A Citizen's Guide to Zoning

(and other Land Use Regulations)

Baltimore County, Maryland

2015

Table of Contents

AN INTRODUCTION TO LAND USE REGULATIONS 5

ZONING CLASSIFICATIONS..... 13

Resource Conservation Zones 13
(RC-2, RC-3, RC-4, RC-5, RC-6, RC-7, RC-8, RC-20, RC-50, RCC)

Residential Zones..... 25
(DR-1, DR-2, DR 3.5, DR-5.5, DR-10.5, DR-16, RAE-1, RAE-2)

Office Zones..... 37
(ROA, RO, OR-1, OR-2, O-3, OT, SE)

Business Zones 47
(CB, BLR, BL, BM, BR, BMM, BMB, BMYC)

Manufacturing Zones..... 57
(MR, MLR, ML, MH)

Districts..... 63
(AS, IM, H, H1, CCC, CT, C, M43, ME, NC)

APPENDICES 73

Appendix A: Selected Zoning Terms 74
Appendix B: Major Milestones 75
Appendix C: Historic Districts 76
Appendix D: Design Review Panel Areas..... 89
Appendix E: Community Plan Areas 103

An Introduction to Land Use Regulations

Introduction

A Citizen's Guide to Zoning (and other Land Use Regulations) is a brief summary of Baltimore County's primary land use regulations to assist citizens in developing a basic understanding of the various processes and documents related to development. The emphasis of this guide is on zoning--what zoning is, and how it is used to regulate the development of properties.

Zoning Regulations

Zoning is a legal mechanism that limits the use of privately-owned land to protect the health, safety, morals, and/or general welfare of the public. Zoning consists of maps which delineate different zoning classifications and written regulations providing the standards for each zone.

There are 37 different zones. In certain areas, one of the 10 types of zoning districts may be superimposed onto a zone to provide additional regulation. Since 2004, Baltimore County's official zoning map is in the form of an electronic geodatabase. While not the official map, the zoning designation of a property can be viewed on an interactive map at http://myneighborhood.baltimorecountymd.gov/.

The written regulations, *Baltimore County Zoning Regulations* (BCZR), establish the land use standards for each zone. Typically, the regulations specify, usually in great detail, the kinds of uses allowed (residences, businesses, manufacturing, etc.); the maximum intensity of use (number of dwellings per acre, maximum floor area per business, etc.); height limits for structures; minimum setbacks from roads and other property lines; and so forth.

In addition there are regulations that permit exceptions to the general standards, such as allowances for porches or bay windows to project into a required setback. There are regulations that provide additional requirements for certain types of uses, such as gas stations, junk yards and golf courses. There are regulations that address administration and enforcement, including procedures for citizens to request variances or special exceptions. Since the laws can be complex, and are generally written in "legalese," legal interpretation can be required through a special hearing.

The BCZR also allows for a Planned Unit Development Process, or PUD, where some flexibility in the application of the zoning regulations is permitted to allow for more efficient use of the land. PUD projects are required to

(Continued on Page 8)

An Introduction to Land Use Regulations

Baltimore County's zoning designations can be classified into five general land use categories. Within each category, each zone describes a different density level or intensity of use.

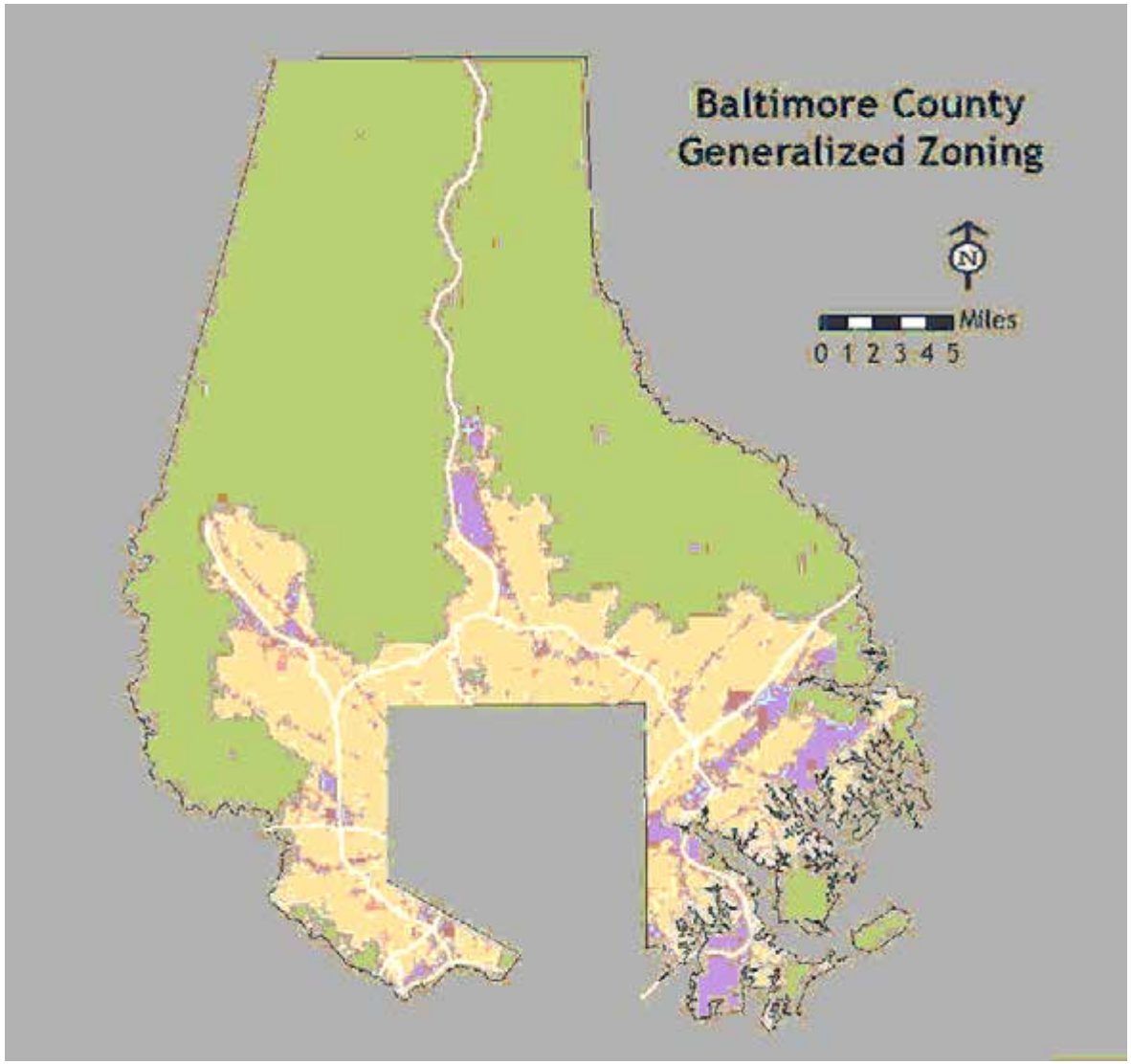
Resource Conservation Zones are the rural zones primarily governing agricultural uses and large lot residential development.

Residential Zones allow for development at different densities from one dwelling unit per acre up to 80 density units/acre.

Office Zones permit small establishments in converted residences to high-rise structures. Some of the office zones permit a mix of commercial and residential uses, or moderately dense residential development as a primary use.

Business Zones allow for uses ranging from small retail and office establishments in converted residences to the more noxious auto-related business uses. Residential uses are also permitted in some business zones under certain conditions.

Manufacturing Zones allow for a variety of very light to heavy manufacturing uses, as well as office uses.



Baltimore County Zoning Classification Summary			
Category	**Zoning Class**	**Name**	**Description**
Resource Conservation (Rural)	RC 2 RC 3 RC 4 RC 5 RC 6 RC 7 RC 8 RC 20, RC 50 RCC	Agricultural Protection Deferral of Planning and Development Watershed Protection Rural Residential Rural Conservation and Residential Resource Preservation Environmental Enhancement Resource Conservation Critical Area Resource Conservation Commercial	Primary agricultural zone Small scale rural development pending a planning study Areas adjacent to water supply reservoirs Primary zone for large lot, rural residential development Greater protection for resource areas Preservation of cultural, historical, recreational and environmental resources Protection of reservoir watersheds and extensive natural areas Agriculture and resource protection adjacent to the Chesapeake Bay Rural commercial development at a rural scale
Residential	DR 1, 2, 3.5, 5.5,10.5 & 16 RAE-1 and RAE-2	Density Residential Residence, Apartment, Elevator	Low, medium and high density urban residential development; each number represents the maximum number of dwelling units per acre. Hi-rise residential at 40 and 80 density units per acre, respectively
Office	R-O-A R-O OR-1 and OR-2 O-3 OT SE	Residential Office, (Class A) Residential Office Office/Residential Office Park Office and Technology Service Employment	Class A office (in converted residential structure) Class A and Class B (small office building) Office or residential uses at DR 5.5 and 10.5, respectively Exclusive office development Intensive technology employment uses with residential uses allowed Office and light industrial compatible with adjacent residential uses
Business	CB BLR BL BM BR BMM BMB BMYC	Community Business Business Local Restricted Business Local Business Major Business Roadside Business Maritime Marina Business Maritime Boatyard Business Maritime Yacht Club	Limited, small commercial businesses serving daily local needs A broader range of small businesses serving adjacent neighborhoods Small to moderate scale commercial Large scale, more intensive commercial Most permissive commercial zone Water-dependent facilities at a neighborhood scale Water-dependent facilities at a more intensive scale Water-dependent yacht club facilities and associated uses
Manufacturing	MR MLR ML MH	Manufacturing Restricted Manufacturing Light Restricted Manufacturing Light Manufacturing Heavy	Most restrictive industrial classification for transitioning to residential Restrictive industrial classification for transitioning to residential Light industrial uses and offices Most permissive industrial zone
Districts	AS CR CCC CT H, H1 IM M43 ME NC	Automotive Service Commercial, Rural Commercial, Community Core Commercial, Town Center Core Honeygo Area Industrial, Major Middle River Employment Center Mercantile Exposition Neighborhood Commons	Fuel and auto service stations Rural commercial Regional shopping areas Town center commercial areas Design standards for Honeygo Industrial parks, with supportive commercial services permitted Special standards for the Middle River Employment Center Expositions to support an agricultural society organization Preservation of open space parcels in established communities

provide a public benefit, a high quality of design, and be compatible with the neighborhood.

The BCZR is available on the Internet at www.baltimorecountymd.gov/Agencies/law/county-code.html.

Changing the Regulations

The written zoning regulations are enacted by the Baltimore County Council and can be amended at any time. A public hearing must be held before these laws may be changed.

The zoning map can be amended, but only through one of four mechanisms.

Comprehensive Zoning Map Process (CZMP)

Every four years, on an exact schedule specified in county law, the county engages in a process called "comprehensive" zoning. The participants in the process include individual landowners, contract purchasers, community organizations, county staff, the Planning Board, and the County Council.

The CZMP covers a period of approximately 12 months and results in zoning decisions that are reflected in a report or "log of issues." Ultimately, the County Council decides on each "issue," whether to retain the existing zoning already on the official map or to enact a different zone(s) or district(s). Generally, each issue is a single property, but an issue may cover many adjoining properties and might even cover many hundreds of acres. The zoning on all other properties (which were not issues) is re-enacted without change.

In addition to the four-year county-wide CZMP, the Baltimore County Code provides an opportunity for "mini"comprehensive zoning at any time and for any part of the urban county (inside the Urban Rural Demarcation Line) in conjunction with a revision or update of the Master Plan. The ability to undertake rezoning in this way must have prior approval by the County Council.

Cycle Zoning Process

During the years between the quadrennial "comprehensive" processes, the zoning map might also be changed through the "cycle" process. This opportunity arises twice a year, on a specified schedule, with the ultimate decision made by the Baltimore County Board of Appeals instead of the County Council. Because the Board of Appeals is exercising delegated authority, it is limited in its decision-making ability.

Only the property owner is entitled to petition in the cycle process, and must show that there has been either a substantial change in the character of the neighborhood since the preceding comprehensive process when the zoning was changed, or that the last classification was established in error. As a legal matter, either of these conditions is usually very difficult to prove.

In the cycle process, the owner has the option to submit a "documented site plan" specifying in great detail the manner in which the property is to be developed and used. If the zoning map change is approved by the Board of Appeals, compliance with the documented site plan is mandatory even if the property subsequently changes ownership. If the planned use is not developed within three years, the zoning automatically reverts to its prior classification. By improving the predictability about the actual results of a zoning map change, the documented site plan alternative makes it easier for the petitioner to garner support for the request, but this alternative cannot legally be used in the "comprehensive" process.

A Comparison of the Comprehensive and Cycle Zoning Map Amendment Processes

	Comprehensive Zoning Map Process	Cycle Zoning Process
Frequency	Occurs every fourth year, beginning in the year immediately after a council election.	Occurs every six months, except during the period of the "comprehensive" process.
Schedule	Follows a schedule of fixed dates for filing and reviews, beginning on September 1st and ending with final action by September 16th of the following year.	Follows a schedule of fixed periods for filing (March 1 and September 1) and reviews, but is open-ended on the time for a final decision.
Petitioners	Issues may be raised by any person(s) or organization(s), with or without the property owner's knowledge or consent; the owner, however, is notified.	Petition may be filed only by the property owner (or owner's agent, including contract purchaser).
Scope	Scope is countywide, i.e., every property is potentially an issue. Neighboring properties may be raised (before the end of the filing period) as additional issues to provide for comprehensive analyses and decisions.	Decision pertains solely to the property covered by the petition; neighboring properties can be considered for rezoning only during a subsequent cycle or comprehensive process.
Decision	Final decision is made by the County Council, as a legislative action which is not ordinarily appealable to the courts.	Decision is made by the County Board of Appeals, as a quasi-judicial action appealable through the Circuit Court, etc.
Criteria	No party to the process has a formal "burden of proof". Applicants usually attempt to persuade the Council (and other participants) that the change would be reasonable, appropriate, etc.; opponents attempt to persuade otherwise.	The County Board of Appeals must consider a specified list of criteria, and can only grant a rezoning upon a formal finding that, since the previous comprehensive process when the zoning was changed, there has been a substantial change in the character of the neighborhood or that the last classification was established in error.
Documented Plans	Applicants may submit plans or make other statements about future use, but these cannot be part of a rezoning granted by the Council, and are not enforceable by the County. Covenants may be recorded to bind the use of the property, but the County cannot be a party to the covenants.	If a petitioner volunteers to submit a "documented site plan," and the rezoning is granted, the plan is binding on the property and is enforceable by the county.
Public Hearings	Public hearings are conducted by the Planning Board and by the County Council, but speakers usually are given only about three minutes each. Written comments may also be submitted.	The Board of Appeals conducts formal, quasi-judicial hearings, with testimony and cross-examination under oath, and sufficient time for each party to make its case.
Public Notice	Legal notices in newspapers advertise the public hearings, with one hearing in each council district. Signs are posted on properties within the issue. Mailings are sent to property owners within and adjacent to issues.	A sign is posted on each property under petition, advising of the board's hearing and the opportunity for aggrieved persons to become parties to the proceedings.

Out-of-cycle Zoning Process

The standard "cycle" process operates on a set schedule, twice a year, including periods for filing of petitions, recommendations by the Planning Board, and hearings by the Board of Appeals. The "out-of-cycle" variation provides for expedited scheduling of the Board of Appeals' hearing and decision. This option is set in motion if the Planning Board agrees to certify that a quicker decision "is manifestly required in the public interest or because of emergency" and if the County Council also approves the certification.

Zoning Map Correction

If the official zoning map contains technical drafting errors, the zoning can be amended upon a certification by the Director of Planning that the map does not accurately reflect the final zoning classification imposed by the Council during a previous comprehensive zoning process. The Department files a petition to change the zoning map with the County Board of Appeals. The petition is based on one of the following:

- A technical drafting error made by the Department of Planning when transferring the County Council's enacted zoning classification to the comprehensive zoning map.
- A change in the property's zoning that was not within the boundaries of a filed issue.
- A technical drafting error made by the original petitioner for a zoning change, provided the error did not impact on the intent of the County Council to place a particular zoning classification on the particular property.

The Department of Planning may initiate a petition on its own if it discovers a technical error in the zoning map.

The Baltimore County Code

The *Baltimore County Code* provides the legal framework from which the zoning regulations are derived, and details the processes that govern its amendment. It also contains the county's Development Regulations which describe the processes that the county follows to review and approve a plan to make improvements on a property.

The code provides a number of other regulations that may impact the development of property concerning land preservation, historic preservation, and environmental protection, among others. It establishes special development review areas, such as historic districts and design review panel areas.

The code authorizes certain county agencies to develop additional standards and guidelines to further ensure development is consistent with county, state and federal mandates and goals. These include:

Public Works Design Manual: Prepared by the Department of Public Works, the manual details guidelines for water, sewerage and storm drainage facilities, roads and public buildings.

Comprehensive Manual of Development Policies: Prepared by the Department of Planning, the manual illustrates zoning requirements and provides design guidelines for a variety of development types.

Landscape Manual: Prepared by the Department of Planning, the manual contains requirements for the planting of landscape material and lighting.

Local Open Space Manual: Prepared by the Department of Recreation and Parks and the Department of Planning, requirements for the provision of local open space in urban, residential development are detailed.

The Role of the Master Plan

The *Baltimore County Master Plan* establishes the land use policies upon which zoning and other land use regulations are based. It is a guide, rather than a regulation, and is intended to be general and flexible. It does have legal authority, however. Development that is inconsistent with the master plan can be subject to legal recourse.

Community plans are enacted by County Council as amendments to the master plan. These plans provide more specific guidance for land use related matters within a neighborhood or area of the county. Some zoning regulations are based on the specific needs of a community, as expressed in their plan.