

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 2

Bill No. 8-15

Mr. David Marks, Councilman

By the County Council, January 20, 2015

A BILL
ENTITLED

AN ACT concerning

Design Review Panel

FOR the purpose of confirming the scope of review of the Baltimore County Design Review Panel; repealing certain limited exceptions to the Panel's scope of review; clarifying the geographic description of certain areas of the County that lie within the scope of review of the Panel; and generally relating to the scope of review of the Baltimore County Design Review Panel.

BY repealing and re-enacting, with amendments,

Sections 32-4-203(i) and 32-4-204(c)(1)
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 235B.8.A.
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

WHEREAS, the Baltimore County Council created the Baltimore County Design Review Panel in 1993 (Bill 12-93) pursuant to a recommendation of the Baltimore County Planning Board dated January 23, 1992; and

WHEREAS, the stated purpose of Bill 12-93, and all subsequent enactments affecting the Panel's scope of review, was to require the Design Review Panel to consult and advise upon all development plans that are located in areas of the County designated by the County Council as Design Review Areas; and

WHEREAS, the language of the statute (Baltimore County Code, Sections 32-4-203 and 32-4-204) is clear on its face that all proposed residential and nonresidential development (with limited exceptions) is subject to review by the Design Review Panel if the proposed development is located in certain areas of the County; and

WHEREAS, the statute is equally clear that, for a residential development, the County Council has determined that the Design Review Areas are these areas that lie within the boundaries of a community plan adopted by the Council as part of the County Master Plan; and that for a nonresidential development, these review areas are the seven areas of the County set forth in the statute; and

WHEREAS, the purpose of this Act is to explicitly state that the clear and evident meaning of the statute remains unchanged, and that all proposed development is subject to review by the Design Review Panel if the development is located within the review areas designated in the statute by the County Council; and

WHEREAS, it is the further intention of this Act to repeal certain limited exceptions to the Panel's scope of review in order to further confirm the legislative intent that all development located in the designated areas is subject to that review; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County, Maryland read as follows:

3 §32-4-203. Baltimore County Design Review Panel.

4 (i) Recommendation submitted to Hearing Officer; exception; time limit.

5 (1) The Review Panel shall consult and advise upon each Development Plan submitted and,
6 except in the case of a plan processed under § 235.B.8. of the Baltimore County Zoning
7 Regulations, shall make a recommendation to the Hearing Officer within the time required
8 by § 32-4-226(d) of this subtitle.

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

13 [(3) The Panel's recommendation is not binding on the Hearing Officer, or on the agencies
14 under subsection (1), for a development plan for a property in the Towson Business Core that is
15 not reviewed under the alternate process of § 235.B.8. of the Baltimore County Zoning
16 Regulations.]

17 §32-4-204. Design Review Areas.

18 (c) Nonresidential plans. A nonresidential Development Plan is subject to review under
19 this section if the proposed development is located in any of the following areas that are

1 described by map in the Comprehensive Manual of Development Policies:

2 (1) The Towson [Master Plan Urban Design Study Area, except that the design
3 of any high performance building, as defined in Article 11, Title 2 of the Code, is not subject to
4 review if it is part of a development plan located in the Towson Commercial Revitalization
5 District] REVITALIZATION AREA;

6 SECTION 2. AND BE IT FURTHER ENACTED, that the Baltimore County Zoning
7 Regulations read as follows:

8 §235B.8. Towson Business Core; alternate development process.

9 A. Definitions. As used in this section, the following words have the meanings
10 indicated:

11 ALTERNATE PROCESS - The development plan approval process in Subsection
12 D.

13 DESIGN PRINCIPLES - The Towson Business Core Design principles adopted
14 by the County Council in Resolution 64-11.

15 TOWSON BUSINESS CORE - The area of Towson [bounded by Bosley Avenue
16 on the west, to Joppa Road on the north, to Virginia Avenue on the east, to Towsontown
17 Boulevard on the south, west to York Road, south to Burke Avenue, and west to Bosley Avenue,
18 inclusive of both sides of all streets.] AS SHOWN WITHIN THE BOUNDARIES OF A
19 COMMUNITY PLAN THAT HAS BEEN ADOPTED BY THE COUNTY COUNCIL AS
20 PART OF THE BALTIMORE COUNTY MASTER PLAN.

1 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall apply to any
2 proposed development plan that has not received final approval prior to the effective date of the
3 Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by
5 the affirmative vote of five members of the County Council, shall take effect on March 2, 2015.

b00815.wpd