COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 11

Bill No. 53-20

Mrs. Cathy Bevins, Chair

By the County Council, May 4, 2020

A BILL
ENTITLED

AN ACT concerning
Zoning Regulations - Permitted Alternative Uses and Development Proposals Adjacent to the MD 43 Overlay District.

FOR the purpose of authorizing alternative uses and development proposals on certain Density Residential (D.R.) and Resource Conservation (R.C.) Zoned properties adjacent to the MD 43 Overlay District under certain conditions; and generally relating to uses in the D.R. and R.C. Zones.

BY adding

Section 1A02.2.C
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 259.11.A.4
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.
SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations shall read as follows:

ARTICLE 1A - RESOURCE CONSERVATION ZONES

Section 1A02 - R.C. 3 (Deferral of Planning and Development) Zone

§ 1A02.2. Use Regulations.

C. IN ADDITION TO ANY OTHER USE PERMITTED BY THIS SECTION, ALTERNATIVE USES AND DEVELOPMENT PROPOSALS ARE PERMITTED ON CERTAIN DEVELOPMENT TRACTS CONTAINING R.C. 3 ZONING LOCATED ADJACENT TO THE MD 43 OVERLAY DISTRICT IN ACCORDANCE WITH SECTION 259.11.A.4.

ARTICLE 2 - ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS

Section 259 - Districts

§ 259.11. - Development Standards for MD 43 Overlay District.

These standards are intended to be additions to, modifications of, and exceptions from the standards required by the underlying zoning classification. All conflicts are to be resolved in accordance with Section 259.12.
A. Uses permitted by right.

4. Alternative uses and development proposals.

a. D.R.2 OR D.R.3.5 ZONES.

(1) AS AN ALTERNATIVE TO DEVELOPMENT IN ACCORDANCE WITH THE UNDERLYING ZONING, [T]he following uses are permitted by right on development tracts zoned D.R.2 or D.R.3.5 if such tract is: (1) adjacent to the MD 43 Overlay District; (2) has direct vehicular access to Campbell Boulevard or MD 43; and (3) is under common ownership or control or part of a common scheme of development as other property, with a total area of at least 800 acres, [and] having the MD 43 Overlay District:

[1] (A) Commercial recreational facilities and additional complementary and accessory uses, including, but not limited to, indoor recreation centers, outdoor recreation centers, lighted fields, spectator seating, aquatic centers with leisure pools, surf pools, or other pools, temporary living quarters for overnight camps and similar programs, overnight accommodations, restaurants, retail uses, offices, parking lots, with or without solar canopies, and space for equipment storage. [; and

2] Residential uses ASSOCIATED WITH A COMMERCIAL RECREATIONAL FACILITY ARE ALLOWED as permitted and as limited in the D.R.5.5 Zone, except that no multi-family or single-family attached units are permitted and no more than five acres of the development tract may be developed with such residential uses[.]; OR

(B) RESIDENTIAL USES NOT ASSOCIATED WITH A COMMERCIAL RECREATIONAL FACILITY ARE ALLOWED AS PERMITTED AND AS LIMITED IN THE D.R.3.5 ZONE. RESIDENTIAL USES UNDER THIS SUBPARAGRAPH
ARE NOT SUBJECT TO THE LIMITATIONS ON SINGLE-FAMILY DETACHED LOTS CONTAINED IN SECTION 260.2.

[B.] (2) Development proposals under this subsection shall be reviewed and approved under the provisions of Section 259.11.D, including approval of a pattern book, which may allow waiver or modification of any applicable laws or regulations governing development, including height, area, bulk, or parking requirements. SUCH WAIVERS OR MODIFICATIONS SHALL BE APPROVED THROUGH THE PROCEDURES OUTLINED IN SECTIONS 259.11.A.3 AND 259.11.D.

B. R.C.3 ZONE.

(1) AS AN ALTERNATIVE TO DEVELOPMENT IN ACCORDANCE WITH THE UNDERLYING ZONING, RESIDENTIAL USES ARE PERMITTED BY RIGHT ON DEVELOPMENT TRACTS CONTAINING R.C.3 ZONING IF SUCH TRACT IS ADJACENT TO THE MD 43 OVERLAY DISTRICT AND IS UNDER COMMON OWNERSHIP OR CONTROL OR PART OF A COMMON SCHEME OF DEVELOPMENT AS OTHER PROPERTY, WITH A TOTAL AREA OF AT LEAST 800 ACRES, HAVING THE MD 43 OVERLAY DISTRICT.

(2) RESIDENTIAL USES ARE PERMITTED IN ACCORDANCE WITH THE STANDARDS FOR UNIT TYPE OUTLINED IN SECTION 259.11.A.3, EXCEPT THAT MULTI-FAMILY UNITS ARE NOT PERMITTED, AND SUCH USES ARE ONLY PERMITTED ON THE PORTION OF THE DEVELOPMENT TRACT THAT IS ZONED R.C.3 OR THAT HAS THE MD 43 OVERLAY DISTRICT DESIGNATION.

(3) DEVELOPMENT OF A TRACT UNDER THIS

C. DEVELOPMENT OF PROPERTY UNDER SECTION 259.11.A.4 SHALL BE CONSIDERED TO BE LOCATED WITHIN THE MD 43 OVERLAY DISTRICT.
SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed
with the affirmative vote of five (5) members of the County Council, shall take effect on June 15,
2020.