

BALTIMORE COUNTY

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

The following section is taken from the Baltimore County Code and defines the limited exemptions that are provided by the code. Applicants seeking a limited exemption should make application to the development review committee (DRC).

**32-4-106. LIMITED EXEMPTIONS.**

**(a) Exemption from development review and approval process.**

(1) The following proposed development is exempt from compliance with Subtitle 2 of this title:

(i) The building or preparation of land for building a dwelling for one or two families on a single lot or tract that is not part of a recorded plat;

(ii) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building, provided the lot of record did not result from a subdivision of land exempt under § [32-4-105](#) of this subtitle;

(iii) The construction of one tenant house or the location of one trailer on a farm tract;

(iv) The subdivision of property in accordance with a court order, a will, or the laws of intestate succession;

(v) The resubdivision or lot line adjustment of industrially zoned or commercially zoned parcels of land that have been the subject of a previously approved Development Plan and recorded plat;

(vi) The construction of residential accessory structures or minor commercial structures;

(vii) The construction of a building owned and operated by a county volunteer fire, ambulance, or rescue company that is used primarily for:

1. Storage or training purposes;
2. Fund-raising activities; or
3. Other purposes related to rescue or fire-suppression activities;

(viii) Lot line adjustments in residential zones for lots that are not part of an approved Development Plan under this title or an approved Development Plan under Article 1B of the Baltimore County Zoning Regulations. For purposes of this subsection, “lot line adjustment” means one or more alterations of a divisional property line or lines between two or more lots in common ownership or by agreement of the owners, provided that the alteration does not result in an increase or decrease in the number of lots and there is no increase in total residential density available to the lots considered as a whole;

(ix) Subdivision of land that was recorded before January 26, 1990 into three or fewer lots; and

(x) Except as provided in paragraph (2) of this subsection, subdivision of land into three or fewer lots for residential single-family dwellings provided that the lots are not served by a panhandle driveway.

(2) If a lot is served by a panhandle driveway, the subdivision of land into three or fewer lots for residential single-family dwellings is only exempt from:

(i) The concept plan requirements under §§ [32-4-211](#) through [32-4-217](#) of this title; and

(ii) The county review requirements under §§ [32-4-226](#) and [32-4-227](#) of this title.

(3) All development exempted under this subsection shall comply with Subtitles 3, 4, and 5 of this title and all applicable Baltimore County Zoning Regulations.

**(b) Exemption from community input meetings and Hearing Officer's hearing.**

The following development is exempt from the community input meeting and the Hearing Officer's hearing under Subtitle 2 of this title:

(1) Lot line adjustments, including the combination of lots or parcels;

(2) Amendments to an approved Development Plan or plat that do not materially alter the proposed development;

(3) The subdivision of land that is in an approved state agricultural land preservation district or county agricultural easement for the purpose of the conveyance of the lots to the owner or the children of the owner under Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland and Article 24 of the Code;

(4) The subdivision of a farm tract into two lots;

(5) The subdivision of land into three or fewer lots for residential single-family dwellings;

(6) The construction of accessory structures;

(7) The subdivision of land or buildings in a planned office or industrial park for which a Development Plan has been approved in accordance with this title;

(8) A minor development that does not exceed a total of three lots; and

(9) A development plan processed under § 235.B.8. of the Baltimore County Zoning Regulations is subject to review by the Design Review Panel.

***(c) Development of land in a county agricultural easement.***

(1) The use or development of land in a county agricultural easement shall be governed by Article 24 of the Code.

(2) If there are conflicting provisions, the provisions of Article 24 of the Code shall take precedence over this title and the Baltimore County Zoning Regulations.

***(d) R.C. 6 zones.*** Notwithstanding any other provisions of this section, all development in a R.C. 6 zone is subject to Subtitle 2, Part V of this title.

(1988 Code, § 26-171) (Bill No. 172, 1989, § 2; Bill No. 18, 1990, §§ 2, 3; Bill No. 106, 1990, §§ 1, 2; Bill No. 1, 1992, § 2; Bill No. 50-93, 1993, § 3; Bill No. 73-00, § 3, 9-15-2000; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 8, 7-1-2004; Bill No. 54-05, § 1, 2-16-2005; Bill No. 58-09, § 4, 8-17-2009; Bill No. 38-11, § 2, 8-25-2011)

***Annotation***—Former § 26-171 (1988) cited in *Marzullo v. Kahl*, 366 Md. 158, 783 A.2d 169 (2001).

***(a) Exemption from development review and approval process.***

(1) The following proposed development is exempt from compliance with Subtitle 2 of this title:

(i) The building or preparation of land for building a dwelling for one or two families:

1. On a single lot or tract that is not part of a recorded plat; or
2. On a lot or lots exempt from the lapse provisions of § 32-4-273 of this

title;

(ii) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building, provided the lot of record did not result from a subdivision of land exempt under § 32-4-105 of this subtitle;

(iii) The construction of one tenant house or the location of one trailer on a farm tract;

(iv) The subdivision of property in accordance with a court order, a will, or the laws of intestate succession;

(v) The resubdivision or lot line adjustment of industrially zoned or commercially zoned parcels of land that have been the subject of a previously approved Development Plan and recorded plat;

(vi) The construction of residential accessory structures or minor commercial structures;

(vii) The construction of a building owned and operated by a county volunteer fire, ambulance, or rescue company that is used primarily for:

1. Storage or training purposes;
2. Fund-raising activities; or
3. Other purposes related to rescue or fire-suppression activities;

(viii) Lot line adjustments in residential zones that are not part of an approved Development Plan or zoning plan;

(ix) Subdivision of land that was recorded before January 26, 1990 into three or fewer lots; and

(x) Except as provided in paragraph (2) of this subsection, subdivision of land into three or fewer lots for residential single-family dwellings provided that the lots are not served by a panhandle driveway.

(2) If a lot is served by a panhandle driveway, the subdivision of land into three or fewer lots for residential single-family dwellings is only exempt from:

(i) The concept plan requirements under §§ 32-4-211 through 32-4-217 of this title; and

(ii) The county review requirements under §§ 32-4-226 and 32-4-227 of this title.

(3) All development exempted under this subsection shall comply with Subtitles 3, 4, and 5 of this title and all applicable Baltimore County Zoning Regulations.

(b) *Exemption from community input meetings and Hearing Officer's hearing.* The following development is exempt from the community input meeting and the Hearing Officer's hearing under Subtitle 2 of this title:

(1) Lot line adjustments, including the combination of lots or parcels;

(2) Amendments to an approved Development Plan or plat that do not materially alter the proposed development;

(3) The subdivision of land that is in an approved state agricultural land preservation district or county agricultural easement for the purpose of the conveyance of the lots to the owner or the children of the owner under Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland and Article 24 of the Code;

(4) The subdivision of a farm tract into two lots;

(5) The subdivision of land into three or fewer lots for residential single-family dwellings;

(6) The construction of accessory structures;

(7) The subdivision of land or buildings in a planned office or industrial park for which a Development Plan has been approved in accordance with this title; and

(8) A minor development that does not exceed a total of three lots.

(c) *Development of land in a county agricultural easement.*

(1) The use or development of land in a county agricultural easement shall be governed by Article 24 of the Code.

(2) If there are conflicting provisions, the provisions of Article 24 of the Code shall take precedence over this title and the Baltimore County Zoning Regulations.

(d) *R.C. 6 zones.* Notwithstanding any other provisions of this section, all development in a R.C. 6 zone is subject to Subtitle 2, Part V of this title.

(1988 Code, § 26-171) (Bill No. 172, 1989, § 2; Bill No. 18, 1990, §§ 2, 3; Bill No. 106, 1990, §§ 1, 2; Bill No. 1, 1992, § 2; Bill No. 50-93, 1993, § 3; Bill No. 73-00, § 3, 9-15-2000; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 8, 7-1-2004)

*Annotation—Former § 26-171 (1988) cited in Marzullo v. Kahl, 366 Md. 158, 783 A.2d 169 (2001).*

**§ 32-4-105. GENERAL EXEMPTIONS.**

(a) *Voluntary Cleanup Program exemption.* The creation of a separate lot of record for the sole purpose of applying for or participating in the Voluntary Cleanup Program under Title 7, Subtitle 5 of the Environment Article of the Annotated Code of Maryland is exempt from Articles 32 and 33 of this Code and from the Baltimore County Zoning Regulations for the period of time that the lot is subject to the requirements of the state law.

(b) *Agricultural exemption.* Subject to compliance with all applicable Baltimore County Zoning Regulations, the subdivision of land for agricultural purposes is exempt from this title if no new streets are involved.

(1988 Code, § 26-170) (Bill No. 18, 1990, § 2; Bill No. 79-01, § 2, 7-1-2004; Bill No. 150-05, §1, 3-5-2006)