of the proposed development on the environment, traffic
19 flow, and on the provision of public facilities and services such as sewers, water, schools, police, fire,
20 recreation, libraries, community centers, open space, or any other public facility or service which the county
21 requests to be analyzed;

22 2. If the proposed development has a significant or adverse effect under
23 subparagraph (iv)1. of this paragraph, how the effect will be addressed or mitigated;

24 3. How the Planned Unit Development will comply with the
25 compatibility requirements of § 32-4-402 of this title;

26 4. Design requirements which shall include:

27 A. Street and alley design, streetscape treatments, public open
28 space, and the building envelope which includes setbacks for principal and accessory buildings, build-to lines,
29 access points, location of off-street parking and buffering from surrounding uses;

30 B. An architectural code and prototype designs for proposed
31 buildings; and

32 C. The architectural standards for each type of building

1 accompanied by a description of each building type for each area of the Planned Unit Development;

2 5. A statement identifying any proposed modifications to the applicable
3 development or zoning requirements; and

4 6. A statement explaining how the Planned Unit Development will
5 provide a community benefit.

6 (e) Upon completion of the community input meeting, an applicant shall file a PUD development
7 plan with the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
8 APPROVALS, in accordance with §§ 32-4-221 through 32-4-224. The Department [of Permits and
9 Development Management] shall undertake a preliminary review of the PUD development plan in accordance
10 with § 32-4-225, and, thereafter, the county shall review the plan and hold a development plan conference
11 in accordance with § 32-4-226.

12
13 § 32-4-252.

14 (a) (1) The applicant shall prepare a preliminary site analysis plan and file the plan with the
15 Department of Environmental Protection and [Resource Management] SUSTAINABILITY.

16 (b) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
17 or the Director's designee shall certify that the primary conservancy area has been delineated accurately, or
18 if not, notify the applicant that revisions are required.

19 (c) (2) The bounds of the primary conservancy area, as approved by the Department of
20 Environmental Protection and [Resource Management] SUSTAINABILITY, and the proposed secondary
21 conservancy area shall be delineated on the plan.

22
23 § 32-4-253.

24 [(1)] (A) Within 10 working days after the filing of the site analysis plan, the Office of
25 Planning shall schedule on a mutually convenient date:

26 (i) A walk of the site by the applicant and representatives of the Office of Planning; and

27 (ii) A meeting with the applicant and representatives of the Office of Planning and the
28 Department of Environmental Protection and [Resource Management] SUSTAINABILITY to discuss the
29 secondary conservancy area.

30 [(2)] (B) The walk shall precede the meeting.

31 [(3)] (C) The purpose of the walk is to familiarize planners with the property and to give them
32 an informal opportunity to comment on the proposed secondary conservancy area.

1 § 32-4-254.

2 (a) Following the meeting required under § 32-4-253 of this subtitle, the Department of
3 Environmental Protection and [Resource Management] SUSTAINABILITY and the Office of Planning
4 jointly shall either approve the site analysis plan or specify the revisions or additional information necessary
5 for obtaining approval of the site analysis plan.

6 (b) If the Department of Environmental Protection and [Resource Management]
7 SUSTAINABILITY and the Office of Planning disapprove the site analysis plan, or if the applicant is
8 unwilling to make any revisions required by the county, the applicant may, within 30 days after receiving
9 notification from the county, appeal the decision to the Board of Appeals.

10
11 § 32-4-271.

12 (f) The plat shall contain the following notations:

13 (1) That recording of the plat does not constitute or imply acceptance by the county of
14 any public improvement including streets, easements, parks, open space, or other public areas shown on the
15 plat;

16 (2) That recording of the plat does not guarantee construction of streets or utilities by
17 the county;

18 (3) That the information shown may be superseded by a subsequent or amended plat;

19 (4) That additional information concerning the plat may be obtained from the
20 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS;
21 and

22 (5) That the applicant has included formal irrevocable offers of dedication to the public
23 of all public improvements including streets, local government uses, utilities, parks, and easements.

24 (g) The record plat shall:

25 (1) Be drawn clearly and shall conform to the requirements under § 3-108 of the Real
26 Property Article of the Annotated Code of Maryland, relating to the making, filing, and recording of plats;

27 (2) Contain a notation of any self-imposed restrictions and any building setback lines;

28 (3) Contain the endorsements by the [Department of Permits and Development
29 Management] PERMITS, INSPECTIONS, AND APPROVALS and THE DEPARTMENT OF
30 Environmental Protection and [Resource Management] SUSTAINABILITY as required by § 32-4-272 of this
31 subtitle;

32 (4) Contain the lot numbers, addresses, and street names as approved by the county; and

1 (5) Indicate all corners and other points in their proper places.

2
3 § 32-4-272.

4 (a) (1) After Development Plan approval, the applicant may submit a plat to the Department
5 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

6 (2) The Department [of Permits and Development Management] may not approve the
7 plat until approval is issued, if required, for:

8 (i) Stormwater management plans;

9 (ii) Public works agreements;

10 (iii) Development Plan, if required by the Baltimore County Zoning Regulations;

11 (iv) Security; and

12 (v) Necessary fees.

13 (b) After receipt and approval of all items required under subsection (a) of this section, the
14 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
15 shall promptly transmit the plat to the Department of Environmental Protection and [Resource Management]
16 SUSTAINABILITY for the Department's review for conformity with the Development Plan, unless the plat
17 was already reviewed by the Department for conformity.

18 (c) (1) Within 10 days after receipt of the plat, the Directors of [Permits and Development
19 Management] PERMITS, INSPECTIONS, AND APPROVALS and Environmental Protection and [Resource
20 Management] SUSTAINABILITY or their designees shall:

21 (i) Approve the plat;

22 (ii) With the consent of the applicant, modify the plat; or

23 (iii) Disapprove the plat.

24 (d) An applicant may not record a plat unless:

25 (1) The plat has been unanimously approved by the Directors of [Permits and
26 Development Management] PERMITS, INSPECTIONS, AND APPROVALS and Environmental Protection
27 and [Resource Management] SUSTAINABILITY; and

28 (2) The approvals have been noted on the plat.

29
30 § 32-4-274.

31 (a) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
32 AND APPROVALS shall extend an approved Development Plan that would otherwise expire and become

1 invalid under the provisions of § 32-4-261 of this subtitle if a deficiency in basic services for water, sewer,
2 or transportation prevented the vesting of the Plan, in accordance with § 32-4-264 of this subtitle.

3 (c) For the purpose of determining the extension of the time limit of the validity of a
4 Development Plan, the Department of [Permits and Development Management] PERMITS, INSPECTIONS,
5 AND APPROVALS shall consider property that is the subject of the Plan to have a deficiency if:

6 (1) Subsequent to Plan approval or plat recordation the property is shown to be or to
7 have been within a deficient service area on a basic service map adopted by the County Council; or

8 (2) The issuance of building permits or the construction of public improvements or
9 private improvements is or was prohibited by order of the state or county.

10
11 § 32-4-281.

12 (a) In this section, “person aggrieved or feeling aggrieved” includes a duly constituted civic,
13 improvement, or community association if the property that is the subject of the Development Plan is:

14 (1) Located within the association's geographic limits, which are determined as follows:

15 (i) If the association is incorporated, by any geographic description contained
16 in the association's corporate articles, bylaws, charter, or similar document;

17 (ii) If the association is not incorporated, by any metes and boundaries
18 description for the association contained in any zoning map, plat, or similar document on file at the [County]
19 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS,
20 the land records office of the county, or at some other county governmental agency or department; or

21 (iii) If the association is not incorporated and no description exists, by any street,
22 road, or thoroughfare description for the association contained in any zoning map, plat, or similar document
23 on file in the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
24 APPROVALS, the land records office of the county, or at some other county governmental agency or
25 department; and

26 (2) (i) Of such a nature and kind as to be within the association's discernible and
27 assessable tax base if such exists;

28 (ii) Of such a nature as to personally and specifically affect, damage, or impact
29 the members of the association in a way different from that suffered by the members of any other associations
30 or in a way different from a general interest such as is the concern shared by the public in general; or

31 (iii) Of such a nature or type as to give the members of the association a valid
32 and discernible property interest in the property that is the subject of the Development Plan.

1 (b) (1) A person aggrieved or feeling aggrieved by final action on a Development Plan may
2 file a notice of appeal with the [County] Board of Appeals and the Department of [Permits and Development
3 Management] PERMITS, INSPECTIONS, AND APPROVALS within 30 days after the date of the final
4 decision of the Hearing Officer.

5 (3) (i) The person appealing shall file a copy of the petition with the Department
6 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS and the
7 Hearing Officer.

8 (ii) Failure to file the petition with the Department of [Permits and Development
9 Management] PERMITS, INSPECTIONS, AND APPROVALS and the Hearing Officer is grounds for
10 dismissal of the appeal.

11
12 § 32-4-301.

13 The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
14 APPROVALS, the Department of Environmental Protection and [Resource Management]
15 SUSTAINABILITY, and the Department of Public Works shall each adopt regulations, in accordance with
16 Article 3, Title 7 of the Code to carry out the provisions of this subtitle.

17
18 § 32-4-304.

19 (b) The applicant shall submit:

20 (1) The public works agreement to the Department of [Permits and Development
21 Management] PERMITS, INSPECTIONS, AND APPROVALS on a form approved by the Department
22 Director and the Office of Law; and

23 (2) All relevant information required by the Department of [Permits and Development
24 Management] PERMITS, INSPECTIONS, AND APPROVALS.

25 (c) (1) Within 20 business days after receiving the proposed public works agreement, the
26 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
27 shall:

28 (i) Approve the public works agreement; or

29 (ii) Reject the public works agreement.

30 (2) If the Director of [Permits and Development Management] PERMITS,
31 INSPECTIONS, AND APPROVALS rejects the public works agreement, the Department shall provide the
32 applicant with the reasons for its decision in writing.

1 (3) An applicant may resubmit a proposed public works agreement after receipt of notice
2 of the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
3 APPROVALS' decision to reject the proposed agreement.

4 (d) After approval by the Department of [Permits and Development Management] PERMITS,
5 INSPECTIONS, AND APPROVALS, the Department shall submit the public works agreement to the County
6 Executive or the County Administrative Officer for execution.

7 (e) The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
8 APPROVALS may waive the requirement for a public works agreement if the Director determines that the
9 public improvements are minimal public improvements, including:

- 10 (1) Fire hydrants;
- 11 (2) Water or sewer extensions;
- 12 (3) Storm drain extensions;
- 13 (4) Curb, gutter, or pavement projects;
- 14 (5) Traffic control devices; or
- 15 (6) Other similar improvements.

16
17 § 32-4-305.

18 (b)(1) (ii) The amount of performance security may be reduced in accordance with §
19 32-4-313(b)(2) of this subtitle when the grading is completed as determined by the Department of
20 Environmental Protection and [Resource Management] SUSTAINABILITY.

21 (c) (5) This subsection may be enforced in accordance with the procedures under §§ 3-6-205
22 and 3-6-206 of the Code by:

23 (i) The Department of [Permits and Development Management] PERMITS,
24 INSPECTIONS, AND APPROVALS for work covered by the right-of-way improvement and utility
25 agreements; or

26 (ii) The Department of Environmental Protection and [Resource Management]
27 SUSTAINABILITY for work covered by the environmental agreement.

28
29 § 32-4-306.

30 (a) The county may not issue a use and occupancy permit unless there is:

- 31 (1) Base course paving that has been approved by the Department of Public Works; or
- 32 (2) Good cause shown in accordance with the conditions imposed by the Department

1 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS with the
2 approval of the Department of Public Works.

3
4 § 32-4-307.

5 (a) When applying for a building permit, the applicant shall post security for any private
6 improvements in accordance with § 32-4-312 of this subtitle when the Director of [Permits and Development
7 Management] PERMITS, INSPECTIONS, AND APPROVALS determines that the failure to complete the
8 private improvements will affect the health, safety, and welfare of the occupants.

9
10 § 32-4-308.

11 (a) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
12 AND APPROVALS and the Department of Public Works may require the applicant to pay to the county the
13 estimated cost of a public improvement if the departments determine that the public improvements should
14 be deferred because of:

- 15 (1) Incompatible grades;
16 (2) Future planning;
17 (3) Inadequate or lack of connecting facilities; or
18 (4) Other reasons as determined by the county.

19
20 § 32-4-313.

21 (b) (1) The county may reduce the performance security posted in accordance with the
22 right-of-way improvement and utility agreements after approval of the Directors of [Permits and Development
23 Management] PERMITS, INSPECTIONS, AND APPROVALS, Budget and Finance, and Public Works.

24 (2) The county may reduce the performance security posted for an environmental
25 agreement after approval of the Director of [the Office of] Budget and Finance and the Director of
26 Environmental Protection and [Resource Management] SUSTAINABILITY.

27 (d) (2) (i) After the applicant has complied with the requirements of paragraph (1) of
28 this subsection, the Department of [Permits and Development Management] PERMITS, INSPECTIONS,
29 AND APPROVALS shall post 30 days advance written notice of the [Department's] DIVISION'S intent to
30 reduce the performance security.

31 (ii) The Department [of Permits and Development Management] shall post the
32 written notice in a prominent location in the offices of the Department [of Permits and Development

1 Management].

2
3 § 32-4-404.

4 (c) (3) The Department of Environmental Protection and [Resource Management]
5 SUSTAINABILITY shall prepare a manual to implement the standard set out in § 32-4-413.

6
7 § 32-4-415.

8 (c) On prime and productive soils within the RC-2 zone, the county may not approve a
9 Development Plan or plat unless the county finds that construction, excavations, buildings, structures,
10 pavements, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with
11 policies established by the Department of Environmental Protection and [Resource Management]
12 SUSTAINABILITY to promote agricultural uses and protect the county's soil resources.

13
14 § 32-4-503.

15 (a) Upon receipt of a reclamation plan, the Director of Planning shall refer the plan to the
16 Department of Environmental Protection and [Resource Management] SUSTAINABILITY for review and
17 comments.

18 (b) The Department of Environmental Protection and [Resource Management]
19 SUSTAINABILITY shall submit its comments to the Director of Planning within 30 days after receiving the
20 plan.

21 (c) After reviewing the comments and the reclamation plan for compliance with this subtitle:

22 (1) If the reclamation plan is in compliance, the Director of Planning shall:

23 (i) Accept the reclamation plan; and

24 (ii) Within 20 days after receiving the reclamation plan from the Department of
25 Environmental Protection and [Resource Management] SUSTAINABILITY, transmit the reclamation plan
26 to the Planning Board for action as provided under this subtitle; or

27 (2) If the reclamation plan is not in compliance, the Director of Planning shall return the
28 plan to the applicant with an explanation for its return.

29
30 § 32-6-101.

31 (c) "Development approval" means the approval of a Development Plan by:

32 (1) An order of the Hearing Officer under Title 4, Subtitle 2, Part III of this article; or

1 (2) The Director of [Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS under § 32-4-106(b) of this article.

3 (e) “Filing date” means the date that a proposed Development Plan is accepted but not
4 necessarily posted by the Department of [Permits and Development Management] PERMITS,
5 INSPECTIONS, AND APPROVALS.

6
7 § 32-6-108.

8 (l) (1) The County Administrative Officer shall establish the fees payable under this section
9 after consultation with the Department of Recreation and Parks, the Office of Budget and Finance, and the
10 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

11
12 § 32-6-109.

13 (c) When a Development Plan or a portion of a Development Plan receives conditional
14 development approval, the Department of [Permits and Development Management] PERMITS,
15 INSPECTIONS, AND APPROVALS shall place the Development Plan on a waiting list for development in
16 an overcrowded school district in the order in which it is approved.

17 (e) Subject to subsection (d) of this section, if the Department of [Permits and Development
18 Management] PERMITS, INSPECTIONS, AND APPROVALS finds that the Development Plan or a section
19 or phase of a Development Plan that has received conditional development approval meets the requirements
20 of this title, the proposed development may proceed.

21 (g) When a development, or a section or phase of development has received conditional approval
22 and the development, a section, or phase of the development meets the requirements of this title, it is the
23 responsibility of the applicant to request the permission of the Department [of Permits and Development
24 Management] PERMITS, INSPECTIONS, AND APPROVALS to proceed to record a plat or to secure
25 building permits.

26 (h) The Department of [Permits and Development Management] PERMITS, INSPECTIONS,
27 AND APPROVALS shall adopt regulations to carry out the provisions of this section, including regulations
28 concerning the time in which an applicant must initiate construction after receiving permission to proceed
29 as provided for in subsection (e) of this section.

30
31 § 32-7-303.

32 (e) The final county landmarks list shall be available for public inspection in the Department of

1 [ermits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS, the Office of
2 Planning, the Land Records Office of the county, all branches of the county public library, and in the office
3 of the Commission.

4
5 § 32-9-103.

6 (a) (2) The Department of Environmental Protection and [Resource Management]
7 SUSTAINABILITY shall record and maintain the apportionment of the allotted acres.

8
9 § 32-9-106.

10 (a) A person applying for growth allocation shall submit an application with the Department of
11 [ermits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS that requires:

12 (1) County Council approval, with the concept plan or with the Development Plan, as
13 required under Title 4, Subtitle 2 of this article; or

14 (2) County Board of Appeals approval, with the petition for reclassification, as required
15 under Title 3, Subtitle 5 of this article.

16 (b) (1) The Department of [ermits and Development Management] PERMITS,
17 INSPECTIONS, AND APPROVALS shall forward the application to the Department of Environmental
18 Protection and [Resource Management] SUSTAINABILITY.

19 (2) The Department of Environmental Protection and [Resource Management]
20 SUSTAINABILITY shall:

21 (i) Have 7 working days to accept or reject the application;

22 (ii) Review the application to insure that sufficient preliminary information has
23 been provided;

24 (iii) Prepare a check list that will delineate what preliminary information is
25 required; and

26 (iv) Adopt and, when necessary, amend administrative procedures for the review
27 of growth allocation applications, including the form of the application and the information necessary to
28 review the application for acceptance.

29 (4) The Department of Environmental Protection and [Resource Management]
30 SUSTAINABILITY shall forward the application to the Planning Board with the Growth Allocation Review
31 Committee recommendation.

1 § 32-9-107.

2 (a) If the Department of Environmental Protection and [Resource Management]
3 SUSTAINABILITY rejects an [application] APPLICATION, the Department shall return the application to
4 the applicant with a written explanation for its return.

5
6 § 32-9-108.

7 The Department of Environmental Protection and [Resource Management] SUSTAINABILITY shall
8 forward accepted applications to the Growth Allocation Review Committee, subject to the provisions
9 contained in § 32-9-112 of this title, § 32-3-511 of this article, and Title 3, Subtitle 2, Part III of this article.

10
11 § 32-9-110.

12 (a) (1) The Growth Allocation Review Committee consists of the Directors or their
13 designated representatives of:

14 (i) The Department of Environmental Protection and [Resource Management]
15 SUSTAINABILITY;

16 (ii) The Office of Planning;

17 (iii) The Department of [Pemits and Development Management] PERMITS,
18 INSPECTIONS, AND APPROVALS;

19 (iv) The Department of Public Works;

20 (v) The Department of Recreation and Parks; and

21 (vi) The Department of Economic Development.

22 (2) The Director of Environmental Protection and [Resource Management]
23 SUSTAINABILITY or Director's designated representative shall serve as chairman.

24
25 § 32-9-112.

26 (b) (1) The Department of Environmental Protection and [Resource Management]
27 SUSTAINABILITY shall have available for distribution copies of:

28 (i) The procedural and submission requirements; and

29 (ii) The evaluation objectives previously submitted to the Chesapeake Bay
30 Critical Area Commission.

31 (2) The submission requirements and evaluation objectives are subject to review and
32 revision by the Department of Environmental Protection and [Resource Management] SUSTAINABILITY

1 or Growth Allocation Review Committee on an annual basis, if necessary.

2 (c) The Department of Environmental Protection and [Resource Management]
3 SUSTAINABILITY shall prepare copies of the official county Chesapeake Bay Critical Area map and, if
4 applicable, the official county zoning map showing the location of the requested growth allocations.

5 (e) (3) During the period of notice, the plans with accompanying text and data, as well as
6 the recommendations by the Growth Allocation Review Committee, shall be available for public inspection
7 at the Department of Environmental Protection and [Resource Management] SUSTAINABILITY.

8 (h) The Department of Environmental Protection and [Resource Management]
9 SUSTAINABILITY shall forward the proposed amendments to the official Chesapeake Bay Critical Area
10 map or zoning map or both and all relevant information to the Chesapeake Bay Critical Area Commission
11 for approval under § 8-1809(i) of the Natural Resources Article of the Annotated Code of Maryland.

12 (i) (2) The Department of Environmental Protection and [Resource Management]
13 SUSTAINABILITY shall forward the amended official Chesapeake Bay Critical Area map reflecting changes
14 approved by the Chesapeake Bay Critical Area Commission to:

15 (i) The chairman of the County Council for signature; or

16 (ii) The chairman of the Board of Appeals for signature if an amendment of the
17 Chesapeake Bay Critical Area Overlay Areas on the map was made by the Board of Appeals under §
18 32-3-511 of this article.

19 (3) The Department of Environmental Protection and [Resource Management]
20 SUSTAINABILITY shall forward a copy of the amended official Chesapeake Bay Critical Area map signed
21 in accordance with paragraph (2) of this subsection to the Chesapeake Bay Critical Area Commission within
22 the time frame specified in this subsection.

23
24 SECTION 13. AND BE IT FURTHER ENACTED, that Sections 33-1-101(cc)(1) and (jj), 33-2-
25 101(q) and (ff)(1), 33-2-105(a)(1), 33-2-201, 33-2-202, 33-2-203(c), 33-2-204(b) and (d), 33-2-205(a), (c),
26 (d) and (e), 33-2-209(c), 33-2-303(d)(2), 33-2-401(b)(2)(ii), 33-2-402(d)(2), (f) and (g), 33-2-403(a), 33-2-
27 404(a)(2), (3)(i), and (4), 33-2-405(b)(1)(ii) and (6)(ii), 33-2-406(d)(1)(ii) and (2), 33-2-501(b)(1), (3) and
28 (4) and (c)(2), 33-2-502(b), 33-2-602(b)(1)(iii)1 and 3 and (c)(1) and (2), 33-2-603(b)(3)(iii), (iv)2, (v)1, 3,
29 and 4 and (5), (c)(2)(i), (3)(v)2, 3B, and (vi), and (d), 33-2-605(b)(2) and (g), 33-2-606(d)(2), 33-2-607(e),
30 33-2-702(b), 33-2-801(a), 33-2-901(a), 33-3-101(f), 33-3-108(c), 33-3-109, 33-3-110(c), 33-3-113(b), 33-4-
31 101(i) and (o), 33-4-108(c)(1), (2)(i) and (iii), (d), (e)(2), and (f), 33-4-115(d), 33-5-101(c) and (n), 33-5-
32 202(a)(1), (e)(2), and (h), 33-6-101(k), 33-6-116(b)(1), (2), (4), and (5), (c)(1), (f), (h) and (i), 33-7-101(b),

1 33-7-103(a)(1)(i) and (2) and (b)(3), and 33-8-101(a) and (c) of Article 33. Environmental Protection and
2 Resource Management, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted,
3 with amendments, to read as follows:

4
5 § 33-1-101.

6 (cc)(1) “Stream” means a perennial or intermittent watercourse identified through site inspection and
7 as approved by the Department of Environmental Protection and [Resource Management]
8 SUSTAINABILITY.

9 (jj) “Tidal wetland” means all state and private tidal wetlands, marshes, submerged aquatic
10 vegetation, lands, and open water affected by the daily and periodic rise and fall of the tide within the
11 Chesapeake Bay and its tributaries and additional tidal wetlands identified through site inspection by the
12 Department of Environmental Protection and [Resource Management] SUSTAINABILITY that are subject
13 to the daily and periodic rise and fall of the tide.

14
15 § 33-2-101.

16 (q) “Finding” means a written statement and supporting record, made by the Director of
17 Environmental Protection and [Resource Management] SUSTAINABILITY or the Director's designee in
18 conjunction with project approval, indicating that a project is consistent with the goals of the Chesapeake Bay
19 Critical Area Criteria under COMAR 27.01.10.01O.

20 (ff) (1) “Project approval” means the approval of development in the Chesapeake Bay
21 Critical Area by:

22 (i) The Director of Environmental Protection and [Resource Management]
23 SUSTAINABILITY or the Director's designee;

24 (ii) A hearing officer;

25 (iii) The zoning commissioner; or

26 (iv) On appeal, the Board of Appeals.

27
28 § 33-2-105.

29 (a) (1) The Director of Environmental Protection and [Resource Management]
30 SUSTAINABILITY shall maintain the official map of the county Chesapeake Bay Critical Area.

31
32 § 33-2-201.

1 Before the Department of [ermits and Development Management] PERMITS, INSPECTIONS, AND
2 APPROVALS issues a building permit, grading permit, or use and occupancy permit in the Chesapeake Bay
3 Critical Area, the Director of Environmental Protection and [Resource Management] SUSTAINABILITY
4 or the Director's designee shall determine, and certify to the Director of [Permits and Development
5 Management] PERMITS, INSPECTIONS, AND APPROVALS, that the development complies with this title.

6
7 § 33-2-202.

8 (a) In addition to the plan requirements for concept plans and development plans under Article
9 32, Title 4, Subtitle 2 of the Code, the Department of Environmental Protection and [Resource Management]
10 SUSTAINABILITY may require additional information from an applicant to evaluate whether a project
11 complies with the Chesapeake Bay Critical Area law, the Chesapeake Bay Critical Area criteria, and this title.

12 (b) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
13 may grant project approval after making written findings that the project is consistent with the purposes stated
14 under § 33-2-103 of this title and the Chesapeake Bay Critical Area criteria.

15
16 § 33-2-203.

17 (c) In addition to the plat requirements under Article 32, Title 4, Subtitle 2 of the Code, a plat
18 prepared for recording of the Chesapeake Bay Critical Area clearly shall:

19 (1) Show by metes and bounds the extent of a protected area under subsection (a) of this
20 section on the property;

21 (2) Label the protected areas, collectively, as a:

22 (i) Chesapeake Bay Critical Area easement if the areas are to be retained or
23 conveyed to a homeowner's association or similar entity; or

24 (ii) Chesapeake Bay Critical Area reservation if the areas are to be dedicated to
25 the county in fee;

26 (3) Include a note, referencing any protected area, that states:

27 “There shall be no clearing, grading, construction or disturbance of vegetation in the critical area
28 easement (or reservation) except as permitted by the county Department of Environmental Protection and
29 [Resource Management] SUSTAINABILITY”; and

30 (4) Include a note, referencing a protective covenant governing a protected area, that
31 states:

32 “Any critical area easement (or reservation) shown hereon is subject to protective covenants which

1 may be found in the land records of the county and which restrict disturbance and use of these areas”.

2
3 § 33-2-204.

4 (b) Within the boundary of a Chesapeake Bay Critical Area resources easement or reservation
5 that contains the Chesapeake Bay Critical Area resources listed in subsection (a) of this section, a person may
6 not:

7 (1) Disturb existing vegetation, including disturbance by tree removal, shrub removal,
8 clearing, mowing, burning, spraying, or grazing;

9 (2) Disturb soil by grading, stripping topsoil, plowing, cultivating, or other practices;

10 (3) Conduct filling, dumping, diking, ditching, or draining;

11 (4) Construct or install structural shore erosion protection measures, except:

12 (i) As provided under COMAR 27.01.04 and § 33-2-607 of this title; and

13 (ii) Only as authorized by the Department of Environmental Protection and

14 [Resource Management] SUSTAINABILITY;

15 (5) Place new impervious surfaces;

16 (6) Place structures of any size;

17 (7) Store, use, or apply pesticides, except for the spot spraying of noxious weeds
18 consistent with the recommendations of the University of Maryland Cooperative Extension Service;

19 (8) House, graze, or otherwise maintain animals;

20 (9) Store or operate motorized vehicles, except for maintenance and emergency use
21 approved by the Department of Environmental Protection and [Resource Management] SUSTAINABILITY;

22 or

23 (10) Store materials.

24 (d) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY,
25 in accordance with Article 3, Title 7 of the code, may adopt regulations that are consistent with this title to
26 address issues relating to the maintenance and modification of existing facilities owned and operated by a
27 public service company.

28
29 § 33-2-205.

30 (a) Notwithstanding § 32-4-231(a)(4) of the Code, the Director of Environmental Protection and
31 [Resource Management] SUSTAINABILITY may grant a variance from the requirements of this title, in
32 accordance with the Chesapeake Bay Critical Area criteria concerning variances under COMAR 27.01.11

1 and notice requirements under COMAR 27.03.01, if a proposed development is:

2 (1) Exempted from review and approval under § 32-4-106 of the Code; or

3 (2) Granted a hearing waiver under § 32-4-107(b) of the Code.

4 (c) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
5 may require conditions for variance approval, including site design conditions or mitigation, to minimize
6 adverse impacts on water quality or fish, wildlife, or plant habitat.

7 (d) A person aggrieved or feeling aggrieved by a decision of the Director of Environmental
8 Protection and [Resource Management] SUSTAINABILITY made under subsection (a) of this section may
9 appeal the decision de novo to the Board of Appeals.

10 (e) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY,
11 in accordance with Article 3, Title 7 of the Code, may adopt regulations for the preparation and review of
12 proposed development projects and other activities in the Chesapeake Bay Critical Area that are consistent
13 with the Chesapeake Bay Critical Area law and Chesapeake Bay Critical Area criteria.

14
15 § 33-2-209.

16 (c) Wash plants including ponds, spoil piles and associated equipment must be hydrologically
17 self-contained, unless it can be conclusively proven to the Department of Environmental Protection and
18 [Resource Management] SUSTAINABILITY that there will be no risk of water quality degradation.

19
20 § 33-2-303.

21 (d) (2) Improvements in nontidal wetlands or nontidal wetlands buffers may be allowed if
22 the Director of Environmental Protection and [Resource Management] SUSTAINABILITY approves an
23 alternatives analysis submitted by an applicant that clearly demonstrates that:

24 (i) No physically feasible alternative exists; and

25 (ii) The improvements are located, designed, constructed, and maintained to:

26 1. Provide maximum erosion protection;

27 2. Minimize adverse effects on wildlife, aquatic life, and the respective

28 habitats; and

29 3. Maintain hydrologic processes and water quality.

30
31 § 33-2-401.

32 (b) (2) (ii) The buffer may be reduced to the greater of the minimum buffer under

1 subsection (a) of this section or to the expanded buffer under paragraph (1) of this subsection
2 if:

3 1. The 300-foot area does not contain contiguous forest habitat that
4 drains into tidal wetlands, tidal waters, or a stream;

5 2. The 300-foot area does not provide breeding habitat for species of
6 forest interior dwelling bird; and

7 3. The Director of Environmental Protection and [Resource
8 Management] SUSTAINABILITY determines that greater water quality or habitat benefits can be achieved
9 through other site specific measures.

10
11
12
13 § 33-2-402.

14 (d) (2) Improvements in the buffer may be allowed if the Director of Environmental
15 Protection and [Resource Management] SUSTAINABILITY approves an alternatives analysis submitted by
16 an applicant that clearly demonstrates that:

17 (i) No physically feasible alternative exists; and

18 (ii) The improvements are located, designed, constructed, and maintained to:

19 1. Provide maximum erosion protection;

20 2. Minimize adverse effects on wildlife, aquatic life, and the respective
21 habitats; and

22 3. Maintain hydrologic processes and water quality.

23 (f) Between March 1 and June 15 of each year, a person may not engage in:

24 (1) Construction, repair, or maintenance activity associated with bridges, other stream
25 crossings, utilities, or roads, that involve disturbance in the buffer or instream in anadromous fish propagation
26 waters; or

27 (2) Other instream construction activity determined by the Director of Environmental
28 Protection and [Resource Management] SUSTAINABILITY to have the potential to adversely impact
29 anadromous fish propagation.

30 (g) The Department of Environmental Protection and [Resource Management]
31 SUSTAINABILITY may require onsite or offsite mitigation to offset impacts to a buffer, or to the plant and
32 wildlife habitats or species contained in a buffer, that are the result of development activity.

1 § 33-2-403.

2 (a) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
3 may designate as a buffer management area an area of the buffer where an existing pattern of residential,
4 commercial, industrial, or institutional development prevents the buffer from fulfilling the water quality and
5 habitat protection functions under COMAR 27.01.09.

6
7 § 33-2-404.

8 (a) (2) The fund shall consist of:

9 (i) Subject to paragraph (3) of this subsection, monetary compensation paid
10 under this subtitle by an applicant who demonstrates to the Department of Environmental Protection and
11 [Resource Management] SUSTAINABILITY that requirements for buffer mitigation cannot be met;

12 (ii) Other monies that may be appropriated to the fund by the County Council;
13 and

14 (iii) Interest accrued to the fund.

15 (3) (i) The Department of Environmental Protection and [Resource Management]
16 SUSTAINABILITY may accept monetary compensation only if it determines that buffer mitigation
17 requirements cannot be reasonably accomplished onsite or offsite.

18 (4) Monetary compensation paid by an applicant under this section shall be paid before
19 the approval of a project plan, a grading permit, or a building permit, as determined by the Department of
20 Environmental Protection and [Resource Management] SUSTAINABILITY .

21
22 § 33-2-405.

23 (b)(1) (ii) Harvesting under this paragraph may not occur:

24 1. In a habitat protection area; and
25 2. Unless the harvesting is conducted in conformance with a buffer
26 management plan that is:

27 A. Prepared by a licensed forester; and

28 B. Approved by the Department of Environmental Protection
29 and [Resource Management] SUSTAINABILITY and the forestry programs of the State Department of
30 Natural Resources.

31 (6) (ii) Cutting under this paragraph shall only occur with the advice and guidance
32 of the Department of Environmental Protection and [Resource Management] SUSTAINABILITY and the

1 State Departments of Agriculture and Natural Resources.

2
3 § 33-2-406.

4 (d)(1) (ii) Noxious weeds, including Johnson grass, thistle, and multiflora rose, that
5 occur in the filter strip may be controlled by means authorized by the Director of Environmental Protection
6 and [Resource Management] SUSTAINABILITY.

7 (2) Agricultural activities may not be established or expanded by:

8 (i) The diking, draining, or filling of nontidal wetlands; or

9 (ii) Intrusion into the buffer, unless:

10 1. No existing natural vegetation in the buffer is proposed to be cleared;

11 and

12 2. The county Soil Conservation District, with the advice of the
13 Department of Environmental Protection and [Resource Management] SUSTAINABILITY and the State
14 Department of Natural Resources, certifies that the:

15 A. Mitigation measures accompanying the expansion are
16 sufficient to accomplish the objectives of COMAR 27.01.09; and

17 B. Expansion is in accordance with an approved soil
18 conservation and water quality plan; or

19 (iii) Clearing forest or woodland on highly erodible soils.

20
21 § 33-2-501.

22 (b) (1) Subject to paragraphs (2), (3), and (4) of this subsection, development activities or
23 other land disturbances are allowed in a habitat protection area if:

24 (i) The Director of Environmental Protection and [Resource Management]
25 SUSTAINABILITY certifies that:

26 1. The location of and restrictions placed on the activities will provide
27 for the continuity of wildlife habitat; and

28 2. The activities avoid adverse effects to the functioning of the area
29 or to the species dependent on it; or

30 (ii) An alternatives analysis submitted by the applicant and approved by the
31 Director of Environmental Protection and [Resource Management] SUSTAINABILITY clearly demonstrates
32 that no other physically feasible alternative exists for the location of a road, trail, bridge, or utility.

1 (3) The Director of Environmental Protection and [Resource Management]
2 SUSTAINABILITY shall request and consider comment from the State Department of Natural Resources
3 before providing certification under paragraph (1)(i) of this subsection.

4 (4) If the Director of Environmental Protection and [Resource Management]
5 SUSTAINABILITY approves an alternatives analysis under paragraph (1)(ii) of this subsection, the road,
6 trail, bridge, or utility shall be located, designed, constructed, and maintained to:

7 (i) Provide maximum erosion protection;

8 (ii) Minimize adverse effects on wildlife, aquatic life, and the respective habitats;

9 and

10 (iii) Maintain hydrologic processes and water quality.

11 (c) (2) The Department of Environmental Protection and [Resource Management]
12 SUSTAINABILITY may require onsite or offsite mitigation to offset impacts to a habitat protection area, or
13 the plant and wildlife habitats or species contained in the area, resulting from development activity.

14 § 33-2-502.

15 (b) If additional nontidal wetlands, plant and wildlife habitat, or endangered species, threatened
16 species, or species in need of conservation are identified for protection, the Director of Environmental
17 Protection and [Resource Management] SUSTAINABILITY shall hold public hearings, as appropriate, to
18 consider comments on proposed protection measures for the appropriate habitat protection areas.

19 § 33-2-602.

20 (b)(1) (iii) 1. The Department of Environmental Protection and [Resource
21 Management] SUSTAINABILITY may accept monetary compensation as an offset only if it is determined
22 that the 10% pollution reduction requirement cannot be reasonably accomplished onsite or offsite.

23 3. Monetary compensation shall be paid before the approval of a project
24 plan, a grading permit, or a building permit, as determined by the Department of Environmental Protection
25 and [Resource Management] SUSTAINABILITY.

26 (c) (1) There is an Intensely Developed Areas Offset Fund under the Department of
27 Environmental Protection and [Resource Management] SUSTAINABILITY.

28 (2) The Fund shall consist of:

29 (i) Monetary compensation paid under subsection (b)(1) of this section by an
30 applicant who demonstrates to the Department of Environmental Protection and [Resource Management]
31

1 SUSTAINABILITY that the applicant cannot meet the 10% pollutant loading reduction requirement;

2 (ii) Other monies that may be appropriated to the fund by the County Council;
3 and

4 (iii) Interest accrued to the Fund.

5
6 § 33-2-603.

7 (b)(3) (iii) The Director of Environmental Protection and [Resource Management]
8 SUSTAINABILITY may allow a property owner to exceed the impervious surface limits under items (i)1.
9 and 2. of this paragraph if:

10 1. New impervious surfaces on the property have been minimized;

11 2. A. For a one-half acre or less lot or parcel, total impervious
12 surfaces do not exceed impervious surface limits in item (i)1. of this paragraph by more than the greater of
13 25% or 500 square feet; or

14 B. For a lot or parcel greater than one-half acre and less than
15 one acre, total impervious surfaces do not exceed the greater of the impervious surface limits in item (i)2. of
16 this paragraph or 5,445 square feet;

17 3. Water quality impacts associated with runoff from the new
18 impervious surfaces have been minimized through site design considerations or use of best management
19 practices approved by the Department of Environmental Protection and [Resource Management]
20 SUSTAINABILITY to improve water quality; and

21 4. The property owner:

22 A. Performs onsite mitigation as required by the Department
23 of Environmental Protection and [Resource Management] SUSTAINABILITY to offset potential adverse
24 water quality impacts from the new impervious surfaces; or

25 B. Pays monetary compensation into the county Water Quality
26 Mitigation Fund instead of performing the onsite mitigation.

27 (iv) 2. Monetary compensation shall be paid before the approval of a project
28 plan, a grading permit, or a building permit, as determined by the Department of Environmental Protection
29 and [Resource Management] SUSTAINABILITY.

30 (v) 1. Notwithstanding any other provision of the Code, the Director of
31 Environmental Protection and [Resource Management] SUSTAINABILITY may grant a variance from this
32 paragraph in accordance with the Chesapeake Bay Critical Area criteria concerning:

1 A. Variances as part of local program development under
2 COMAR 27.01.11; and

3 B. Notification of project applications under COMAR 27.03.01.

4 3. The Director of Environmental Protection and [Resource
5 Management] SUSTAINABILITY may require conditions for variance approval, including site design
6 conditions or mitigation, to minimize adverse impacts on water quality and fish, wildlife, or plant habitat.

7 4. A person aggrieved or feeling aggrieved by a decision of the Director
8 of Environmental Protection and [Resource Management] SUSTAINABILITY made under this subparagraph
9 may appeal the decision de novo to the Board of Appeals.

10 (5) The stormwater management system shall be designed to:

11 (i) Prevent the development from causing downstream property, watercourses,
12 channels, or conduits to receive stormwater runoff at a higher rate than would have resulted from a 10-year
13 frequency storm if the land had remained in its predevelopment state;

14 (ii) Maximize the infiltration of water throughout the site, rather than
15 concentrating flows into single discharge points;

16 (iii) Decentralize storm drain discharge points to simulate the predevelopment
17 hydrologic regime; and

18 (iv) Ensure that sufficient storage capacity exists to:

19 1. Achieve water quality goals under the Chesapeake Bay Critical Area
20 criteria; and

21 2. Eliminate all runoff caused by the development in excess of the
22 amount that would have come from the site if the land had remained in its predevelopment state.

23 [(v)] (6) If an alternatives analysis submitted by the applicant clearly
24 demonstrates that any or all of the requirements under [this] paragraph (5) OF THIS SUBSECTION are
25 infeasible due to site limitations, the Director of Environmental Protection and [Resource Management]
26 SUSTAINABILITY may allow the implementation of alternative stormwater management measures, if equal
27 or greater water quality benefits are achieved.

28 (c) (2) (i) All clearing, or establishment through reforestation or afforestation, of a
29 forest or developed woodland, as delineated on the January 1986 county forest and developed woodlands
30 aerial photographs or identified through a site inspection by the Department of Environmental Protection and
31 [Resource Management] SUSTAINABILITY, shall be done in accordance with a forest protection and
32 establishment plan approved by the Department of Environmental Protection and [Resource Management]

1 SUSTAINABILITY.

2 (3) (v) 2. The applicant shall pay required monetary compensation before the
3 approval of a project plan, a grading permit, or a building permit, as determined by the Department of
4 Environmental Protection and [Resource Management] SUSTAINABILITY.

5 3. B. The security shall be posted before the approval of a project
6 plan, a grading permit, or a building permit, as determined by the Department of Environmental Protection
7 and [Resource Management] SUSTAINABILITY.

8 (vi) A person shall afforest or reforest an area under this title within the greater
9 of one year or two growing seasons following approval of a project plan, a grading permit, or a building
10 permit, as determined by the Department of Environmental Protection and [Resource Management]
11 SUSTAINABILITY.

12 (d) (1) There is a Forest Protection and Establishment Fund in the Department of
13 Environmental Protection and [Resource Management] SUSTAINABILITY.

14 (2) The Fund shall consist of:

15 (i) Monetary compensation paid under subsection (c) of this section by an
16 applicant who demonstrates to the Department of Environmental Protection and [Resource Management]
17 SUSTAINABILITY that the applicant cannot meet the afforestation and reforestation requirements;

18 (ii) Other monies appropriated to the fund by the County Council; and

19 (iii) Interest accrued to the Fund.

20
21 § 33-2-605.

22 (b) (2) Piers, mooring piles, osprey poles, finger piers, boat hoists or lifts, decks, walkways,
23 or other auxiliary structures are prohibited if the Director of Environmental Protection and [Resource
24 Management] SUSTAINABILITY determines that the structure will:

25 (i) Adversely impact:

26 1. Shallow water habitat;

27 2. Submerged aquatic vegetation;

28 3. Vegetated nontidal wetlands or tidal wetlands;

29 4. Shellfish habitat;

30 5. Water quality; or

31 6. Habitat protection areas that contain endangered species, threatened
32 species, species in need of conservation, anadromous fish propagation waters, colonial waterbird nesting

1 habitat, or habitats of local significance;

2 (ii) Obstruct the ebb and flow of the tide;

3 (iii) Obstruct navigational channels or otherwise impede navigation;

4 (iv) Extend to within 100 feet of a ski course approved by the Department of

5 Natural Resources; or

6 (v) Extend channelward of the lesser of the following:

7 1. 100 feet of the mean high-water line;

8 2. A distance 25 % of the width of the waterway; or

9 3. The minus three-foot contour.

10 (g) (1) The Department of Environmental Protection and [Resource Management]
11 SUSTAINABILITY may require project approval conditions to minimize the adverse environmental impacts
12 listed under items (b)(2)(i) and (ii) of this section.

13 (2) The Department of Environmental Protection and [Resource Management]
14 SUSTAINABILITY may issue a letter of permission instead of a permit for the routine repair, replacement,
15 and maintenance of an existing pier and auxiliary structure if, before work begins, the Department of
16 Environmental Protection and [Resource Management] SUSTAINABILITY conducts a preliminary site
17 inspection to verify the existing conditions and:

18 (i) Replacement does not expand or extend preexisting construction; and

19 (ii) Replacement does not relocate any portion of preexisting construction.

20
21 § 33-2-606.

22 (d) (2) A temporary placement of a structure on a pier to facilitate construction of a bridge
23 may be allowed if the Director of Environmental Protection and [Resource Management] SUSTAINABILITY
24 determines that:

25 (i) There are no upland alternatives; and

26 (ii) All environmental impacts have been avoided or minimized.

27
28 § 33-2-607.

29 (e) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
30 may require project approval conditions to minimize adverse environmental impacts associated with the
31 construction and installation of structural shore erosion protection measures.

1 § 33-2-702.

2 (b) If the Sediment Control Plan affects a total of more than one acre of forest or developed
3 woodland, the plan shall be accompanied by a Forest Management Plan approved by the Department of
4 Environmental Protection and [Resource Management] SUSTAINABILITY, the forestry programs of the
5 State Department of Natural Resources, and the County Forest Conservancy District Board.

6
7 § 33-2-801.

8 (a) A person may not drive a pile, erect a platform, or conduct filling, construction, repairs,
9 alterations, removals, dredging, demolitions, or other work of any kind in the navigable waters of the county
10 below mean tide without a written permit from the County Building Engineer and approval of the Director
11 of Environmental Protection and [Resource Management] SUSTAINABILITY or the Director's designee.

12
13 § 33-2-901.

14 (a) For the proper implementation and enforcement of this title, the Director of Environmental
15 Protection and [Resource Management] SUSTAINABILITY may:

16 (1) Adopt and amend appropriate regulations in accordance with Article 3, Title 7 of the
17 Code, that are consistent with this title; and

18 (2) Enforce the regulations and this title in accordance with the procedures under this
19 section.

20
21 § 33-3-101.

22 (f) "Department" means the Department of Environmental Protection and [Resource
23 Management] SUSTAINABILITY.

24
25 § 33-3-108.

26 (c) The plan shall contain the following information:

27 (1) A location or vicinity map;
28 (2) Property lines;
29 (3) Existing structures or facilities, including buildings, roads, wells, and sewage
30 disposal systems (include 100 feet into adjacent properties where possible);

31 (4) Existing and proposed contour lines;

32 (5) Proposed sewage disposal areas;

- 1 (6) Field delineated, marked, and surveyed streams, springs, seeps, bodies of water, and
2 wetlands (include 200 feet into adjacent properties where possible);
- 3 (7) Field delineated, marked, and surveyed forest buffers;
- 4 (8) Department of Public Works approved riverine floodplain limits;
- 5 (9) Soils mapped and labeled in accordance with the soil survey of the county;
- 6 (10) (i) Slopes greater than 10% for areas adjacent to and within 500 feet of streams,
7 wetlands, or other bodies of water; and
- 8 (ii) Slopes greater than 25% for all other areas;
- 9 (11) Rare species, threatened species, or endangered species habitat;
- 10 (12) Existing vegetation;
- 11 (13) Location and type of stormwater management devices and practices;
- 12 (14) Building envelopes;
- 13 (15) Existing and proposed utility lines and easements;
- 14 (16) Historical and archaeological sites;
- 15 (17) A note indicating: “There shall be no clearing, grading, construction or disturbance
16 of vegetation in the forest buffer, except as permitted by the Baltimore County Department of Environmental
17 Protection and [Resource Management] SUSTAINABILITY”; and
- 18 (18) Supporting documentation for variance requests, including alternatives analyses and
19 conceptual mitigation plans.

20
21 § 33-3-109.

22 [(1)] (A) Before the Department of [permits and Development Management] PERMITS,
23 INSPECTIONS, AND APPROVALS may issue any grading permit or building permit or before the approval
24 of any sediment control plan, the Director of Environmental Protection and [Resource Management]
25 SUSTAINABILITY or the Director's designee shall determine that the proposed development is in
26 compliance with the provisions of this title.

27 [(2)] (B) A permit may not be issued without compliance with this title.

28
29 § 33-3-110.

30 (c) In addition to the provisions of the development regulations concerning plats, all plats
31 prepared for recording and all right-of-way plats shall clearly:

- 32 (1) Show the extent of any forest buffer on the subject property by metes and bounds;

1 (2) Label the forest buffer;

2 (3) Provide a note to reference any forest buffer stating: “There shall be no clearing,
3 grading, construction or disturbance of vegetation in the forest buffer except as permitted by the Baltimore
4 County Department of Environmental Protection and [Resource Management] SUSTAINABILITY”; and

5 (4) Provide a note to reference protective covenants governing any forest buffer stating:
6 “Any forest buffer shown hereon is subject to protective covenants which may be found in the land records
7 of Baltimore County and which restrict disturbance and use of these areas.”

8
9 § 33-3-113.

10 (b) In addition to compliance with this title, all proposed activities, projects, and developments
11 within a riverine floodplain or one-hundred-year tidal flood area shall also comply with the regulations and
12 requirements of the Department of Public Works and the Department of [Permits and Development
13 Management] PERMITS, INSPECTIONS, AND APPROVALS.

14
15 § 33-4-101.

16 (i) “Department” means the Department of Environmental Protection and [Resource
17 Management] SUSTAINABILITY.

18 (o) “Director” means the Director of Environmental Protection and [Resource Management]
19 SUSTAINABILITY or the Director’s designee.

20
21 § 33-4-108.

22 (c) (1) When stormwater management devices, practices, or both are required, the applicant
23 shall apply for a stormwater management permit with the Department of [Permits and Development
24 Management] PERMITS, INSPECTIONS, AND APPROVALS.

25 (2) (i) The application shall be accompanied by the permit fee and plans approved
26 by the Department of Environmental Protection and [Resource Management] SUSTAINABILITY.

27 (iii) The Department of [Permits and Development Management] PERMITS,
28 INSPECTIONS, AND APPROVALS may not accept the permit application for processing until the fee has
29 been paid to the county.

30 (d) In approving any permit or an extension of a permit, the Department of Environmental
31 Protection and [Resource Management] SUSTAINABILITY may impose conditions on a permit or extension
32 of a permit to ensure:

1 (1) Compliance with the provisions of this title; and

2 (2) The preservation of the public health and safety.

3 (e) (2) If the permittee is unable to complete the work within the specified time, the
4 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
5 may grant extensions of 1 year on written request.

6 (f) After written notice to the permittee, at the request of the Director of Environmental
7 Protection and [Resource Management] SUSTAINABILITY, the Department of [Permits and Development
8 Management] PERMITS, INSPECTIONS, AND APPROVALS may revoke or suspend a stormwater
9 management permit for:

10 (1) Any violation of the conditions of the permit;

11 (2) Construction that is not in accordance with the approved plans; or

12 (3) Noncompliance with a correction notice or a stop work order issued for the
13 construction of the structure.

14

15 § 33-4-115.

16 (d) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
17 may enforce the provisions of this title in accordance with Article 3, Title 6 of the Code.

18

19 § 33-5-101.

20 (c) “Department” means the Department of Environmental Protection and [Resource
21 Management] SUSTAINABILITY.

22 (n) “Permit” means the county permit issued by the Department of [Permits and Development
23 Management] PERMITS, INSPECTIONS, AND APPROVALS to authorize excavation or grading activity.

24

25 § 33-5-202.

26 (a) (1) When a permit is required under the provisions of this title, the owner of the affected
27 property or the owner's authorized agent shall file an application for the permit with the Department of
28 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

29 (e) (2) If the permittee is unable to complete the work within the specified time, the
30 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
31 may grant an extension of up to 1 year on written request.

32 (h) When a contractor, developer, or owner is in violation of this title, the Department of

1 Environmental Protection and [Resource Management] SUSTAINABILITY may withhold approval of any
2 additional permits requested by that person for construction activity at any location within the county.

3
4 § 33-6-101.

5 (k) "Department" means the Department of Environmental Protection and [Resource
6 Management] SUSTAINABILITY.

7
8 § 33-6-116.

9 (b) (1) An applicant shall submit a petition for special variances under this section to the
10 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
11 on forms and in accordance with regulations adopted by the Department of [Permits and Development
12 Management] PERMITS, INSPECTIONS, AND APPROVALS.

13 (2) The Department of Environmental Protection and [Resource Management]
14 SUSTAINABILITY shall determine the information required to accompany the petition necessary for its
15 review of the petition.

16 (4) Upon acceptance of the petition for special variance, the Director of [Permits and
17 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall forward the petition to
18 the Director of Environmental Protection and [Resource Management] SUSTAINABILITY.

19 (5) After receiving the petition, the Director of Environmental Protection and [Resource
20 Management] SUSTAINABILITY or the Director's designee shall review the information presented and grant
21 or deny the petition, as authorized in this section.

22 (c) (1) In order to grant a special variance, the Director of Environmental Protection and
23 [Resource Management] SUSTAINABILITY or the Director's designee must:

24 (i) Find that compliance with the requirements in this title would cause
25 unwarranted hardship; and

26 (ii) Make other findings as required in this section.

27 (f) The decision of the Director of Environmental Protection and [Resource Management]
28 SUSTAINABILITY shall be forwarded to the Department of [Permits and Development Management]
29 PERMITS, INSPECTIONS, AND APPROVALS at least 5 working days before the hearing officer's hearing,
30 for inclusion in the Hearing Officer's file, and to the applicant.

31 (h) (1) If the petition for special variance cannot be filed with the development plan due to
32 unforeseen circumstances or if material changes are proposed to any special variance granted, the Director

1 of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall forward
2 the petition or request for material change to the Director of Environmental Protection and [Resource
3 Management] SUSTAINABILITY for the Director’s review and comment in accordance with the
4 requirements of this section.

5 (2) The Director of [Permits and Development Management] PERMITS,
6 INSPECTIONS, AND APPROVALS shall then schedule a public hearing before the Hearing Officer in
7 accordance with § 32-4-225(c) of the Code.

8 (i) If a request for a special variance involves a project that does not require review in
9 accordance with Article 32, Title 4, Subtitle 2 of the Code, the request shall be submitted directly to the
10 Department of Environmental Protection and [Resource Management] SUSTAINABILITY for review and
11 approval subject to subsections (a), (b)(2), (b)(5), (c), and (d) of this section.

12
13 § 33-7-101.

14 (b) “Department” means the Department of Environmental Protection and [Resource
15 Management] SUSTAINABILITY.

16
17 § 33-7-103.

18 (a) (1) (i) A person may not install a storage system or repair a storage tank or
19 associated fill lines without receiving a storage system installation or repair permit from the Department of
20 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

21 (2) In case of emergency, if repair is necessary to prevent a release, approval to begin
22 work may be granted by the Department of Environmental Protection and [Resource Management]
23 SUSTAINABILITY, in conjunction with the State Department of the Environment, before issuance of a
24 repair permit.

25 (b) (3) A person may not abandon an underground storage system in place or remove an
26 underground storage system without receiving a storage system abandonment or removal permit issued by
27 the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
28 APPROVALS.

29
30 § 33-8-101.

31 (a) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
32 shall give notice of a request for variance filed under §§ 33-2-205, 33-3-106, 33-4-113 or 33-6-116 OF THIS

1 ARTICLE.

2 (c) After the variance has been granted or denied, the Director of Environmental Protection and
3 [Resource Management] SUSTAINABILITY shall post on the county’s internet website the disposition of
4 the request and the date of disposition.
5

6 SECTION 14. AND BE IT FURTHER ENACTED, that Sections 34-1-101(a), 34-2-102(a)(3), 34-2-
7 103(b)(1) and (c), 34-2-104(b)(1), (c) and (e)(2), 34-2-105(c), 34-3-101(a)(1) and (c), 34-3-102, 34-3-103(c),
8 34-3-104(b), and 34-3-105 of Article 34. Water and sewers, of the Baltimore County Code, 2003, as
9 amended, are hereby repealed and reenacted, with amendments, to read as follows:
10

11 § 34-1-101.

12 (a) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
13 may require an applicant for the subdivision of any land to conduct hydrogeological studies in connection
14 with the subdivision of any land within the county.
15

16 § 34-2-102.

17 (a) (3) The methods of testing for water yield shall be determined by the Department of
18 Environmental Protection and [Resource Management] SUSTAINABILITY and published in the policy
19 document entitled “Department of Environmental Protection and [Resource Management]
20 SUSTAINABILITY–Policy Manual,” as amended from time to time.
21

22 § 34-2-103.

23 (b) (1) Except for an unimproved lot or lots located within any county critical water area
24 delineated in subsection (f) of this section, the prospective buyer or buyers of an unimproved lot not served
25 by a public or community water supply system may waive the drilling of a well as provided in subsection (a)
26 of this section, but only after:

27 (i) Written notice to the buyer or buyers of the provisions of subsection (a) of
28 this section in the form set forth in subsection (c) of this section; and

29 (ii) A written waiver in the form prescribed in subsection (d) of this section filed
30 by the buyer or buyers with the Department of Environmental Protection and [Resource Management]
31 SUSTAINABILITY at least 6 days before settlement or the date of conveyance to buyer or buyers, whichever
32 occurs first.

1 (c) The form of written notice to buyer or buyers shall be as follows:

2 Notice of well water law

3 Since the property to be purchased by buyer(s) will be served by a private water supply system as the source
4 of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any
5 buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements
6 of § 34-2-102(a) of the Baltimore County Code. Buyer is further advised that the quantity of water is
7 important and that, unless buyer(s) specifically executes a “waiver of provision of minimum well yield prior
8 to conveyance,” a well meeting the Baltimore County Code standards is required. Any waiver of this
9 requirement must be filed by buyer(s) on a form prescribed by the Baltimore County Code and filed with the
10 Department of Environmental Protection and [Resource Management] SUSTAINABILITY at least six (6)
11 days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Any such
12 waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified
13 mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business
14 address or the business address of seller's(s') agent within five (5) days of the date of the aforesaid filing with
15 the Department of Environmental Protection and [Resource Management] SUSTAINABILITY. Date of
16 delivery includes the date of mailing as aforesaid.

17
18 § 34-2-104.

19 (b) (1) The prospective buyer or buyers of an improved lot not served by a public or
20 community water supply system may waive the yield test, the chemical quality test, or both tests and take
21 conveyance of the improved lot but only after:

22 (i) Written notice to the buyer or buyers of the provisions of subsection (a) of
23 this section in the form set forth in subsection (c) of this section; and

24 (ii) A written waiver in the form prescribed in subsection (d) of this section filed
25 by the buyer or buyers with the Department of Environmental Protection and [Resource Management]
26 SUSTAINABILITY at least 6 days before settlement or the date of conveyance to buyer or buyers, whichever
27 occurs first.

28 (c) The form of written notice to buyer or buyers shall be as follows:

29 Notice of well water law

30 Since the property to be purchased by buyer(s) will be served by a private water supply system as the source
31 of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any
32 buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements

1 and bacteriological and chemical quality standards of § 34-2-102(a) and (b) of the Baltimore County Code.
2 Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s)
3 specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests
4 must be made on the well existing on the property to be purchased by buyer(s) to determine whether same
5 meets the minimum requirements established by Baltimore County Code. Any waiver of these testing
6 requirements must be filed by buyer(s) on the form prescribed by the Baltimore County Code and filed with
7 the Baltimore County Department of Environmental Protection and [Resource Management]
8 SUSTAINABILITY at least six (6) days prior to settlement and/or the date of conveyance to buyer(s),
9 whichever shall first occur. Any such waiver may be revoked by buyer(s) upon written notice of such
10 revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or
11 seller's(s') agent at seller's(s') home or business address or the business address of seller's(s') agent within five
12 (5) days of the date of the aforesaid filing with the Department of Environmental Protection and [Resource
13 Management] SUSTAINABILITY. Date of delivery includes the date of mailing as aforesaid.

14 (e) (2) The waiver shall:

- 15 (i) Be a document separate from any other document;
- 16 (ii) State how the water supply fails to meet the yield requirements of §
17 34-2-102(a) of this title;
- 18 (iii) Be signed by the buyer or buyers;
- 19 (iv) Include addresses and phone numbers for all the buyers and be dated; and
- 20 (v) Be filed with the Department of Environmental Protection and [Resource
21 Management] SUSTAINABILITY at least 6 days before settlement or the date of conveyance to buyer or
22 buyers, whichever occurs first.

23
24 § 34-2-105.

25 (c) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
26 may enforce the provisions of this article in accordance with Article 3, Title 6 of the Code.

27
28
29 § 34-3-101.

30 (a) (1) The Director of Environmental Protection and [Resource Management]
31 SUSTAINABILITY may adopt regulations governing the disposal of urinary and fecal matter and any other
32 form of sewage in any part of the county.

1 (c) The Director of Environmental Protection and [Resource Management] SUSTAINABILITY
2 may enforce the provisions of this title in accordance with Article 3, Title 6 of the Code.

3
4 § 34-3-102.

5 A person may not allow any effluent, human waste matter, or residue from any effluent or human
6 waste matter to be discharged from a sewage treatment plant into any river, stream, lake, pond, or other body
7 of water located within the county without obtaining:

8 (1) The written approval of the Director of Public Works, Director of [Permits and Development
9 Management] PERMITS, INSPECTIONS, ~~LICENSES~~, AND APPROVALS, and the Director of
10 Environmental Protection and [Resource Management] SUSTAINABILITY; and

11 (2) The affirmative vote of a majority of the County Council.

12
13 § 34-3-103.

14 (c) An owner who does not have a watertight box or receptacle emptied on notice from the
15 county or the Director of Environmental Protection and [Resource Management] SUSTAINABILITY is
16 guilty of a misdemeanor and on conviction is subject to a fine of \$1,000.

17
18 § 34-3-104.

19 (b) When any overflow condition is found to exist, the Director of Environmental Protection and
20 [Resource Management] SUSTAINABILITY shall notify the owner that a state of nuisance exists on the
21 owner's property and that correction and cessation of the nuisance shall be made within such time as the
22 notice shall specify.

23
24 § 34-3-105.

25 [(1)](A) The fee for soil percolation tests for installation of underground disposal of drainage,
26 sewage, and waste shall apply to each lot tested and shall be in an amount determined by the County
27 Administrative Officer.

28 [(2)](B) The fee shall be payable to the county on application to the Director of [Permits and
29 Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

30
31 SECTION 15. AND BE IT FURTHER ENACTED, that Sections 35-1-101(b) and (c), 35-2-101, 35-
32 2-206(c)(3), 35-2-302(e)(2), 35-2-305(a), 35-5-209(h)(2) and (4), 35-5-305(a) and (d), and 35-6-101(f) of

1 Article 35. Buildings and housing, of the Baltimore County Code, 2003, as amended, are hereby repealed and
2 reenacted, with amendments, to read as follows:

3
4 § 35-1-101.

5 (b) “Code Official” means the Director of [Permits and Development Management] PERMITS,
6 INSPECTIONS, AND APPROVALS or the Director's designee.

7 (c) “Department” means the Department of [Permits and Development Management] PERMITS,
8 INSPECTIONS, AND APPROVALS.

9
10 § 35-2-101.

11 In this title, “Director” means the Director of [Permits and Development Management] PERMITS,
12 INSPECTIONS, AND APPROVALS or the Director’s designee unless otherwise stated.

13
14 § 35-2-206.

15 (c) (3) In addition to the Fire Department, an inspector or other authorized agent of the
16 County Health Department, the Department of Environmental Protection and [Resource Management]
17 SUSTAINABILITY, the Fire Department, the Police Department, the Department of [Permits and
18 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, or the Department of Public
19 Works may issue a warning notice to an owner.

20
21 § 35-2-302.

22 (e) (2) Upon payment by the applicant of all costs for preparation, the Department of
23 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall promptly
24 certify and send to the Board of Appeals the complete file of the record in the case.

25
26
27 § 35-2-305.

28 (a) The Building Engineer may not issue a permit for the construction or erection of a building
29 or structure unless:

30 (1) Adequate provisions are made for the disposing of waste, sewage, and drainage from
31 the building or structure and the lands in the vicinity; and

32 (2) Plans for the provisions required in paragraph (1) of this subsection are submitted

1 to and approved by the Building Engineer and the Director of Environmental Protection and [Resource
2 Management] SUSTAINABILITY or the Director's designee.

3
4 § 35-5-209.

5 (h) (2) All surfaces that present a potential health hazard due to lead paint shall have the
6 painted surfaces abated by procedures established by the Department of Environmental Protection and
7 [Resource Management] SUSTAINABILITY.

8 (4) All surfaces that present a potential biting surface shall have the painted surfaces
9 abated by procedures established by the Department of Environmental Protection and [Resource
10 Management] SUSTAINABILITY.

11
12 § 35-5-305.

13 (a) If a property owner receives a citation and is unable to pay the cost of the repairs or
14 alterations ordered, the property owner may apply to the Office of [Community Conservation] PLANNING
15 for financial assistance under any program available through the office, including a loan under the hardship
16 assistance program.

17 (d) The granting of an application for the hardship assistance program with the Office of
18 [Community Conservation] PLANNING is good cause for an extension of time under to § 35-5-104 of this
19 title.

20
21 § 35-6-101.

22 (f) “Department” means the Department of [Permits and Development Management] DIVISION
23 OF PERMITS, INSPECTIONS, AND APPROVALS.

24
25 SECTION 16. AND BE IT FURTHER ENACTED, that Sections 101.1 (definitions of “County
26 Trucking-facilities-development officials” and “Wetland (Tidal)”) 101A.1 (definition of “Transportation
27 facilities”), 102.6, 103.5D.2., 1A03.3.A.1.b.(1), 1A01.2.C.29.i, 1A03.5.A.2. and 4., B., D.4., H. and I.,
28 1A04.4.C., 1A05.4.C., 1A05.5.D. and G., 1A06.3.A., 1A07.2 (Definitions of “Forest patch area” and
29 “Primary conservancy area”), 1A07.3.A.6., B.15.b., 1A07.7.A.B.and C.1., 1A07.8.B.5.b., 1A07.10.A.,
30 1A08.3.A.6. and B.5., 1A08.6.B.5.b., 1A09.3.A.6.and B.3., 1A09.5, 1A09.7.B.5.b.(1), 1B01.1.B.1.c.(1) and
31 .2, and 1B01.3.A.5.b. of the Baltimore County Zoning Regulations, as amended, are hereby repealed and
32 reenacted, with amendments, to read as follows:

1 Section 101.1

2 COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS -- A committee consisting of the
3 County Administrative Officer, as Chairman, the Director of Planning, the Director of Public Works, the
4 Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS and
5 the Director of Economic Development, or their respective designees.

6 WETLAND (TIDAL) -- All state and private tidal wetlands, marshes, submerged aquatic vegetation, lands
7 and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its
8 tributaries and additional tidal wetlands identified through site inspection by the Department of
9 Environmental Protection and [Resource Management] SUSTAINABILITY that are subject to the daily and
10 periodic rise and fall of the tide.

11
12 Section 101A.1

13 TRANSPORTATION FACILITIES -- Anything that is built, installed or established to provide a means of
14 transport from one place to another, including but not limited to trucking facilities, airports, railway stations
15 and other uses which, in the judgment of the Director of [the Department of Permits and Development
16 Management] PERMITS, INSPECTIONS, AND APPROVALS, with the recommendation of the Director
17 of [the Department of] Environmental Protection and [Resource Management] SUSTAINABILITY, are
18 considered transportation facilities. Transportation facilities do not include boatyards, motorways, railways
19 or water-dependent facilities.

20
21 § 102.6. Vehicular access to commercial, industrial and apartment developments.

22 No building permit shall be issued for any commercial, industrial or apartment development until the
23 proposed plan for vehicular access thereto shall have been first approved by the [Baltimore County]
24 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

25
26
27 § 103.5. Chesapeake Bay Critical Area; grandfathering.

28 D. 2. All lots that are developed under this paragraph shall be brought into conformance with the local
29 critical area program, including the consolidation or reconfiguration of lots not individually owned, to avoid
30 or minimize impacts to wetlands, buffers, and habitat protection areas, as determined by the Department of
31 Environmental Protection and [Resource Management] SUSTAINABILITY.

1 § 1A00.3. Rezoning.

2 A. Filing of rezoning petitions.

3 1. No petition to reclassify an R.C. Zone or portion thereof as other than an R.C. Zone may be
4 accepted for filing by the Zoning Commissioner unless:

5 a. The capital program, duly adopted Baltimore County Master or Comprehensive
6 Plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated
7 Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public
8 sewerage and water supply systems within two years after the date the petition is submitted; and

9 b. Required recommendations.

10 (1) No zoning reclassification may be granted for property zoned R.C.20 or R.C.50 by
11 the Board of Appeals of Baltimore County unless the Board has received, in addition to any other
12 recommendations from county agencies required by law or regulations, a recommendation on such requested
13 reclassification from the Director of the Department of Environmental Protection and [Resource
14 Management] SUSTAINABILITY.

15
16 § 1A01.2. Use regulations.

17 C.29. The following "agricultural-support" uses as principal commercial uses:

18 i. Bottled water plant, if the source of the water is located on the same site as the plant, and
19 provided that the Director of Environmental Protection and [Resource Management] SUSTAINABILITY
20 makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface
21 water or groundwater.

22
23 § 1A03.5. Performance standards for rural cluster development.

24 A.2. The conservancy area may not include within it any area with a diameter of less than 100 feet unless
25 the Director of Planning and the Director of Environmental Protection and [Resource Management]
26 SUSTAINABILITY determine that such an area will best protect the natural resources of the tract to be
27 developed as a rural cluster development.

28 4. The Director of Planning and the Director of Environmental Protection and [Resource
29 Management] SUSTAINABILITY shall determine whether the conservancy area meets the requirements of
30 this paragraph and the standards of the Comprehensive Manual of Development Policies.

31 B. Each lot in a rural cluster development shall contain its own private sewage system and water system,
32 and each such system shall be located within the lot. If the Director of Environmental Protection and

1 [Resource Management] SUSTAINABILITY finds that a lot cannot support a proposed dwelling unit without
2 endangering the potable water supply, endangering the metropolitan district reservoirs or creating a health
3 or environmental nuisance for neighboring properties, a dwelling unit is not permitted on such lot.

4 D.4. The conservancy area agreement shall be in a form approved by the County Attorney who shall
5 consult with the Director of Environmental Protection and [Resource Management] SUSTAINABILITY.

6 H. Except as needed as access to existing buildings or to the lot permitted under Section
7 1A03.4.B.1.b.(1), roads are not permitted in a conservancy area, unless the provision thereof will result in
8 better protection of natural resources. The Director of Planning, Director of Public Works and Director of
9 Environmental Protection and [Resource Management] SUSTAINABILITY shall make this determination.

10
11 I. Stormwater management facilities and storm drains are not permitted in the conservancy area except
12 in cases where their provision will result in improved water quality or reduced impact on water quantity and
13 will not result in the loss of prime and productive soils, as approved by the Director of Planning and the
14 Director of Environmental Protection and [Resource Management] SUSTAINABILITY.

15
16 § 1A04.4. Performance standards.

17 C. Consideration of findings; deviation from standards.

18 1. The findings of the Office of Planning shall be submitted to the hearing officer or to the Director of
19 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS, as applicable.

20
21 2. The hearing officer or the Director of [Permits and Development Management] PERMITS,
22 INSPECTIONS, AND APPROVALS, as applicable, shall adopt the findings presented by the Office of
23 Planning before a development plan is approved, unless the hearing officer or Director determines that the
24 findings constitute an abuse of discretion or are unsupported by the documentation and evidence presented
25 to the office. The Office of Planning may recommend relaxation of public works standards if necessary to
26 enhance or maintain the rural character of the proposed development provided that public safety is not
27 jeopardized.

28
29 § 1A05.4. Height and area regulations.

30 C. Lot size. To facilitate clustering as the preferred means of subdivision, the minimum lot size shall
31 be as required pursuant to county health and Department of Environmental Protection and [Resource
32 Management] SUSTAINABILITY regulations.

33
34 § 1A05.5. Bona fide intrafamily transfers.

1 D. Lots created as part of a bona fide intrafamily transfer shall be 60,000 square feet or less, with one
2 lot containing the remaining acreage. Exceptions can be made in regard to these standards in cases when the
3 Director of [the Department of] Environmental Protection and [Resource Management] SUSTAINABILITY
4 or his designee finds that a greater or lesser size is preferable for at least one of the following reasons:

- 5 1. Sewerage and water system requirements;
- 6 2. Unique physical characteristics of the site;
- 7 3. Adjacent development characteristics; or
- 8 4. Other factors which create practical difficulties in satisfying these lot size requirements.

9 G. Except by order of a court of law, the conveyance of an intrafamily transfer lot to any person other
10 than the owner's immediate family within five years of original transfer may occur only by the approval of
11 the Director of the Department of Environmental Protection and [Resource Management] SUSTAINABILITY
12 or his designee upon a finding of:

- 13 1. A change in circumstances has occurred since the original transfer was made that is not inconsistent
14 with this subtitle and that warrants an exception;
- 15 2. Other circumstances are present and the property can no longer be retained by the immediate family;
16 and
- 17 3. Other circumstances consistent with this section and with the Critical Area criteria to maintain land
18 areas necessary to support the protective uses of agriculture, forestry, open space and natural habitats in
19 resource conservation areas warrant an exception.

20
21 § 1A06.3. Use limitations.

22 All of the uses in Section 1A06.2 are subject to the following limitations:

23 A. The applicant shall prove to the satisfaction of the Director of the Department of Environmental
24 Protection and [Resource Management] SUSTAINABILITY that the land can support the proposed
25 development without overburdening the required private sewerage disposal system, the potable water supply,
26 endangering the metropolitan district reservoirs or creating a health or environmental nuisance for
27 neighboring properties.

28
29 § 1A07.2. Definitions.

30 In this section, the following terms have the meanings indicated:

31 FOREST PATCH AREA -- An area of land comprised of at least 200 contiguous acres of forest overlaying
32 a stream system, as designated on a forest patch map adopted by the Department of Environmental Protection

1 and [Resource Management] SUSTAINABILITY.

2 PRIMARY CONSERVANCY AREA -- An area comprised of natural resources protected from disturbance
3 by development. A primary conservancy area consists of:

4 A. The forest buffer, regulated in Article 33, Title 3 of the Baltimore County Code, which includes
5 streams, wetlands, floodplains and steep slopes;

6 B. Forest patch areas;

7 C. Priority one forests, as regulated by the Forest Conservation Technical Manual, promulgated by the
8 Department of Environmental Protection and [Resource Management] SUSTAINABILITY pursuant to
9 Article 33, Title 6 of the Baltimore County Code, for implementation of the Forest Conservation Act; and

10
11 D. Habitats of endangered species, as regulated under § 32-4-416 of the Baltimore County Code.

12
13 § 1A07.3. Permitted uses.

14 A. Uses permitted by right. The following uses are permitted by right in an R.C.6 Zone:

15 6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable
16 is underground; underground gas mains; shared well and septic systems when approved by the Department
17 of Environmental Protection and [Resource Management] SUSTAINABILITY; or other underground
18 conduits, except interstate pipelines.

19 B.15.b. Bottled water plant, if the source of water is located on the same site as the plant, and provided that
20 the Director of [the Department of] Environmental Protection and [Resource Management]
21 SUSTAINABILITY makes a finding that the proposed facility is not expected to adversely affect the quality
22 of capacity of surface water or ground water.

23
24 § 1A07.7. Conservancy area.

25 Each development in an R.C.6 Zone must include a conservancy area consisting of a primary conservancy
26 area and a secondary conservancy area. The acreage of the conservancy area should be contiguous.

27 A. Purpose. The portion of a development tract to be reserved as a secondary conservancy area must be
28 determined on the basis of the goals for this section, and an analysis of the site conditions, including a walk
29 of the site with representatives of the Department of Environmental Protection and [Resource Management]
30 SUSTAINABILITY and the Office of Planning, and justified in the written design concept statement.

31 B. Minimum width. The conservancy area, consisting of the primary and secondary conservancy areas
32 combined, may not include within it any area with a diameter of less than 100 feet unless the Director of the

1 Department of Environmental Protection and [Resource Management] SUSTAINABILITY determines that
2 such an area will effectively protect the natural resources of the tract.

3 C. Uses permitted in the conservancy area. Except as used for the following subject to any restrictions
4 or limitations that may be imposed by the Department of Environmental Protection and [Resource
5 Management] SUSTAINABILITY pursuant to Article 33 of the Baltimore County Code or the Department
6 of Recreation and Parks pursuant to Article 30 of the Baltimore County Code, or both, in conjunction with
7 approval of the development, the conservancy area, including the primary and secondary conservancy areas
8 combined, shall remain undisturbed:

9 1. Open space for passive or active recreation, including open space to meet the requirements of the
10 Baltimore County Local Open Space Manual, and planned recreational greenways. Passive recreation, such
11 as hiking, is permitted in primary conservancy areas subject to approval of the Department of Environmental
12 Protection and [Resource Management] SUSTAINABILITY.

13
14 § 1A07.8. Development area and standards.

15 B.5.b. Any building envelopes and wells located in an R.C.6 Zone must be at least 200 feet from any
16 adjacent property that was cultivated or used for pasture during the previous three years, as determined by
17 the Department of Environmental Protection and [Resource Management] SUSTAINABILITY, or that is
18 subject to an agricultural or conservation easement.

19
20 § 1A07.10. Covenants and easements.

21 At the time of the record plat, easements and covenants, in addition to other easements and covenants required
22 by county law, must be recorded among the land records of Baltimore County to run with the land and
23 continue in perpetuity. The easements and covenants must be shown on the concept plan and on the
24 development plan or minor subdivision plan for the development, as applicable, and on the record plat.

25 A. For all subdivisions or other development, except as provided in Paragraph B, a permanent
26 preservation easement on the conservancy area must be granted to Baltimore County or to a land trust which
27 the county approves, and must permanently restrict further subdivision or development of the conservancy
28 area. The easement must:

29 1. Allow public access to greenways and other open space areas subject to approval by the Department
30 of Environmental Protection and [Resource Management] SUSTAINABILITY and the Department of
31 Recreation and Parks;

32 2. Indicate uses and activities approved in the conservancy area subject to Section 1A07.7.C with any

1 applicable conditions or limitations; and

2 3. Provide that any modification of a preservation easement held by Baltimore County be subject to a
3 public hearing.

4
5 § 1A08.3. Permitted uses.

6 A. 6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable
7 is underground; underground gas mains; shared well and septic systems when approved by the Department
8 of Environmental Protection and [Resource Management] SUSTAINABILITY; or other underground
9 conduits, except interstate pipelines.

10 B. 5. Bottled water plant as an agricultural support use, if the source of water is located on the same site
11 as the plant, and provided that the Director of the Department of Environmental Protection and [Resource
12 Management] SUSTAINABILITY makes a finding that the proposed facility is not expected to adversely
13 affect the quality of capacity of surface water or ground water.

14
15 § 1A08.6. Development area and standards.

16 B.5.b. Any principal building or well constructed, or any use that may be in conflict with any permitted
17 agricultural operation, in an R.C.7 Zone must be at least 300 feet from any adjacent property that was
18 cultivated or used for pasture during the previous three years, as determined by the Department of
19 Environmental Protection and [Resource Management] SUSTAINABILITY, or that is subject to a perpetual
20 agricultural or conservation easement.

21
22 § 1A09.3. Permitted uses.

23 A.6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable
24 is underground; underground gas mains; shared well and septic systems when approved by the Department
25 of Environmental Protection and [Resource Management] SUSTAINABILITY; or other underground
26 conduits, except interstate pipelines.

27 B. 3. Bottled water plant as an agricultural support use, if the source of water is located on the same site
28 as the plant, and provided that the Director of the Department of Environmental Protection and [Resource
29 Management] SUSTAINABILITY makes a finding that the proposed facility is not expected to adversely
30 affect the quality or capacity of surface water or groundwater.

31
32 § 1A09.5. Natural resource protection.

1 A. Unless the applicant demonstrates to the Director of [DEPRM] ENVIRONMENTAL PROTECTION
2 AND SUSTAINABILITY or his designee that greater water quality or forest protection would result, the
3 building envelope shall be located:

- 4 1. Outside of forested areas where possible;
- 5 2. For forested tracts, within 100 feet of the perimeter of the forest;
- 6 3. To minimize the number and length of roads and driveways; and
- 7 4. To minimize the number of stream crossings.

8 B. [DEPRM] THE DEPARTMENT ENVIRONMENTAL PROTECTION AND SUSTAINABILITY
9 may require alternative site layouts to achieve the water quality and forest protection objectives of this zone.

10
11 § 1A09.7. Development area and standards.

12 B.5.b.

13 (1) As determined by the Director of [DEPRM] ENVIRONMENTAL PROTECTION AND
14 SUSTAINABILITY, any dwelling or accessory residential structure to be constructed shall be located at least
15 300 feet from an adjacent property that is either:

- 16 (a) Cultivated or used for pasture, or received preferential agriculture assessment at any time over the
17 past five years;
- 18 (b) Land that is suitable for agriculture production, excluding forestry, that is not in production as part
19 of a federal or state conservation program; or
- 20 (c) Land that is suitable for agriculture production, excluding forestry, and is subject to an agricultural
21 or conservation easement.

22
23 § 1B01.1 General use regulations in D.R. Zones.

24 B.1.c. Variance of RTA.

25 (1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of THE
26 DEPARTMENTS OF Public Works, Planning, Environmental Protection and [Resource Management]
27 SUSTAINABILITY, [Permits and Development Management] PERMITS, INSPECTIONS, AND
28 APPROVALS, Recreation and Parks, [Community Development] or [the] Economic Development
29 [Commission], may determine the amount of RTA in cases where a single tract is more than two acres, is
30 vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

31 2. Use regulations in existing developments. In existing developments as described in Subsection A.1
32 of Section 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the

1 subdivision plans on file with the Department of [Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS, except as may otherwise be permitted under provisions adopted
3 pursuant to the authority of Section 504.

4
5 § 1B01.3 Plans and plats.

6 A.5. b. Content. Each partial and final development plan must show: the locations, types and exterior
7 dimensions of all proposed structures and all existing structures to be retained; generalized floor plans to
8 scale; layout of parking facilities; streets and drives giving access to and lying within the tract; existing
9 topography and major vegetation; proposed grading; common amenity open space (including local open
10 space); all additional information that may be required under procedures adopted pursuant to the authority
11 of Section 504; and all additional information which is necessary, as determined by the Director of [the
12 Department of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS,
13 to ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore
14 County. The plan shall contain the note that landscaping and screening shall conform to the standards
15 contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore
16 County Code.

17
18 SECTION 17. AND BE IT FURTHER ENACTED, that Sections 205.4.A., 206.4.A., 210.5, 220.1.C.,
19 229.3, 232C.2, 235B.4.B.3., 235B.7.B. and C.1., 235C.2, 238C.2, 259.3.C.5., 259.5 (definitions of
20 “Authorization” and “Director”), 259.7.C., 259.8, 259.9.E.2. and F.4., 260.1.C. of the Baltimore County
21 Zoning Regulations, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

22
23 § 205.4. Performance standards in OR-1 Zones.

24 A. Uses permitted under Subsections 205.3.A.1 or 205.3.B.1 and new structures accessory to Class A
25 office buildings are governed by the bulk regulations of D.R.5.5 Zones. Such uses are also subject to Section
26 1B01.1.B.1, Residential transition area restrictions, except in cases where a project is vested by law; has
27 received a CRG, a development plan or reclamation plan approval; or for which a development plan has been
28 accepted for filing by the Department of [Permits and Development Management] PERMITS,
29 INSPECTIONS, AND APPROVALS before July 5, 1994.

30
31 § 206.4. Performance standards in OR-2 Zones [Bill Nos. 122-1984; 186-1994]

32 A. Uses permitted under Sections 206.3.A.2 and 206.3.B.1 are governed by the bulk regulations of

1 D.R.10.5 Zones. Such uses are also subject to Section 1B01.1.B.1, Residential transition area restrictions,
2 except in cases where a project is vested by law; has received a CRG, development plan or reclamation plan
3 approval, or for which a development plan has been accepted for filing by the Department of [Permits and
4 Development Management] PERMITS, INSPECTIONS, AND APPROVALS before July 5, 1994.

5
6 § 210.5. Performance standards.

7 These regulations are intended to ensure a high quality environment with regard to health, safety and
8 aesthetics which are compatible with residential uses. Establishments must meet all applicable state and
9 federal requirements, as well as other county requirements, including those of the Departments of Health, Fire
10 and Environmental Protection and [Resource Management] SUSTAINABILITY. These agencies shall be
11 included in the review of all special exception petitions, development plan submittals and building permit
12 applications in the Service Employment Zone. The Directors shall make recommendations to the Zoning
13 Commissioner or hearing officer and shall advise in cases of reported violations of these requirements.

14
15 § 220.1. Standards enumerated.

16 C. Notwithstanding the provisions of 409.8A.2 and 409.8A.3., parking facilities need not be paved or
17 striped in the Critical Area, provided that the surface is considered acceptable by the Directors of the
18 Departments of Environmental Protection and [Resource Management] SUSTAINABILITY and Public
19 Works, who must find that the facility will be appropriate for the amount and type of traffic to be generated
20 and that there will be an adequate method of dust control.

21
22 § 229.3. Performance standards for C.B. and B.L.R. Zones.

23 These regulations are intended to ensure the compatibility of C.B. and B.L.R. Zones with surrounding
24 residential neighborhoods in conformance with the Comprehensive Manual of Development Policies (CMDP)
25 guidelines. A concept plan, pursuant to the development regulations, Article 34, Title 4, Subtitle 2, Part II of
26 the Baltimore County Code, or the building permit application if no such plan is required, shall include
27 information demonstrating that the proposed development meets the performance standards below. The
28 Director of the Office of Planning shall submit written recommendations to the hearing officer if a hearing
29 is required or to the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
30 APPROVALS if a hearing is not required as to whether the proposed development will meet the standards.

31
32
33 § 232C.2. Exceeding of height and area standards.

1 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 232C.1 if:

- 2
- 3 A. The requirements of Section 502.1 are met;
 - 4 B. The proposed height and floor area ratio requirements do not exceed the standards otherwise
5 permitted for a B.L. Zone; and
 - 6 C. Based on the recommendations of the Directors of Planning, Environmental Protection and [Resource
7 Management] SUSTAINABILITY, [Permits and Development Management] PERMITS, INSPECTIONS,
8 AND APPROVALS and Public Works, the Hearing Officer determines that the proposed use is compatible,
9 as determined in accordance with Section [26-282] 32-4-402 OF THE BALTIMORE COUNTY CODE, with
10 the existing uses of the contiguous R.C. Zone.

11

12 § 235B.4. Open space ratio; streetscaping.

- 13 B. In the C.T. District of Towson:
 - 14 3. If streetscaping has already been provided, the Director of [Permits and Development Management]
15 PERMITS, INSPECTIONS, AND APPROVALS or the hearing officer shall require an applicant to pay a
16 fee determined by the Director of Public Works, not to exceed the cost of providing the streetscape area, to
17 be used for the maintenance of the streetscape in the C.T. District of Towson.

18

19 § 235B.7. C.T. District of Towson.

- 20 B. Upon the filing of a development plan that qualifies under Subsection A above, the applicant may
21 file a request for exemption with the Director of [Permits and Development Management] PERMITS,
22 INSPECTIONS, AND APPROVALS.

23 C.

- 24 1. If the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
25 APPROVALS finds that the proposed development meets the requirements of Subsection A, the Director
26 shall exempt the proposed development from any required front, side or rear yard setback, or any setback
27 from the center line of any street, or any building height limitation.

28

29 § 235C.2. Exceeding of height and area standards.

30 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:

- 31
- 32 A. The requirements of Section 502.1 are met;

1 B. The proposed height and floor area ratio requirements do not exceed the standards otherwise
2 permitted for a B.M. Zone; and

3 C. Based on the recommendations of the Directors of Planning, Environmental Protection and [Resource
4 Management] SUSTAINABILITY, [Permits and Development Management] PERMITS, INSPECTIONS,
5 AND APPROVALS and Public Works, the Hearing Officer determines that the proposed use is compatible,
6 as determined in accordance with Section [26-282] 32-4-402 OF THE BALTIMORE COUNTY CODE, with
7 the existing uses of the contiguous R.C. Zone.

8
9 § 238C.2. Exceeding height and area standards.

10 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 238C.1 if:

11
12 A. The requirements of Section 502.1 are met;

13 B. The proposed height and floor area ratio requirements do not exceed the standards otherwise
14 permitted for a B.R. Zone; and

15 C. Based on the recommendations of the Directors of Planning, Environmental Protection and [Resource
16 Management] SUSTAINABILITY, [Permits and Development Management] PERMITS, INSPECTIONS,
17 AND APPROVALS and Public Works, the Hearing Officer determines that the proposed use is compatible,
18 as determined in accordance with Section [26-282] 32-4-402 OF THE BALTIMORE COUNTY CODE, with
19 the existing uses of the contiguous R.C. Zone.

20
21 § 259.3. Special regulations for C.R. Districts.

22 C.5. Environmental holding capacity. The applicant shall prove to the satisfaction of the Director of the
23 Department of Environmental Protection and [Resource Management] SUSTAINABILITY that the land can
24 support the proposed development without overburdening the required private sewage disposal system and
25 the potable water supply, endangering the metropolitan district reservoirs or creating a health or
26 environmental nuisance for neighboring properties.

27
28 § 259.5. Definitions.

29 AUTHORIZATION -- The approval, by the Director of [the Department of Permits and Development
30 Management (PDM)], PERMITS, INSPECTIONS, AND APPROVALS to apply for a residential building
31 permit on any land in the area.

32 DIRECTOR -- The director of the [Department of Permits and Development Management (PDM)]

1 DIVISION OF PERMITS, INSPECTIONS, AND APPROVALS.

2
3 § 259.7. Threshold Limits -- Honeygo Area.

4 C. The threshold limits of this section do not apply to applications for building permits made in the area
5 for:

- 6 1. Additions, renovations or accessory structures;
7 2. Up to 600 dwelling units on any property which has an unexpired CRG plan that was approved prior
8 to May 18, 1992. The exemptions provided in this subsection may be transferred to any property within the
9 same subarea upon approval by the Director of [the Department of Permits and Development Management]
10 PERMITS, INSPECTIONS, AND APPROVALS;

- 11 3. Dwellings which are part of a subdivision of three or fewer single-family detached units;
12 4. Commercial buildings;
13 5. Any lot of record not part of a recorded subdivision;
14 6. Institutional buildings; and
15 7. Up to 425 density units on any property zoned D.R. 10.5 other than properties described in Paragraph
16 (C)(2) of this subsection.

17
18 § 259.8. Zoning Commissioner's powers.

19 The Zoning Commissioner may not grant a variance from the standards established in Section 259.7 as
20 provided in Section 4A02.4.G of these regulations, unless the variance request involves property that is
21 bisected by two or more subareas identified in Section 259.7, or property that is the subject of a concept plan
22 that was accepted for filing by the [Department of [Permits and Development Management] ~~DIVISION OF~~
23 ~~PERMITS, INSPECTIONS, LICENSES AND APPROVALS~~ prior to August 4, 2003.

24
25 § 259.9. Development standards for H and H1 Overlay Districts.

26 E. 2. Stream buffers, wetlands and steep slopes contiguous to streams and regulated by the Department
27 of Environmental Protection and [Resource Management (DEPRM)] SUSTAINABILITY for environmental
28 purposes shall be dedicated to Baltimore County, recorded by the county government among the land records
29 of Baltimore County, and not used to meet the local open space requirements of the underlying zones.

30 F. 4. A cul-de-sac or court shall not exceed 400 feet in length unless, as determined by the Director of
31 Environmental Protection and [Resource Management] SUSTAINABILITY, a longer length is needed to
32 prevent encroachment on protected areas.

1 § 260.1. Scope; statement of legislative intent of performance standards.

2 C. Consideration of findings; deviation from standards.

3 1. The Office of Planning's findings shall be made by the Director of Planning and submitted to the
4 hearing officer or to the Director of [Permits and Development Management] PERMITS, INSPECTIONS,
5 AND APPROVALS, as applicable.

6 2. The hearing officer or the Director of [Permits and Development Management] PERMITS,
7 INSPECTIONS, AND APPROVALS, as applicable, shall consider the findings presented by the Director of
8 Planning or the Director's designee before a development plan is approved.

9 3. After considering the findings, the hearing officer or the Director of [Permits and Development
10 Management] PERMITS, INSPECTIONS, AND APPROVALS may deviate from the standards only in
11 accordance with the requirements in Paragraph B.4 of this subsection.

12
13 SECTION 18. AND BE IT FURTHER ENACTED, that Sections Sections 304.2, 304.3, 304.4, 304.5,
14 304.6, and 304.7 of the Baltimore County Zoning Regulations, as amended, are hereby repealed and
15 reenacted, with amendments, to read as follows:

16
17
18 § 304.2 Building permit application.

19 A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the
20 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS,
21 at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the
22 guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and
23 drawings otherwise required to be submitted as part of the application for a building permit. Photographs
24 representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning
25 in order to determine appropriateness of the proposed new building in relation to existing structures in the
26 neighborhood.

27 B. At the time of application for the building permit, as provided above, the Director of [the Department
28 of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall request
29 comments from the Director of the Office of Planning (the "Director"). Within 15 days of receipt of a request
30 from the Director of [the Department of Permits and Development Management] PERMITS, INSPECTIONS,
31 AND APPROVALS, the Director shall provide to the Department of [Permits and Development
32 Management] PERMITS, INSPECTIONS, AND APPROVALS written recommendations concerning the

1 application with regard to the following:

2 1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are
3 proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage,
4 building orientation and location on the lot or tract.

5 2. Architectural design. Appropriateness shall be evaluated based upon one or more of these
6 architectural design elements or aspects:

7 a. Height.

8 b. Bulk or massing.

9 c. Major divisions, or architectural rhythm, of facades.

10 d. Proportions of openings such as windows and doors in relation to walls.

11 e. Roof design and treatment.

12 f. Materials and colors, and other aspects of facade texture or appearance.

13 3. Design amendments. The Director may recommend approval, disapproval or modification of the
14 building permit to conform with the recommendations proposed by the Office of Planning.

15
16
17 § 304.3 Public notice.

18 Upon application for a building permit pursuant to this section, the subject property shall be posted
19 conspicuously under the direction of the Department of [Permits and Development Management] PERMITS,
20 INSPECTIONS, AND APPROVALS with notice of the application for a period of at least 15 days.

21
22 § 304.4 Public hearing.

23 Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a
24 written request for a public hearing with the Department of [Permits and Development Management]
25 PERMITS, INSPECTIONS, AND APPROVALS, or (2) the Director of [Permits and Development
26 Management] PERMITS, INSPECTIONS, AND APPROVALS may require a public hearing. The
27 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
28 shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the
29 Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At
30 the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is
31 appropriate.

1 § 304.5 Final approval.

2 A. The Director of [the Department of Permits and Development Management] PERMITS,
3 INSPECTIONS, AND APPROVALS may issue the building permit; or

4 B. Notwithstanding any provision to the contrary, the Director of [the Department of Permits and
5 Development Management] PERMITS, INSPECTIONS, AND APPROVALS may require a public hearing
6 before the Zoning Commissioner pursuant to Section 304.4 above; or

7 C. If the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
8 APPROVALS has not notified the applicant of a determination pursuant to the provisions of this section, or
9 has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the
10 dwelling shall be considered appropriate for purposes of this section.

11
12 § 304.6 Appeals.

13 The decision of the Zoning Commissioner or the Director of [the Department of Permits and Development
14 Management] PERMITS, INSPECTIONS, AND APPROVALS may be appealed, in which case the hearing
15 shall be scheduled by the Board of Appeals within 45 days from receipt of the request.

16
17 § 304.7 Establishment of fees.

18 The Director of [the Department of Permits and Development Management] PERMITS, INSPECTIONS,
19 AND APPROVALS shall establish appropriate fee schedules.

20
21 SECTION 19. AND BE IT FURTHER ENACTED, that Sections 404.12, 404.14.B.1, 405.5.A.,
22 405.6.A, 405.7.B. and E.1. and 2., 407.1.F., 408B.1.A. and C., 409.6.A.2. and 4., 3.B., and B.3.b., 409.7.C.,
23 410.1.A.1. and 2., 410A.1.A.1. and 2., 412.3., 412.4.C.3.d.(4), 412.5, 412.6, 415.4.A. and B., 415.5,
24 415A.1.C., 415A.3.B., 417.3.C., 419.2, 430A.5 (Definitions of “County Government Team” and “Master
25 developer”), 430A.8.E. and F.2., 430A.9.B.1. and G., 430A.11.D., 430A.13.A. and C., 430A.14.B., 430A.15.,
26 430A.17.C.3., 436.2, 436.5, 450.6.A.7., 450.8.C.8. and D.5.a., 4A03.5.A.1., B. and C., 4A03.6, 4A03.7.B.
27 and C., 4A03.8, 4A03.9., 4A03.10, and 4A03.12., of the Baltimore County Zoning Regulations, as amended,
28 are hereby repealed and reenacted, with amendments, to read as follows:

29
30 § 404.12. Review of zoning violations.

31 All zoning violation cases concerning commercial agricultural operations shall be forwarded to the Baltimore
32 County Agricultural Land Preservation Advisory Board for review. The Director of [Permits and

1 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall allow the Board a
2 maximum of 30 days, before taking action, to comment on an alleged violation.

3
4 § 404.14. Anemometers.

5 B.1. As accessory to a permitted principal use, an anemometer is permitted in r. c. zones and manufacturing
6 zones subject to the issuance of a use permit by the Department of [Permits and Development Management]
7 PERMITS, INSPECTIONS, AND APPROVALS.

8
9 § 405.5. Plan approvals.

10 A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone
11 or district in which the site is located, shall require approval of the overall plan of the entire site by the
12 Directors of Planning, Public Works and [Permits and Development Management] PERMITS,
13 INSPECTIONS, AND APPROVALS or, in the case of a special exception, the Zoning Commissioner.

14
15
16 § 405.6. Fuel service stations existing prior to effective date of Bill No. 172-1993.

17 A. Expansion, reconstruction or addition of uses.

18 1. Any fuel service station which legally existed by right or by special exception on the effective date
19 of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may
20 be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill
21 No. 172-1993; and

22 a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and
23 [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS; and

24 b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and

25 c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of [Permits and
26 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, would be done in such a
27 manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and

28
29 d. In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior
30 special exception, the project may be subject to special hearing at the discretion of the Director of [Permits
31 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

1 § 405.7. Abandoned fuel service stations.

2 B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has
3 ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the
4 Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS within
5 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service
6 station which has not been in actual and continuous operation as a station for a period of 12 consecutive
7 months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes
8 of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per
9 day, five days per week.

10 E. Proceedings to require removal.

11 1. Whenever it shall be determined by the Director of [Permits and Development Management]
12 PERMITS, INSPECTIONS, AND APPROVALS that a fuel service station has not been in continuous
13 operation and that the premises have not been continuously maintained, the Director shall issue a notice to
14 the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies
15 enumerated in the notice.

16 2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice,
17 the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
18 shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require
19 removal.

20
21 § 407.1. Location; use and bulk regulations.

22 F. Notwithstanding the off-street parking space and parking location requirements of Sections 409.6 and
23 409.7 of these regulations, the use of parking spaces will be shared to the maximum extent feasible, as
24 determined by the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
25 APPROVALS (Director).

26
27 § 408B.1. Permit procedure; regulations.

28 Notwithstanding any provision in these regulations to the contrary, boarding- or rooming houses are permitted
29 in D.R. Zones, subject to the provisions of this section.

30 A. Upon application to the Department of [Permits and Development Management (PDM)] PERMITS,
31 INSPECTIONS, AND APPROVALS, the Director may issue a use permit for a boarding- or rooming house
32 under the following procedure:

1. Upon application, the applicant shall provide the following information:
 - a. The maximum number of tenants expected to live on the property.
 - b. A site plan indicating the location and type of structure and the proximity of dwellings on adjacent lots.
 - c. The location of the required off-street parking spaces.
 - d. A floor plan indicating the number of bedrooms and bathrooms.
 - e. Such other information as the Director may require.
- C. The applicant shall be required to keep and preserve accurate occupancy records, including the name, social security number and dates of occupancy of each tenant and shall make such records available to the Fire Department, Police Department, Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS and other appropriate governmental agencies.

§ 409.6. Required number of parking spaces.

A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of [the Department of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

2. Commercial and service uses.

Standard restaurants in revitalization districts	In the Arbutus, Catonsville and Pikesville revitalization districts, 5 spaces per 1,000 square feet are required for a standard restaurant. However, a minimum investment of \$100,000 in interior and/or exterior improvements is required. The improvements shall be made within 6 months of the filing of the parking plan and verified by the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.
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4. Recreational and institutional uses.

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Marina, boatyard or yacht club	1 per 2 slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water; half of the spaces required for slips may be counted towards the parking required for any other use on the premises of a yacht club. Notwithstanding any other provision of these regulations, if located within the Chesapeake Bay Critical Area and subject to the approval of the Directors of Environmental Protection and [Resource Management] SUSTAINABILITY, Fire and Public Works, a durable and dustless parking surface and striped spaces need not be provided.
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B.3. * The Director of the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall determine the percentage of parking spaces required for each of the five time periods on a case-by-case basis, depending on the existing and planned weekday and weekend activities.

- b. Conditions for approval.
 - (1) Reserved or otherwise restricted spaces shall not be shared.
 - (2) The land uses served by the shared parking facility shall be in single ownership or permitted for multiple ownership by the Director of [the Department of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS upon satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility.

§ 409.7. Location of parking.

C. Prior to the approval of any building permit involving an off-site parking facility, the Director of [the Department of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist.

1 § 410.1. Nonconforming and other existing Class I trucking facilities.

2 The provisions of this subsection apply to Class I trucking facilities existing on the effective date of this
3 section.

4 A. Plans.

5 1. If the owner of or authorized agent for a Class I trucking facility believes that approved plans of that
6 trucking facility are on file with the Office of Planning or Department of [Permits and Development
7 Management] PERMITS, INSPECTIONS, AND APPROVALS on the effective date of this section, he must
8 so notify the Zoning Commissioner, in writing, within six months after that date, unless he has filed or will
9 file plans as provided in Paragraph 2 below. Within 30 days after he receives the written notice, the Zoning
10 Commissioner shall inform the owner or agent whether the plans are, in fact, on file and, if they are on file,
11 whether they meet the requirements of Section 410.3.C.1. If the plans do not meet those requirements, the
12 owner or agent shall file plans that do meet the requirements, within one year after the effective date of this
13 section.

14 2. If approved plans of a Class I trucking facility are not on file with the Office of Planning or the
15 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
16 on the effective date of this section, or if the Zoning Commissioner is not notified under Paragraph 1, the
17 owner of or authorized agent for the trucking facility must file plans of the facility, meeting the requirements
18 of Section 410.3.C.1, within one year after that date.

19
20 § 410A.1. Nonconforming and other existing Class II trucking facilities.

21 The provisions of this subsection apply to Class II trucking facilities existing on the effective date of this
22 section.

23 A. Plans.

24 1. If the owner of or authorized agent for a Class II trucking facility believes that approved plans of that
25 facility are on file with the Office of Planning or Department of [Permits and Development Management]
26 PERMITS, INSPECTIONS, AND APPROVALS on the effective date of this section, he must so notify the
27 Zoning Commissioner, in writing, within six months after that date, unless he has filed or will file plans as
28 provided in Paragraph 2 below. Within 30 days after he receives the written notice, the Zoning Commissioner
29 shall inform the owner or agent whether the plans are, in fact, on file and, if they are on file, whether they
30 meet the requirements of Section 410A.3.C.1. If the plans do not meet those requirements, the owner or agent
31 shall file plans that do meet the requirements within one year after the effective date of this section.

32 2. If approved plans of a Class II trucking facility are not on file with the Office of Planning or the

1 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
2 on the effective date of this section or if the Zoning Commissioner is not notified in accordance with
3 Paragraph 1, the owner of or authorized agent for the trucking facility must file plans of the facility, meeting
4 the requirements of Section 410A.3.C.1, within one year after that date.
5

6 § 412.3. Compliance with development plan; landscaping and screening.

7 Any landfill for which a development plan was approved, pursuant to Bill 1-1992, as amended, prior to the
8 effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the
9 original approval. The zoning regulations in effect at the time of the approval of the development plan for the
10 original landfill shall apply to any subsequent expansion, refinement or material amendment to the
11 development plan for the landfill. Landscaping or screening shall be provided within the
12 one-hundred-foot-wide buffer area as may be required by the Director of [Permits and Development
13 Management] PERMITS, INSPECTIONS, AND APPROVALS.
14
15

16 § 412.4. Performance standards.

17 C.3.d.(4) The applicant for a landfill (land disposal) permit shall be required to post a security for
18 landform grading, landscaping and revegetation of a landfill site to ensure completion of such improvements,
19 in accordance with the procedures of § 32-4-312 of the Baltimore County Code. This security shall be in
20 addition to any other security required by the Department of Environmental Protection and [Resource
21 Management] SUSTAINABILITY or any other county agency.
22

23 § 412.5. Post-use land reclamation plan.

24 A post-use land reclamation plan approved by the Baltimore County Soil Conservation District, Baltimore
25 County Office of Planning, and Department of Environmental Protection and [Resource Management]
26 SUSTAINABILITY is required before the use may be authorized by the Zoning Commissioner.
27

28 § 412.6. Inspection of rubble landfills.

29 The Department of Environmental Protection and [Resource Management] SUSTAINABILITY periodically
30 shall inspect a rubble landfill in order to monitor the type of waste material being received for disposal.
31

32 § 415.4. Requirements of permits.

1 A. For any uses of a trailer covered by Section 415 other than Sections 415.1.A and 415.1.F, application
2 must be made to the Department of [Permits and Development Management] PERMITS, INSPECTIONS,
3 AND APPROVALS for issuance of a temporary or extended-occupancy permit, as the case may be. The
4 granting of such permit may be subject to the ultimate approval of the Zoning Commissioner, who shall have
5 the power to order the denial of the same if such granting or renewal would be detrimental to the health,
6 safety or general welfare of the locality involved. Where a special exception has been granted for a use under
7 Section 415, it shall be deemed that such use will not be detrimental to the health, safety or general welfare
8 of the locality involved.

9 B. A temporary permit must be procured from the Department of [Permits and Development
10 Management] PERMITS, INSPECTIONS, AND APPROVALS in cases covered by Sections 415.2.A and
11 415.2.B.1. Temporary permits shall be renewable annually.

12
13 § 415.5. Application of other laws.

14 All provisions of Section 415 shall be further subject to the provisions of the Baltimore County Building
15 Code and other pertinent sections of the Baltimore County Code, including but not limited to the regulations
16 of the Department of [Permits and Development Management] DIVISION OF PERMITS, INSPECTIONS,
17 AND APPROVALS, the Department of Health, the Fire Department, the Electrical ADMINISTRATIVE
18 Board and the Plumbing Board.

19
20 § 415A.1. Recreational vehicles on residential lots.

21 C. Such vehicles may be stored on a specially designed parking area of any multifamily rental or
22 condominium unit. Such areas must be screened from adjacent off-site residential uses, as required by the
23 Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS.

24
25 § 415A.3. Exceptions.

26 B. Where the requirements set forth herein for the storage of recreational vehicles would create an undue
27 hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing
28 thereon according to the procedure defined in [Title 26, Section 26-127(b)] § 32-3-303 OF THE
29 BALTIMORE COUNTY CODE, except that if no hearing is requested the modified plan may be approved
30 by the Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
31 APPROVALS, subject to appeal to the Baltimore County Board of Appeals.

1 § 417.3. Establishment of divisional lines.

2 C. Conflict with existing construction. Where proposed construction will conflict with existing facilities,
3 it will be the duty of the Office of Planning [and Zoning] to specify the limits of construction to conform as
4 closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or
5 possible future construction. Notice of the proposed construction shall be given by the Department of [Permits
6 and Development Management] DIVISION OF PERMITS, INSPECTIONS, AND APPROVALS to
7 adjoining property owners affected.

8
9 § 419.2. Site plan requirements.

10 A site plan shall be submitted showing the location of the car wash and zone classification of adjacent
11 properties, the location of ingress and egress, the manufacturer's rated hourly production capacity of the
12 equipment to be installed, if available, or other evidence of the capacity of the equipment, the proposed
13 stacking spaces as required by Section 419.3 below, the proposed landscape and buffer treatment, and such
14 other information as may be required by the reviewing agencies. All site plans are subject to review by the
15 Directors of the Department of Public Works, Office of Planning and Department of [Permits and
16 Development Management] PERMITS, INSPECTIONS, AND APPROVALS, who shall provide written
17 comments to the approval authority.

18
19 § 430A.5. Definitions.

20 In this section the following words have the meanings indicated.

21 COUNTY GOVERNMENT TEAM -- Includes a designee of the County Council member in whose district
22 a renaissance pilot project is proposed to be located and the Director or the Director's designee from all of
23 the following departments:

- 24 A. The Office of Planning, whose Director or designee shall serve as Chair;
25 B. The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
26 APPROVALS;
27 C. The Department of Economic Development;
28 D. The Department of Environmental Protection and [Resource Management] SUSTAINABILITY;
29 E. The Department of Public Works;
30 F. [The Office of Community Conservation;
31 G.] The Department of Recreation and Parks; and
32 [H.] G. The Police and Fire Departments.

1 MASTER DEVELOPER -- A developer who has been determined qualified by the Director of the
2 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
3 as provided by Subsection 430A.8.E of this section. "Master developer" is often an owner or contract
4 purchaser of the property subject to the renaissance pilot project.

5
6 § 430A.8. Selection of renaissance pilot project.

7 E. The Director of [the Department of Permits and Development Management] PERMITS,
8 INSPECTIONS, AND APPROVALS or the Director's designee, in consultation with the Department of
9 Economic Development, shall determine whether the master developer is qualified and shall consider:

- 10 1. The ability of the developer to design and construct the proposed development;
11 2. The financial viability of the developer and the ability of the developer to secure financing for the
12 proposed redevelopment;
13 3. The experience of the developer in high-quality residential and commercial redevelopment; and
14 4. The experience and qualifications of the individual members of the proposed design team in
15 designing high-quality redevelopment projects.

16 F. Approval process.

17 2. If the application is approved, the Department of [Permits and Development Management]
18 PERMITS, INSPECTIONS, AND APPROVALS shall schedule a date for a public information meeting on
19 the collaborative design process.

20
21 § 430A.9. Preparation for collaborative design process.

22 B. Selection of facilitator.

23 1. The Director of Planning and the Director of [Permits and Development Management] PERMITS,
24 INSPECTIONS, AND APPROVALS shall select a facilitator from an established list of no fewer than three
25 on-call contracted facilitators to be maintained by the Office of Planning.

26 G. As part of the outreach required under Paragraph E of this subsection, at least 45 days prior to the
27 start of the collaborative design process, the Department of [Permits and Development Management]
28 PERMITS, INSPECTIONS, AND APPROVALS shall:

- 29 1. Publish the schedule of the collaborative design process in one newspaper of general circulation;
30 2. Publish the schedule of the process in one local newspaper serving the area in which the renaissance
31 pilot project is located;
32 3. Post the schedule of the process on the County website; and

1 4. Post the schedule of the process at the renaissance pilot project site in a manner visible to the
2 community.

3
4 § 430A.11. Pattern book.

5 D. The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
6 APPROVALS shall make available the pattern book for review and inspection at the Department of [Permits
7 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS, in a format that is
8 accessible from the Department's website and at the branch of the public library closest in proximity to the
9 renaissance pilot project site.

10
11
12 § 430A.13. Final redevelopment plan.

13 A. The final redevelopment plan shall be submitted to the Department of [Permits and Development
14 Management] PERMITS, INSPECTIONS, AND APPROVALS for processing.

15 C. Following review by those County agencies specified in § 32-4-226 of the Baltimore County Code,
16 the Director [of Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
17 may approve the final redevelopment plan which shall comply with the requirements of §§ 32-4-222 through
18 32-4-224(c) of the Baltimore County Code, to the extent that those sections are not inconsistent with the
19 provisions of this section.

20
21 § 430A.14. Amendments.

22 B. After publication and posting on the County's website, the Director of [Permits and Development
23 Management] PERMITS, INSPECTIONS, AND APPROVALS may approve any nonmaterial amendments
24 to the final redevelopment plan that are not inconsistent with the enacted pattern book and the consensus
25 reached during the collaborative design process.

26
27 § 430A.15. Compliance with final redevelopment plan.

28 The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
29 APPROVALS shall oversee and ensure that the master developer constructs the renaissance pilot project in
30 accordance with the enacted pattern book and the final redevelopment plan.

31
32 § 430A.17. Essex Renaissance Opportunity Area.

1 C. 3. The Director of [the Department of Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS or the Director's designee, in consultation with the Department of
3 Economic Development and other appropriate County agencies, shall determine whether the prospective
4 master developer is qualified and shall consider:

5 a. The ability of the developer to construct the renaissance pilot project as provided in the pattern book
6 approved by the Planning Board;

7 b. The financial ability of the developer and the ability of the developer to secure financing for the
8 renaissance pilot project; and

9 c. The experience of the developer in high-quality residential and commercial redevelopment.

10
11 § 436.2. Procedure.

12 A. The Chief of Police, based on transaction sheets submitted by licensed dealers, shall report the names
13 and addresses of all licensed dealers in Baltimore County who, in calendar year 1995, made loans on deposit
14 of an item other than a secondhand precious metal to the Director of [Permits and Development Management]
15 PERMITS, INSPECTIONS, AND APPROVALS.

16 B. Upon receipt of a dealer's transaction sheet reporting a loan on deposit of any item other than a
17 secondhand precious metal, the Chief of Police shall report the name and address of the business to the
18 Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS if this
19 information has not been previously reported.

20 C. For any license reported to the Director of [Permits and Development Management] PERMITS,
21 INSPECTIONS, AND APPROVALS, the Chief of Police shall promptly notify the Director when the state
22 renews or revokes the license or when the license expires.

23 D. The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
24 APPROVALS may not accept a special exception petition for a pawnshop if there are 12 valid dealers'
25 licenses in the county used to operate pawnshops.

26 E. A dealer may, by affidavit, annually declare to the Director of [Permits and Development
27 Management] PERMITS, INSPECTIONS, AND APPROVALS that all future pawn transactions shall be
28 limited solely to secondhand precious metals, and the Director shall remove the name and address of that
29 pawnshop from the list during such time as the affidavit remains in effect.

30
31 § 436.5. Enforcement.

32 The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS

1 shall provide for the enforcement of this section in accordance with the provisions of Article 32, Title 3 of
2 the Baltimore County Code and Article 5 of these regulations.

3
4 § 450.6. General sign requirements.

5 A. 7. Except for A-frame and sandwich board signs which are in B.M.-C.T. Zones and which have been
6 issued a use permit subject to the terms and conditions determined by the Director of [the Department of
7 Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS, portable signs
8 are prohibited. A portable sign may only be displayed during the business hours of the premises to which it
9 is accessory.

10
11 § 450.8. Administration and compliance.

12 C. 8. There are a small number of nonconforming signs that are of such extraordinary significance to the
13 county or the community that removal would be detrimental. At least 14 days prior to the adoption of Bill
14 No. 89-1997, or at any time thereafter, the owner of a nonconforming sign may request an exemption from
15 the abatement provisions of 450.8.D based on the historical, traditional, cultural or aesthetic value of the sign.
16 In making a determination, the Director of the Office of Planning shall consider the significance of the sign,
17 its conformity to the Master Plan, as amended, and the difficulty of making the sign structurally sound
18 without substantially destroying its character. If the Planning Board approves an exemption from the
19 provisions of Section 450.8.D, the sign shall remain exempt from the provisions of Section 450 if the sign
20 is relocated or if the use to which the sign is accessory changes; however, the sign shall be subject to repair
21 and removal if the Director of [the Department of Permits and Development Management] PERMITS,
22 INSPECTIONS, AND APPROVALS determines that the sign is damaged or deteriorated to the extent that
23 it constitutes an imminent danger to the public safety.

24 D.5.

25 a. Unless precluded by state law, the Director of [the Department of Permits and Development
26 Management] PERMITS, INSPECTIONS, AND APPROVALS may hold the owner of a sign or any entity
27 identified on a sign responsible for removal of the sign if removal is required under these regulations. The
28 sign may also be removed by the County in any manner provided by law.

29
30 § 4A03.5. Building permit application.

31 A.

32 1. Any person desiring to erect a dwelling in accordance with the provisions of this section shall file

1 with the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
2 APPROVALS, at the time of application for a building permit, plans sufficient to allow the Office of Planning
3 to prepare the guidelines provided in Paragraph B of this subsection.

4 B.

5 1. At the time of application for the building permit, as provided above, the Director of [Permits and
6 Development Management] PERMITS, INSPECTIONS, AND APPROVALS shall request comments from
7 the Directors of the Office of Planning and the Departments of Environmental Protection and [Resource
8 Management] SUSTAINABILITY and Public Works.

9 2. Within 15 days after receipt of a request from the Director of [Permits and Development
10 Management] PERMITS, INSPECTIONS, AND APPROVALS, the Directors shall provide to the
11 Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
12 written recommendations concerning the application with regard to the following:

13 A. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are
14 proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage,
15 building orientation and location on the lot or tract.

16 B. Architectural design. Appropriateness shall be evaluated based on one or more of these architectural
17 design elements or aspects:

18 [1] Height;

19 [2] Bulk or massing;

20 [3] Major divisions, or architectural rhythm, of facades;

21 [4] Proportions of openings such as windows and doors in relation to walls;

22 [5] Roof design and treatment; and

23 [6] Materials and colors, and other aspects of facade texture or appearance.

24 C. Design amendments. The Director of [Permits and Development Management] PERMITS,
25 INSPECTIONS, AND APPROVALS may recommend approval, disapproval or modification of the building
26 permit after consideration of the recommendations proposed by the Directors.

27
28 § 4A03.6. Public notice.

29 For undersized lots, on application for a building permit in accordance with this section, the subject property
30 shall be posted conspicuously under the direction of the Department of [Permits and Development
31 Management] PERMITS, INSPECTIONS, AND APPROVALS with notice of the application for a period
32 of at least 15 days.

1 § 4A03.7. Public hearing.

2 B. Within the fifteen-day posting period:

3 1. Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing
4 with the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
5 APPROVALS; or

6 2. The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
7 APPROVALS may require a public hearing.

8 C. The Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
9 APPROVALS shall notify the applicant within 20 days after the receipt of a request for a public hearing.

10
11 § 4A03.8. Final approval.

12 A. The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND
13 APPROVALS may:

14 1. Issue the building permit; or

15 2. For undersized lots, notwithstanding any provision to the contrary, require a public hearing before
16 the Zoning Commissioner in accordance with this section.

17 B. If the Department of [Permits and Development Management] PERMITS, INSPECTIONS, AND
18 APPROVALS has not notified the applicant of a determination in accordance with the provisions of this
19 section, or has not notified the applicant in accordance with Subsection 4A03.7 of the intention to require a
20 public hearing, the dwelling shall be deemed appropriate for purposes of this section.

21
22 § 4A03.9. Appeals.

23 The decision of the Zoning Commissioner or the Director of [Permits and Development Management]
24 PERMITS, INSPECTIONS, AND APPROVALS may be appealed, in which case the Board of Appeals shall
25 hold the hearing within 45 days after receipt of the request.

26
27 § 4A03.10. Fees.

28 The Director of [Permits and Development Management] PERMITS, INSPECTIONS, AND APPROVALS
29 shall establish appropriate fee schedules.

30
31 § 4A03.12. Regulations.

32 The Department of Public Works, in consultation with the Office of Planning, the Department of

1 Environmental Protection and [Resource Management] SUSTAINABILITY and the Department of [Permits
2 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS, may adopt regulations
3 in accordance with Article 3, Title 7 of the Baltimore County Code, to carry out the provisions of this section.
4

5 SECTION 20. AND BE IT FURTHER ENACTED, that Sections 500.14, 501.4, 502.5.A., 502.9.C,
6 and 502.10 of the Baltimore County Zoning Regulations, as amended, are hereby repealed and reenacted, with
7 amendments, to read as follows:
8

9 § 500.14. Within Chesapeake Bay Critical Area.

10 No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance
11 or special hearing unless the Zoning Commissioner has received from the Director of the Department of
12 Environmental Protection and [Resource Management] SUSTAINABILITY, or his designated representative,
13 written recommendations describing how the proposed request would:

- 14 A. Minimize adverse impacts on water quality that result from pollutants that are discharged from
15 structures or conveyances or that have run off from surrounding lands;
16 B. Conserve fish, wildlife and plant habitat; and
17 C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area
18 which accommodate growth and also address the fact that, even if pollution is controlled, the number,
19 movement and activities of persons in that area can create adverse environmental impacts.
20

21 § 501.4. Right to employ experts, summon witnesses and administer oaths; record of proceedings.

22 The Board shall have the right to employ such technical, expert and other assistance as in its judgment may
23 be necessary to aid in the proper investigation and determination of any questions pending before it. It shall
24 have the right and power to summon and compel the attendance of witnesses before it and to administer oaths.
25 It shall keep minutes of its proceedings and shall maintain, in the office of the [zoning department]
26 DEPARTMENT OF PERMITS, INSPECTIONS, AND APPROVALS, a public record of all proceedings
27 before it.
28

29 § 502.5. Limitations on certain community care centers, boardinghouses and rooming houses.

30 A. 1. Any special exception or renewal thereof granted for a community care center under the authority
31 of these regulations shall be for the limited duration of five years and shall thereafter be of no further force
32 and effect, unless, no later than three months prior to the expiration of such special exception, the center files

1 a written request with the Department of [Permits and Development Management] PERMITS,
2 INSPECTIONS, AND APPROVALS for a continuation of the special exception use.

3 2. The Department shall inspect the community care center premises to ensure that the continued
4 operation of the center will comply with the terms of the original order and any extension thereof.

5 3. After inspection, the Department may approve the extension of the special exception use with any
6 new or amended conditions and publish notice of the extension, or direct that the center file a petition for
7 special hearing with the Zoning Commissioner.

8
9 § 502.9. Validity of special exceptions previously granted.

10 C. Nothing contained herein shall limit the authority of the Department of [Permits and Development
11 Management] PERMITS, INSPECTIONS, AND APPROVALS to require a site plan, either new or revised,
12 to ensure compliance with the applicable requirements or the Baltimore County Zoning Regulations.

13
14 § 502.10. Amendment of prior special exceptions for trailer parks.

15 Notwithstanding any provisions of these regulations to the contrary, the conditions set forth in Section 414.5
16 apply to trailer parks existing on the effective date of this paragraph, and a hearing is not required to amend
17 any provisions of a prior special exception order that conflict with Section 414.5. The Department of [Permits
18 and Development Management] PERMITS, INSPECTIONS, AND APPROVALS retains the authority to
19 require a site plan, either new or revised, to ensure compliance with the applicable requirements of the
20 Baltimore County Zoning Regulations.

21
22 SECTION 21. AND BE IT FURTHER ENACTED, that Article 3. Administration, Title 2. The
23 Administrative Services, Subtitle 6. Department of Environmental Protection and Resource Management, of
24 the Baltimore County Code, 2003 is hereby renamed Article 3. Administration, Title 2. The Administrative
25 Services, Subtitle 6. Department of Environmental Protection and Sustainability.

26
27 SECTION 22. AND BE IT FURTHER ENACTED, that Article 3. Administration, Title 2. The
28 Administrative Services, Subtitle 11. Department of Permits and Development Management, of the Baltimore
29 County Code, 2003 is hereby renamed Article 3. Administration, Title 2. The Administrative Services,
30 Subtitle 11. Department of Permits, ~~Inspections, and Approvals~~ Approvals and Inspections.

31
32 SECTION 23. AND BE IT FURTHER ENACTED, that Article 3. Administration, Title 2. The

1 Administrative Services, Subtitle 12. Office of Planning and Community Conservation, of the Baltimore
2 County Code, 2003 is hereby renamed Article 3. Administration, Title 2. The Administrative Services,
3 Subtitle 12. Office of Planning.
4

5 SECTION 24. AND BE IT FURTHER ENACTED, that Article 33. Environmental Protection and
6 Resource Management, of the Baltimore County Code, 2003 is hereby renamed Article 33. Environmental
7 Protection and Sustainability.
8

9 SECTION 25. AND BE IT FURTHER ENACTED, that each reference to the Department or Director
10 of Permits and Development Management in Article 20 of the Baltimore County Code, 2003, as amended,
11 shall be deemed to refer to the Department or Director of Permits, ~~Inspections, and Approvals~~ Approvals and
12 Inspections.
13

14 SECTION 26. AND BE IT FURTHER ENACTED, that each reference to the Department or Director
15 of Environmental Protection and Resource Management in Article 20 of the Baltimore County Code, 2003,
16 as amended, shall be deemed to refer to the Department or Director of Environmental Protection and
17 Sustainability.
18

19 SECTION 27. AND BE IT FURTHER ENACTED, that, except as expressly provided to the contrary
20 in this Act, any transaction or property interest affected by or flowing from any change of nomenclature or
21 any statute amended, repealed, or transferred by this Act and validly entered into or existing before the
22 effective date of this Act and every right, duty, or interest flowing from the statute, remains valid after the
23 effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed
24 by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had
25 not occurred. If the change in nomenclature involves a change in name or designation of any County unit,
26 the successor unit shall be considered in all respects as having the powers and obligations granted the former
27 unit.
28

29 SECTION 28. AND BE IT FURTHER ENACTED, that except as expressly provided in this Act, the
30 continuity of every commission, office, department, agency, bureau, or other unit in existence on the effective
31 date of this Act is retained. The personnel, records, files, furniture, fixtures, and other properties and all
32 appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel,
33 records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the

1 unit under the laws enacted by this Act.

2
3 SECTION 29. AND BE IT FURTHER ENACTED, that except as expressly provided to the contrary
4 in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission,
5 office, department, agency, bureau, or other unit established or continued by any statute amended, repealed,
6 or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit
7 or certificate by the appropriate unit continued under this Act for the duration of the term for which the
8 license, registration, certification, or permit was issued, and may renew that authorization in accordance with
9 the appropriate renewal provisions.

10
11 SECTION 30. AND BE IT FURTHER ENACTED, that notwithstanding Sections 2 through 20 of
12 this Act, the name of the Department that will replace the Department of Permits and Development
13 Management shall be the “Department of Permits, Approvals and Inspections” and the publishers of the
14 Baltimore County Code, 2003 and the Baltimore County Zoning Regulations shall publish every new
15 reference to the Department or Director of Permits, Inspections, and Approvals contained herein as the
16 Department or Director of Permits, Approvals and Inspections.

17
18 SECTION ~~30~~31. AND BE IT FURTHER ENACTED, that this Act having been passed by the
19 affirmative vote of five members of the County Council shall take effect January 16, 2011.