

# LOWER BACK RIVER NECK



December 9, 2008

Charrette September 11-15, 2008

## PUBLIC INPUT

Most residents disliked the arbitrary nature of the current development process. Applicants are dependent on the good will and good intentions of their neighbors.

Once the variance process is underway, all of the existing development standards are irrelevant. What gets built has little or no relationship to the “rural” zoning, including allowing a “49 foot house on a 50 foot wide lot”.

Most citizens made it clear that the property rights of existing lots of record should be recognized.

There was absolute consistency that the preserved or protected areas remain undeveloped.

Residents did not want to see any large-scale commercial development on the peninsula.

Preserve rural character  
Recognize existing property rights  
Control the scale & fit of new development  
Make the process more straightforward and fair

# Create a new zoning code to control or influence infill development while respecting the property rights of land owners

1. Will the existing sewer system support new development and if so, how much more?
2. How much development should be allowed on individual lots?
3. How will the Form Based Code control development?  
How will it be different from the current zoning?
4. What are the next steps?

# ***1. Will the existing sewer system support new development, and if so, how much more?***

The Baltimore County Department of Public Works has determined that the existing sewer system CAN handle potential development on the LBRN peninsula allowed under the existing RC5 zoning.

## ***2. How should development be allowed on individual lots?***

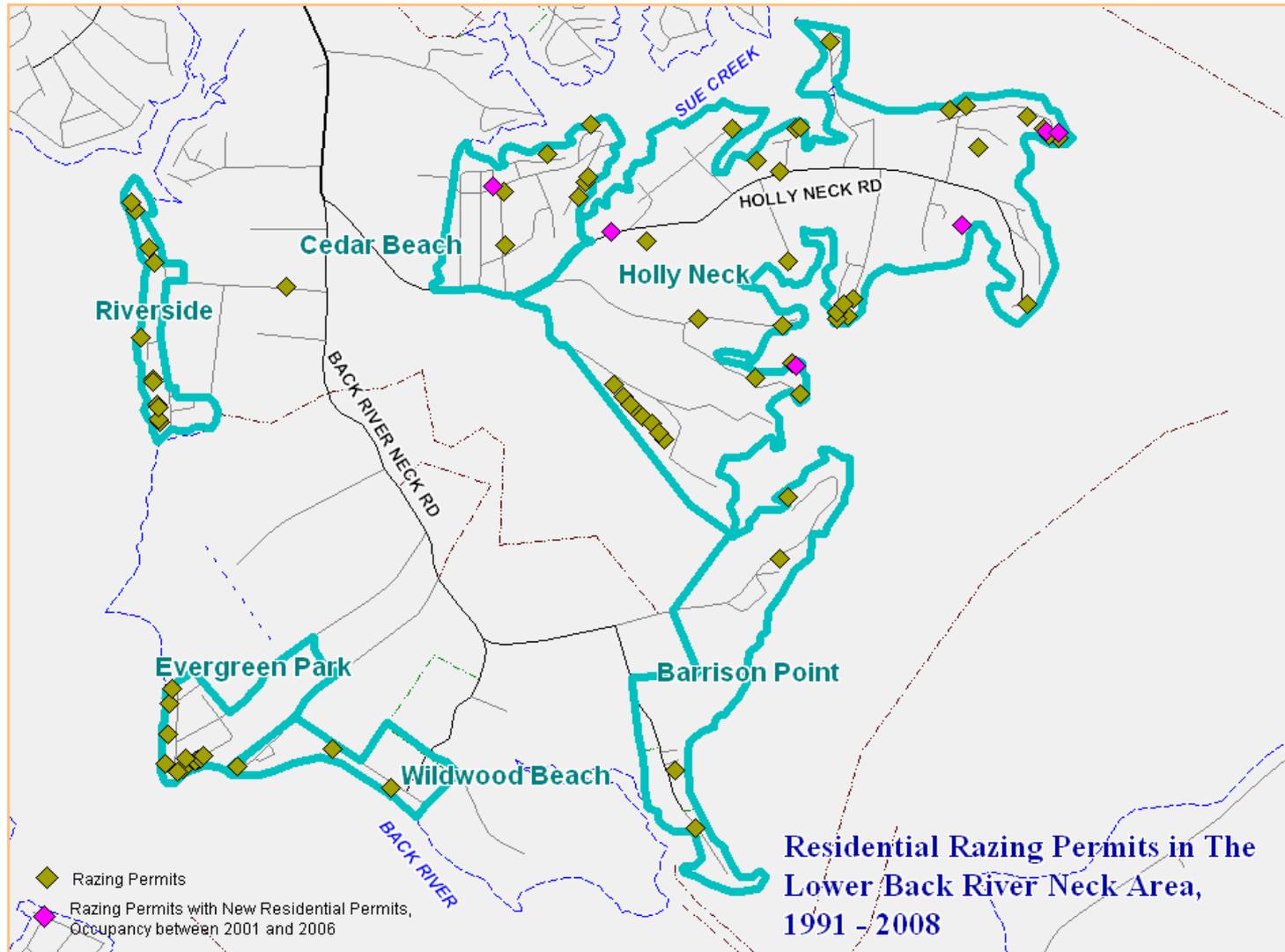
OPTION 1

Keep existing RC5 in place.

OPTION 2

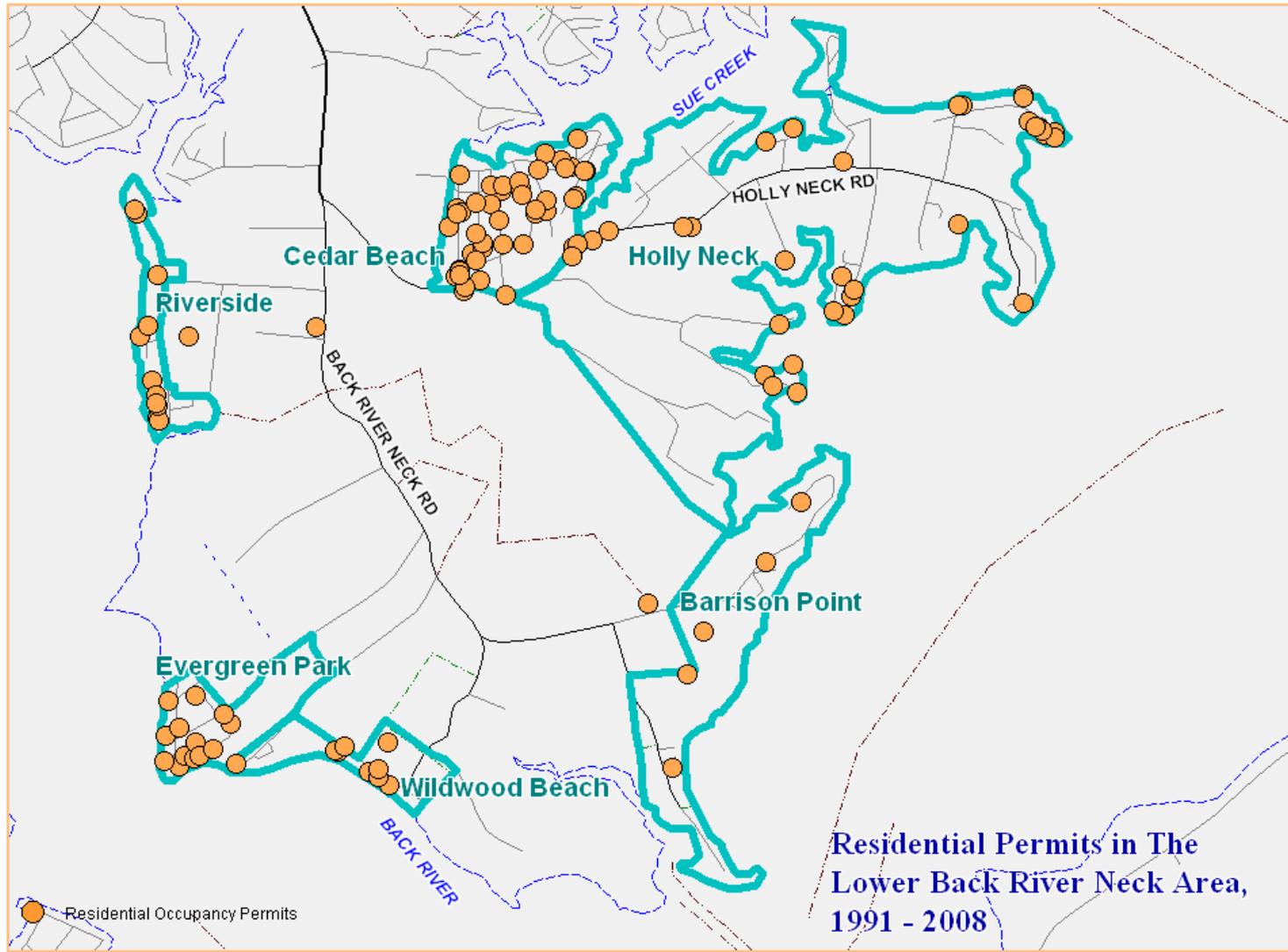
Create a new zoning classification

## OPTION 1: Conditions with existing zoning



Map prepared by Baltimore County Office of Planning, Oct. 2008.

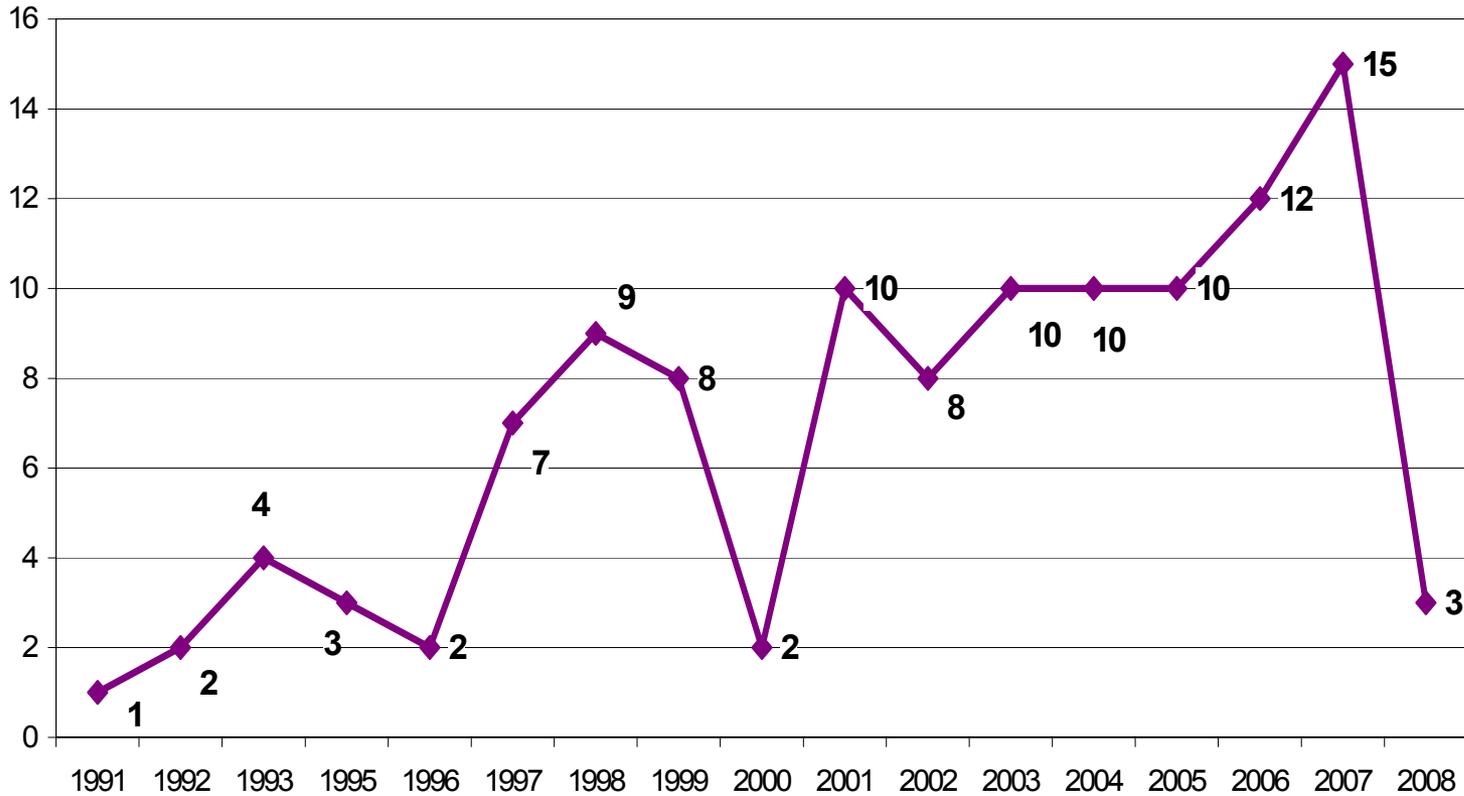
**OPTION 1: Conditions with existing zoning**



Map prepared by Baltimore County Office of Planning, Oct. 2008.

## OPTION 1: Conditions with existing zoning

### Residential Building Permits in the Lower Back River Neck Area



Source: Baltimore County Permits and Development Management, Oct. 2008.

## OPTION 1: Conditions with existing zoning

### Zoning:

#### 1. Section 4A03 Growth Management Plan for Bowley's Quarters and Back River Neck Areas

A. Sec. 4A03.5 Building Permit. Requires the following.

- building elevation drawings
- neighborhood photographs (basis of comparison, proposed home vs. existing homes)
- site design, layout
- architectural design

B. Sec. 4A03.7 Public Hearing

- B. - undersized lots, site posted, property owners within 1000' of lot may request a public hearing

#### 2. Section 1A04, RC-5 Zone

- building height 35 feet
- lot area 1 ½ acres – owners of single lot of record may apply for a Special Hearing if lot was recorded prior to 9/2/03 and it doesn't meet lot area or setback requirements
- setbacks, building must be located
  - 75 feet from street centerline, which is not scenic or collector
  - 50 feet from a property line
  - 15% impervious limitation on development (1,125 sq. ft. for our example)
- critical areas average waterfront building setback (varies)

3. **Front Yard** - Zoning determination of what constitutes front of lot, our example would be waterfront. Garages would then be allowed along the street.



## Approvals needed to build.

1. Variance to RC-5 Zone: all setbacks application, post site, agency review, Zoning Officer hearing, hire attorney, hire engineer, time to complete 7 – 9 months.
2. Special Hearing for undersized lot: need building elevations, building materials, site plan, neighborhood photos. Need to hire architect or builder. Zoning Commissioner hearing, site must be posted, time to complete 7-9 months.
1. 3. May combine the Variance hearing and Special Hearing.
2. 4. Constructing a building within a floodplain.

**Lot consolidation** – grandfathering and undersized lots that would otherwise require merging.

1. Section 103.5 (BCZR) Chesapeake Bay Critical Area; grandfathering.
  - D. 1. Every recorded lot prior to 12/1/85 may be developed, if vacant and if previously allowed to develop. Lot must conform to zoning regulations other than density or lot size.
2. Section 304 (BCZR) Use of Undersized Single-Family Lots
  1. Section 304 does not apply to lots in rural areas. Merging lots not an issue.
  2. Permits and Development Management, however, undertakes a review to determine if the lot proposed to be developed is in any way 'encumbered' to the adjoining lot. Driveways, sheds, buildings accessory to the principal structure that are located on the lot may be considered encumbrances. If PDM determines that the lot is any way encumbered then a Special Hearing is required. At that point it is up to the petitioner to prove otherwise.

## OPTION 1: Conditions with existing zoning



# Evaluating Infill Development and Neighborhood Character

The development pattern of neighborhoods on the Lower Back River Neck peninsula is based on 50 foot recorded lots. Many residents stated they do not want to prevent the right to develop yet do not want additional homes.

Staff reviewed each neighborhood for potential development during the charrette, using the following tools:



- Zoning Map
- Ownership
- Buffer Management Area
- Flood Hazard Maps
- Stream and stream buffers
- Wetlands
- Floodplains
- Preserved Areas
- Topographic elevations

## OPTION 2: Creation of new zone

### Case Study: Cedar Beach

Neighborhood analysis revealed Cedar Beach has predominately 25 foot wide recorded lots.

Using the pattern of development commonly used on the peninsula (50 foot wide lots), the opportunity exists for 104 new homes in Cedar Beach.



Lower Back River Neck

## OPTION 2: Creation of new zone



Lower Back River Neck

## OPTION 2: Creation of new zone

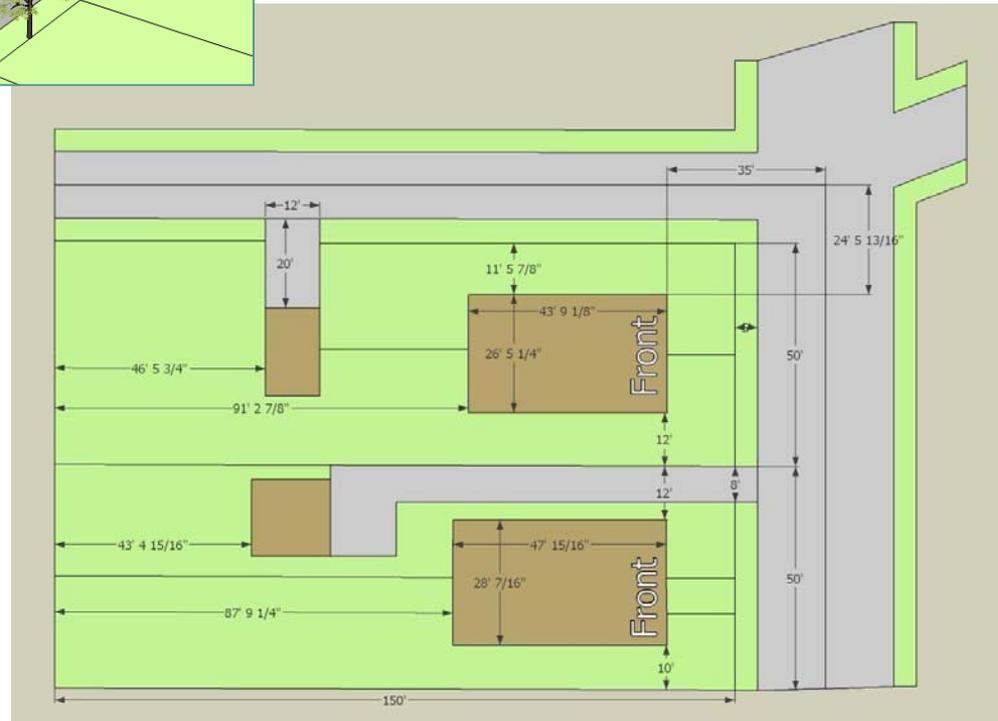


Lower Back River Neck

## OPTION 2: Creation of new zone

### Case Study: Cedar Beach

*Two interior lots*





### ***3. How will the Form Based Code control development?***

It would control development in the same manner as traditional zoning, by requiring a minimum lot size. The minimum lot size would be based on the pattern and character of each neighborhood.

### ***How will it be different from the current zoning?***

The current zoning does not fit the size of existing recorded lots. As a result, ALL development requires a special hearing.

A new zone would start by establishing a minimum lot size size that is based on the existing sizes of recorded lots.

## ***4. What are the next steps?***

The Office of Planning can return to the Steering Committee with an outline of the new zone in early 2009.

Based on comments from the Steering Committee at that point, the Office of Planning can continue to revise the new zone, which may include holding additional community input exercises.