

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 9

Bill No. 46-15

Mr. David Marks, Councilman

By the County Council, May 4, 2015

A BILL
ENTITLED

AN ACT concerning

Honeygo Area Revisions

FOR the purpose of eliminating certain subareas and creating new subareas in the Honeygo Area; deleting certain terms; deleting the area threshold limits; establishing new subarea limits; prohibiting the transfer of authorizations and granting of a variance to transfer authorizations for a project that spans two subareas; providing certain exemptions; amending the Zoning Commissioner's powers pertaining to variances; and generally relating to the Honeygo Area.

BY repealing and re-enacting, with amendments
Sections 259.5, 259.6, 259.7, and 259.8
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, over twenty years ago the County Council found that the lack of adequate

infrastructure, including schools, open space, roads, sewer, and recreational facilities, placed an increasing burden on the health, safety, and welfare of County citizens who live, work and travel through designated Growth Areas, and specifically recognized the need to manage the development of White Marsh as a Growth Area; and

WHEREAS, the Council adopted the Honeygo Plan as part of the *Baltimore County Master Plan 1989-2000* on July 5, 1994 (Resolution 55-94), incorporating the Honeygo Study Area, which boundaries include Bel Air Road to the northwest, Big Gunpowder Falls to the northeast, Chapel Road and Honeygo Run to the southwest, and Philadelphia Road to the southeast; and

WHEREAS, to facilitate and properly manage the growth and development in this area, the Council subsequently adopted the Honeygo Area zoning overlay districts of H and H1 and associated Regulations in Bill 176-94, and adopted the Honeygo Overlay District Design Guidelines in Resolution 17-97; and

WHEREAS, the new zoning classifications for the Honeygo Area, the subareas, and the Regulations introduced “threshold limits” and “authorizations” which essentially required that approval of building permits in the Area be tied to the commencement of capital projects to support the anticipated growth; and

WHEREAS, in reviewing the effectiveness of the zoning classifications and Regulations over time, the County Council finds the growth and development strategy for the Honeygo Area has been largely successful, but that the infrastructure needs of the Area still lag behind desired growth; and

WHEREAS, the Council finds the threshold limits and associated authorizations and other requirements have become an outdated method for effectively managing further growth in the Honeygo Area, and believes that the underlying zoning classifications in this Area, combined with

limitations on growth tied to infrastructure improvements, will be a more effective method of managing future growth, while keeping the general premise of the H and H1 Districts and the Development Standards unchanged; and

WHEREAS, the Council deems it appropriate at this time to alter the approach to managing continued growth in this Area; now therefore,

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

3 SECTION 259

4 Districts

5 § 259.5. Definitions.

6 For the purposes of the Honeygo Area:

7 APPROVED MATERIAL – Brick or stone.

8 AREA – The Honeygo Area defined [in the official comprehensive zoning map accompanying
9 Council Bill No. 175-94 as adopted by the County Council, and amended by Resolution 44-14] AS
10 THE LOCATION AND BOUNDARIES SHOWN ON THE SUBAREA MAP DATED
11 FEBRUARY 2015 THAT ACCOMPANIES BILL 46 – 15.

12 [AREA THRESHOLD – The limit on the number of authorizations which can be issued
13 cumulatively within the Honeygo area prior to the commencement of certain capital projects.]

14 AUTHORIZATION – The approval, by the Director of the Permits, Approvals and Inspections, to
15 apply for a residential building permit on any land in the [area] AREA.

16 [BEAN RUN SUBAREA – The portion of the area where natural drainage occurs within the

1 Gunpowder Falls watershed and which is served by the Forge Acres sanitary sewer.

2 BELAIR ROAD SUBAREA – The portion of the area where natural drainage occurs within the
3 Honeygo Run watershed and which is north of Chapel Road and west of Cross Road.

4 BIRD RIVER SUBAREA – The portion of the area where the natural drainage occurs within the
5 Bird River watershed.]

6 CAPITAL PROJECT – An individual public betterment of a permanent nature which is listed in
7 Section 259.7 and is described in the six-year Baltimore County Capital Budget-Supporting Detail
8 presented annually to the County Council.

9 COMMENCEMENT – The date when a contract is fully executed for the construction of a capital
10 project or, in the case of public open space only, when a contract for the acquisition of land is fully
11 executed.

12 DIRECTOR – The Director of the Department of Permits, Approvals and Inspections.

13 EASTERN SUBAREA – THE PORTION OF THE AREA EAST OF CROSS ROAD, EXTENDED
14 IN A STRAIGHT LINE SOUTH TO HONEYGO RUN AND NORTH TO BIG GUNPOWDER
15 FALLS.

16 H OVERLAY DISTRICT – A zoning classification to be used only in the Honeygo Area which has
17 been adopted according to the provisions of § 32-3-201 of the Baltimore County Code. It is to be
18 applied to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5, D.R.10.5, D.R.16 and B.L. as designated in
19 the Master Plan.

20 HI OVERLAY DISTRICT – A zoning classification to be used only in the Honeygo Area which has
21 been adopted according to the provisions of § 32-3-201 of the Baltimore County Code. It is to be
22 applied to land zoned D.R.3.5, as designated in the Master Plan, such that up to 40% of the dwelling

1 units to be built on any tract may be group houses as defined by these regulations.

2 [HONEYGO RUN SUBAREA – The portion of the area where the natural drainage occurs within
3 the Honeygo Run watershed and which is north of Honeygo Run and which does not fall in the
4 previously defined Belair Road subarea.]

5 INSTITUTION – A hospital, church, synagogue or other place of worship.

6 [SUBAREA THRESHOLD – The limit within a given subarea on the number of authorizations
7 which can be issued prior to the commencement of certain projects.]

8 UNDERLYING ZONE – The zoning classification that exists on each property in the area,
9 excluding the H and HI overlay designations.

10 WESTERN SUBAREA – THE PORTION OF THE AREA WEST OF CROSS ROAD,
11 EXTENDING IN A STRAIGHT LINE SOUTH TO HONEYGO RUN AND NORTH TO BIG
12 GUNPOWDER FALLS.

13 § 259.6. Application of H and HI Overlay Districts – Honeygo Area.

14 A. There is a Honeygo Area in Baltimore County.

15 B. The Honeygo Area is divided into [four] TWO subareas: [Bean Run, Belair Road, Bird River
16 and Honeygo Run] EASTERN SUBAREA AND WESTERN SUBAREA.

17 C. Notwithstanding the provisions of § 32-4-273 of the Baltimore County Code, every property
18 within the Honeygo Area that is subject to either an H or H1 Overlay District which has an
19 unexpired CRG plan that was approved prior to May 18, 1992, shall be limited by the
20 regulations for the zoning classification in place at the time of CRG approval.

21 D. The provisions of Subsections 259.4, 259.5, 259.6, and 259.7 do not apply to developments
22 authorized under § 32-4-106(a)(1)(x) or (b)(5) of the Baltimore County Code.

1 § 259.7. [Threshold] AREA Limits — Honeygo Area.

2 A. The [threshold] AREA limits of this section apply in the Honeygo Area as defined in Section
3 259.5 of these regulations.

4 B. Except for those uses and dwellings listed in Subsection C, building permits may only be
5 issued to persons holding valid authorizations issued by the Director.

6 C. The [threshold] AREA limits of this section do not apply to applications for building permits
7 made in the area for:

8 1. Additions, renovations or accessory structures;

9 2. Up to 600 dwelling units on any property which has an unexpired CRG plan that was
10 approved prior to May 18, 1992. The exemptions provided in this subsection may be
11 transferred to any property within the same subarea upon approval by the Director
12 of Permits, Approvals and Inspections.

13 3. Dwellings which are part of a subdivision of three or fewer single-family detached
14 units;

15 4. Commercial buildings;

16 5. Any lot of record not part of a recorded subdivision;

17 6. Institutional buildings; and

18 7. Up to 425 density units on any property zoned D.R. 10.5 other than properties
19 described in Paragraph (C)(2) of this subsection.

20 [D. Area threshold limits.

21 1. Prior to the commencement of all of the capital projects listed below, the Director
22 may issue 400 authorizations for the Honeygo Area.

- 1 a. Forge Acres sanitary sewer capital project;
- 2 b. Honeygo Boulevard capital project from Ebenezer Road to Joppa Road;
- 3 c. Water main second zone capital project along the length of Honeygo
- 4 Boulevard, as defined in Paragraph 1.b of this section; and
- 5 d. Construction of an athletic field and necessary parking spaces at Honeygo
- 6 Park at Snyder Lane.
- 7 2. The director may issue an additional 700 authorizations after the commencement of
- 8 all the capital projects listed in Paragraph 1 of this section and prior to the
- 9 commencement of capital projects which would add:
 - 10 a. Classrooms; and
 - 11 b. School recreation facilities sufficient, as determined by the Administrative
 - 12 Officer or his designee, to accommodate enrollment increases caused by the
 - 13 authorizations previously issued and the next 1,500 to be issued under
 - 14 Paragraphs 3 and 4 of this section.
- 15 3. After the commencement of the capital projects listed in Paragraphs 1 and 2 of this
- 16 subsection and prior to the commencement of the capital projects for active
- 17 recreational amenities at Honeygo Park at Honeygo Boulevard as identified in the
- 18 Recreations and Parks Master Plan, the Director may issue up to an additional 575
- 19 authorizations for the area. The capital projects in this paragraph are in addition to
- 20 those listed in Paragraph 1.d of this section.
- 21 4. The director may issue an additional 500 authorizations for the Honeygo Area after
- 22 commencement of the capital projects listed in Paragraphs 1, 2 and 3 of this section

1 and prior to commencement of capital projects which would add:

- 2 a. Classrooms; and
- 3 b. School recreational facilities sufficient, as determined by the Administrative
- 4 Officer or his designee, to accommodate enrollment increases caused by the
- 5 authorizations or building permits previously issued and those still to be
- 6 issued within the area.]

7 [E]D. Subarea [threshold] limits.

8 [1. Bean Run subarea.

- 9 a. The Director may issue 400 authorizations prior to the commencement of the
- 10 Cross Road capital project from Honeygo Boulevard to Forge Road.
- 11 b. The Director may issue an additional 650 authorizations after the
- 12 commencement of the capital project listed in Paragraph a above and prior
- 13 to the commencement of:
- 14 (1) Honeygo Boulevard capital project from Cross Road to Joppa Road;
- 15 and
- 16 (2) Water main second zone capital project along the length of Honeygo
- 17 Boulevard, as defined in this paragraph.
- 18 c. After commencement of the capital projects listed in Paragraphs 1.a and 1.b
- 19 above and prior to commencement of the acquisition of seven contiguous
- 20 acres of public open space in the Bean Run subarea, the Director may issue
- 21 up to an additional 200 authorizations for this subarea.

22 2. Honeygo Run subarea.

- 1 a. The Director may issue no authorizations or building permits for residential
2 buildings prior to the commencement of all contracts necessary to construct
3 the entire length of the Honeygo Run sewer interceptor capital project from
4 the Bird River pumping station to Snyder's Lane.
- 5 b. The director may issue 305 authorizations after the commencement of the
6 Honeygo Run sewer interceptor capital project described above and prior to
7 the commencement of:
- 8 (1) Cross Road capital project from Chapel Road to Honeygo Boulevard;
9 (2) Cowenton Avenue capital project from Joppa Road to Philadelphia
10 Road;
11 (3) Joppa Road capital project from Honeygo Run to Cowenton Avenue;
12 and
13 (4) Chapel Road capital project from Cross Road to Joppa Road.
- 14 c. After the commencement of the capital projects listed in Paragraphs a and b
15 above and prior to the commencement of the acquisition of seven contiguous
16 acres of public open space in the Honeygo Run subarea, the Director may
17 issue up to an additional 270 authorizations for this subarea.
- 18 3. Bird River subarea.
- 19 a. The Director may issue no authorizations prior to the commencement of the
20 Bird River sewer interceptor capital project.
- 21 b. The director may issue 530 authorizations after the commencement of the
22 Bird River sewer interceptor capital project and prior to the commencement

- 1 of:
- 2 (1) Joppa Road capital project from Cowenton Avenue to 1-95; and
- 3 (2) The acquisition of four contiguous acres of public open space.

4 4. Belair Road subarea.

5 a. The Director may issue no authorizations prior to the commencement of the

6 Honeygo Run sewer interceptor capital projects.

7 b. The director may issue 200 authorizations after the commencement of the

8 Honeygo Run sewer interceptor capital project and prior to the

9 commencement of:

10 (1) Honeygo Boulevard capital project from Cross Road to Belair Road;

11 (2) Forge Road capital project from Cross Road to Honeygo Boulevard;

12 and

13 (3) Chapel Road capital project from Belair Road to Joppa Road.

14 c. After the commencement of the capital projects listed in Paragraphs a and b

15 above and prior to the acquisition of three contiguous acres of public open

16 space in the Belair Road subarea, the Director may issue up to an additional

17 300 authorizations for this subarea.

18 F. The provisions of Paragraphs 1.c, 2.c, 3.b and 4.c of this subsection, relating to the

19 acquisitions of open space, may be reduced by the Administrative Officer or his designee to

20 the extent that other acreage in the same subarea is used for commercial recreational

21 facilities as defined in Section 101 of these regulations.]

22 1. EASTERN SUBAREA.

1 PRIOR TO THE ISSUANCE OF NEW AUTHORIZATIONS IN THE EASTERN
2 SUBAREA:

3 A. SIDEWALKS ARE TO BE EXTENDED ALONG THE SOUTH SIDE OF
4 JOPPA ROAD FROM RYAN’S WAY TO HONEYGO BOULEVARD.

5 B. AS A CONDITION OF DEVELOPMENT OF ANY PROPERTY ON THE
6 WESTERN SIDE OF GERST ROAD AT ITS INTERSECTION WITH
7 FORGE HAVEN LANE TO THE NORTH AND EAST JOPPA ROAD TO
8 THE SOUTH, A BUILDER OR DEVELOPER SHALL BE REQUIRED TO
9 CONSTRUCT A GREENWAY OF NO SMALLER THAN 25 FEET THAT
10 INCLUDES A SIDEWALK, DEDICATED BICYCLE PATH, AND
11 DOUBLE ROWS OF TREES.

12 2. WESTERN SUBAREA.

13 PRIOR TO THE ISSUANCE OF NEW AUTHORIZATIONS IN THE WESTERN
14 SUBAREA, RIGHT OF WAY ACQUISITION SHALL BE COMPLETE IN PREPARATION FOR
15 THE EXPANSION OF CROSS ROAD.

16 [G]E. Valid authorizations adhere to the property for which they were issued and are not
17 transferable to other properties.

18 [H]F. In order for an authorization to be valid, it must be within the [threshold] limits established
19 in this section for both the area and for the subarea where the property is located. FOR A
20 PROJECT THAT SPANS TWO SUBAREAS, AN AUTHORIZATION MAY NOT BE
21 TRANSFERRED, AND A VARIANCE MAY NOT BE GRANTED TO TRANSFER AN
22 AUTHORIZATION.

- 1 [I]G. In making application for an authorization, the applicant shall present evidence of an
2 approved record plat, to the Director, including certification that the development has access
3 to public water and sewer services.
- 4 [J]. If the number of dwelling units contained in the record plat does not exceed the threshold
5 limits as listed in Subsections D and E above for either the area or the subarea in which the
6 record plat is located, the Director shall issue authorizations for the units.
- 7 K. If the number of dwelling units contained in the record plat does not exceed the threshold
8 limits for either the area or the subarea in which the plat is located, the Director shall only
9 issue authorizations sufficient not to exceed either applicable threshold limit as listed in
10 Subsections D and E above. The applicant shall have the ability to choose which dwelling
11 units in the record plat receive authorizations if all dwelling units cannot receive
12 authorizations.]
- 13 [L]H. The Director shall maintain a waiting list for those record plats which have made proper
14 application for an authorization, but which, at the time of application, would exceed either
15 the area or applicable subarea [threshold] limits. The list will be maintained on a first-come,
16 first-serve basis.
- 17 [M]I. The Director will grant authorizations to applications on the waiting list in accordance with
18 the provisions of Subsections D [and], E, F, AND G above.
- 19 [N. Authorizations issued in any subarea shall be subtracted from the total number of
20 authorizations available in the Honeygo Area.]
- 21 [O]J. An authorization shall expire, unless within one year from its date of issuance either:
22 1. A building permit for the authorized dwelling unit has been issued; or

1 2. Grading, in accordance with an approved grading permit, has started on the
2 authorized site, such that physical character of the site is altered.

3 [P]K. Where a valid authorization has expired, the Director may issue an authorization to the next
4 appropriate applicant.

5 [Q]L. The Director, in cooperation with the Director of the Department of Planning, shall establish
6 procedures to assure that building permits in the area are issued in accordance with the
7 provisions of this section.

8 [R]M. The provisions of this section have no effect on any application for a building permit within
9 the area unless one of the capital projects listed in this section is included in the annual
10 six-year capital budget program approved by the County Council.

11 [S]N. Sewer connections.

12 1. Upon application to the Director, a property owner may be allowed to connect to a
13 completed sewer interceptor in another subarea if:

14 a. The structures to be connected are commercial buildings; and

15 b. The Director of Public Works finds that there is sufficient capacity within the
16 receiving subarea sewer interceptor to accommodate both the current and
17 future needs of the receiving subarea and the needs of the development of the
18 applying property owner.

19 2. Once a subarea interceptor is complete, and ready to receive sewage, any property
20 owner who, under the authority of Subparagraph 1 of this subsection, connected to
21 the sewer interceptor in another subarea, shall, at their own expense, connect their
22 property to the sewer interceptor designated to serve their subarea.

1 3. The Director and the Director of Public Works may, jointly or individually,
2 promulgate regulations to carry out the intent of this paragraph.

3 O. PLANNED UNIT DEVELOPMENTS ARE EXEMPT FROM THE AUTHORIZATION
4 REQUIREMENTS OF THIS SECTION.

5 § 259.8. Zoning Commissioner's powers.

6 The Zoning Commissioner may not grant a variance from the standards established in Section 259.7
7 as provided in Section 4A02.4.G of these regulations, unless the variance request involves [property
8 that is bisected by two or more subareas identified in Section 259.7, or] property that is the subject
9 of a concept plan that was accepted for filing by the Department of Permits, Approvals and
10 Inspections prior to August 4, 2003.

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not be applicable to~~
12 ~~development plans that have been fully and finally approved prior to the effective date of this Act.~~

13 SECTION 32. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
14 (45) days after its enactment.