

SUBTITLE 2. DEVELOPMENT REVIEW AND APPROVAL PROCESS

PART I. DEVELOPMENT AND DESIGN

§ 32-4-201. IN GENERAL.

Except as provided in §§ 32-4-105, 32-4-106, and 32-4-107 of this title, an approved Development Plan is required for a development and a plat is required for a subdivision.

(1988 Code, § 26-201) (Bill No. 8-96, § 3, 3-23-1996; Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-202. DEVELOPMENT MANAGEMENT.

(a) *Management by the Department of Permits, Approvals and Inspections.*

(1) The Director of Permits, Approvals and Inspections shall:

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

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

(2) The Director may not alter the action or decision of a county agency, including any decision relating to the approval, disapproval, or revocation of a permit.

(b) *Adoption of regulations.* In accordance with the requirements of Article 3, Title 7 of the Code, the County Administrative Officer or the County Administrative Officer's designee may adopt regulations governing the processing of a concept plan, Development Plan, or action or review associated with a plan.

(1988 Code, § 26-218) (Bill No. 4, 1992, § 2; Bill No. 79-01, § 2, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011)

§ 32-4-203. BALTIMORE COUNTY DESIGN REVIEW PANEL.

(a) *In general.*

(1) A Development Plan OR OTHER PROPOSED DEVELOPMENT, AS APPLICABLE is subject to review under this section if IT INVOLVES PROPERTY ~~the proposed development~~ is located in a design review area identified on the map adopted under § 32-4-204 of this subtitle.

(2) For purposes of this section, a proposed development includes a minor subdivision. ~~but does not include a Planned Unit Development.~~

(3) For purposes of this section, a proposed development means:

- i. a development consisting of new construction; ~~or~~
- ii. a substantial addition or change to an existing Development Plan, as determined by the Department of Planning;
- iii. A PLANNED UNIT DEVELOPMENT; OR
- iv. FOR PURPOSES OF PROPERTY LOCATED WITHIN THE TOWSON URBAN CENTER DISTRICT, ANY CONSTRUCTION, INCLUDING, BUT NOT LIMITED TO, NEW CONSTRUCTION, REDEVELOPMENT, SIGNAGE, AND FA'ADE

CHANGES FOR WHICH A BUILDING PERMIT IS REQUIRED UNLESS OTHERWISE WAIVED BY THE DEVELOPMENT PLAN.

(4) (i) In the case of a residential single lot of record, any new dwelling unit shall be reviewed ~~by the Panel~~ AS PER 32-4-204 d.

(ii) This does not apply to any addition to a dwelling unit unless the addition is more than 50% of the gross square footage of the existing dwelling.

(b) *Panel established.*

(1) There is a Baltimore County Design Review Panel.

(2) In order to encourage design excellence, the Panel shall act in a consulting and advisory capacity to the agencies involved in the interagency process for reviewing Development Plans under § 32-4-226 of this subtitle.

(c) *Objective for assessment.*

(1) The Panel shall apply the policies in the Comprehensive Manual of Development Policies and in the Master Plan in assessing whether a proposed plan:

(i) Demonstrates a satisfactory spatial, visual, and functional relationship to the topographic characteristics, the natural features, and the built features of the site as well as the surrounding features of the site;

(ii) Gives primary design consideration to the visual and functional integration of streetscapes, pedestrian pathways, playgrounds, recreational amenities, and parks;

(iii) Demonstrates that streets and sidewalks are laid out as safe and convenient linkages and that parking becomes a positive design element that contributes to the overall image of the site;

(iv) Demonstrates that buildings, parking garages, and other accessory structures are spatially and visually integrated and suitable to their surroundings in proportion, massing and type, materials and colors, signage, and other elements of urban design; and

(v) Demonstrates that plant materials are selected and sited to define the site, provide a theme or image appropriate to the development, frame views, enhance architecture and street characteristics, develop continuity of adjacent open spaces, improve the micro-climate, provide transition between dissimilar uses, screen the objectionable views and uses, reduce noise level and glare, and provide seasonal colors and other visual amenities.

(2) (i) For a proposed residential development located in a design review area identified on the map adopted under § 32-4-204 (d) of this subtitle, the Panel shall apply the design standards in sections 260.2 through 260.6 of the Baltimore County Zoning Regulations and any standards identified in a community plan that has been adopted by the County Council as part of the Master Plan.

(ii) In addition, the Panel may increase the residential setback requirements applicable to the proposed development.

(3) If the Panel review generates a comment regarding landscaping for a plan, including lots of record, the applicant shall prepare a landscape plan. This plan shall be prepared and sealed by a licensed landscape architect and reviewed and approved by the county landscape architect.

(4) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (C) TO THE CONTRARY, THE PANEL SHALL APPLY THE DESIGN GUIDELINES IN SECTION ??? OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A DEVELOPMENT PLAN OR OTHER PROPOSED DEVELOPMENT WITHIN THE TOWSON URBAN CENTER OVERLAY.

(d) *Membership; appointment.*

(1) The Panel shall consist of a standing panel of nine members who by profession or experience are knowledgeable in matters of design, including architects, landscape architects, and other design professionals (the professional members), and a revolving panel of resident members (the resident members) who shall serve on specific review panels, designated under subsection (h) of this section, as authorized.

(2) (i) The County Executive shall appoint the nine professional members subject to County Council confirmation.

(ii) The County Council shall appoint the resident members, each of whom shall be a resident of the Councilmanic District in which a review panel is formed to review a residential development IN AREAS IDENTIFIED IN SECTION 32-4-204 (d).

(3) The County Executive shall designate one professional member to serve as Chairman of the Panel.

(e) *Term of office.*

(1) The term of a Panel member is 3 years and shall begin on January 1.

(2) A member is eligible for reappointment, but may not serve more than two consecutive terms.

(f) *Executive secretary.* The Director of Planning, or the Director's designee, shall serve as the non-voting executive secretary to the Panel.

(g) *Fees.*

(1) The County Administrative Officer shall set fees to adequately cover the cost of the Panel's review activities.

(2) The County Administrative Officer shall submit the proposed fees to the County Council in accordance with § 3-1-202 of the Code.

(h) *Review panel; notice of meetings.*

(1) (i) The chairman shall designate three professional members of the Panel to serve as a review panel for the purpose of reviewing a nonresidential Development Plan.

(ii) For the purpose of reviewing a residential development plan proposed to be located in a Design Review Area identified on the map adopted under § 32-4-204 IN SECTION 32-4-204

(d) of this subtitle, the chairman shall designate two professional members of the Panel to serve on the review panel, and the County Council shall appoint a resident member to serve as the third Panel member.

(iii) The Council's appointment shall be made by letter within seven days after notification from the Department of Planning that a residential design review panel is to be appointed.

(2) The Panel shall provide notice of meetings in accordance with the procedures contained in the Comprehensive Manual of Development Policies.

(3) The Panel shall hold its meetings open to the public.

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

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

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

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

(j) *Failure to make a recommendation.* The failure of the Panel to make a recommendation does not prevent the plan from being processed.

(k) *Recommendation as a condition for approval of a plan.* The Hearing Officer may impose a recommendation of the Panel as a condition for approval of a Development Plan.

(l) *Recommendation considered by agencies.* If a Development Plan or Hearing Officer's hearing is not required, the Directors of the Department of Planning, the Department of Permits, Approvals and Inspections and the Department of Environmental Protection and Sustainability or their designees shall consider any recommendations of the Panel and may impose the recommendation as a condition of approval before either approval of a Development Plan or the issuance of a permit, whichever occurs first.

(1988 Code, § 26-219) (Bill No. 12-93, § 1, 4-5-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 17-03, § 1, 5-3-2003; Bill No. 75-03, § 9, 7-1-2004; Bill No. 56-04, § 1, 6-11-2004; Bill No. 108-05, § 1, 10-30-2005; Bill No. 119-05, § 1, 12-23-2005; Bill No. 122-10, §§ 12, 30, 1-16-2011; Bill No. 38-11, § 3, 8-25-2011; Bill No. 55-11, §§ 1, 2, 10-16-2011; Bill No. 67-13, § 1, 12-29-2013)

 **§ 32-4-204. DESIGN REVIEW AREAS.**

(a) *Designation of Design Review Areas.* The Baltimore County Council may designate areas of the county in which Development Plans are subject to review by the design review panel.

(b) *Map process.* Design Review Areas shall be designated on a map to be adopted by the Council.

(c) ~~*Nonresidential plans.*~~ A ~~nonresidential~~ Development Plan is subject to review under this section if the proposed development is located in any of the following areas that are described by map in the Comprehensive Manual of Development Policies:

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

~~(2) (1) The Essex COMMERCIAL Revitalization DISTRICT Area;~~

~~(3) (2) The Catonsville COMMERCIAL Revitalization DISTRICT Area;~~

~~—(4) (3) The Arbutus COMMERCIAL Revitalization DISTRICT Area;~~

~~(5) (4) The Pikesville COMMERCIAL Revitalization DISTRICT Area;~~

~~(6) (5) The Perry Hall COMMERCIAL Revitalization DISTRICT Area; or~~

~~(7) (6) The Loch Raven-Baynesville section and the Loch Raven - Hillendale section of the Loch Raven COMMERCIAL Revitalization DISTRICT Area.~~

~~(d) *Residential plans.*~~

~~(1) Residential Design Review Areas are limited to properties that lie within the boundaries of a community plan that has been adopted by the County Council as part of the Baltimore County Master Plan.~~

(d) RESIDENTIAL DEVELOPMENT IS SUBJECT TO REVIEW UNDER THIS SECTION IF THE PROPOSED DEVELOPMENT IS LOCATED IN THE FOLLOWING AREAS THAT ARE DESCRIBED BY THE MAP IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES: can't change numbering.

(2) EAST TOWSON

(3) RUXTON/RIDERWOOD/LAKE ROLAND

(4) SUDBROOK PARK

(?) A residential single lot of record that is within a Design Review Area and that existed prior to June 11, 2004 ? may be approved by the chairman of the Panel, if

the owner ~~presents a written letter of support from~~ MEETS WITH a recognized community association in the design review area and if the area planner approves THE DEPARTMENT OF PLANNING FINDS THAT THE PLAN MEETS THE OBJECTIVES OF §32-4-203(C)

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

OF PROPERTY LOCATED WITHIN THE TOWSON URBAN CENTER DISTRICT IS SUBJECT TO REVIEW UNDER THIS SECTION.

(i) DEVELOPMENT PLANS SHALL BE REFERRED TO THE DESIGN REVIEW PANEL

(ii) THE DEVELOPMENT REVIEW COMMITTEE SHALL DETERMINE WHETHER LIMITED EXEMPTIONS AS PER §32-4-106 SHALL BE REFERED TO THE DEPARTMENT OF PLANNING OR THE DESIGN REVIEW PANEL.

(iii) PERMITS FOR EXTERIOR ALTERATIONS SHALL BE REFERRED TO AND REVIEWED BY THE DEPARTMENT OF PLANNING

THE DESIGN REVIEW PANEL SHALL BE COMPOSED OF AT LEAST THREE (3) ARCHITECTS, ONE (1) LANDSCAPE ARCHITECT, AND ONE (1) OTHER DESIGN PROFESSIONAL.