

Baltimore County

Department of Permits, Approvals, and Inspections



Zoning Policy Manual

2023 Edition

Adopted by

Baltimore County Council on _____ through Resolution _____

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Baltimore County Zoning Policy Manual

Purpose of the Manual

The purpose of the 2023 *Baltimore County Zoning Policy Manual* is to clarify the process staff uses when interpreting certain sections of the Baltimore County Zoning Regulations (BCZR) that are not clear. If any portion of this manual conflicts with the BCZR or the Baltimore County Code (BCC), the BCZR and BCC govern. Relief to any of the requirements in this manual can be obtained from the Administrative Law Judge. All final decisions made by the Director of the Department of Permits, Approvals, and Inspections, or by designated staff in the Zoning Office, may be appealed to the Baltimore County Board of Appeals.

The manual is organized alphabetically and a cross-reference table showing policy and code section is included in the appendix.

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A-1 Accessory Amateur Radio Operator Antennas

Reference Sections 426 and 426A of the BCZR

Amateur Radio Operators (HAM) are exempt from Baltimore County Zoning Code Section 426, as they are licensed by the FCC. The equipment they use meets the definition of a radio operator antenna, different from the definition of a wireless telecommunications antenna.

HAM operator antennas are considered accessory to single-family dwellings and, pursuant to Section 426A.1.E of the BCZR, are limited to a height of the lesser of 100 feet or the horizontal distance to the nearest property line above grade level (plus the other applicable regulations of Section 426A). The BCZR does not specifically address or exempt citizens band radio (CB) antennas from Section 426 of the BCZR as the FCC does not license those operators. A CB radio antenna is also accessory to a single-family dwelling like a HAM antenna; therefore, a CB radio will follow the same guidelines as the amateur operator.

Both the HAM and CB antennas are required to meet all other provisions of the BCZR (aside from Section 426). If the area requirements cannot be met, such an antenna must be approved by a zoning variance.

A-2 Accessory Buildings, Structures, and Uses in Nonresidential Zones

Reference Sections 240, 248, 253, 256, and 500 of the BCZR

Accessory buildings, structures, and uses are permitted in nonresidential zones; however, those accessory buildings, structures, and uses must meet the principal building setbacks, height and area requirements for the zone in which they are located.

All accessory structures to a nonresidential use must meet principal building setbacks, distance between buildings, and other applicable area requirements. Structures accessory to a nonconforming residential use must meet Section 400 of the Baltimore County Zoning Regulations.

Accessory structures in connection with nonconforming or conforming residential living quarters must meet code sections referenced above. This includes a caretaker's dwelling or a standard residential dwelling.

Above-ground tanks are subject to this policy; however, underground tanks may be permitted within the zoning setback lines.

A-3 Accessory Buildings, Structures, and Uses on Vacant Lots

Reference Sections 101, 400, and 500 of the BCZR

Accessory buildings, structures, or uses are not permitted on vacant lots (see Sections 400 and Section 101 of the Baltimore County Zoning Regulations) except by the following procedure:

If two or more lots are under the same ownership, one lot is improved with a dwelling, and an accessory structure is proposed on an adjacent lot, the vacant lot with the dwelling lot must be combined through a zoning lot merger process (by deed consolidation or by subdivision as defined in BCC Section 32-4-101). When two lots are combined for the purpose of building an accessory structure, the owner must have exclusive use of all of the property between the dwelling and the accessory structure, with no easements or rights-of-way between the lots.

See case:

1988-0206-SPH: 4107 Beachwood Rd. To permit a swimming pool on an adjoining vacant lot. A proposal was made by petitioner's attorney to amend petition for a variance (pool in the side yard) to be heard in conjunction with this case. Both requests were granted.

A-4 Accessory Community Uses in Residential Developments

Reference Sections 1B01.1.C.4 and 500 of the BCZR

A use or structure that is shared by a community, including but not limited to swimming pools, playgrounds, snack bars, vending machines, and tennis courts, in subdivisions are considered accessory to larger community buildings (e.g., clubhouses). They must be located to the rear of the principal building and are subject to Section 400 of the Baltimore County Zoning Regulations.

If such uses or structures are not located in the rear yard, they are to be considered other principal buildings. If they are located in a residential transition area, such standards would apply.

These uses and structures are permitted in residential zones provided that:

1. They are operated by the owner/company of the residential building or subdivision
2. The customers are restricted to the tenants/owners only and no outside use and memberships are permitted if it is a recreation facility
3. The right to use the facility is inherent with the lease or ownership in the development and no additional fees or dues are charged for membership.
4. Community uses or structures rented or leased to non-residents of the community will be considered a principal use within the subdivision and will require a special exception public hearing.
5. No internal building separations are required, but setback requirements for property lines, street lines, and track boundaries still apply.

A-5 Accessory (In-law) Apartments
Reference Section 400.4, BCZR

Accessory Apartments (also known as “in-law suites”, “granny flats”, and “accessory dwelling units”) are permitted and subject to Section 400.4 of the BCZR. Section 400.4.A allows, by Use Permit, an apartment within an existing single-family detached dwelling, provided certain conditions within that Section are met. For the purpose of the referenced Section of the BCZR and this Policy, an accessory apartment in a proposed dwelling addition will be considered an “existing” single-family detached dwelling and not subject to a Special Hearing, pursuant to Section 400.4, BCZR, but the accessory apartment may be subject to variances.

See case:

2022-0109-SPHA: Bloomsbury Ave. Per Opinion and Order: Under BCZR, Section 400.4.A.1, the jurisdiction to decide whether a proposed addition to an existing home may be used for an in-law apartment lies with the Director of Permits, Approvals and Inspections and the Petitioners should make application pursuant to that Section for the approval of the in-law apartment. The Administrative Law Judge has jurisdiction to decide whether detached accessory buildings should be used as in-law apartments under Subsection B therein. Dismissed.

A-6 Accessory Structures Attached by Open Projections for Residential Uses
Reference Sections 1B01.2.B.1, 300.1, 400.1, and 400.2 of the BCZR

If a residential accessory structure/building (garage, pool, shed, pool house, accessory apartment) is to be attached to an existing dwelling by an open projection (such as a deck, porch, or carport), it must meet principal dwelling setbacks, not the requirements of Section 301.1, 400.1, 400.2, or 400.3 of the BCZR. Alternatively, an “at grade patio” attached to an accessory structure/building will not be considered an open projection for purposes of this policy and the accessory structure/building must comply with Section 400.1, 400.2, and 400.3 of the BCZR.

If the attached accessory structure/building is on a lot that is part of a Final Development Plan (FDP), the building envelope shown and the principal dwelling setbacks listed on the FDP will apply

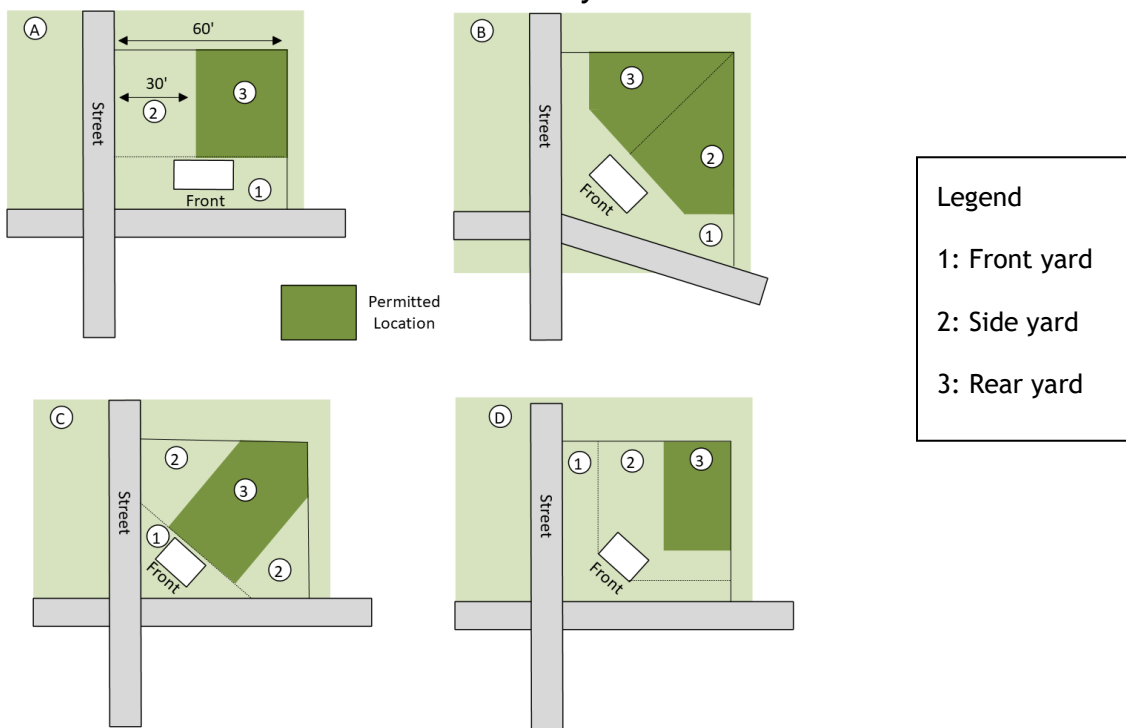
A-7 Accessory Structure Limitations in Residential Zones
 Reference Sections 101 and 400 of the BCZR

Section 400 of the BCZR indicates that an accessory use or structure in a residential zone must be located in the rear yard of the principal use or structure. The rear yard shall include the total area of the yard towards the rear or behind the rear wall of the enclosed portion of the principal structure, not including open projections and upper floors that may extend beyond the foundation wall.

The area of more than one accessory structure must be added together, and that sum may not exceed the permitted 40% or 50% of the rear yard, pursuant to Section 400.1 of the BCZR.

The sum of accessory structures (area) may be permitted to exceed the footprint area of the principal structure; however, should the Zoning Office determine that the separation of accessory buildings is used to circumvent the zoning regulations, a special hearing will be required for approval.

Permitted Yard Areas for Accessory Structures on Corner Lots



A-8 Accessory Uses to Special Exceptions

Reference Sections 500 and 502 of the BCZR

When a special exception has been granted and utilized on a particular property or land area, often that special exception is amended or expanded. The area within the boundaries of a special exception may be amended administratively to rearrange or add buildings, uses, or parking and/or landscaping. Sometimes these buildings or uses will be accessory to the principal special exception use.

For the purpose of this policy, any building, use, or and parking, whether accessory or not to the special exception, must be located within the approved special exception area. If the buildings or uses are to be located outside the approved area, a new special exception must be approved incorporating the new land area.

Any special exception filed for a particular use must include, within the boundary, the parking used to support said exception use. The boundary will not include other parking or uses that are permitted by right within the zone.

Example: A special exception for a use within a tenant space of a shopping center will illustrate a boundary or description that includes the particular tenant space and off-street parking to support that use. The boundary will not include the entire shopping center building and parking lot.

A-9 Applicable Regulations of Existing Subdivisions

Reference Sections 103.1, 1B02.3.A, and 1B02.3.B of the BCZR

If an accessory structure or use is proposed on a lot in a subdivision that was approved by the Planning Board, Planning Commissioner, Director of Planning, or the Zoning Commissioner, the governing setbacks are those in effect at the time of subdivision approval. Section 400 of the Baltimore County Zoning Regulations (BCZR) is applicable to subdivisions approved before the effective date of the BCZR (prior to 1945), after 1955, and those not approved by the Planning Board. Subdivisions approved between 1945 and 1955 that have one of the aforementioned County approvals are governed by the regulations when the subdivision was approved.

A-10 Commercial Agricultural Buildings

Reference BCC Section 24-1-101, and Article 1A and Sections 101, 400.1, 400.2, 400.3 and 404 of the BCZR

Commercial agricultural buildings or accessory farm buildings on property that meets the commercial agricultural definition are not subject to principal building setbacks of the zone in which they are located.

The Zoning Office processes requests for commercial agriculture buildings in coordination with the Department of Planning. Commercial farms do not have to meet zoning setbacks, but must meet building code setbacks. All development activity on any piece of property, including grading activity, may require County approvals. Commercial agriculture buildings are subject to Section 404 of the BCZR and shall have all required electrical and plumbing permits.

Additionally, Section 404.11 of the BCZR limits the building setbacks as per the Baltimore County Building Code and not the Baltimore County Zoning Regulations for Commercial Agriculture Buildings in the RC Zones. Any proposed Commercial Agricultural building must receive written recommendations from the Baltimore County Agricultural Land Preservation Advisory Board (ALPAB), or its representative, of its Commercial Agricultural status, if the setback requirements of the BCZR are to be waived. To seek the recommendation of ALPAB or its representative as a Commercial Agricultural operation, the farm must, at a minimum, be more than three acres, produce income, and qualify for the Agricultural Preferential Assessment status from the State Department of Assessment and Taxation.

Agricultural buildings that are not determined by the Board to be for commercial agricultural purposes (i.e., a non-commercial farm) are still required to meet the principal building setbacks and requirements of the underlying zone (i.e., 35 feet or 50 feet). If the principal use of the property is determined by the Zoning Office to be a single-family dwelling, or if the property is less than 3 acres, then the requirements of Sections 400.1, 400.2, and 400.3, BCZR must be met.

When farms or parcels of land that meet the commercial agriculture definition are reduced by subdivision, sale, or otherwise, all existing buildings or uses that will remain on the property must meet all provisions of the Baltimore County Zoning Regulations prior to zoning approval. Compliance will be obtained by conversion to another use (meeting all applicable regulations), removal, discontinuance of the use, or a re-justification of the commercial agriculture uses that are to continue on a smaller scale including tenant houses, which must be approved by the ALPAB or its representative, or through a variance or special hearing before the Administrative Law Judge.

See cases:

- 1986-0506-A: 1720 Monkton Farms Dr. Front yard placement of an accessory building. Property in 100-year floodplain which posed practical limitation on placement. Granted

- 1990-0215-SPHA: 10 Starlight Farm Dr. To permit an accessory structure (existing barn) on a lot with no principal dwelling. The Zoning Commissioner determined the existing barn supported any activities on any lot within the subdivision. For that reason, the request was denied and affirmed by the Board of Appeals.

A-11 Commercial Flea Markets/Sidewalk Sales

Reference Sections 230, 233, 236, and 500 of the BCZR

Temporary sidewalk sales by the owner/tenant are permitted in commercial zones as an accessory use to a retail business, provided that the only items sold within the tenant space are sold at the sidewalk sale. If it is a continuing occurrence, the site plan will be revised to reflect the sales area as retail for parking purposes. All other Baltimore County and permit requirements must be complied with.

Temporary flea markets or sidewalk sales are permitted on private commercial property by non-profit organizations.

Commercial flea markets or outdoor sales in commercial zones that are accessory to an existing retail commercial business or as a principal use will be located in a Business, Roadside (BR) Zone. These sales will be non-charitable, or operated in which a fee is charged to exhibitors.

These flea markets must meet all Baltimore County licensing and permit requirements and, depending on the size of the sale, frequency, days and hours of job operation, and the relation to the other uses on the property, a special hearing will be required to determine if the flea market or sales will be permitted as an accessory or principal use on the property.

Existing outside seasonal commercial flea markets that have been operating will be permitted on a case-by-case basis. If complaints are received by the Zoning Office, they would be required to meet all zoning requirements and policies that would apply.

Indoor flea markets are considered a retail use and are permitted in the Business, Local (BL), Business, Major (BM), and BR Zones. Outdoor flea markets are only permitted in the BR.

Commercial flea markets in residential zones, including sales for non-charitable purposes, where there is a fee charged to exhibit, are not permitted.

A-12 Controlled Environmental Vaults (CEV) on Private Property

Reference Section 306 of the BCZR

CEVs for underground digital electronic communication terminals on private property are considered minor public utility uses under Section 306 of the Baltimore County

Zoning Regulations (BCZR); therefore, they are permitted in all zones as of right and are exempt from the area requirements set forth in the BCZR provided:

1. The equipment above the grade does not exceed 7ft. x 6ft. x 3ft. in height.
2. There are sufficient setbacks to allow landscaping.

See cases:

- 1983-0140-XA: 16109 Markoe Rd. Ordered by the deputy zoning commissioner that special exception for underground digital electronic communication terminal be granted with restrictions and variances are granted subject to terms of special exception order.
- 1983-0234-XA: 1866 Reisterstown Rd. An underground digital electronic communication terminal is a minor public utility structure under Section 306 and excluded from the minimum lot area requirement prescribed in the zoning regulations.

A-13 Conversion of Freight Shipping Containers

Reference Section 500 of the BCZR

Any structure originally constructed, fitted, designed, or used as a freight shipping container, or similar detached framed/boxed structures, is not permitted on a property as a principal use, structure, addition, or accessory structure without a special hearing, unless exterior modifications have been applied and the structure resembles a typical accessory structure. Exterior modifications must include building industry standard construction materials (i.e., stone, brick, T1-11 or similar siding) for the exterior walls and building industry standard roofing materials. Construction, elevation and floor plan drawings and an engineer-scaled site plan are required to be submitted with any building permit applications. In addition, the structure must meet building code standards and must comply with the zoning regulations. For purposes of compliance with this policy, a properly converted freight-shipping container or similar detached framed/boxed structure will not be considered a Trucking Facility as defined in Section 101, BCZR.

A-14 Dog Runs (Freestanding)

Reference Sections 400 and 500 of the BCZR

For three dogs or fewer, a freestanding (unattached to the dwelling) dog run will be considered an accessory structure (use) and must meet all requirements of Section 400 of the Baltimore County Zoning Regulations (BCZR). Runs or other structures for different types of animals shall be subject to this policy.

For more than three dogs, Section 421.1 applies.

A-15 Farmer's Roadside Stands

Reference Article 1A, Sections 101, and 404 of the BCZR

Pursuant to Section 404.4.C of the Baltimore County Zoning Regulations (BCZR), a farmer's roadside stand is permitted as of right with a use permit in the Resource Conservation (RC 2, RC 3, RC 4, and RC 5) Zones under certain conditions, which include but are not limited to the following:

1. The stand must be located on a farm.
2. The owner is an agricultural producer.
3. At least 50% of the produce sold annually must be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the applicant.

The requirements for obtaining the use permit include a 30-day posting period of a sign advertising the proposed roadside stand. If no party contests the roadside stand and all other conditions of approval are met, the permit will be issued.

Farmer's roadside stands are not permitted in DR Zones.

The Zoning Office will consider and permit a produce stand, as defined in Section 101 of the BCZR, on a farm that sells only the items grown on the farm (100%) as an accessory use and will not require a use permit, provided that the stand complies with all other applicable regulations of Section 404.4 of the BCZR. The Zoning Office will require a special hearing or a recommendation from the Baltimore County Agricultural Board prior to final zoning approval.

A-16 Functionally and Structurally Attached Residential Breezeways

Reference Sections 400 and 500 of the BCZR

Section 400.1 of the Baltimore County Zoning Regulations requires accessory structures in residential zones to be located in the rear yard, not in the side and front yard. Structures that are attached to the dwelling are considered additions and are allowed in the front, side or rear yard, provided the principal dwelling setbacks are met.

For the purpose of this policy, to be considered a dwelling addition and not an accessory structure, the new proposed development must be structurally and functionally attached to the principal dwelling, as shown in an elevation drawing, and have direct access to the principal dwelling. If the proposed structure will be in the rear, front, or side yard and attached with a projection such as an unenclosed breezeway, the structure shall be functionally and structurally attached, meaning that the attached breezeway shall serve a building function. One way to demonstrate functionally and structurally attached, for example, is to have a door from the dwelling and a door from the garage at both ends of the breezeway.

There is no specific minimum or maximum separation distance between a proposed structure and principal dwelling when considering whether a building is accessory or is

an addition. The breezeway length must be proportionate to the lot, the existing dwelling, and the proposed structures (i.e., garage).

If the Zoning Review Office considers the accessory structure functionally and structurally attached, then the structure must meet the principal dwelling setbacks for the use and zone. If the principal dwelling setbacks cannot be met, the addition can be considered an accessory building if the applicant detaches the structure from the principal dwelling.

For clarification of functionally attached in commercial structures, see Policy MB-20: Functionally Attached (Commercial).

A-17 Incinerators

Reference Section 500 of the BCZR

An incinerator will be considered and permitted as an accessory use, as determined by the Director of PAI, provided that it is incidental to the principal use and meets other principal setbacks of the Baltimore County Zoning Regulations in residential zones and principal building requirements in commercial and industrial zones. (This does not apply to dumpsters.)

If an incinerator is an integral part of a nonresidential use within a residential zone, a special hearing will be required before the Administrative Law Judge for approval.

A-18 Miscellaneous Residential Accessory Uses or Structures

Reference Sections 400 and 500 of the BCZR

For single-family attached and detached residences, flagpoles, birdbaths, children's play equipment, basketball poles, moveable lawn furniture, air conditioning and heating and cooling units are permitted in any yard and are not subject to Section 400 of the BCZR.

Other miscellaneous accessory uses or structures associated with single-family attached or detached residences will be subject to the following:

Tree houses, playhouses, and permanent barbecues are subject to the provisions of Section 400 of the BCZR and must be located in the rear yard. Other uses not customarily found as accessory to a dwelling (such as a skateboard ramp or racetrack), if permitted, will also be required to meet Section 400 of the BCZR.

Structures, including basketball poles and sport goals, may not be permanently placed within or interfere with the public right-of-way. If temporary or movable structures are placed within or near the right-of-way, such structures will be required to be removed at any time.

See cases:

- 1983-0259-A: 4407 Meadowcliff Rd. To permit an accessory structure (train tracks) in the front and side yards. Protestant argued train would create nuisance and lower property values. Denied by Zoning Commissioner. Case heard before Board of Appeals. At that time, petitioner argued Section 400.1 refers only to accessory buildings and not uses. The Board affirmed that the train track was an accessory structure, while granting its placement with restrictions.
- 1991-0044-A: 823-B Rosedale Ave. To permit an accessory structure (garage) to be larger in area than the principal structure (dwelling). Variance granted.
- 1994-0219-A: 17527 Troyer Rd. To permit an accessory structure (garage) to be larger in area than the principal structure (dwelling). Owner worked at body shop and protestants were concerned he was operating a commercial business from residence. Variance granted.

A-19 Offices as an Accessory Use in a Dwelling, Special Exception Uses

Reference Sections 1B01.1.C

Offices of Professional Persons are permitted by Special Exception subject to the following:

1. All Trader's Licenses requirements are met (See Section 101 - Home Occupation)
2. All professional offices in the home are considered as an accessory use to the principal dwelling and not subject to R.T.A. requirements.

A-20 Residential Fuel Tanks

Reference Section 400 of the BCZR

Residential fuel/gas tanks, other than used for heating or cooking, are prohibited except that on a farm of 3 acres or more; such tanks may be used to store fuel for farm use or equipment only.

Residential fuel/gas tanks used for heating and cooking must meet the requirements for accessory structures as stated in Sections 400.1., 400.2, and 400.3 of the BCZR. However, if the fuel/gas tank is abutting the dwelling, it can be located in the front or side yard.

See case:

CBA-79-135: Zoning office denied a permit application for installation of a diesel fuel tank, stating its use was not customary and usual within the existing residential zoning class. Applicant petitioned Board of Appeals who found the department's policy was a reasonable interpretation of the BCZR. Denied.

A-21 Residential Garage and Yard Sales

Reference Section 101 of the BCZR

A private home owner/resident is permitted to have two private garage or yard sale per year as an accessory use to the dwelling in a residential zone, provided:

1. that the sale would not be longer than a weekend at one time
2. that there are no other exhibitors of sale items on the property other than the owner/resident.

A-22 Roadside Stands or Sales

Reference Sections 101, 230, 404, and 500 of the BCZR

Property owners who desire to place roadside sales stands on private property will use the following to comply with the Baltimore County Zoning Regulations:

1. Residential. PAI does not permit roadside stands or sales, temporary or permanent, on residential property unless it is a weekend garage or yard sale, permitted twice a year on residential property by the owner or resident of a dwelling on the property (see Policy A-21: Residential Garage and Yard Sales). These sales cannot be in the public right-of-way.
2. Commercial. On commercial property, all sales must be from within permanent commercial buildings unless it is a use such as temporary flower sales, snowball stand, or similar as permitted in Section 230.1.A.9 of the BCZR. See Policy MB-30: Miscellaneous Food Stands.

Additionally, outdoor sales and display are permitted as an accessory use, but only in connection with an established commercial retail building involving occasional sales or display by the tenant or owner of the same articles that are sold in the building that the sale adjoins.

Any permanent minor commercial structures must follow the development management process.

A-23 Semi-permanent Accessory Structures

Reference Section 400 of the BCZR

Semi-permanent accessory structures which do not require a building permit must meet Section 400 of the Baltimore County Zoning Regulations (BCZR). These structures include, but are not limited to, car covers (portable garage) and detached screened porches. The Director of Permits, Approvals, and Inspections will require a zoning use permit if no building permit is required.

A-24 Structures Accessory to Multifamily Buildings

Reference Sections 1B01.2.C.1.a and 400 of the BCZR

Structures, which are intended to be accessory to multifamily buildings, such as garages or maintenance structures, are required to meet the principal building setbacks as required by the zone. The only exception to this policy is that if such accessory structures are approved by a zoning variance which permits front and side yard locations in lieu of the rear and allows for deficient setbacks in lieu of the minimum requirements.

A-25 Subordinate in Area, Extent or Purpose for Residential Buildings, Structures, or Uses

Reference Section 101 and 400, BCZR

Accessory buildings are defined in the BCZR as “one which is subordinate and customarily incidental to and on the same lot with a main building” Accessory use or structure is defined as a “use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

For this policy, subordinate in area, extent or purpose shall refer to the principal dwelling’s building footprint area that is enclosed and does not include open projections, upper floors, and basement areas. The proposed accessory structure square footage shall not exceed the principal dwelling’s enclosed footprint square footage. If there are more than one accessory structures, then each structure should be considered independently in lieu of adding the square feet totals, when considering if the structures are subordinate in area, extent or purpose.

If an accessory structure is proposed on a lot greater than 3 acres, and the lot is used entirely for residential purposes (no farming or animal related uses), then the structure must meet the requirements of Section 400, BCZR.

When considering the placement, setbacks, size, or function of an accessory structure or use, the Zoning Review Office will consider the full definition of Accessory Use or Structure as defined in Section 101 of the BCZR. Accessory buildings, structures, or uses that are not subordinate will be referred to the Administrative Law Judge.

A-26 Swimming Pools and Accessory Use Variances

Reference Sections 101 and 400 of the BCZR

As outlined within the Zoning Commissioner’s order in Zoning Case 82-270-A, swimming pools are considered accessory structures (even though not defined as

buildings) and are required to meet Section 400 of the Baltimore County Zoning Regulations (BCZR). The Administrative Law Judge has the power to grant accessory use variances. The Board of Appeals agreed in the train track case of 83-259-A.

Accessory uses in addition to accessory buildings should be governed by Section 400 of the BCZR.

Farms are generally not limited to the rear yard requirements for smaller accessory agricultural buildings; however, swimming pools on farms are required to meet Section 400 of the BCZR.

See cases:

- 1982-0270-A: 3621 Wood Valley Dr. To permit an accessory structure (pool) in the front yard. Zoning commissioner determined accessory use, for Density Residential (DR) zoned properties, has the same legislative intent as accessory building as outlined in section 400.1.
- 1983-0259-A: 4407 Meadowcliff Rd. To permit an accessory structure (train tracks) in the front and side yards. Protestant argued train would create nuisance and lower property values. Denied by Zoning Commissioner. Case heard before Board of Appeals. At that time, petitioner argued 400.1 refers only to accessory building and not proposed uses. The Board affirmed that the train was an accessory structure, while granting its placement with restrictions.

A-27 Transmission Lines

35,000 - 68,999-volt power transmission lines are the only ones requiring a special exception; all others are exempt (Howard County, Md. vs. Potomac Electric Power Co. et al, 391 Md. 511, 573 A2d. 821 1990).

Manufacturing and Business

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MB-1 Additions to Churches and Other Buildings for Religious Worship

Reference Section 1B01.1.B.1.g(4) of the BCZR

Section 1B01.1.B.1.g(4) of the Baltimore County Zoning Regulations exempts an addition or additions to an existing church or other buildings for religious worship, including parking areas and driveways, from the Residential Transition Area requirements (RTA), provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained.

For the purpose of this zoning policy and the RTA requirements, an addition that is exempt will be:

1. A building that has a structural connection to the existing church (or other religious building)
2. A separate (not connected) building on the same lot as the existing church (or other religious building)
3. A separate (not connected) building that is not on the same lot of record as the church (or other religious building), but is adjacent or directly across a right-of-way to the lot of record. In order for these additional parcels to be exempt from RTA, they would have had to be owned by the specific institution before the RTA regulations took effect.

Separate buildings must have a functional affiliation with the religious institution (i.e., a school on the church property). This policy applies to church or religious buildings existing prior to Bill No. 109-1982.

MB-2 Amusement Devices

Reference Sections 422 and 423 of the BCZR

Amusement devices are restricted pursuant to Sections 422 and 423 of the Baltimore County Zoning Regulations. The maximum amount of devices or machines may be increased under the following situations:

Billiard or Pool Rooms

If an application for more than four amusement devices is filed, the principal use of the premises is a billiard or pool room, and a special exception for an arcade has not been granted; the amusement devices are limited to 2 ½ devices per regulation size pool or billiard table, and at least 75% of the public floor area on the premises must be devoted exclusively to the billiard or pool room. (Bill # 29-82, 29-83)

Along with the application, a floor plan must be submitted illustrating the number and area covered by amusement devices and the number and area covered by regulation size pool or billiard tables. The floor plan must include the calculations necessary in order for the Zoning Office to determine the maximum number of amusement devices permitted.

Amusement Devices in Schools (Public or Quasi-public)

Amusement devices may be allowed as an accessory use (on an individual basis) within public or quasi-public institutions. Any approvals would be limited to college level institutions, such as Towson University or Catonsville Community College, and not private schools or high school-level institutions.

A special exception for an arcade must be approved to exceed the number of machines.

MB-3 Applicability of the Parking Regulations and Variances

Reference Sections 409 and 500 of the BCZR

Certain requirements of Section 409 of the Baltimore County Zoning Regulations have changed with the amendments of the parking regulations, from their enactment to the present. In most situations, the parking requirements from one set of regulations cannot be combined or mixed with another set.

1. If a parking variance has been granted, credit will be given for the variance (unless otherwise restricted by the Administrative Law Judge's order) because variances run with the land.
2. If the property's use is nonconforming with regards to parking and the use expands or changes, credit may be given for the existing deficiency if the new requirement is equal to or less than the old one.
3. If a use has been approved complying with prior parking regulations and an addition or expansion is proposed, the new addition or area must conform to the current parking requirements. This may result in two different calculations for one use. This requirement will apply regardless of whether the project has tentative approval or a building permit. If the site utilizes two different parking regulations, the site plan must delineate the two separate parking areas under different requirements. The total site must be updated to reflect the current regulations, including all existing uses.

MB-4 Auction Sales

Reference Section 500 of the BCZR

Auction sales as a principal use is not listed in the Baltimore County Zoning Regulations as permitted by right or special exception within any zone. For the purpose of this policy, auction sales will be permitted as a type of retail sale.

This policy does not apply to automotive wholesale dealers (See MB-5 Automotive Wholesale Dealer's/Auctions).

MB-5 Automotive Wholesale Dealer's Office

Reference Sections 101 and 500 of the BCZR

This use is not to be included as retail sales and will be treated as a used automobile sales dealership.

MB-6 Bingo

Reference Section 500 of the BCZR

Bingo (halls), as a principal use, is not listed in the Baltimore County Zoning Regulations as permitted by right or special exception within any zone. For the purpose of this policy, bingo halls will be permitted pursuant to the following:

1. As a principal use, bingo halls are permitted by right in BM and BR Zones as a Commercial Recreation Enterprise.
2. As an occasional or accessory use, bingo is permitted within any zone in religious, church, or church school buildings as a charitable function. Bingo is also permitted as an occasional and accessory use in all community building-type uses, such as the Elks, Knights of Columbus, J.C.C., VFW, Moose, and similar halls.

See case:

1985-0200-X: Tax no. 1700012418 to permit a bingo hall in a community building of an apartment complex. The bingo hall was not being advertised except within the apartment community and all money collected would go towards funding activities for the apartment community. Granted.

MB-7 Business and Industrial Parking in a Residential Zone

Reference Sections 409.8.B and 502 of the BCZR

Business or Industrial Parking and RTA

Business and/or industrial parking in a residential zone will be subject to Section 1B01.1.B.1 (Residential Transition Area) of the Baltimore County Zoning Regulations. If a variance is required for relief of the RTA requirements, the application for use permit must proceed directly to a public hearing without the opportunity of administrative approval.

Business or Industrial Parking Combined with a Hearing Request

Any use permit application for business and/or industrial parking in a residential zone that is combined with a request for a special hearing, special exception, or any zoning variance must proceed directly as a special hearing without being eligible for administrative approval.

Special Regulations for Business and Industrial Parking

1. Background—the Maryland Court of Special Appeals in *John Hofmeister, et. al. v. The Frank Realty Company* 35 Md. App. 691, 699, 373 A.2d 273 (1977), dealing

with Baltimore County Zoning Regulations ruled that both "Use Permits" and "Special Exceptions" are all classified within the category of special exceptions.

2. Eligibility—the right to use property in the residential zones for business or industrial parking is contingent upon the applicant providing satisfactory documentation that relief was granted by the Administrative Law Judge. The determination of existence or continuation of that use permit may be subject to a special hearing before the Administrative Law Judge.
3. Conditions—If the eligibility criteria are met, the applicant may be allowed to construct or expand the parking subject to either of the following:
 - a. Intensification of existing use
 - The use already exists and what is proposed is merely an intensification of that principal use; and
 - The area of development must be substantially the same as that proposed in the original request.
 - b. Change of principal use
 - The new use serviced by the proposed parking area must be substantially the same as that proposed in the original permit; and
 - The parking area must be the same or smaller than that proposed in the original permit or must be more in keeping with present regulations or the character of the neighborhood.

Business or industrial parking in RO, OR-1, OR-2, and O-3 Zones must be approved by a use permit or special hearing as required in all residential zones.

For the purpose of this policy, business or industrial parking will include any nonresidential use parking (including office and institutional uses).

See cases:

- 1988-0508-SPHX: 10105 Harford Rd. To permit commercial parking in a residential zone. Granted. Board of Appeals determined that the evidenced shows the DR-3.5 portion of the property was “unusable for residential purposes”. Affirmed.
- 1988-0388-SPH: the petition for special hearing was granted, subject to restrictions. Appeal taken to County Board of Appeals of Baltimore County on behalf of people's counsel. Ordered by the Board of Appeals that a use permit for parking in a residential zone be approved.
- 1988-0349-SPH: Tax ID no. 1519071600 to permit parking in a residential zone.
- 1988-0253-SPH: Tax ID no. 0808066715 to permit temporary parking (two weeks), during the Maryland State Fair in a residential zone. Granted.

MB-8 Carnivals

Reference Section 500 of the BCZR

The Baltimore County Zoning Office reviews building permits for temporary carnivals. Zoning approval will be based upon the following:

1. Temporary carnivals are permitted on commercial- and industrial-zoned property, provided there are no complaints filed within the Baltimore County Zoning Office on the property pending approval.
2. Temporary carnivals are also permitted on certain other sites not zoned commercial or industrial as a continuing yearly occurrence. Such sites are not limited to, but may be:
 - public land
 - volunteer fire company
 - community building or hall property
 - private school or recreation facility
 - churches or other religious institutions
 - fraternal organizations

The applicant of a yearly carnival should present prior approved permits to illustrate to the Zoning Office that the carnival is annual.

3. Amusement devices, video or otherwise, may be permitted without limitation in connection with a temporary carnival that has been approved by the Zoning Office.

MB-9 Cemeteries

Reference Section 270 of the BCZR

The principal use of a cemetery is not permitted in any zone as a matter-of-right. As a principal use, a cemetery is permitted by special exception in the RC-3, RC-5, DR-1, DR-2, DR-3.5, DR-5.5, and BR Zones. A cemetery may be permitted as accessory to a church or other building for religious worship.

Cemeteries are subject to Section 401 of the Baltimore County Zoning Regulations and, when located within the DR Zones, may be subject to the residential transition (RTA) requirement depending on what type of structures are located within 100 feet of the tract boundary. Small stones which mark graves will not be subject to the RTA requirements.

MB-10 Christmas Tree Sales

Reference Sections 230.1.A.9 and 500 of the BCZR

Christmas tree sales are considered and permitted as temporary or occasional outdoor sales of cut flowers or live plants and within the business zones for no more than 120 days per calendar year.

Section 230.1.A.9 of the Baltimore County Zoning Regulations, which limits these sales to the business zones, restricts an area not to exceed 200 square feet; however, the Director of Permits, Approvals, and Inspections may issue a zoning use permit for

Christmas tree sales on a school, church, or other institutional property not zoned business and may permit the sales area to exceed the maximum area, provided there is no conflict with other applicable sections of the BCZR.

Tree farms are also permitted Christmas tree sales

MB-11 Clubs, Health Spas, and Gyms
Reference Sections 230, 233, and 236 of the BCZR

There are various types of dance, health, and/or athletic-related facilities or uses. This policy will be utilized to determine which type of facility may be permitted within the different zoning classifications, and the following will be used as a guide when determining zoning approval:

1. Dance studios, aerobic exercise, ballet, karate, or other similar training schools are permitted in the BL Zone as similar to the use "Private Colleges, Dancing Schools, Conservatory for Music and the Arts, Dormitories and Fraternity and Sorority Houses."
2. The following uses, if principal, are considered community buildings and need a special exception in the BL Zone, but are permitted by right within the BM and BR Zones:
 - gyms, with weightlifting, machines or resistance equipment
 - health spas
 - tanning
 - racquetball
 - tennis
 - relaxation tanks
 - country clubs
3. If the uses are considered accessory, they may be permitted by right in the BL Zone, as decided by the Director of Permits, Approvals, and Inspections. The applicant must present a floor plan illustrating that the use is clearly accessory to a principal use. For example: One or two tanning beds accessory to a beauty salon may be approved. The applicant must show a floor plan of where the tanning beds are located and the amount of floor area the beds occupy with respect to the beauty salon area. Health clubs are permitted as a matter-of-right within the ML Zone as accessory uses.

See case:

1989-0248-SPH: 8221 Town Center Dr. Fitness centers in ML Zone as a matter of right. Approved and granted.

MB-12 Commercial Access through Residential or Lighter Commercial Zones

Reference Section 500 of the BCZR

Heavy commercial or industrial access through residential or office zones will be treated on a case-by-case basis. Uses that are permitted by right or special exception in residential zones will not be subject to this policy.

1. Access for a heavier commercial or industrial use through a lighter or more restrictive commercial or industrial zone is permitted. It does not have to be the only possible access that the property has.
2. Access through the Office, Residential (OR-1 and OR-2) Zones for commercial and industrial uses may only be permitted if it is demonstrated that it is the only possible access. If it is not the only possible access, a special hearing would be required before the Administrative Law Judge.
3. Access through a residential zone (RC, DR, RAE, RO, and ROA) for a commercial or industrial use may be permitted if it is the only access to the site and:
 - it is the only possible access from a public street;
 - and/or the land in issue is subject to other restrictions which prevent a residential use.

See cases:

- 1985-0302-SPH: 9114 Belair Rd. To permit 22 parking spaces and commercial access through a DR-5.5 zoned property for a proposed fast-food restaurant in a BL Zone.
- 1986-0080-SPH: 7145 Security Blvd. To permit the entrance of a shopping center (BL) through a DR-5.5 zoned property.
- 1987-0228-SPH: 1809 Reisterstown Rd. To permit commercial access for loading and parking (161 proposed spaces) through a DR-3.5. To permit commercial access through a DR-10.5 Zone.

MB-13 Commercial Rural (CR) District Requirements

Reference Section 259.3 of the BCZR

Pursuant to Section 259.3 (which establishes permitted uses and special exceptions in the CR Zone), and Section 259.3.B.3 that requires that buildings that exceed the requirements of section 259.3.C.1 (Bulk Limitations), are permitted by special exception and are not required to obtain approval by variance.

For the purpose of determining front setbacks, as required by Section 259.3.C.2.a), "not more than the average of the setbacks of adjacent buildings" will mean "no closer to the front property line than the average of the setbacks of adjacent buildings."

See case:

1996-0164-XA/1996-0103: County Board of Appeals order states “buildings may exceed the bulk requirements of Section 259.3.C.1 by special exception rather than variance.” This was based on their interpretation of Section 259.3.B.3.

**MB-14 Commercial Service Garages and Non-accessory Motor Vehicle
Repair on Residential Property**
Reference Sections 101 and 405A of the BCZR

Commercial

Pursuant to Section 101 of the Baltimore County Zoning regulations, a service garage is defined as a garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale. This definition will include the use of any land or enclosed building where motor vehicles are stored or repaired for the operations of car and truck rental, taxicab, and limousine businesses. This definition will not include junk yards or the sale of new or used automobiles and will not include motor vehicles stored or repaired at a commercial service garage with a Gross Vehicle Weight (GVW) or a Gross Combination Weight (GCW) that exceeds 10,000 pounds in the BL, BM, and BR Zones per BCZR Section 405A.

Non-accessory Motor Vehicle Repair on Residential Property

The "junk yard" definition includes the use of any land for the storage of unlicensed or inoperative motor vehicles and the dismantling or storage of such motor vehicles or parts thereof. In addition, the "inoperative motor vehicle" definition (as regulated by Section 428 and Section 101 – Junk Yard of the BCZR) includes any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation are removed, destroyed, damaged, or deteriorated. Any motor vehicle repairs on residential property would, by necessity, create a condition that would violate both of these definitions.

Therefore, non-accessory motor vehicle repairs, including but not limited to, body or bumper repair or replacement; paint preparation, spraying, and finishing; engine, transmission, or drive train repair or replacement and related accessories repair or replacement; windshield or glass replacement; and exhaust system repair or replacement will be strictly prohibited on residential property. Routine maintenance, such as oil changes, tune-ups, tire rotation or replacement, fluid replacement, brake pad replacement, lubrication, and windshield wiper replacement will be permitted as an accessory use on residential property, provided the maintenance is conducted on a motor vehicle of a person (owner or operator of the vehicle) who resides on the lot and provided no compensation is involved.

MB-15 Crematoriums
Reference Section 500 of the BCZR

A crematorium is not listed in the Baltimore County Zoning Regulations as allowed by right or by special exception in any zone but is permitted as accessory or related to a principal use of a funeral establishment, cemetery, or hospital and does not require a hearing. A special hearing would be required to determine if the crematorium would be permitted as the principal use.

See cases:

- 2018-122-SPH 200 E. Padonia Rd. To approve a human crematorium as an accessory use to a cemetery.
- 2015-0189-SHA 10108 Harford Rd. To approve a pet crematorium as an accessory use to a pet funeral establishment. Granted
- 2014-176-SPH 200 E. Padonia Rd. To approve a pet crematorium as an accessory use to a cemetery.
- 1990-0156-SPHA 1050 York Rd. To approve a crematorium as an accessory use to a funeral establishment under zoning policy. Granted.
- 1971-0243-X: 301 and 299 Frederick Rd. To permit a funeral establishment with a cremation to be used in conjunction. Granted.

MB-16 EV Charging Stations

The growing demand of electric vehicles (EV) has raised the demand of EV charging spaces. EV charging spaces are within parking lots of office buildings, commercial buildings, retail outlets, convenience stores, restaurants, and manufacturing operations. Charging spaces, if meeting the minimum parking requirements as set forth in Section 419, BCZR will count as provided parking to meet the amount of parking required for the particular use for where they are located.

Charging spaces as accessory parking for a business or commercial use or for a principal use parking lot will not be considered a service station.

EV charging is also accessory to a residential use.

MB-17 Firearm Sales within the Business Zones

Firearm Sales are permitted within the Business Zones only as ancillary to a permitted use allowed by right or special exception. Those uses include a pawnshop (special exception in the BM and BR Zones), department store, sporting goods store, second-hand store, or a combination of permitted uses. Firearm sales (gun store) are not permitted as a principal use within the business zones. A Special Hearing may be required to determine that a proposed firearm business is not a principal use. Any

allowed firearm sales business must have State and Federal licenses prior to Baltimore County approval.

MB-18 Freestanding Group Child Care Centers in Residential and Office, Residential (RO) Zones

Reference Section 424 of the BCZR

Freestanding group child centers and nursery schools in DR or equivalent zones must meet the minimum area requirements pursuant to Sections 424.5 and 424.7 of the Baltimore County Zoning Regulations in addition to meeting the residential transition area requirements (RTA) of Section 1B01.1.B.1.c of the BCZR. These freestanding or principal use group child care centers and/or nursery schools may qualify as an exemption to the RTA requirements pursuant to Section 1B01.1.B.1.g.11 of the BCZR during the special exception petition and as decided by the Administrative Law Judge.

Freestanding facilities within the RO Zone are not subject to the RTA requirements but must comply with the standards of Sections 424.5 and 424.7 of the BCZR.

For the purpose of the regulation of adult day care centers, said use will be regulated the same as child care centers

See case:

1989-0405-SPHXA: 3527 North Rolling Rd. Request to determine if a group adult care center is synonymous with a group child care center. Granted

MB-19 Fuel Service Stations

Reference Sections 101, 405, and 500 of the BCZR

Fuel service stations and uses in combination with service stations (such as car washes and convenience stores) are subject to Section 405 of the Baltimore County Zoning Regulations.

1. When converting from a full-service station with a garage to a fuel service station without a garage, a special hearing is required to either change the use or to amend the existing site plan, unless the use is permitted by right per BCZR Section 405.2.A.
2. If a food store or other use combination is proposed, a special exception is required for a "use in combination" unless the gross floor area is smaller than 6,000 square feet inclusive of accessory storage and there is an additional site area of four times the square footage of the gross floor area. If the garage service bays remain utilized, a special exception is still required (with a use in combination) unless these conditions are provided.
3. A service station may be eligible for approval by a "more-in-keeping" plan pursuant to Section 405.6 of the BCZR, provided that there are no conflicts with said section, i.e., the full-service station with or without a garage stays the same.

A full-service station (with service garage area) cannot convert to a fuel service station without a garage by a more-in-keeping plan, unless the use is permitted by right per BCZR Section 405.2.A. If one service garage bay remains, a more-in-keeping plan may be approved.

4. If there is a conflict in the regulations, the area and use regulation (i.e., setbacks, parking etc.) will apply in the order of Section 405 first, the district second, and the zone third. (Section 405 will supersede the district and the district will supersede the zone).

Any building on the site which may include the principal service station building, use in combination building, or accessory building will be subject to Paragraph 4 and the entire policy.

Two separate trader's licenses may be issued to separate parties or automotive service station properties, provided the site plan is amended with the following note:

See case:

1982-0052-SPHA 2111 York Rd. To convert an existing full-service gas station to a gas and go operation.

MB-20 Functionally Attached (Commercial)

Section 102.2, BCZR requires that no yard space or minimum area required for a building or use will be considered as any part of the yard space or minimum area for another building or use. Following this requirement, 2 adjacent buildings within the BR Zone (side-by-side) would require a 60-foot separation. In certain situations, buildings may function better closer than the 60-foot requirement such as a mini-warehouse. Often, these types of buildings are connected.

Reducing the yard areas or distance between commercial buildings may be allowed, provided that the buildings are attached by one or more functional and structural connections, meaning that the connection must serve a building purpose or function. For example, a connection between two mini-warehouse buildings would connect to two doors of the different buildings and may serve as a *porte cochere* protecting a customer from the weather.

Functionally attached buildings will be reviewed on a case-by-case basis as the Zoning Review Office may require building plans to assist in the review. See Policy A-16: Functionally and Structurally Attached Residential Breezeways for information about structures in residential zones.

MB-21 Grandfathering in the Manufacturing, Light (ML) Zone
Reference Section 103.1 of the BCZR

Section 103.1 of the BCZR states that the use and development of land in ML Zones is permitted in accordance with any preliminary development plan approved by the Department of Planning before September 19, 1970. Eligibility for grandfathering in the ML Zone, pursuant to this section will be determined on a case-by-case review.

If the eligibility criteria are met, the applicant may be subject to the following:

1. Expansion of an existing use—if the same exact use is to remain and is to be intensified, there are no floor area restrictions as long as the parking requirements in effect at the time of expansion can be met; or
2. Conversion to a new use—if the use is to be changed and/or converted the property is allowed the uses in the BL, BM, and BR Zones.
3. Uses allowed—all the uses allowed as of right in the BL, BM, and BR Zones except, but not necessarily limited to, the following:
 - Amusement devices
 - Duplicating service businesses
 - Fortune telling establishments
 - Temporary or occasional sales of cut flowers or live plants (these were not permitted uses in BL BM, BR Zones as of the effective date of Bill 100, BCZR)
4. Floor area expansion—all new construction of either separate buildings or additions must be incidental to the gross floor area of the building(s), which had county approval as of September 19, 1970. The determination of what is considered incidental may be subject to a special hearing at the discretion of the Director of Permits, Approvals, and Inspections.
5. Parking requirements—when a change of use is proposed, the use must meet the parking requirements of Section 409 (BCZR) as they exist at the time of conversion.

MB-22 Group Child Care Centers and Nursery Schools within Existing Nonresidential Buildings
Reference Section 424 of the BCZR

Section 424.2 of the Baltimore County Zoning Regulations permits group child care centers and nursery schools by right within churches, community buildings, hospitals, school buildings (public or private), housing for the elderly, and office buildings (except in RO Zones where group day care centers in office buildings require a special exception). All are permitted within the aforementioned uses whether such use is allowed by right or by special exception. In DR Zones, group child care centers and nursery schools permitted within those uses are not required to meet the provisions of Section 1B01.1.B.1.e (restrictions in residential transition areas).

This policy will establish that "within the following uses," as worded per Section 424.2 of the BCZR, means within the existing building(s). Group child care center(s) and nursery schools zoned DR within new, free-standing buildings are subject to Section

1B01.1B.1.e and 424.5 of the BCZR. Additions to existing nonresidential buildings, additions to housing for the elderly or a conversion of an addition less than five years old used for child care centers or nursery schools zoned DR must also meet the requirements of 1.B01.1B.1.e and 424.5 of the BCZR. These additions or conversions may qualify as an exemption to the RTA requirements pursuant to Section 1B01.1.B.1.g.11 of the BCZR during the special exception petition and as decided by the Administrative Law Judge.

MB-23 Helistops

Fire, Police, the Maryland Aviation Administration, and any other concerned agency or departments must review the proposed helistop.

See cases:

- 1987-0396-SPHA: 10917 Liberty Rd. To approve a helistop in a BM Zone and amend an existing site plan to reflect the proposed helistop, with conditions precedent to the relief granted. Granted.
- 1987-0120-SPHA: 1 Frankel Way to permit a helistop in an ML Zone. Granted

MB-24 Incidental Retail Sales in the Manufacturing, Light (ML) Zone
Reference Sections 253.1.F and 500 of the BCZR

In the event that “incidental retail” is proposed in the ML Zone, any building principally devoted to a warehouse or manufacturing-type use may only utilize the following percentages of total gross floor area for accessory retail purposes:

Size of Building	Retail Percentage of Service Uses
150,000 gross sq. ft. or larger	30%
Less than 150,000 gross sq. ft.	15%

- In addition to the site plan, a scaled drawing showing the square footage and interior layout of all the tenants within the building should be submitted, including the following:
1. Any area utilized for retail must be clearly separated from and in such a manner that will discourage customers from entering the warehouse area
 2. All such walls, partitions, barriers, etc., must meet the building code requirements
 3. Allowable percentages of retail area cannot be accumulated or transferred across property, use, or lease lines
 4. Items sold for retail are limited to those being warehoused. The sales area can only be calculated by specific tenant/lease area.
 5. Parking for retail and warehousing uses must be computed individually.

Whenever a new change of occupancy is applied for, it will be considered an amendment to the above conditions and must be reviewed as such. If there is no

overall plan on file, the Director of PAI reserves the right to require any or all of the above information prior to approval of the requested permit.

This policy applies to the ML Zone only and not the Manufacturing, Restricted (MR), Manufacturing, Light, Restricted (MLR), and Manufacturing, Heavy (MH) zones.

See cases:

- 1990-0110-SPH: Nottingham Village. To permit a supply center, showroom, storage, and warehouse in a ML-IM Zone with 25% of the net floor area devoted to direct sales and distribution. Granted.
- 1991-0352-SPH: 1730 Whitestone Rd. To approve an increase in the retail floor area of 30% in a ML Zone from the 15% allowed due to reduction of the supporting warehouse area. Granted.

MB-25 Leased Parking
Reference Section 409.7.C of the BCZR

If off-site parking spaces are proposed to be leased to meet parking requirements, the following guidelines or requirements must be followed or met:

1. The property owner or contract purchaser must enter into a written lease agreement that will provide sufficient parking spaces off-site for the subject property, and the property owner or contract purchaser will guarantee that the provision(s) of said off-site spaces be continuous and existing without interruption.
2. The Administrative Law Judge or Director of Permits, Approvals, and Inspections may require that the lease be long-term and possibly recorded.
3. The owner leasing the spaces must have a surplus of parking or parking area available to support their own use before they can lease any spaces or area. All uses and parking areas must be shown on a site plan to assure compliance with Section 409 of the Baltimore County Zoning Regulations.
4. It is the sole responsibility of the lessee (current property owner or contract purchaser) to maintain the lease agreement as approved by this office and to provide the required number of parking spaces to support the use. The property owner or contract purchaser may, however, require each tenant to provide off-site parking by lease agreement or by purchase.
5. If there are any changes in the lease agreement, location of the spaces, or the property use, it is the responsibility of the lessee (current property owner contract purchaser) to obtain the necessary zoning approval for that change.
6. The leased area must meet all the zoning requirements and be documented on an engineer's scale site plan. Detailed parking calculations and other information deemed necessary for zoning review must be provided. The site plan of the lessee's property should also contain detailed calculations, and items 1 - 5 above should be noted and addressed under the title "Leased Parking."

MB-26 Manufacturing, Heavy (MH) Exclusion Uses
Reference Section 256.3 of the BCZR

Pursuant to Section 256.3 of the Baltimore County Zoning Regulations, any other industrial or manufacturing use (besides those listed in Sections 256.1 and 256.2 of the BCZR and except for the uses permitted by special exception as listed in Section 256.4 of the BCZR) is permitted when located at least 1,000 feet from any residential zone and at least 500 feet from any BL, BM, or MR Zone.

Those permitted uses include, but are not limited to, service garages and trailer sales.

MB-27 Manufacturing, Light (ML) Zone Height and Area Requirements
Reference Sections 254 and 255.2 of the BCZR

Section 254 of the Baltimore County Zoning Regulations, states that the building height is unlimited in the ML Zone except that no building erected on a lot which abuts a residence or business zone will exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of the residence or business zone.

This regulation could be interpreted that if any part of a building is within 100 feet of a residence or business zone, all of the building must be below 40 feet or three stories. This policy will establish if that the building is partially within and partially outside of 100 feet of a residential zone (one building), only the area within is subject to the height limitation.

MB-28 Massage
Reference Sections 101, 4B-101, and 4B-102 of the BCZR

Sections 4B-101 and 4B-102 of the Baltimore County Zoning Regulations define and determine the permitted locations for adult entertainment businesses, massage establishments, and body piercing establishments. The following shall list prior history of massage to assist in the interpretation of where this use is permitted:

1955: Section 230.9 BL (light commercial) of the BCZR (1955) listed "establishments for massage" as a permitted use behind barber and beauty shops as not permitted in the residential zones.

1984: Zoning Commissioner's Policy Manual attempts to regulate "massage" in the business zone by requiring it to be accessory to another "principal" use, such as barber/beauty shops or health clubs. "Massage parlors" are not permitted as principle use in any zone per the policy manual.

6/13/88: County Council Bill 37-88 establishes definition of "Medical Practitioner" in Section 101, BCZR. Included in the definition is "Physical Therapist" licensed by the

State of Maryland. A massage or physical therapist licensed by the state would be permitted in office and commercial zones. Others must comply with zoning policy.

11/27/94: County Council Bill 149-94 by Police (Vice) licensing required generally regulating massage, licensing, and operation of establishments and technicians. Prohibits certain acts, exemptions, enforcement, penalties, and definitions of massage establishment, massage establishment manager, massage technician, and massage therapist. Section 20-50 to 20-70, BCC, 1988.

10/1/96: Maryland Senate Bill 461—effective regulations for certification and practice of massage therapists; establishing Massage Advisory Committee within the Board of Chiropractic Examiners. Powers and duties of the Board, prohibitions, penalties, and definitions, including "Certified Massage Therapist."

3/11/97: Informal advice (not formal legal opinion) is issued by the Baltimore County Law Office that all "establishments for massage" are a permitted use in the BL and all business zones. Furthermore, the Law Office states that continued prosecution of these cases is ill-conceived and ill-advised. The Law Office will continue to prosecute violations in residential zones under the "home occupation" law.

3/20/98: County Council Bill 29-98 effective specifying that "massage establishments" may be located and permitted in the MH (Manufacturing, Heavy) Zone with certain restrictions. However, the bill does not remove the 1955 reference to "massage establishments" contained in Section 230.9 of the BCZR (BL Zones), thereby creating a legislative inconsistency between Bill 29-98 and Section 230.9. If the legislative intent of the bill was to eliminate "massage establishments" as a permitted use in the BL, BM, and BR Zones (i.e., allow in MH Zone only), then the council should explore the possibility of a "clean-up" bill to correct this inconsistency between Bill 29-98 and Section 230.9 (BCZR).

For the purpose of this policy, the definition of "massage technician" within Article 4B of the BCZR and "medical practitioner" pursuant to Section 101 of the BCZR will be used to assist in zoning approval, denial, or verification.

2/22/99: County Council Bill 9-99 clarifies the definitions of "medical practitioner," which includes massage therapist. This bill also defines massage technician and distinguishes the difference between the two. Bill 9-99 deletes "establishments for chiropody and massage" in the business zones and still allows such use in the MH Zone. The bill's objective was to consider a massage therapist as a medical practitioner and permit a therapist in zones where practitioners are allowed and to restrict a technician to a massage establishment and permit them in MH only.

MB-29 Miscellaneous Food Stands
Reference Section 230.1.A.9 of the BCZR

Miscellaneous food businesses, such as snowball, crab, and pit-beef stands, are considered food stores and must obtain Baltimore County Zoning approval. These businesses must operate within enclosed buildings and are required to meet all setback and parking regulations. As considered food stores, they are not permitted within residential or any other zones that do not permit retail uses.

These types of businesses may be seasonal or temporary but must be reviewed as if they are permanent uses. A food service permit or other approval from the Health Department will not suffice for Zoning approval. Should a building permit not be required, a zoning use permit will be obtained to assure that all zoning requirements are met. These uses will not be permitted within the Baltimore County right-of-way.

Buildings which house these businesses are required to meet front average setbacks and all other applicable zoning requirements.

MB-30 Parking Requirements for Miscellaneous Uses
Reference Section 409.6 of the BCZR

There are several uses which require zoning approval, with regards to parking, that are not specifically listed within the Baltimore County Zoning Regulations. Some examples are the amount of parking spaces required for an automobile dealership and the amount of stacking for a drive-through drugstore. This policy will determine the amount of parking required for these miscellaneous uses to ensure compliance with Section 409 of the BCZR.

Use Type	Component	Minimum Parking Required
Service Garage Area (For Fuel Service Stations, See Section 405)		3.3 spaces/1000 square feet gross floor.
Automobile Dealership		
	Showroom	5 spaces/1000 square feet gross floor
	Sales Office	5 spaces/1000 square feet gross floor
	Parts (Department)	5 spaces/1000 square feet gross floor
	Sales Trailers	5 spaces/1000 square feet gross floor
	Shop Area and Shop Office	3.3 spaces/1000 square feet gross floor
Drive-Through Drugstore (stacking)		3 stacking spaces for the first station, plus for each additional station

Fire Hall		
	The hall area that includes space for eating, drinking, or seating	20 per 1,000 square feet of gross floor area
	Meeting rooms that include office, storage, kitchen area, and hallways	3.3 per 1,000 square feet of gross floor area
	Fire houses that include bays, sleeping areas, training areas, and office areas	3.3 per 1,000 square feet of gross floor area
Drive-Through Fast Food Store		3.3 spaces/1000 square feet of gross floor area
	Stacking - See fast food restaurant.	
Large Retail Stores or Membership Clubs (which contain large storage areas and have service garages, garden centers, and offices)		
	General retail area (including storage area)	5 spaces/1000 square feet of gross floor area
	Garden center area	5 spaces/1000 square feet of gross floor area
	Service garage area	3.3 spaces/1000 square feet of gross floor area (bays may be included for spaces)
	Accessory offices on main floor	5 spaces/1000 square feet of gross floor area
	Accessory offices on other floors	3.3 spaces/1000 square feet of gross floor area
Outside Seating Areas For Restaurants and Taverns	Outside seating area	No parking required*

*Outdoor seating areas for restaurants and taverns will not have to calculate the respective outdoor square footages provided the new restaurant or tavern meets the parking requirements for the indoor gross floor area. The Zoning Review Office may require a parking plan to assure that there are no parking deficiencies created by the new seating areas.

All parking that is required by the calculations must be unblocked spaces.

The total spaces after all floor areas are calculated must be provided for customers and will remain unblocked. The service bays may be counted for customer parking.

All parking bays and spaces on the plan must be labeled customer, display, or storage parking. (There is no off-street parking required for display outside the building.)

See cases:

- 1999-0305-SPHA: 2 Compass Rd. To permit two stacking spaces for a drive-through pharmacy. Testimony was offered that the store would only provide one window and the expectation was that drive-through would only be used for prescription pick up only, thus preventing overflow of traffic. Granted
- 1999-0332-A 5603 Old Fredrick Rd. Front yard setback of 0' in lieu of 12', to allow 46 parking spaces in lieu of 51, and to allow a parking space setback of 5' in lieu of 10'. In the order the ALJ writes "I believe that 5 staking spaces is more than sufficient and/or required."
- 1999-0530-SPH: 401 Compass Rd. To approve the number of required stacking spaces for a drive-through pharmacy (6). Granted.

MB-31 Parking Travelways and Aisles
Reference Sections 409.4 and 500 of the BCZR

Pursuant to Section 409.4 of the Baltimore County Zoning Regulations, all parking spaces must adjoin and have direct access to an aisle in lieu of a driveway or travelway, except as described in Section 409.4(B).

MB-32 Pawnshops
Reference Section 436 of the BCZR

Pursuant to Section 436.2.D of the Baltimore County Zoning Regulations, the Director of Permits, Approvals, and Inspections may not accept a special exception petition for a pawnshop if there are 12 valid dealers' licenses in the County used to operate pawnshops. The Director of PAI will maintain, within the Zoning Office, the current list of pawnshop operators. As per Section 436.2.E of the BCZR, a dealer may, by affidavit, annually declare to the Director of PAI that all future pawn transactions will be limited solely to secondhand precious metals, and the Director will remove the name and address of that pawnshop from the list during such time as the affidavit remains in effect.

Pawnshops are permitted only by special exception within the BM and BR Zones, subject to the entire provisions of Section 436 of the BCZR.

MB-33 **Planned Shopping Centers, Industrial Parks, and Drive-in Clusters:
Common Control and Integral**
Ref. Sections 101 and 405.2 of the BCZR

Fuel service stations are permitted in “planned shopping centers” under certain circumstances, outlined in BCZR Section 405.2.a.1. They are also allowed in “planned industrial parks” and “planned drive-in clusters.” The definitions of these three terms are listed in BCZR Section 101 and each definition depends on these types of development having “common ownership or control.” The word “integral” is also used in the definition.

While “common ownership” has a clear meaning, it is unclear what constitutes “common control” and the types of agreements that must be in place in a planned area so that it would qualify for this designation. In order to review a request to be considered a planned shopping center, industrial park, or drive-in cluster, the County can request legal and fiscal documentation that shows coordination between different owners—such as leases, easements, access, shared events, shared expense contribution to maintenance and landscaping, or business association articles that are currently in effect.

A drive-in cluster is defined in part as an “integral commercial development” while a planned shopping center is defined in part as “an integral retail shopping development,” and a planned industrial park is defined in part as an “integral industrial development.” Integral, per the Merriam-Webster Dictionary, means:

- essential to completeness
- formed as a unit with another part
- composed of constituent parts
- lacking nothing essential, entire

An integral development is a development that has interconnected components that provide services that benefit one another and contribute to the whole. The Department of Planning evaluates each application through review processes titled “Planned Shopping Center Designation Review Process,” “Planned Industrial Park Designation Review Process,” and “Planned Drive-in Cluster Designation Review Process.” These three processes can be accessed and downloaded from the County’s web site.

MB-34 **Post Offices**
Reference Section 101 of the BCZR

A federal (U.S.) post office owned and operated by the federal government is considered a governmental entity and is exempt from the Baltimore County Zoning Regulations; however, it will still be subject to the Baltimore County Development regulations if they are leasing the building and privately owned land. For the purpose of this policy, owned and operated will mean that the federal post office must own the land and building, and its employees must be U.S. postal workers. The post office may

receive its revenue outside federal funding (i.e., stamps, envelope sales, etc.); however, a federal post office (the federal postal service) will be considered a federal agency.

A small-scale postal service which maintains a retail store front will be permitted within the business and manufacturing zones. Accessory postal services (i.e., within retail establishments, such as an office supply store) are permitted by right.

MB-35 Recreation Uses

Reference Sections 233 and 236 of the BCZR

Recreation uses, such as skateboard parks, waterslides, go-cart tracks, or other similar recreation uses, are permitted in the BM and BR Zones as commercial recreation enterprises.

If more than one recreation type use is anticipated at one location, the combination may be considered as an amusement park, and as such, is only permitted in the BR Zone by special exception.

MB-36 Requirements for Commercial Uses with Drive-through Facilities

Reference Sections 409.10 and 409.12 of the BCZR

The Baltimore County Zoning Regulations do not specify some typical standards for drive-through facilities accessory to commercial uses. This policy establishes the method for the Zoning Office to check for zoning conformance.

1. Zoning approval of a “drive-through lane” width, pursuant to a recommendation from the Development Plans Review Division, is limited to the area of the transaction station and the required vehicle stacking spaces. Any one-way driveway(s) leading to or including the stacking spaces and transaction station will be required to be a minimum of 12 feet wide.
2. If the applicant fails to obtain approval by Development Plans Review or if the applicant disagrees with any recommendations, a modified parking plan may be submitted for a hearing to the Administrative Law Judge for review under this policy and Section 409.12 of the Baltimore County Zoning Regulations.
3. Any approval by Development Plans Review will be clearly documented on all plans submitted for review and approval by the Director of Permits, Approvals, and Inspections.

MB-37 Requirements for Non-residential Buildings, Structures, and Uses in All Zones

While a proposed non-residential building/structure/use may function as accessory in any zone, they still must meet the setback, area and bulk requirements for a principal

building. For purposes of this policy, Section 400.1, 400.2 and 400.3, BCZR will not apply to any non-residential building, structures, or uses.

MB-38 Residences in Manufacturing Zones
Reference Sections 302 and 500 of the BCZR

The Zoning Office will accept and review permit applications for single-family dwellings on land zoned MR, MLR, ML, or MH. In most cases, the property is part of an old, existing residential subdivision that was rezoned to a manufacturing classification. Zoning approval will be based upon the following:

1. No subdivision of manufacturing-zoned land is allowed for residential purposes, unless for the land area where dwelling(s) already exist, the proposed subdivision may be approved by the Administrative Law Judge via a special (public) hearing.
2. New residences are not allowed on existing lots in industrial zones unless it can be demonstrated by the applicant that:
 - the surrounding properties are predominately of residential use, and
 - there is little apparent potential for industrial development.
3. When considering a request for a new residence, residential addition, or accessory building in an industrial zone, the Director of Permits, Approvals, and Inspections may require certain information/documentation, including but not necessarily limited to the following:
 - outside inspections/photographs;
 - assessment records;
 - tax maps/aerial photographs;
 - plats (showing surrounding property improvements);
 - subdivision plats.

Residential additions and accessory buildings to existing dwellings in industrial zones may be permitted without all the required information listed in Item 5, provided that the County records and/or inspection indicates an existing dwelling use.

MB-39 Sales and Service in the Business, Local (BL) Zone
Reference Section 230 of the BCZR

In the BL Zone, the following uses are not considered service garages and are permitted as a matter of right:

1. lawn mower sales and service (including repair)
2. small engine or motor sales and service
3. automotive parts or accessories, sales and service

All permitted uses must:

1. comply with or not exceed the provisions of Section 230.2 of the Baltimore County Zoning Regulations, and

2. if the use involves the sale or repair of an automotive part or accessory, said part or accessory must be delivered to the site separate from the vehicle. If the motor vehicle is on site, a special exception for a service garage may be required as determined by the Director of Permits, Approvals, and Inspections.

MB-40 Semi-industrial Shops within the Manufacturing, Light Zone
Reference Sections 101 and 253.1.C of the BCZR

Section 253.1.C of the Baltimore County Zoning Regulations lists several semi-industrial uses permitted within the ML Zone, provided that such uses are located in a planned industrial park at least 25 acres in net area or an IM district. Some of those uses listed are carpentry or cabinet-making shops, electrical contractors' shops, electroplating shops, heating or air-conditioning shops, contractors' shops, painting shops, plumbing shops, sheet metal shops, and shoe repair shops.

As listed under the ML Zone, these uses are not considered and permitted for retail purposes. For example, the use of a painting shop is permitted not as a retail paint store but allowed where the operation of painting a product takes place.

See case:

1999-0175-SPH: 11299 Owings Mills Blvd. To confirm a paint supply store is permitted in ML-IM. Vice-president of company testified that 93% of sales would be to licensed contractors and the rest being general retail sales.

MB-41 Setbacks for Buildings in the Manufacturing, Light (ML) Zone within 100 Feet of a Residential Zone

Section 255.2 of the BCZR states that buildings within the ML Zone that are within 100 feet of any residential zone boundary must comply with the front, side and rear yard setbacks in the Manufacturing, Restricted (MR) Zone. This section restricts the building to the front, side, and rear setbacks only and no other area requirements of the MR Zone. Also, buildings in the manufacturing zones are not subject to front average requirements, as required in the business zones.

MB-42 Solid Waste Processing Facilities
Reference Sections 101, 253, and 256 of the BCZR

Solid waste processing facility (SWPF) applications are initiated with the Baltimore County agencies of Waste Management and Miscellaneous Permits. Miscellaneous Permits receives the application package and distributes the required review information and approval/disapproval forms to the various Baltimore County agencies (including Zoning Review).

Zoning Review entails determining that the use is permitted within the zone, and in the case of the manufacturing zones, that the material to be recycled is permitted to be used in the manufacturing process within the particular zone. Within the recycling operation, there must be some degree of the manufacturing process performed on the material, such as sorting, separating, cutting, shearing, bailing, repackaging, and all activities and operations must be located within a building or buildings. The Zoning staff has determined that automobile recycling, within or outside a building, will not be considered a solid waste processing facility but as a “Junkyard,” as defined within Section 101 of the Baltimore County Zoning Regulations.

If a number of trucks, not clearly accessory to the principal manufacturing use, are being utilized or stored on site, there may be a trucking facility involved. Also, trailers for office and storage use are not normally permitted.

When zoning review is completed, a copy of the SWPF application form and file is kept within the Zoning Office. The form with an approval or disapproval is forwarded to Miscellaneous Permits. If there is insufficient information for review or if the application form is denied, the Zoning Office will contact the applicant directly.

MB-43 Striptease Businesses
Reference Section 101 of the BCZR

As defined in Section 101 of the Baltimore County Zoning Regulations, a striptease business is a commercial establishment where persons appear in a state of total or partial nudity in person. The business may include restaurants, dance clubs, night clubs, etc. Such a use is required to be set back 1,000 feet from a dwelling, church, park, child care center or school.

If such an establishment is licensed by the Baltimore County Board of Liquor License Commissioners, the definition of the BCZR indicates that the use is not a striptease business; however, the 1,000-foot setback requirements are still required for the businesses which include total or partial nudity.

Striptease businesses are permitted only in the BM, BR, and MH Zones by special exception, and a zoning variance is required if the 1,000-foot setback cannot be met. The distance deficiency may be approved by a variance if strict compliance with the requirement would result in severe economic circumstances which are not the result of actions by the petitioner.

MB-44 Temporary Tents
Reference Section 500 of the BCZR

Temporary tents are usually permitted for a period not exceeding thirty days for religious, educational or recreational, and special sale purposes.

When permitted for a special sale (i.e., car dealerships), the tent cannot utilize any of the required off-street parking. Upon permit application, the applicant must present a site plan illustrating the tent location and indicating that the required parking will still be met.

When permitted for temporary use in a residential zone, the site plan must illustrate that the tent will not occupy the required parking and that the setbacks conform to the minimum residential setbacks for the zone in which the tent is located.

MB-45 Towing Licenses

Reference Sections 405A and 500 of the BCZR

Towing licenses are permitted and approved only at property zoned for service garages or junk yards. All such sites must comply with the provisions of Section 405A of the Baltimore County Zoning Regulations.

MB-46 Transporting Unlicensed Vehicles

Reference Sections 101 and 405A of the BCZR

The Baltimore County Zoning Office, by signing Motor Vehicle Administration (MVA) forms, has routinely approved transporting businesses in conjunction with the following principal uses:

- Service garages
- Auto body and glass installation and repair
- Auto painting
- Used car dealer
- Towing service (within an approved garage or junk yard use)
- Auto warehousing
- Auto reconditioning, waxing, washing, and undercoating
- Auto specialty accessory installations, such as for radios, air conditioning, customizing (engine, body)
- Auto transporting and delivery
- Transporting of trailers, construction and farm equipment for approved new sales, after-market installations, or repair facilities.

Transporting unlicensed vehicles has been approved by this office as a major or necessary part of these principal uses. The applicant must display the proper and permitted (by zoning) address of the principal use on the transporting (MVA form) application.

Transporting unlicensed motor vehicles is not a permitted major or accessory activity within an automotive service station. An automotive service station is a separate and distinct principal zoning use defined in the Baltimore County Zoning Regulations as

“primarily for the sale of automotive fuel”. Accessory to the principal use may be repair to customers' motor vehicles.

For a transporting business to obtain zoning approval, the location would have to be zoned correctly for the major or principal use and have an approved occupancy for a permitted principal use as mentioned above.

MB-47 Truck, Trailer, or Car Rental, and Limousine and Taxicab Businesses
Reference Sections 101, 408A, 450A, and 500 of the BCZR

If a truck, trailer, or car rental businesses cannot meet the requirements of a neighborhood car rental agency, they, along with limousine and taxicab businesses may be permitted as a service garage use, but need a special exception in the BL Zone. Those businesses are permitted within the BM and BR Zones. All service garage businesses must comply with Section 450A of the BCZR and in the BL, BM, and BR Zones any motor vehicle stored or repaired at the service garage may not exceed 10,000 pounds Gross Vehicle Weight (GVW) or a Gross Combination Weight (GCW).

MB-48 U-cart Concrete Sales
Reference Section 230 of the BCZR

U-cart rental for personal use is considered a service garage. If the use includes the mixing of material for use in a U-cart, this is considered accessory to a contractor's equipment storage yard.

MB-49 Volunteer Fire Company
Reference Sections 230, 233, and 236 of the BCZR

A volunteer fire company is permitted by special exception in the BL Zone and as of right in the BR Zone. In the BM Zone there is no listing. Notwithstanding the fact that Section 233.1 of the Baltimore County Zoning Regulations states, “uses permitted in the BL Zone” and the wording “and limited” was not used, a volunteer fire company will be permitted in the BM Zone by special exception.

MB-50 Warehouses, Distribution Centers, and Trucking Facilities
Reference Sections 101, 253, 256, 410, and 410A, BCZR

The growing demand of product home delivery and other similar services has the increased the need for Warehouses, Distribution Centers, and/or Fulfillment Centers. These uses are often confused with Trucking Facilities, Class I and Class II. When determining the use classification of these operations, the Director of PAI or the Director's Designee will review the principal use of the business and property on a case-

by-case basis, and consider such standards as the gross floor area of existing/proposed buildings, storage areas, vehicle and truck parking, vehicle and truck access, and vehicle and truck loading and unloading. If it is determined that the principal use is not a warehouse, but the use exclusively encompasses vehicles and trucks stored or used on the property, it will be considered a Trucking Facility.

If the uses include vehicles that are less than 10,000 pounds gross vehicle weight, then the existing/proposed use will not be considered a trucking facility and may be considered a different use (such as a service garage or parking lot).

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PP-1 Amending Pending or Previously Granted Zoning Hearings

Reference Section 500 of the BCZR

The requested relief and submitted site plans of pending or approved zoning cases are sometimes amended. The following situations will determine the procedures in which these amendments can be completed:

1. If a pending petition for a special exception, variance, and/ or special hearing, for whatever reasons, requires a change, the proposed amendment will be incorporated by reference into the original request for variance, special exception, etc. Notice and reposting may be required. The applicant will be subject to the applicable revision fees.
2. If the proposed amendment to a previously approved special exception, variance, and/or special hearing, the proposed change would materially affect the relief previously granted, the petitioner will file another application for a new zoning hearing. The application will reference the original case number and order.
3. If the proposed amendment to a previously approved special exception, variance, and/or special hearing where the proposed change would not materially affect the relief previously granted, the amendment may be approved administratively by the Director of PAI. Nonmaterial amendments will be reviewed on a case-by-case basis by the Director of PAI after a Letter of Spirit and Intent has been submitted by the petitioner or applicant.

PP-2 Application of Zoning Use Charts

Reference Sections 1BO2.1, 253.5, 270, 415.6, 426.5.D, 450, and 500, BCZR

There are certain uses which are listed as permitted either by right or special exception in one or more charts of the various referenced sections of the Baltimore County Zoning Regulations. Those uses listed in these charts are sometimes not listed by right or special exception within the specific zones (outside of the charts).

Uses may also be listed in the specific zones and not within the charts. With the exception of Section 253.5 of the BCZR (Conflicts with Section 270), if a use is listed within either the chart or the specific zone, the most lenient application will apply.

For example, "cemeteries" are not listed by right or special exception in the DR Zones; however, said use is listed by special exception in the R-40, R-20, R-10, and R-6 (now DR-1, DR-2, DR-3.5, and DR-5.5, respectively) via the chart of Section 270. Using the most lenient application and without conflict of Section 253.5, cemeteries will be permitted by special exception within the DR-1, DR-2, DR-3.5, and DR-5.5 Zones.

PP-3 Building within Easements

Reference Section 500 of the BCZR

The Baltimore County Zoning Office may deny any permit or use permit application that accompanies a site plan which proposes construction within a public or County easement including public access (such as in a townhouse development). The easement type may include but not be limited to access/walkways, drainage, or utilities and be shown on an approved development plan.

The Director of Permits, Approvals, and Inspections may request that an easement location be shown on a plan and/or language on a permit application that clarifies that the owners are responsible for removing any structure within the easement, at their own risk, should removal be required. The Baltimore County Zoning Office staff may also require that an applicant erecting a structure within said easement seek the approval of the applicable Baltimore County agency(s) prior to final zoning approval of the permit. Final zoning approval may be contingent upon the applicant amending the development plan, final development plan, or record plat when an easement is not shown or when construction within the easement is proposed.

If property owners erect or locate a fence in an easement, they do so at their own risk and should the County or a utility company require the removal of the fence, it will be done so at the property owner's expense.

PP-4 Conformance with Plans and Plats

Reference Section 500 of the BCZR

Pursuant to Section 32-3-102 of the Baltimore County Code (BCC) and Section 500.9 of the Baltimore County Zoning Regulations, the Director of Permits, Approvals, and Inspections will have the power to require, approve, and enforce plans or plats of developments, subdivisions of land, or of any land or site in connection with an application or approval for a building or use permit or a petition for public hearing.

All plans or plats, including but not limited to building or use permit site plans, development plans, final or partial development plans, landscape plans, public hearing plans, tentative approval plans, and record plats, must be drawn to scale and contain sufficient information relative to the proposed or existing use to determine compliance with the BCC and BCZR.

At the discretion of the Director of PAI, such plan or plat may be required in connection with any alleged violation or non-compliance with the zoning regulations or policies. The Director will enforce compliance with the most current approved plan or plat, and it will be the responsibility of the developer, builder, or any concerned party to maintain copies thereof.

PP-5 Development Plan Hearings in Combination with Variances, Special Exceptions, and/or Special Hearings

Reference Section 500 of the BCZR

Section 32-4-230 of the Baltimore County Code, permits applicants who file a development plan that requires a special exception, variance, special hearing or interpretation of the zoning regulations, including a waiver under Section 32-4-107, to combine any necessary zoning public hearings with the development public hearing held by the Hearing Officer.

It will be the responsibility of the applicants or their designee to make this determination when the development plan is filed per BCC 32-4-221(c).

Zoning petitions are filed separately from the development plan and require different sign posting (advertising) requirements. Should the applicant not file the required zoning relief in a timely manner, the development hearing may have to be continued and two separate hearings must be held. Usually, it is advantageous to file a combined hearing, but it is not required.

PP-6 Enforcement of Private Covenants

Reference Section 500 of the BCZR

There are many inquiries by the general public to the Baltimore County Zoning Office regarding covenants, easements or other land documents which are restrictive in scope or nature and which are entered into and executed by and between private parties, to which the County is not a party.

Baltimore County has no standing and cannot enforce such private agreements.

PP-7 Reclassifications—Documented Amendments

Reference Sections 500 and Appendix F of the BCZR

The Baltimore County Zoning Office, on behalf of the Director of Permits, Approvals, and Inspections, will not administratively approve any amendments to documented site plans of a zoning reclassification case without the authorization of the Baltimore County Board of Appeals. The Zoning Office, upon recommendation of the Director of PAI, may refer amendments of documented plans to the Administrative Law Judge to be approved by a public hearing. The site plan to accompany the hearing request must reference the case number and order by the Baltimore County Board of Appeals and must contain all required information as determined by the Baltimore County Zoning Office staff.

PP-8 Special Hearings for Nonconforming Uses

Reference Section 500 of the BCZR

Special hearings for nonconforming uses are filed with the Baltimore County Zoning Office. The following policy will determine how these petitions should be filed or submitted:

1. All special hearings for commercial nonconforming uses filed before the Administrative Law Judge must be accompanied by detailed site plans prepared by a registered surveyor, professional engineer, or landscape architect. The site plans must meet the minimum requirements as set forth by the non-residential zoning petition checklist, in the Baltimore County Zoning Office. A multi-family dwelling of three or more apartments must meet the non-residential petition checklist.
2. All special hearings for residential nonconforming uses filed before the Administrative Law Judge must be accompanied by detailed site plans that meet the minimum requirements as set forth by the residential zoning petition checklist in the Baltimore County Zoning Office. A one- or two-family dwelling will meet the requirements of the residential petition checklist.
3. All special hearings for nonconforming uses that involve additions or expansions must include, on the site plans, square footage calculations of all existing and proposed floor areas.

Nonconforming uses may only be granted by the Administrative Law Judge and not District Court Judges.

See cases:

- 2001-0343-SPH 621 Eastern Blvd. To approve the non-conforming use of two existing apartments in a BL-Zoned property. Granted.
- 2014-0157-SPH 19 Hanover Pike. To approve the non-conforming use of 3 residential apartments units in a BM Zone property. Granted.
- 2018-0331-SPHA 623 S. Marlyn Ave. To permit 5 dwellings along with one commercial building on one lot, BL and DR-5.5 zoning class. Granted.
- 2004-0579-SPHA 9610 Pulaski Highway. To permit the expansion of a non-conforming use (restaurant), in excess of the 25%. Granted.

PP-9 Spirit and Intent Request Letters

Reference Sections 307, 502, and 500.7, BCZR

After the Zoning Commissioner, Hearing Officer, Administrative Law Judge, or Board of Appeals has granted a Zoning Variance, Special Exception, and/or Special Hearing; the petitioner or applicant may request a modification to the site plan which accompanied the approved zoning relief. This may be requested before or after the relief is utilized. The petitioner's/applicant's request may be processed by the Director as a "Spirit and Intent" Letter.

The Spirit and Intent Request Letter may be considered, reviewed, and approved for minor or nonmaterial modifications or amendments provided said change does not negatively impact or affect the adjacent property owners or land owners in close proximity to the subject property.

An applicant with a Spirit and Intent request must submit a red-lined site plan which was accepted with the petition filing. That plan must accompany a detailed letter explaining the proposed modification. The request package will also include any supporting documents and a check for the letter-processing fee.

If the Director or Designee feels that the modification is not minor, is material, or will have a negative impact on the adjacent property owners or land owners in close proximity to the subject property, a public hearing will be required.

PP-10 Use Permits

Reference Section 500 of the BCZR

Pursuant to Section 500.4 of the Baltimore County Zoning Regulations, in cases in which no building permit is required, any person or party which desires to use land for any purpose other than what the land is being used for at present may be required to submit an application to the Director of PAI for a use permit.

The Director of PAI and the Code Enforcement Division will have the power to require a person or party to obtain a use permit for an existing use which is not established by a building permit or public hearing. The use permit application must be accompanied by a site plan which illustrates the property and the proposed or existing use. The level of detail of the site plan will be determined by the Zoning Review staff.

Use permits that require sign posting are: Single-Lot FDP Amendments, Child Care – Class "A", Commercial Parking in a Residential Zone, Farmer Roadside Stands, Rooming or Boarding Houses, and Undersized Lots.

Use permits that do not require posting are: Amusement Devices, Assisted Living Facilities – Class "A", Bed and Breakfast Approval, Christmas Tree Sales, Filming, Sidewalk (Towson Only), Signs, Snowball Stands, Temporary Flower Sales, and Two-Apartment Dwellings (Provisional).

PP-11 Variances Granted with Special Exceptions

Reference Sections 307, 500, and 502 of the BCZR

Variances that are granted on land stay with the property and do not expire if not utilized within a time period, unlike special exceptions. If a variance(s) has been granted in conjunction with a special exception that expires, the variances may still be utilized if another special exception is filed. The applicant does not have to request the variances again.

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RM-1 Access for Single-family Dwellings

Reference BCZR Sections 102.4 and 259.9(e) and BCC Section 32-4-409

Pursuant to Section 102.4 of the Baltimore County Zoning Regulations, no dwelling will be built on a lot containing less than 20,000 sq. ft. which does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel.

For the purposes of this policy “public has an easement of travel” means a public or private road or right-of-way that is County/State owned or County/State maintained. Private recorded easements for egress and ingress are not acceptable for compliance with this regulation.

Lots less than 20,000 sq. ft. which do not have such access must be approved by a zoning variance in addition to any standards which may be required by the Department of Planning and the Bureau of Development Plans Review for compliance with relevant Public Works standards.

Examples of acceptable in-fee access

1. Where more than one lot is involved, several substandard panhandle in-fee strips (with 2-ft minimum width) may be established to meet this requirement
2. If the required in-fee strip is located in the only possible access area, the in-fee portion of the access or utility easement must be at least 8 ft. wide. (12 ft. or wider easement may be required for each lot by other agencies to provide for access or utilities).

For more information, see BCC Code Section 32-4-409 and BCZR Section 102.4. There are additional regulations in BCZR Section 259.9(c) for the Honeygo area. Also see the Development Management and Plan Review Policy Manual for more information on “Panhandle Lots and Driveways.”

See case:

1985-0041-A: To permit a lot with less than 20,000 sf, which does not abut on a right-of-way at least 30 ft. Granted.

RM-2 Amendments to Partial/Final Development Plans

Reference Sections 1B01.3.A.7.c and 500 of the BCZR

Applicants are required to file amendments to partial/final development plans when proposing changes, including but not limited to the following:

1. when building a principal structure or addition to a principal structure outside the shown building envelope
2. when building a principal structure or addition to a principal structure where no envelope is shown on the existing plan (which is the case in many older subdivisions) and there is no typical building envelope shown

3. when building an accessory structure or projection outside the shown building envelope where a lot permitting this is not on the development plan with a general note or typical building envelope
4. when building an access driveway to the street where none is shown on the existing plan
5. when building a principal or accessory structure or additions which require a zoning variance
6. when changing the building orientation from what is shown on the plan.

If the partial/final development plan is accompanied by an affidavit of consent by signatures on the plan of all lot owners inside the development that lie within 300 feet of the change, indicating their concurrence with the plan, no public hearing is necessary. These plans will be processed as simple plan amendments.

If the plan is not accompanied by the above affidavit, the property that is generating the amendment must be posted as per the requirements in Section 500.7 of the BCZR.

RM-3 Animals on Residential Property

Reference Sections 100.6 and 101 of the BCZR

Pursuant to Section 100.6 of the Baltimore County Zoning Regulations, a tract of land used for the accessory stabling and pasturing of animals is an accessory use and is not considered a commercial agricultural operation. A tract of land will include land which is improved by a dwelling.

See cases:

- 1999-0326-SPHX: 21000 S. Ruhl Rd. To permit a private kennel that will permit sale of puppies to the general public. Granted with no boarding of other dogs on the premises.
- 1988-0268-SPHA: 4929 Deer Park Rd. To approve a non-conforming use of a farm and to permit more than one horse per acre (3.2 ac total). Owner testified land was used for horse farming since 1961 with as few as 4 horses and as many as 10 horses.

RM-4 Class A Office Buildings within the Residential, Office (RO) Zone

Reference Sections 101 and 204.3 of the BCZR

A dwelling approved by the Baltimore County Zoning Office under 204.3A.1 or a dwelling addition under 204.4A of the BCZR may not be converted to a Class A office building by the current or any subsequent owner sooner than five years from final occupancy. If a new house or a residential addition is to be converted to a Class A office building and residential occupancy cannot be verified by the zoning office of a period of at least five years after permit occupancy approval, then:

1. the five-year period will begin when the zoning office is satisfied that the residential occupancy is bona fide, or
2. a special exception for a Class B office building would be required.

The residential transition area requirements (RTA) do not apply in the RO Zone to the development of various residential uses or housing types.

RM-5 Conversion of a Single-family Dwelling into Apartments

Reference Sections 102.2 and 402 of the BCZR

Conversions of single-family homes in the DR Zones into apartments will be determined pursuant to Section 402 of the Baltimore County Zoning Regulations and treated on a case-by-case review. Dwellings in RC Zones are not included in Section 402 or this policy, and cannot be converted to apartments, as per the applicable sections in the BCZR.

Background

In 1955, the Baltimore County Council adopted Section 402 of the BCZR, which established setbacks, lot width, and area standards as special conditions to allow conversions of these large single-family homes into apartments as a matter of right.

Under the authority of Section 402, conversions of existing one-family dwellings to multi-family dwellings are permitted in the DR Zones, subject to the area standards of that section, the specific DR Zoning classification, and the following criteria:

Eligibility

A dwelling may be converted to multi-family dwelling only after a five-year occupancy as a single-family dwelling given the following conditions:

1. If the setbacks or the lot width standards are deficient, a variance (public hearing) will be requested. Lot width will be determined by extending the front foundation line of the existing dwelling.
2. If the lot area is deficient, the conversion cannot be approved. (Lot area can affect density,). The minimum lot area must be based upon net, not gross area.
3. Conversions are not subject to the Residential Transition Area (RTA) requirements.
4. Expansion of the existing dwelling is limited to 25% of floor area.
5. If a separately deeded, platted, or recorded adjacent lot is utilized to meet the side setbacks, lot width, and/or lot area, the adjacent lot must be combined with the lot that occupies the dwelling by subdivision.

If it is unclear or there is disagreement as to whether a dwelling is single-family, the most important determining factors will be the existence or proposal of more than one kitchen, separate entrances, layout of floor area, and electric or gas meters.

A freestanding single-family dwelling, which may have been converted from a large accessory structure, that is on the same lot as a converted multi-family dwelling may not

benefit from Section 402 of the BCZR. The single-family dwelling must meet the minimum lot area, width, and setback requirements pursuant to Sections 102.2 and 1B02.3.C.1 of the BCZR.

See cases:

- 1984-0225-A 5907 Edmondson Ave. Petitioner sought to have 4 apartment units approve while seeking variance for lot width and side setbacks of existing dwelling. Zoning commissioner approved setback while restricting dwelling to 2 apartment units. Petitioner took to Board of Appeals where ruling was affirmed.
- 1985-0144-SPH: 21232 Millers Mill Rd. to permit a second kitchen in existing dwelling. Granted with conditions:
- 1986-0098-SPH: 3308 Marnat Rd. Proposed in-law suite. Granted with restriction that a covenant to their deed with land records of Baltimore County
- 1988-0450-A: 928 Southwick Dr. Variance for side yard setback for a proposed addition of an accessory apartment for father in-law. Granted with same restriction of 1985-0144-SPH plus not allow or cause the addition to be converted to a second dwelling unit.

RM-6 Density Allocation for Parcels

Reference Section 500 of the BCZR

For zoning purposes, a parcel or tract will be considered a lot with regards to density except for recorded areas allocated and recorded for access or open space.

Certain parcels zoned DR for access, open space or off conveyances may not be considered as density units if clearly labeled on the development plan or record plat. Final zoning approval will be based upon interpretation by the Director of Permits, Approvals, and Inspections.

Parcels zoned RC that are undersized or for nondensity purposes must be approved by a public hearing. Off conveyances of RC-zoned land to an adjacent ownership may be approved administratively by the Director of PAI; however, the overall tract or development conveying the land area must meet the allowable density without the conveyed parcels.

Parcels zoned RC for nondensity purposes for agriculture or access use that are too small to meet the minimum lot size for the zone may be approved administratively. Parcels that meet the minimum lot size for nondensity purposes or for transfer must be approved by a public hearing. Any administrative approval will be decided by the Director of PAI.

See Policies RSD-2 Density Anomalies and RSD-17: The Sale or Transfer of Small Resource Conservation RC-Zoned Parcels.

RM-7 Directional Arrows (Orientation) on Development and Final Development Plans

Reference Section 1B01.3.A of the BCZR

Directional arrows are often shown on development and final development (DP and FDP) plans to dictate a specific orientation for proposed dwellings on certain lots. Orientations may be illustrated with a specific arrow or an arrow with an angle of adjustment to allow for flexibility.

Often, building permit applications tend to vary from the angles that are shown on the DP or FDP. Normally, if a dwelling orientation shown on a building permit site plan differs from the directional arrow shown on the DP or FDP, the plan must be amended or the dwelling orientation changed to conform to the DP or FDP. Sometimes the angles may vary but the orientation stays basically the same. For this reason, the Zoning Office may approve building permits where the proposed orientation does not exactly match the DP or FDP, as long as the overall dwelling orientation stays the same.

As a guide, the Zoning Office will allow a 10-15 degree arrow adjustment; however, building permits that vary from the DP or FDP will be decided on a case-by-case basis and the ultimate decision will be decided by the Director of Permits, Approvals, and Inspections.

RM-8 Facilities That Are Not Exempted from Local Zoning Laws by the State

State Law supersedes the Baltimore County Zoning Regulations for facilities such as group homes, halfway houses, and alternative living units. Many additional facilities for the mentally and developmentally disabled have also been exempted from the Baltimore County regulations by State law. These include:

- Community Residential Facilities (CRF) for the Mentally Disabled: Facilities for the mentally disabled are defined and exempted from local regulations in COMAR 10.21.04 (Department of Health and Mental Hygiene)
- Community Residential Facilities for the Developmentally Disabled: Facilities for the developmentally disabled are defined in Health-General Article, Title 7, Annotated Code of Maryland
- Community Residential Facilities for Other Special Population: The State regulations indicate that local jurisdictions may not place any restrictions on CRF's for either the mentally or developmentally disabled individuals in facilities of less than nine residents.

The type of facility for special populations that the State does not specifically exempt from local regulation will be defined as a Community Care Center or a State-licensed Medical Clinic and may require a special exception depending on what zone it is located in. The following list of various special populations is provided for illustrative purposes only:

- the homeless, mistreated, or abused,
- the alcoholic and other drug abusers, and
- the juvenile delinquent or ex-offender

Any questions as to the applicability of the BCZR may require a special hearing.

A special hearing may also be held to determine whether a facility may be considered as containing a “Family.” Family: Any number of individuals lawfully living together as a single house-keeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel (Section 101, BCZR).

For a Community Residential Facility to meet the definition of “family”, Zoning must be satisfied that at least four of the below apply:

- A continuous and uninterrupted occupancy residence;
- The facility is used for treatment of residents only;
- The residents must generally live and eat together as a family;
- The home must bear the generic characteristics of a family unit as a relatively permanent household;
- There must be supervision provided;
- The residents assume certain housekeeping responsibilities;
- The facility has the necessary federal, state, and/ or local governmental approval;
- There must be services available to the residents.

See cases:

- 1986-0274-SPH: 5904 Point Pleasant Rd. United Cerebral Palsy (UCP) purchased the single-family dwelling to provide housing and long-term care to three adults afflicted with cerebral palsy. Although the three patients would live there full-time, staff would work shift and not reside in the dwelling full-time. UCP believed under Section 101 of the BCZR they met the definition of family. There would be no medical treatment, rehabilitation programs, or training in the home. Each resident shared household responsibilities and financially contributed. Petitioners believed UCP proposed use was either a Community Care Facility or Rooming House, both of which would require a special exception, and they request an interpretation of “group home” by the Zoning Commissioner. Zoning Commissioner determined the UCP uses met the definition of family and the use was permitted as a matter of right in a residential zone.
- 1987-0323- SPH: 4409 Powells Run Rd. (10939 Liberty Rd.) To approve the exemption of a residential emergency shelter from zoning regulations as a governmental function. Shelter would provide emergency housing for children taken out of their homes by Baltimore County Social Services. Use was permitted by Zoning Commissioner via letter to the owners. Adjoining property owners filed special hearing petition believing use required a special exception. Petitioner’s request for a special hearing denied. Board of Appeals determined the use to be a Community Care Center, not exempted from government function and reversed Zoning Commissioner order and allowed petition to file a special exception. BOA affirmed by Circuit Court of Baltimore County and Court of Appeals of Maryland.

- 1987-0208- SPH: 3737 Courtleigh Dr. To determine whether a proposed sheltered care home was permitted in a DR-5.5 Zone. The home would consist of a group of elderly citizens that shared a living room and kitchen. Zoning Commissioner determined the use was permitted by right. Granted.
- 1988-0068- SPH: 3737 Courtleigh Dr. To reduce the size of proposed building proposed in case 1987-0208- SPH. Zoning Commissioner granted with no more than five senior citizens and two caregivers.
- 1989-0356- SPHX: 3300 Gaither Rd. To approve a non-conforming use and to permit three additions (shelter, classrooms for residents, and garage) to existing facilities for child care. Building permits were denied and petitioner filed special hearing. The Zoning Commissioner determined the property's use as a religious worship center, community building, school facility, and shelter for children predated the adoption of Baltimore County's Comprehensive Zoning regulations on March 30, 1955. Granted non-conforming use of property and special exception use for the Community Care Building.

RM-9 Farms and Animal-related Uses

Reference Sections 101 and 421 of the BCZR

Section 101 of the Baltimore County Zoning Regulations defines several terms that are related to animal uses and/or farms. For example, a commercial kennel is defined as "any establishment where the commercial breeding of dogs or the boarding, sale, or training of dogs takes place and for which a fee is charged. A Commercial kennel does not include a private kennel, pet shop, veterinarian's office, or veterinarianium." A commercial kennel on land considered a farm is not permitted by right but must proceed through zoning approval as if it were on a land area less than three acres. More than three dogs may be permitted on a farm; however, those dogs must be accessory to the farm use.

Pursuant to Section 101 of the BCZR, "agriculture, commercial" is defined as the use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to Section 8-209 of the Tax Property Article of the Annotated Code of Maryland, as amended. Commercial agricultural includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquaculture, apiculture, viticulture, forestry, animal and poultry husbandry, horse breeding and horse training, and also includes ancillary activities, such as processing, packing, storing, financing, managing, marketing, or distributing, provided any such activity will be secondary to the principal agricultural operations.

This definition includes many activities; however, it does not conclude that a farm which includes these aforementioned activities may have a kennel, riding stable, or animal boarding place by right, as those uses will be subject to the zone where they are located. Because the definition of farm is excluded from animal-related uses or the use of a farm includes many animal-related activities does not mean that a farm is exempt

from the animal-related uses that are either permitted by right, special exception, or prohibited within or from a certain zoning classification.

See case:

1995-0063-A: 12301 Belair Rd. In the facts and finding of the case the Zoning Commissioner provides a distinction between a veterinary hospital and animal boarding facility. He writes, "there is no doubt that animals in need of medical treatment will be kept overnight and occasionally exercised outside...these operations are permissible as limited by medical consideration...however, the boarding of animals for profit is strictly prohibited."

RM-10 Federal Firearms License within a Dwelling

Reference BCZR Section 101.1 Definition of Home Occupation

The Baltimore County Zoning Review Office will approve various trader's license applications for a residential dwelling as a home occupation provided that the dwelling address is used for personal office purposes only and that there is no exterior evidence of a business operating from the dwelling (no deliveries, storage, customer and client visits, or employees present at any time). This is not the case for a federal firearms license.

Since the Federal Government (Bureau of Alcohol, Tobacco, and Firearms) requires the retail sale (of firearms) from the location/address of the approved license, a conflict with the Baltimore County Zoning Regulations. Therefore, any firearms license operating within a residential dwelling or residential zone will require a special hearing before the Administrative Law Judge (ALJ) to confirm that the federal firearm license complies with the home occupation definition.

RM-11 Handicap Ramps

Reference Sections 301 and 500 of the BCZR

1. Handicap ramps for a single user, when attached to a single-family dwelling and built not to meet the minimum building code requirements, will be considered as ingress and egress to a dwelling and will not be subject to Section 301 (Open Projections) of the BCZR or other setback requirements provided the ramp may not project into the public right-of-way.

RM-12 Home Occupations

Per Section 101.1 of the BCZR, a home occupation is a use conducted entirely within a dwelling and is accessory (or incidental) to the main use of the building as a residence. There can be no exterior evidence of the home occupation including no

more than one employee who does not live in the home and one sign per Section 450.4. There can be no customers that come to the business.

"Any use conducted entirely within a dwelling ..."

This statement is interpreted to mean that the use must be within the dwelling and cannot be within a detached garage or accessory structure or elsewhere in the yard area of the property in question. The use can be in an attached garage that has an interior connection to the house.

"Which is incidental to the main use of a building for dwelling purposes...."

This statement is interpreted based upon the common definition of the word "incidental"; i.e., that a "home occupation" is a use that happens as a result of and in connection with the principal use as a dwelling. The use must therefore be of a domestic nature.

Uses that easily fall within this definition would be a person who takes in ironing or washing of clothes, sewing or dress making, and/or cooking. Other uses, such as computers used to keep track of home finances and related matters, can be considered as domestic equipment. As a home occupation use, the computer must be used in a manner that is secondary or minor and can be associated in some way with the normal domestic functions of the dwelling.

"And does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling..."

Section 450.4.A.9 of the BCZR clearly indicates that an accessory use of a dwelling for a home occupation is permitted a one-square-foot sign. Any other exterior evidence that indicates that dwelling is being utilized for purposes other than a dwelling is not permitted. Such evidence would include noise, odors, or other vehicular traffic that is obviously generated by uses other than those normally associated with the dwelling.

"And in connection with which, no commodity is kept for sale on the premises...."

This statement clearly indicates that a person can, for instance, make dresses for customers. However, they cannot make and stock dresses for customers or stock dresses for sales display on the premises.

"Not more than one person is employed on the premises other than domestic servants or members of the immediate family...."

This statement does not clearly indicate that members of the immediate family and domestic servants may reside on the premises; however, based upon the interpretation above, i.e., a home occupation is something that happens as a result of and in connection with a dwelling. It becomes clear that other than the one employee, all other persons engaged in the home occupation must reside on the premises.

"And no mechanical equipment is used except such as may be used for domestic purposes, other than computers, printers, fax machines, modems, standard office copy machines, and similar office equipment."

This statement further solidifies the dictionary interpretation of incidental. This requirement is intended to limit the type of equipment used in a home occupation. However, the fact that a sewing machine or a circular saw qualifies as domestic, does not permit its unlimited use, i.e., the home occupation must be secondary, minor, and associated with the principal dwelling use.

Trader's License: Business addresses may be established in the home provided:

- all other home occupation requirements are met;
- all business contacts will only be by telephone or correspondence;
- no equipment, inventory, stock, or commodity will be delivered or stored on the premises; and
- an affidavit is signed by the owner of the business attesting to the above conditions to be kept on file in the Zoning Office.

Tutoring Services: Tutoring is permitted as a home occupation in a residential zone, subject to the following conditions:

- a maximum of six students per day;
- tutoring is on a one-to-one or two-to-one basis;
- no more than two tutors total (one in addition to the resident);
- there are no commercial sales (wholesale or retail) and no commodity is delivered or stored on the premises for sale;
- an affidavit is signed by the owner of the business attesting to the above conditions to be kept on file in the zoning office.
- Larger tutoring services in DR Zones are considered a school and would be subject to RTA requirements.
- Larger tutoring services in RO, OR-1, OR-2, and the commercial and industrial zones are treated as an office.
- A small group of children is permitted to be tutored by a teacher in an existing school.

Offices that are not home occupations: Specifically excluded from a home occupation because they appear as Special Exception uses (see Policy A-19: Offices As an Accessory Use in a Dwelling Special Exception Uses) are: offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, real estate agents or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one non-resident employee (Bill No. 105, 1982).

See case:

1985-0078-X: 1301 N. Rolling Rd. To permit a business in a residence and to determine that a real estate broker is a professional person. Zoning Commissioner determined a real estate broker was not professional under the meaning of the BCZR. Denied.

RM-13 Manufactured (Mobile) Home Parks
Reference Sections 414 and 415 of the BCZR

A manufactured (mobile) home must meet BCZR requirements of Section 414 and 415. This type of dwelling is built to the manufactured home construction and safety standards (HUD Code) and displays a red certification label on the exterior of each transportable section. (See https://www.hud.gov/program_offices/housing/rmra/mhs/faqs#).

A manufactured (mobile) home will not be approved for either a footer or foundation permit by the Zoning Office. A manufactured (mobile) home located in a "Mobile Home Park" can be approved for precast concrete piles permit (minimum 30 inches deep), provided the concrete piles comply with all HUD requirements and all zoning regulations related to mobile home trailers.

A modular home is an industrialized/modular structure, which means it is manufactured off site or primarily off site and designed to be used as a dwelling with a permanent foundation when connected to the required utilities. The modular homes are built in a factory to State of Maryland standards. (See <https://www.dlrr.state.md.us/labor/build/buildmoddef.shtml>). A modular home may be approved for a footer or foundation permit by the Zoning Office provided the modular home is not located within an approved mobile home park. The modular home (industrialized/modular structure) must meet all Baltimore County Building Code requirements and all zoning regulations related to dwellings.

RM-14 Mixed Uses on One Property: Residential and/or Commercial
Reference Section 102.2 of the BCZR

If two or more principal uses or structures are proposed or exist on one property, each use and/or structure must meet all zoning requirements and policies as if each were located on a separate parcel, pursuant to Section 102.2 of the Baltimore County Zoning Regulations.

If subdivision of the property is not proposed, the Director of Permits, Approvals, and Inspections may require a certain type of division. A lease line or a "zoning use division line" between each use may be required on the plat or plans to assure that the structures comply with the area requirements of the zone.

The following guidelines have been formulated so that this matter can be handled consistently:

1. Both existing and proposed uses, as separate and divided, must be able to meet the BCZR requirements with respect to area, density, parking, and setbacks between buildings and division lines as if they were property lines.

2. Residential density may be calculated on the overall property acreage if all uses are residential. If uses are mixed of residential and nonresidential, density will be calculated from the area established by zoning use division lines.

See cases:

- 1989-0444-SPH 615 Chestnut Ave. Protestant filed special hearing request to determine if proposed additions and alterations to Pickergill must be developed pursuant to Sections 101, 432, 1B01.1, 1B01.1.c, 1B02.2.C.1 and 1B02.2.A of the BCZR, and if a special exception would be required
- 1989-0538-SPH: 615 Chestnut Ave. To approve an amendment to the special exception and site plan to permit the modification and expansion of an existing nursing home and the addition of 100 Class B elderly housing units.

Cases were heard to together before the Zoning Commissioner. As both uses were residential, density calculations were provided in facts and finding. Zoning Commissioner denied in part and granted in part the request of 1989-0538-SPH, making 1989-0444-SPH request moot. Board of Appeals affirmed

RM-15 Model House, Sales, or Rental Office
Reference Section 500 of the BCZR

A model house or living unit may be built in an approved residential subdivision and utilized as a real estate sales or rental office for that development provided that:

1. At the time of permit application, the dwelling or unit meet all of the Baltimore County zoning requirements for the development, including compliance with the final development plan (FDP) and/or the record plat.
2. The sales or rentals that are conducted on the premises only involve the property in that particular development.
3. The office shall be converted back to residential use no later than the completion of the project.
4. On the permit application, Items 1, 2, and 3 must be addressed.
At the time of residential conversion, a change-of-occupancy permit must be approved by the Baltimore County Buildings Engineer, and the residential use is in keeping with the development as originally approved.

RM-16 Multiple Kitchens within One Dwelling
Reference Sections 402 and 500 of the BCZR

More than one kitchen may be permitted within a single-family dwelling provided that the builder, owner, or applicant has clearly demonstrated that the additional kitchen is not for another living unit or apartment. Examples of dwellings with multiple kitchens that may not generate an additional living unit are:

1. large single-family dwellings that contain a second kitchen or kitchenette for convenience purposes (i.e., kitchen on lower level within a recreation room)
2. a single-family dwelling occupied by a family with a certain religious arrangement.

Dwellings with more than one kitchen that appear as a multi-family dwelling may be subject to Section 402 of the Baltimore County Zoning Regulations. Upon building permit application or final zoning approval, each review will be treated on a case-by-case basis.

RM-17 Paper Streets

Reference Sections 101 and 500 of the BCZR

Unimproved, recorded (paper) streets are treated as existing (improved) streets with regards to the Baltimore County Zoning Regulations. Specifically, such streets are shown on recorded plats and relate to corner lots for the placement of principal and accessory buildings.

If the requirements created by the paper street cannot be met by the applicant's intentions, a variance or road closing must be approved to rectify any deficiency.

RM-18 Property That Straddles Jurisdiction Lines

Reference Section 500 of the BCZR

Property or land area that lies partially within Baltimore County and another jurisdiction(s) must meet the minimum requirements as established by the zoning classification and use for the area within Baltimore County. The land area outside Baltimore County cannot be used to support the use within Baltimore County. If the other jurisdiction defers to Baltimore County, Baltimore County regulations apply to the entire property.

RM-19 Residential Nonconforming Uses

Reference Sections 104 and 500.7 of the BCZR

Nonconforming residential uses, such as two-family dwellings, may be approved by a special hearing petition, which is a public hearing.

The burden is upon the property owner to establish a two-family dwelling prior to 1955 and a three (or more)-family dwelling prior to 1945. All nonconforming uses may not cease operation or use for more than one year.

See cases:

- 1989-0261-SPH: 2629 Yorkway to approve a non-conforming use of 4 apartment units in a DR-10.5 Zone. Testified that all 4 units have been occupied continuously and without interruption since 1944. Granted
- 1990-0209- SPH: 3016 Taylor Ave. To approve a two-family dwelling on a 7,334 sf lot, in the DR-16 Zone. Granted
- 1990-0310- SPH: 2722 Lodge Farm Rd. To approve 7 apartment units on a 7,357 sf lot in a DR-5.5 Zone. Owners testify they constructed 5 units shortly after purchasing in 1948. In 1951, they converted two large room into efficiency apartment. Granted.

RM-20 Residential Uses and Conversions within the Residential, Office, Class A (ROA) Zone

Reference Sections 101, 202.3 and 202.4 of the BCZR

New dwellings constructed for residential purposes in the ROA Zone are subject to the bulk regulations of the DR Zone in place at the time that the ROA Zone was applied. If a DR Zone was not in place at the time of ROA application, then the DR-3.5 Zone will govern.

Additions to existing one- or two-family detached dwellings, new accessory buildings, accessory uses, additions to existing buildings accessory to dwellings are permitted in the ROA Zone; however, they will comply with the bulk regulations of the DR Zone in place at the time of ROA application or the DR-3.5 Zone (as stated above) and Section 400 of the Baltimore County Zoning Regulations. A development plan is not required, provided that the dwelling is a bona fide one- or two-family residence and the addition is occupied for residential purposes.

RM-21 Residential Uses in the Residential, Apartment, Elevator (RAE) Zones

Reference Sections 1B01.3, 200, 201, and 500 of the BCZR

Residential uses, developments, or subdivisions in the RAE zones do not require a final development plan (FDP). The RAE Zone limits residential development to apartment buildings; however, multi-family condominiums (i.e., garden condominiums) would be permitted within this zoning classification.

Building permit approval is based upon conformance with an approved record plat, JSPC, CRG, development plan, and/or any other tentative county approved plan which authorized approval of the proposed development. One or more of these mentioned plans must be presented with the building permit application, as determined by the Director of Permits, Approvals, and Inspections and/or the Baltimore County Zoning Office staff.

RM-22 Road Widening—Existing Lots
Reference Sections 104 and 500 of the BCZR

If Baltimore County or the State of Maryland proposes to widen a road that adjoins a lot and the building setbacks and/or the lot area becomes deficient or if an existing deficiency increases by the taking, then the following applies:

- If the lot is unimproved, the status of the lot with regards to lot area will decrease. If the lot was considered buildable (by area) prior to the taking, that status will not change as a result of the taking.
- If the lot is improved with a dwelling or other legal residential use, then any deficiencies that are created by the taking are considered nonconforming.
- If the proposed development of land requires road or highway widening that creates a deficiency on the property to be developed, a variance must be approved prior to final zoning approval.

RM-23 Tenant Farmer's Dwelling Including Tenant Trailers
Reference Sections 101 and 415 of the BCZR

The Zoning Office requires that the applicant for a tenant farmer's dwelling and/or tenant trailer complete the approval forms, which include but are not limited to a tenant affidavit and a legitimate farm use form, prior to building permit application. By definition, a tenant farmer cannot be the property owner.

All approvals are subject to the following:

1. Tenant dwellings are permitted only on farms and may only be occupied by a tenant farmer whose principal vocation would be farming on the property. (See farm definitions, Section 101 of the Baltimore County Zoning Regulations.)
2. The zoning regulations require that the property be a bona fide farm and the occupant of the dwelling be a bona fide tenant farmer. A copy of the deed to the property must be attached with the zoning approval forms, which will all be kept on file in the zoning office.
3. Additional documentation or a special hearing may be required to justify a tenant farmer. The tenant farmer's dwelling application and/or recommendation by the Agricultural Land Preservation Advisory Board (ALPAB) must recommend the farm use and the need for an on-site tenant.

The termination of a farm use or when an existing tenant farmer vacates the additional dwelling creates a zoning violation. The property that contains a tenant farmer's dwelling must continue to operate as an established farm or such a dwelling must be razed or removed. An existing farm which is reduced by a land transfer or subdivision must establish conformance with the BCZR to retain its agricultural-related buildings. This may be accomplished by establishing a reduced acreage farm via the ALPAB. If the reduced land is no longer a farm, all tenant dwelling buildings must be removed or must conform with the BCZR.

RM-24 Trader's License Affidavit
Reference Sections 101 and 500 of the BCZR

The Baltimore County Zoning Office approves Trader's Licenses, and many of these businesses involve a residential home being used as a business address. In all cases, the Zoning Office requires that the applicant fill out and sign an affidavit limiting all business activities in the home to telephone and mail correspondence. The affidavit will be kept on file in the Zoning Office.

The wording of the affidavit is as follows:

I request approval of the above referenced Trader's License. The above location will be used as a mailing address and the only business contacts will be by telephone, mail, or email. There will be no equipment, inventory, stock, or commodity delivered or stored on the premises.

See the definition of "home occupation" in Section 101 of the Baltimore County Zoning Regulations and Policy RM-13 Home Occupations.

RM-25 Two or More Dwellings on a Lot
Reference Sections 102.2 and 104, BCZR

When two or more dwellings legally exist on a lot, an addition may be approved on either house provided that all current setback requirements (or applicable setbacks on an approved subdivision) are met including appropriate distances between principal buildings.

Existing "nonconforming" setbacks may be extended but any deficiency cannot be increased.

If multiple houses are determined to be nonconforming on one lot, then the permitted expansion would be limited to 25% of the ground floor area for each house. If there is any doubt as to the nonconforming status of the dwellings and if the 25% expansion for the dwelling is exceeded, a public hearing may be required.

Bill # 124-81, effective 9/25/81, deleted subsection 1B01.2.C.4 of the Baltimore County Zoning Regulations, which stated in part "...no more than one principal building will be situated on any lot in such a residential transition area."

See cases:

- 1986-0210-SPH: 2707 Grey Manor Ct. To approve two dwellings, an apartment above the garage, as a non-conforming use. In 1957, the owner constructed a detached garage with an apartment above. Since the second dwelling unit was created after 1945 the request was denied.
- 1988-0294-SPHA: 435 Bank St. To permit two existing dwelling on one lot. Owner provided affidavits stating use existing since 1939. Granted.

RM-26 Use of Undersized Single-family Lots
Reference Section 304, BCZR

This policy only applies to DR zones and does not apply in the RC zones or to an undersized lot of record in a subdivision or tract approved per Sections 1B02.3.A.1 or 1B02.3.A.2 of the Baltimore County Zoning Regulations.

Before building permit application for a dwelling on an undersized lot, the applicant must provide satisfactory documentation, such as:

- a copy of the pre-1955 or applicable deed and subdivision plat
- tax account information
- contiguous ownership information
- an undersized lot approval application per Section 304.2 of the BCZR.

The following will assist in determining whether building on an undersized lot meets the spirit and intent of the BCZR:

1. Section 304 of the BCZR is silent as to when contiguous ownership would serve as a guide to continue the implementation of these regulations, i.e., contiguous ownership in existence at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter. The history of contiguous ownership for the subject lot will be considered.
2. It is important to consider the intent of the owner who attempts to invoke the applicability of Section 304 of the BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304 cannot be invoked and variances must be required. An obvious method used is called "checkerboarding," where the owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of a public hearing and notice for variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation adjoining undersized lots which were recently purchased to individual bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
3. If a single owner of contiguous undersized lots has purchased the property in good faith without any intent to avoid the area requirements, Section 304.1 of the BCZR may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels can be utilized to so determine. This office has traditionally applied the "six-year rule" to determine good faith, and that rule will be one criterion to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304.1 would apply if such new ownership has been held for a period of at least six years. The six-year rule will not include single ownership used to circumvent the BCZR.

4. Ownership information must include:
 - property tax information for all adjacent properties, in addition to the subject property; and
 - copies of the deeds for all adjacent properties, in addition to the subject property; and
 - a notarized affidavit stating that the applicant has no financial interests for the prior six years in any adjacent properties.

See cases

- 1992-0477-SPH: 401 Lafayette Ave. To approve an undersized lot (5,280sf) in a DR-5.5 Zone with deficient setbacks. Owner applied for a variance, which was approved. A neighbor filed a special hearing claiming the property did not meet the lot size required for a dwelling. Board of Appeals denied protestant request while granting setback variance for proposed dwelling.
- 1994-0535-A and 0536-A 609 Cliveden Rd. Side yard setback and undersized lot variance. Denied.

RM-27 Uses Supporting a Principal Structure in a Different Zone
Reference Sections 102.2 and 500 of the BCZR

There are several situations where necessary and accessory support uses are situated within a different zone from the principal building. One example is a stormwater management area in a residential zone supporting a commercial use in a business zone.

This policy is based upon prior zoning case history and administrative zoning approvals, and will assist and separate the different situations needed for determining zoning approval. The following situations will be used as a guide for the purpose of this policy:

1. Stormwater management areas are considered as landscaping or landforms, and may be located in a residential zone that supports a commercial use in a nonresidential zone.
2. Well or septic areas must be located within the same RC Zone as the dwelling or use.
3. A well or septic area is not permitted in a residential zone supporting a commercial use in a nonresidential zone.
4. Accessory structures to a commercial use cannot be located in a residential zone unless the entire commercial use is approved within the residential zone as permitted by right, special exception, or as a legitimate nonconforming use.

See case:

1992-0393-SPHA 2820 Paper Mill Rd. To approve the creation of a non-density (RC-4) parcel, for a septic reserve area for the adjoining commercial use (BL). To permit two existing two-story dwellings located 22 ft. and to approve the existing storage building located 48 ft. in lieu of the required 55ft. Granted.

RM-28 Waterfront Construction
Reference Section 417, BCZR

Waterfront construction, such as piers, mooring piles, and bulkheads, may be constructed on unimproved lots pursuant to Section 417 of the Baltimore County Zoning Regulations, provided that no accessory buildings/structures are constructed on the unimproved lot.

Waterfront construction on an improved lot with a single-family dwelling that may include a large pier and/or mooring piles may require justification that the property will continue to be used for private residential purposes. If no justification is required and the improvements are approved by a residential permit, then it is assumed that zoning approval was for private residential use only.

If waterfront construction, such as a pier(s), mooring pile(s), or launching ramp(s), are proposed on vacant community property, a special exception for a community building is required.

See case:

1984-0251-XA: 13201 E. Greenbank Rd. To permit a community building or other similar civic, social or recreational uses by the community for a community pier and to permit a pier within 15ft of an existing facility on an adjoining lot in lieu of the required 20ft. Granted.

Residential Subdivision and Density

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RSD-1 Computation of Density on a Tract with More Than One Zone
Reference Section 1B01.2

Large Tract Subdivisions - Approved between September 19, 1970 and March 30, 1992
For any tract of land that was developed on six (6) or more lots, the following applies:

<u>Within Residential Transition Area:</u>	<u>Outside Residential Transitional Area:</u>
front.....75'	window to window.....40'
side.....75'	window to street.....25'
rear.....150'	window to tract boundary.....35'
parking.....75'	window to property line.....15'
	building to ex. R/W.....25'
	building to ex. R/W C/L..... 50'
	building to proposed R/W.....0'
	building to tract boundary.....30'
Buffer Width:	
building front.....50'	
building side.....50'	
building rear.....75'	
facing parking.....75'	
Note: (for all other setbacks, use Out of Transition requirements)	<u>"Height to Height" Requirements</u> <u>(Distance between facing elevation)</u>
	0-20'.....16' separation
	20-25'.....25' separation
	25-30'.....30' separation
Building Height.....35' maximum	30-40'.....40' separation
Building Length.....130' maximum	40-50'.....60' separation
	50-60'.....75' separation
Distance between facing elevation is 1-1/2 x the height of the highest building.	
	Building Length.....300' maximum

Development plans submitted for approval that included a computation of allocated density from one parcel to another in a DR Zone within a tract. It is important to note whether the "partial" plan submitted encompasses such a transfer, regardless of whether the "final" plan is ever submitted. Such a transfer of density is acceptable.

However, based on the legislative intent, such a transfer limits the use of the parcel from which the density was borrowed:

1. The parcel from which the density was borrowed will be allowed to be developed only to the extent any density remains to that parcel. If all density is utilized elsewhere on the tract, the parcel must remain permanently undeveloped open space.

2. Subsequent rezoning or reclassification will not impact on this; any future change in zoning will not permit use of that parcel where its density has been used elsewhere. Density requirements of an approved recorded subdivision plat are preserved against subsequent comprehensive rezoning when density from one parcel is utilized on another where a building permit has been issued and where substantial construction has begun.

RSD-2 Density Anomalies

Reference Sections 1B01.2.A and 500 of the BCZR

In the following situations in DR Zones, the density is not zone specific (i.e., density can cross zoning line):

- in 10.5, 16, or a nonresidential zone that allows residential uses,
- PUDs, and
- elderly housing.

The following anomalies of the zone-specific density standards have been encountered:

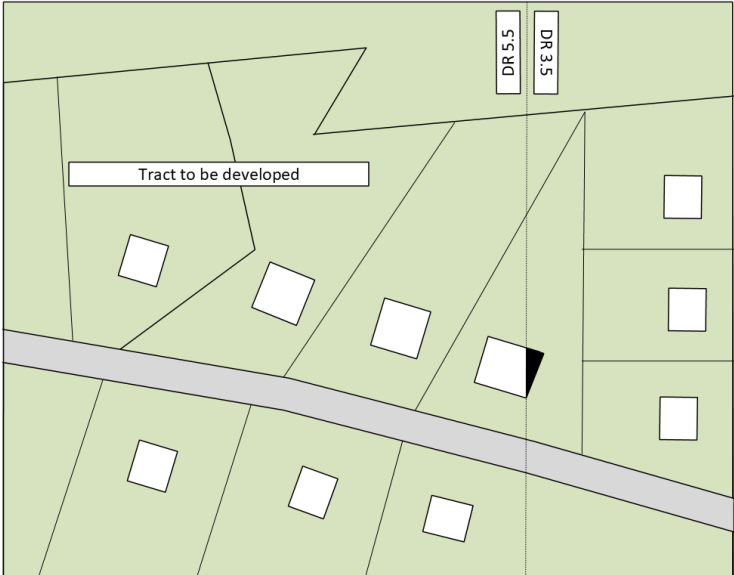
1. Two DR Zones (DR-3.5 and DR-5.5) exist on a development tract and density has been fully utilized within the DR-3.5 Zone. In addition to the permitted and proposed complete lots in the DR-3.5 Zone, the plan proposes a portion of a proposed lot or dwelling within the DR-3.5 Zone.
2. A small tract that would be regulated by the small lot table in Section 1B02.3.C BCZR (less than six lot potential) is proposed for development and is bifurcated by a DR Zone line separating two different DR Zones. There is insufficient net area in one or both of the zones to separately support the lots in the zone(s) they are proposed. The lots are proposed so that a combination of the separate percentages of the total, not lot requirement, in each zone would equal the whole number one for each lot. This method of combining the net lot density potential of the separate zones has never been permitted; however, it may be an equitable solution due to the fact that when a small tract is split zoned, one or both of the net-zoned areas could be useless in contributing to the net density potential of the ownership tract.
3. Subdivision is proposed that would not be regulated by the small lot table which is bifurcated by a DR Zone line and would qualify for a minor subdivision in the development regulations. After March 2, 1992, County Council Bill #2-92, density in most DR Zones cannot accrue across the zone line and all or portions of one or both of the gross-zoned areas could be useless in contributing to the gross density potential of the ownership tract. If the density potential of the separate gross-zoned areas were combined (as permitted prior to March 2, 1992), the resulting density may permit an additional dwelling.

With the exceptions listed in this policy, density may not be transferred across zone lines administratively, except for the DR-10.5, DR-16, and nonresidential zones that permit residential uses. (Only the DR-10.5, DR-16 and nonresidential zones may exchange density with one another and may not involve or include other zones.)

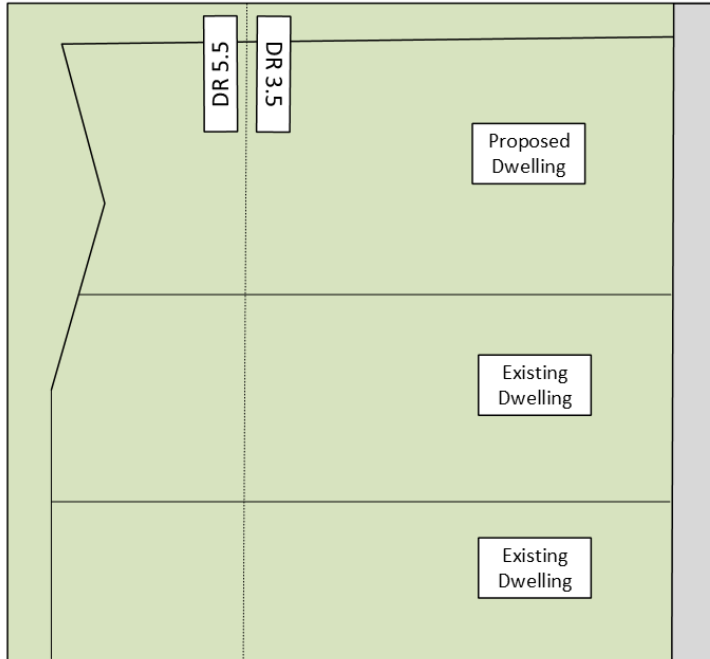
Density within a DR-1, 2, 3.5, 5.5, ROA, and RAE Zone may not be transferred between one another or into a DR-10.5, DR-16, or nonresidential zone. The density of a DR-10.5, DR-16, or nonresidential zone may not be transferred into a DR-1, 2, 3.5, 5.5, ROA, and RAE zone either. A special hearing would be required to allow density transfers in these zones.

A dwelling and/or a lot that is bisected by a zone line will utilize a density or dwelling unit in each of the respective zones, or otherwise be approved by a special hearing for a density anomaly.

See examples below:



Example 1
Major Development
Dwellings permitted by DR-3.5 density = 3
A 4th (partial dwelling) is proposed in the DR-3.5 Zone



Example 2
 Minor Subdivision
 2 dwellings allowed in DR-3.5
 3 dwellings proposed

RSD-3 Density versus Minimum Lot Size

Reference Article 1A and Section 1B02.3.A.3 of the BCZR

For DR-zoned subdivisions that yield the potential for no more than five lots, the minimum residential lot size for the specific zone must be met. The minimum lot area may not always equal the permitted density for the zone (for example, DR-1 minimum lot size is 40,000 square feet, which is just under an acre); however, it will still be used for tracts of land that can potentially yield no more than five lots (when the zoning classification is multiplied by gross acreage). The minimum lot size may only include the net area and not the gross (part of the public right-of-way). Gross acreage will be used to determine tract density and not minimum lot size. This interpretation also will apply to nonresidential zones which utilize density.

For DR-zoned subdivisions that yield the potential for six lots for more, there will be no minimum residential lot size for the specific zone.

For RC-zoned subdivisions, the minimum lot size may not always equal the permitted density for the zone (for example, RC-5 minimum lot size is one- and one-half acre, which may not meet the 0.5 density for a single lot); however, the minimum area requirement for new lots in RC Zones must be met. The minimum lot size may only include the net area and not the gross (unless the deed includes the right-of-way).

Gross acreage will be used to determine tract density (more than one lot) and not minimum lot size.

RSD-4 Density within Large Tract Developments

Reference Sections 1B01.2.A.1 and 1B01.2.A.2 of the BCZR

Pursuant to Section 1B01.2.A.2 of the Baltimore County Zoning Regulations, the amount of permitted dwelling or density units within a single tract comprised of more than one zone (so that portions of the tract lie within different DR Zones) will be determined by multiplying the gross acreage (see Policy RSD-6: Gross Residential Acreage) of the tract portions by the specific zones separately. Each individually zoned land area must support density independently (except for DR-10.5, DR-16, and nonresidential zones without the flexibility of clustering unless the subdivision is approved as a planned unit development). Therefore, when a lot is shown in two or more different zones, that lot will account for a unit in each zone (see Policy RSD-2: Density Anomalies).

For example, if one lot is within a DR-1, DR-2, and DR-3.5 Zone, a dwelling unit then is utilized for the DR-1, DR-2, and DR-3.5 Zones. The density must be available within each zone to support this dwelling unit. This application will apply to the RC Zone if the land area within each zone is large enough to support a dwelling (lot) that meets the minimum lot size for the RC Zone in which it is located.

RSD-5 Different Resource Conservation (RC) Zoned Land under the Same Ownership

Reference Article 1A and Section 500 of the BCZR

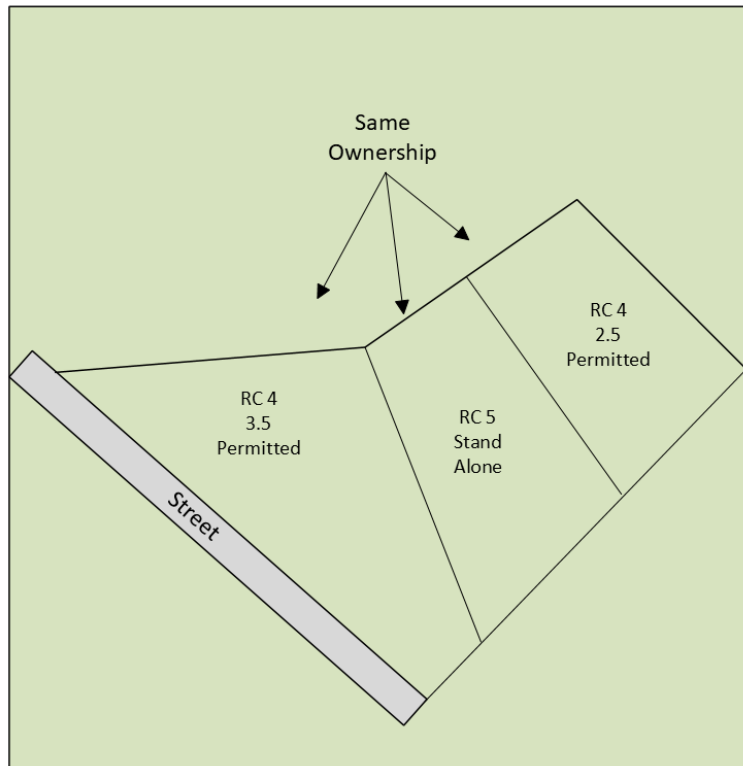
If RC-zoned land under the same ownership is comprised by different RC classifications, then the density should be calculated and utilized by each individual zone. In the following example, the RC-density would be two units for the one parcel and three for the other. The five lots would have to be located in the respective permitted parcel's density of the property. The RC-5 area would be figured and utilized separately, as density may not be transferred between different RC Zones.

If RC-zoned land is to be clustered in the same zone across a different zoning classification, a special (public) hearing would be required before the Administrative Law Judge. In the following example, a special hearing would be required to request that density units be clustered across the RC-5 in either of the RC-4-zoned parcels.

If RC-zoned land under the same ownership is divided by a public road, the parcels on opposite sides of the road cannot be figured separately for density as if they were separate recorded lots. The density is based upon the method of how the recorded lot is described by the deed regardless of whether it is divided by a road. In the judgment

of the Administrative Law Judge, a special hearing may be approved to transfer, cluster, or accumulate density across a road.

See illustration:



RSD-6 Gross Residential Acreage

Reference Sections 1B01.2.A and 1B02.3.A.3 of the BCZR

The definition of “gross residential acreage,” a term that is not defined in the BCZR, means: “the residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of the existing or recorded boundary streets (maximum 60-foot right of way) to which the subdivision has right of access.”

This definition, when applicable, will be used for all zoning classifications that are part or whole of a large tract residential development and will not be used in determining the minimum lot in size unless specified by the BCZR (i.e., net acreage will apply to lot size as required for the small lot table in DR Zones and for apartment, bed and breakfast, and assisted living conversions from a single-family dwelling or school building).

RSD-7 Guardhouse, Gatehouse, or Caretaker's House
Reference Sections 100 and 102.2 of the BCZR

If used for living quarters, a guardhouse, gatehouse, or caretaker's house must be calculated for density purposes on a development plan. If the principal use of the development is institutional or another use that does not require using density or a minimum lot area, then the caretaker's or other living quarters proposed must be supported with the surplus density area not occupied by the principal use, as required per Section 102.2 of the Baltimore County Zoning Regulations. A guardhouse should not be considered as a living unit within a commercial building or as a living unit in combination with a commercial building.

Also, see Policy RM-15: Model House, Sales or Rental Office and RM-23: Tenant Farmer's Dwelling Including Tenant Trailers.

A guardhouse, gatehouse, or caretaker's house must meet the minimum principal building setbacks for the zone in which it is located (even if the structure is not a residence).

RSD-8 Lot Divided by a Resource Conservation (RC) Zoning Line
Reference Article 1A, Sections 102.2 and 500 of the BCZR

If a lot is divided by an RC zoning line, the land area of the single zone in which the house is proposed or located must meet the minimum lot area, width, and setbacks for that zoning classification. The proposed dwelling is also subject to the following:

1. Setbacks are measured to the property line and not the zoning line.
2. A dwelling cannot straddle an RC zoning line or an RC and other zoning line (i.e., RC and DR).
3. The well and septic must also be located in the same zone as the dwelling, unless approved by a special (public) hearing.

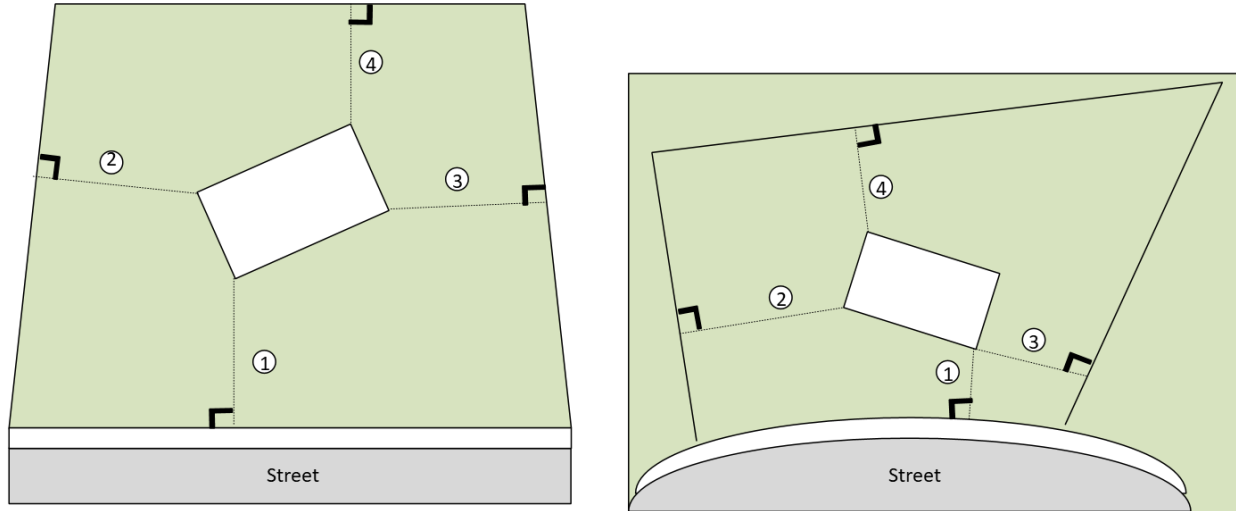
If an RC subdivision is planned in such a way that the proposed dwellings are located and the density figured is in one RC Zone with part of those lots extending into another RC Zone, and the portion of the lot that extends into the other RC Zone contains enough area to meet the minimum lot size of the other zone, then this would constitute one density unit subtracted from the overall density of that zone (even if the existing or proposed dwelling on the lot is in a different RC Zone). If the other RC Zoned portion of the lot (not where the dwelling is existing or proposed) is RC 2 and the density would be exceeded, the plan must be amended to comply with the second zone density or a public hearing would be required before the Administrative Law Judge.

If a dwelling is proposed on a lot that shares more than one RC Zone (and the dwelling is located on part of the lot that meets the minimum area for that zone), but the remaining other RC-zoned area is undersized, a special hearing may be required to

approve undersized nondensity RC parcels. All determinations and/or approvals are at the discretion of the Director of Permits, Approvals, and Inspections.

RSD-9 Method of Measuring Setbacks in RC Zones

Front side, and rear setbacks are measured from the nearest point on the dwelling perpendicular to the property line. See diagram below:



1. Front setback
2. Side setback
3. Side setback
4. Rear setback

RSD-10 Overall Density Accumulation and Vesting Reference Section 500 of the BCZR

If a development plan submitted for approval includes a transfer or accumulation of allocated density from one parcel to another (in DR and RC zones when permitted) within one overall development, it must be documented on the FDP whether the “partial” development plan submitted encompasses such accumulation, regardless of whether the “final” development plan is ever submitted.

Such an accumulation of density is acceptable; however, based on the language of the Baltimore County Zoning Regulations (BCZR), such accumulation may limit the use of the parcel from which the density was accumulated. The following will be noted on all development plans, partial and/or final, where density has been accumulated or proposed to be accumulated for a single plan approval: This development plan is approved by the Director of Permits, Approvals, and Inspections and complies with present policy, density, and bulk

controls as they are delineated in the regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon will not be further divided, subdivided, or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a building is constructed and transferred.

The parcel from which the density was borrowed will be allowed to be developed only to the extent any density remains on that parcel. If all of that density is utilized elsewhere on the tract, the parcel must remain permanently undeveloped open space. Subsequent rezoning or reclassification will not impact on this, as any future change in zoning will not permit the use of that parcel where its density has been utilized elsewhere.

Density requirements of an approved recorded subdivision plat are preserved against subsequent comprehensive rezoning when density from one parcel is utilized on another where a building permit has been issued.

In order to transfer density from one section of a subdivision to another, it is necessary to amend the tract boundary of the original subdivision so as to include the additional adjoining property, pursuant to the applicable subdivision regulations. It is also necessary to comply with all applicable zoning regulations with regards to the specific items that reference the forms and contents of plans.

Unused density on a vested subdivision may be utilized for a “minor” refinement as determined by the Director of PAI with recommendations from the Development Review Committee. Any changes in excess of a “minor” refinement would require a new overall plan approved in the development process and every change would be subject to current density and bulk requirements.

RSD-11 Partial and Final Development Plans—Notice in Conveyance
Reference Section 1B01.3.A.4 and 504 of the BCZR

Pursuant to Section 1B01.3.A.1, BCZR the purpose of the Partial or Final Development Plan (FDP) is to provide disclosure of said plan(s) to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and provide for review of residential FDP’s to determine whether they comply with the Zoning Regulations and standards and policies adopted pursuant to the authority of Section 504, BCZR.

Section 1B01.3.A.4, BCZR requires any party who sells an interest in real property within an area covered by an approved Partial or Final Development Plan to attach to the instrument of sale a notice directing the buyer’s attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected, together with a listing of the recorded plats, covering all portions of the subdivision as a whole. The notice form specified under this Section was never

prepared or approved by the Planning Board, the Office of Law, or the Zoning Commissioner, pursuant to Section 504 of the BCZR.

In the absence of said notice, the Director of Permits, Approvals, and Inspections will require that each purchaser have an opportunity to view a copy of an approved partial or final development plan with respect to the lot or parcel they are purchasing and any existing or proposed improvements within the Final or Partial Development Plan to which their future lot is a part. The Partial or Final Development Plan will be presented to the future purchaser by the seller or their designated agent or representative. The original copy of the Partial or Final Development will be kept for future viewing in the Baltimore County Zoning Review Office of Permits, Approvals, and Inspections.

RSD-12 Residential Density for Business Zones Adjacent to Multiple Residential Zones

Reference Sections 1B01.2.A.2, 230.1.A.1, 302.1 and 500 of the BCZR

The Business, Local (BL); Business, Major (BM); and the Business, Roadside (BR) zones allow uses which are permitted and as limited in the residential zone immediately adjoining. For example, if a property zoned BL is adjacent to a DR-5.5 Zone, the uses permitted in the BL Zone would include all uses permitted as of right in the DR-5.5 Zone. The density permitted in the BL Zone would be calculated based on the permitted density in the DR-5.5 Zone.

When a business zone is adjacent to multiple DR Zones, it may be difficult to determine the permitted density for the business zone. For the purpose of this policy, the density will be based on the predominate residential zone (only 1 zone may be used) that immediately adjoins the business zone. The “predominate” residential zone will be determined by the greatest linear footage that immediately adjoins that business zone. If there is no predominate residential adjacent zone, but several residential zones with equal linear footage, DR-5.5 regulations will govern.

If there are no residential zones that immediately adjoin the business zone where residential density is proposed, residential uses would not be permitted.

RSD-13 Resubdivision of Existing Subdivisions and Lots

Reference Sections 103.1 and 1B02.3 of the BCZR and BCC Section 32-4-262(2)

Section 32-4-626(2) of the Baltimore County Code states that any material amendment to an approved residential plan or plat including portions of the original plan to which the amendment pertains, will be reviewed for compliance with all current law. Material changes are those that result in an increase in density of the number of buildable lots. For the purpose of this policy, the following examples will be used in determining the

area and density requirements for existing developments, new developments, and changes to existing developments.

1. If an existing lot is to be resubdivided and is part of a recorded or unrecorded subdivision, then the current height, density, and area regulations would apply.
2. If an existing lot is not part of a recorded or unrecorded (i.e., minor subdivision) subdivision, then the current height, density, and regulations would also apply.

RSD-14 Rounding-off Density

Reference Article 1A, Sections 1B01.2.A and 500 of the BCZR

Residential density, no matter of what zoning classification, may not be rounded-up to the closest whole number. However, the permitted density of different zoning classifications (except RC Zones) for a subdivision may be added to total a whole number, if it comprises only the DR-10.5, DR-16, and/or nonresidential zones. The following examples will be used to determine the correct and final density figure for residential subdivisions:

1. DR-5.5 x 11 acres = 60.5; 60 dwelling units permitted.
2. DR-1 x 9.9 acres = 9.9; 9 dwelling units permitted.
3. DR-5.5 x 11 acres = 60.5; 60 dwelling units within the DR-5.5 Zone.
4. DR-1 x 9.9 acres = 9.9; 9 dwelling units within the DR-1 Zone.
5. DR-3.5 x 3.3 acres = 11.5; 11 dwelling units within the DR-3.5 Zone.

The units may be added: $60.5 + 9.9 + 11.5 = 81.9$ or 81 dwelling units allowed within the subdivision.

DR-10.5 x 3.3 acres = 34.65

BL (10.5 is adjacent residential zone) 10.5 x 3.3 acres = 34.65

$34.65 + 34.65 = 69$ total units

RSD-15 Small Lot Table Application for Density Residential (DR) Zones

Reference Section 1B02.3.C.1 of the BCZR

Between September 19, 1970 (Bill 100) and September 25, 1981 (Bill 124), if a tract of land qualified for subdivision under the small lot table as per Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR), the residential transition use and area requirements would not have been used. The transition use and area requirements were used as a guide under the following scenarios:

1. If the zoning was DR-1, 2, 3.5, 5.5, it was determined that the intent was to permit single-family detached dwellings only. This use limitation was carried over to the small lot table.

2. If the zoning was DR-10.5 or 16, it was determined that the intent was to permit townhouses or apartments, but the transition use chart was used partially as a guide so as not to conflict with existing developments or adjacent properties.

Bill 124-81 (effective September 25, 1981) deleted the limitation of only one principal dwelling on a lot. The residential transition area charts for all residential uses were deleted with the 75-foot setback.

Subsequently, any tract of land that qualifies for the small lot table would continue to use the bulk regulations pursuant to Section 1B02.3.C.1 of the BCZR. More than one dwelling on a lot could occupy that same lot without a subdivision and provided that the combined area, setbacks, lot width, and distances between principal buildings are fully complied with.

The small lot table is primarily used when the gross acreage and zoning of the land to be developed potentially yields no more than 5 density or dwelling units pursuant to Section 1B02.3.A.3 of the BCZR.

RSD-16 Subdividing Resource Conservation, Agriculture (RC-2) Zoned Land

Reference Section 1A01.3.B.1 of the BCZR

Subdivision of a legally existing RC-2-zoned lot(s) of record prior to Bill 178-79 (effective 11/25/79) is permitted, provided that only the most recent deed will be used to determine the number of lot(s) of record, and the lot(s) of record met the existing zoning regulations at the time of last deed recordation.

If the property is recorded by multiple deeds, the deed contains multiple parcels, or if the subdivision needs further clarification, the following information must be provided:

1. A scaled site plan showing the boundaries of the parcel(s) as they existed on November 25, 1979, with all zone lines plotted on it.
2. Drawings showing any changes in boundary and/or ownership since that time.
3. All deeds recorded that illustrate amendments in boundaries or ownership.
4. A letter indicating the devolution of title and what action is being requested.
5. Drawings must be color-coded to match the accompanying deed(s).
6. All the above should be signed and sealed by a surveyor, engineer, or title attorney and must be submitted for review at least 15 working days prior to zoning approval or a Development Review Committee meeting.

When legal existing parcels or deeds qualify to be subdivided, each separate parcel must be subdivided individually. If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farmland and not to create "more uniform" lots for homesites.

Persons will be advised to read both the Circuit Court and the Court of Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County (88-490-SPH).

This policy may be used for a property or properties of any zoning classification.

See cases:

- 1993-0382-SPH 1715 Bond Rd. To approve a non-density transfer in a RC-2 Zone. Granted.
- 1994-0042-SPH 15906 Falls Rd. To permit a combination of two RC-2 lot in order to obtain a building permit for a SFD. Board of Appeal determined that unimproved lot had no vested development rights and denied request.

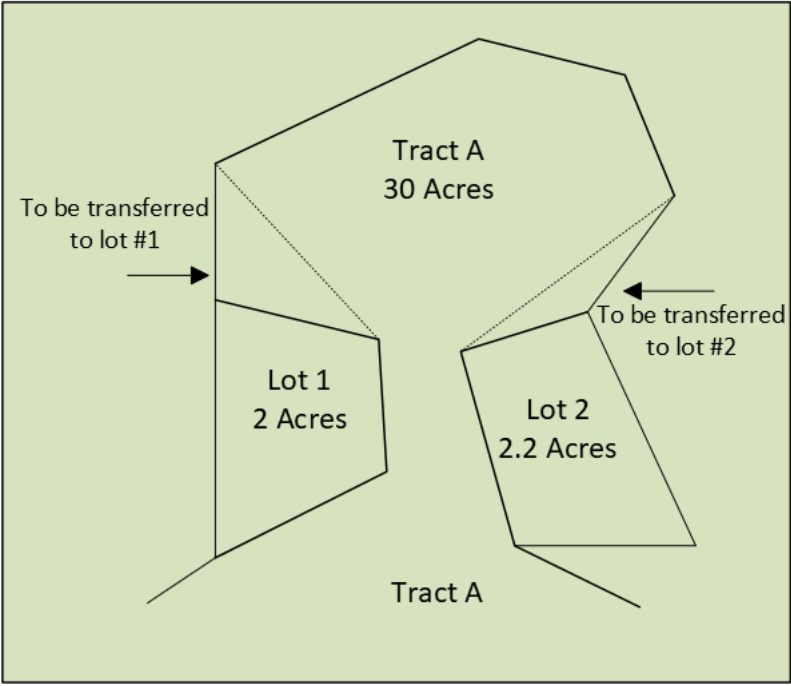
RSD-17 The Sale or Transfer of Small Resource Conservation (RC) Zoned Parcels

Reference Section 500 of the BCZR

If an individual lot owner desires to sell or transfer one or more RC-zoned parcels, that is too small to meet the minimum lot size required for the RC Zone that the parcel is located within, the following will be used as a guide to help determine whether these sales or transfers are allowed and to ensure that the permitted density is not exceeded:

1. The sale or transfer of small RC-zoned parcels that are smaller than the minimum lot size, for nondensity purposes, and for access or agriculture may be permitted by the Director of Permits, Approvals, and Inspections.
2. In a RC-2 Zone, a parcel less than one acre could possibly be transferred from the overall development tract to an adjacent existing lot of record, provided that the end result does not permit a re-subdivision to a greater number of lots.
3. Depending on the use and the size of the parcels, a special hearing before the Administrative Law Judge may be required to determine if a nondensity transfer is permitted
4. Parcels that are equal to or exceed the minimum lot size for the zone, that are transferred for density or nondensity purposes, must be approved by a special hearing.
5. Undersized parcels created that stay within the subdivision or same ownership must be approved by a special hearing.

See illustration below and Policy RM-6 Density Allocation:



Setbacks and Other Area Requirements

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S-1 Accessory Structure in Existing Subdivisions

If an accessory structure is proposed for a lot in a recorded subdivision, the setbacks that apply are those in effect at the time of subdivision approval by the Planning Board, Planning Commission, Director of Planning, Zoning Commissioner, or Administrative Law Judge.

If a subdivision received tentative approval prior to plat recordation by the JSPC or CRG, then the setbacks of the date of tentative approval apply.

All subdivisions that have been approved prior to the Zoning Regulations (1945) or that have been approved on or after that date but do not have any Baltimore County Planning approval (by plat or tentative) must comply with the current regulations.

S-2 Averaging Front Yard Depths in Residential Zones

Reference Sections 303.1, 303.2, and 504 of the BCZR

Several methods are used for calculating the minimum front yard depth for buildings within the residential and commercial zones. The following guidelines have been formulated so that this requirement can be handled consistently.

Any building addition which cantilevers over the foundation is subject to the same setbacks required for a foundation, including front average requirements.

Proposed Subdivisions Adjacent to Existing Development

1. In calculating the front setbacks for dwellings in a proposed subdivision zoned DR, average only the end lots that immediately adjoin a lot(s) that is improved within 200 feet of the development. (If the end lot(s) within the proposed development is already improved with a dwelling, then front averaging is not required.) The average is calculated between the existing principal building setback and the required setback in the small lot table or the Comprehensive Manual of Development Policies (CMDP), whichever is greater.
2. In instances where the right-of-way differs because of wider roads required for the newer development, street center lines will be used.

The front average requirement does not apply to existing dwellings or principal buildings where the side or rear faces the street; however, new dwellings or principal buildings for the new subdivision are subject to this requirement if their sides or rears face the street.

This policy will apply to all DR zones.

General Front Average Requirements within Existing Subdivisions or Single Lots of Record

In the DR-2, DR-3.5, and DR-5.5 zones, the front yard setback is the average of the front yard depths of the lots immediately adjoining on each side up to 200 feet. For more information, see diagram at:

<https://www.baltimorecountymd.gov/departments/pai/zoning/forms>.

1. In other zones, front yards for residential structures cannot be averaged
2. Side street setbacks cannot be averaged.
3. Lots situated on adjoining blocks (across the right-of-way) will be counted in determining average setbacks, provided they front on the same street.
4. Enclosure is defined as preventing air circulation with glass or other non-permeable material (even if only seasonal).
5. Screening only, year-round, is considered open and not enclosed.
6. Any building addition which cantilevers over the foundation is subject to the same setbacks required for a foundation.

S-3 Building Elevation Widths

Sections 200.3.B (RAE 1), 201.3.B (RAE 2), and 1B01.2.B.2 (DR) of the Baltimore County Zoning Regulations make reference to the "maximum building length" or "maximum average width" of any elevation. The Comprehensive Manual of Development Policies has used the term of elevation width as the "fullest building width." For the purpose of this policy all the aforementioned terms will generally mean the same as neither are defined in Section 101 (Definitions) of the BCZR.

The maximum or average elevation building length or width will be determined by drawing a square, rectangle, or four-sided linear shape around the proposed building. The longest lined dimension from opposite ends of that square or four-sided shape will represent the average or maximum elevation length or width. Buildings that have a "staggered" or "jogged" elevation wall may benefit from using an average elevation width.

S-4 Conflicting Setback Requirements in the BCZR

Reference Sections 100.1 and 500 of the BCZR

Several setbacks and/or area requirements within different sections of the Baltimore County Zoning Regulations contradict or conflict with one another. For example, the area requirements for service stations are governed pursuant to Section 405 of the BCZR; however, in most cases service stations must be located within a district (example - CR) that has different area standards than Section 405 of the BCZR. That district is attached to a zoning classification which may have different requirements.

For the purpose of this policy, when different sections of the BCZR conflict with each other, the section of the code that sets the requirements for the specific use will govern first. Then the district will be applied superseding the zone. Only when the specific use requirement is silent, apply the district, and then if the district is silent, apply the zone.

The exception to this policy will be that the minimum amenity open space ratio will not apply for a service station because a landscape transition area is required for the use.

S-5 Conversions (Change of Use) with Deficient Setbacks

Reference Sections 103 and 104 of the BCZR

In many situations, dwellings which were once zoned residential change to commercial. With the change of zoning, many of these dwellings are converted to business use. In rare cases, businesses are sometimes converted back to residential use. In either instance, many of the existing structures have deficient setbacks. The following will apply in determining whether these building conversions comply with the setback requirements of the Baltimore County Zoning Regulations:

1. When the use of an existing building changes and the setback requirements for the new use are greater than the existing building setback, existing setbacks will be considered as nonconforming and zoning compliant on a case-by-case basis. If the structure maintains the character of the previous use or the neighborhood, administrative approval of the setback may be granted. Otherwise, a portion of the building can be removed, additional property can be purchased, or the applicant can petition for a variance.
2. When the use of an existing building changes and the setback requirements for the new use are the same or less than the existing building setback, existing setbacks will be considered as complying with the zoning regulations.

This policy will also apply to use changes that include residential (i.e., if a building changes from retail to residential, the dwelling must meet the applicable setbacks.)

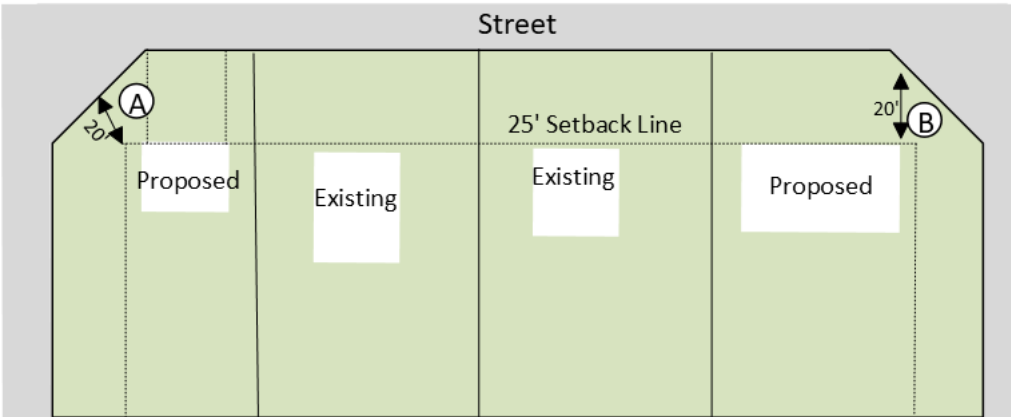
See case:

1986-0214-A 4601 Benson Ave. Setback variance for proposed office building, in a ML Zone, that was used as residential dwelling. Granted.

S-6 Density Residential (DR) Setbacks to Street Right-of-way

Reference Sections 101 and 500 of the BCZR

1. This policy applies to the D.R. Zone only and not to the RC zones.
2. This application will be used in all D.R. subdivisions regardless of when approval has taken place.
3. This application will be used for independent deeded D.R. lots not within a recorded subdivision.



In the case of A, above, setbacks are measured along the building wall perpendicular to the street and not the ROW line. In this case, no variance is required.

In the case of B, above, in this case the proposed building is in line with the others, but the extension of the building wall is not the required 25-foot setback as the others. In this case, a variance is required.

S-7 Double Frontage Lots

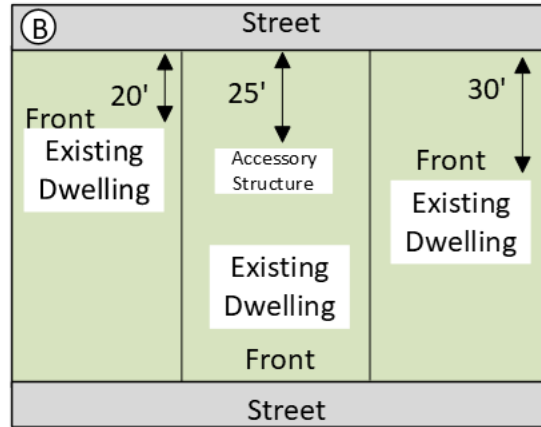
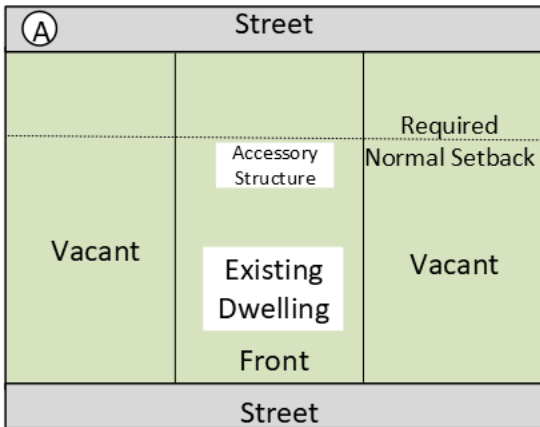
Reference Sections 303.1 and 500 of the BCZR

This policy will apply to all residential zones, including the RC zones, and the nonresidential zones for residential uses.

A "double frontage lot" is a building lot that fronts on two public and parallel streets, one at each end of the lot, as compared to a corner lot, which is situated at the intersection of two public and adjoining streets.

Proposed construction, including accessory structures, on double frontage lots will not be situated closer to a street right-of-way line than the setbacks required for a principal dwelling.

In instances where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 of the Baltimore County Zoning Regulations will be utilized to determine the average setback. Applicants who feel that maintaining this setback creates a practical difficulty may apply for a variance to the street setback requirements for the zone in which they are located. See illustrations below:



S-8 Extending Previously Varied Setbacks

Reference Sections 104, 307, and 500 of the BCZR

In many situations, the owner, contract purchaser, or lessee of property which is covered by a zoning variance proposes to amend the variance or add to the relief of what was granted within a zoning order. The Baltimore County Zoning Office will often review a proposal to justify whether such changes are within the scope or intent of the granted variance. This policy will assist in the determination of amendments to setback variances. The following examples will apply; however, determination will be treated on a case-by-case basis:

1. If a property, residential or commercial, has obtained a variance and the applicant later proposes new development that was not included in the variance approval and does not maintain the approved setback, a new variance will be required.
2. If a property, residential or commercial, has been granted a variance for a deficient setback and the owner proposes to construct an addition and extend the setback approved by the variance or if the owner wants to relocate the proposed building with the same setback as approved, the proposal may be approved based upon the amount of change. The requirements of Section 104 of the Baltimore County Zoning Regulations (nonconforming uses) and Policy S-13 Nonconforming or Deficient Setbacks will be used as a guide.

S-9 Front Setbacks and Orientations in the Business Zones

Reference Sections 232, 235, 238, and 303.2 of the BCZR

Section 303.2 of the Baltimore County Zoning Regulations requires that commercial buildings within the business zones (BL, BM, and BR) meet the front average minimum; however, the regulations are silent as to whether such buildings have to meet the front average minimum if the side of a building adjoins a street right-of-way. It is also unclear as to whether the side of a building that adjoins the street would have to meet the

standard front or side setback. For these reasons of uncertainty, the following will apply:

1. Building sides or rears adjoining or facing a street will have to meet the standard front street setback.
2. Building sides or rears adjoining a street are not subject to front average.
3. Building fronts, sides, or rears on corner lots are based upon the functional and aesthetic orientation of the building and, for the purpose of this policy, there will be one front, two sides, and one rear.
4. Existing offsite building sides or rears that adjoin a street are not considered when determining front average setbacks for a proposed building(s).

Front average requirements only apply to single lot development and redevelopment where there is no development plan or plat. When applying the front average requirements in business zones, the following will apply:

1. Proof must be submitted that the structure meets current commercial fire-resisting standards.
2. Churches or other institutional buildings will not be considered as commercial buildings in determining setback averages.
3. If only one building lies within 100 feet of the lot in question, the minimum required average setback of said lot will be between the existing building (on one side of the subject lot) and the minimum setback required for the zone to determine the average (on the other side of said lot).
4. In determining front setbacks, a service station island with gas pumps and/or
5. Buildings across a right-of-way (side street) that front on the same street and situate within 100 feet on the property line will be averaged.
6. Front averaging is not done with buildings located in a zone which does not require front averaging (such as manufacturing zones).
7. Sides or rears of existing buildings will not be considered for front averaging; however, if a proposed commercial building's side(s) or rear faces the street, the building is subject to the standard minimum front setback required by the zone.

S-10 Lease Lines and Interior Lot Lines

Reference Sections 101 and 500 of the BCZR

Parcels or tracts established for lease only will not be considered as subdivisions requiring Baltimore County approval and may not be required to comply with parking, setbacks, or other area regulations.

Lease lines or areas established between the lessor and lessee for purposes other than zoning compliance, i.e., service stations or fast-food restaurants, will not be considered in determining compliance with parking, setback and other area regulations. The minimum required setbacks for a zone are not required to lease lines; however, if said lease lines become property lines, all area requirements (including setbacks) must be fully complied with.

S-11 Miscellaneous Determination of Setbacks

Reference Sections 101 and 500 of the BCZR

This policy will establish the guidelines for determining building setbacks to zoning lines, street rights-of-way, and property lines within the various zoning classifications.

1. Zoning lines: When a building or use is located within a zone and a distance must be determined from another zone or zoning line, measure the closest point from the building or use to the zoning line to determine the distance.
2. Street rights-of-way: No matter what zoning classification, always measure perpendicular from the street right-of-way to the building or use to determine the street or road setback.
3. DR Zones: Extend the building wall(s) to determine the setbacks. Example: to determine a rear setback for a building, extend the side building wall to the rear property line.
4. Non-residential zones and residential zones other than DR: the closest point of the principal building or use to the property line will be the setback.
5. Private drives: No matter what zoning classification, always measure perpendicular from the drive to the building or use to determine the drive setback. For the purpose of this policy an in-fee panhandle strip or strips will not be considered a private drive.

Building setbacks are measured to a property line and not a zoning line.

S-12 Mixed Uses on One Property BM-1 Access

Reference Section 102.2

A. Mixed Uses on One Property

1. If more than a single principal use or structure is proposed on one property, each use and or structure must meet all zoning requirements and policies as if it were located on a separate parcel.
2. Even if subdivision of the property is not proposed, the Director of PAI may require that a line of division. Either a lease line or a zoning use division line between each use be shown on the plat or plans.

Conditions: The following guidelines have been formulated so that this matter can be handled consistently:

- Both existing and proposed uses, as divided, must be able to meet the BCZR requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.
- Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.

B. Setbacks and buildings across zone lines

A principle building in an RC Zone may not cross zone lines (See Policy S-20: Straddling Lot Lines).

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.
2. The only exceptions to this method of measuring setbacks would be:
3. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.
4. If there are two principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.
5. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

S-13 Nonconforming or Deficient Setbacks

Reference Sections 104 and 307 of the BCZR

Residential

If an addition is proposed for a residential building and any setback is deficient, the deficient setback may be extended, provided that the deficiency is not increased or the use of the building is changed. All requirements of Section 104.3 (25%)* of the Baltimore County Zoning Regulations (Nonconforming Uses) will be used as a guide. For the purpose of this policy, the same will apply to a deficient setback approved by a zoning variance.

*The 25% may apply to floor area and building height (vertical) expansion as well as horizontal (linear) expansion.

Nonresidential (Institutional, Commercial, Manufacturing, Offices)

If an addition is proposed for a nonresidential building and any setback is deficient, the deficient setback may be extended as above (for residential structures), provided all other area requirements are complied with, including minimum parking, for the zone and nonresidential use.

Major or minor additions that are in line with an existing deficient setback but are also creating one or more deficiencies, creating an area that would change the function or appearance of the building, or exceed the 25% allowance, must be rectified by a zoning variance prior to zoning approval.

Subdivisions

When subdividing property with existing deficient setbacks, those existing setbacks will be allowed to stand and not require a zoning variance, provided that there are no changes in the existing building, and the existing building meets all current required setbacks to any newly created property lines, including the right-of-way when widening is taken at the time of record plat or building permit.

Conversions with Deficient Setbacks

When the use of an existing building changes (i.e., residential to commercial or commercial to residential) and the setback requirements for the new use are greater than the existing building setback, existing setbacks will not be considered as nonconforming and zoning compliance will be required. This may be accomplished by removing a portion of the building, purchasing additional property, or successfully petitioning for a variance based upon hardship or practical difficulty.

See cases:

- 2007-0320-A 1300 Winespring Ln. To permit a sum of side yard setbacks of 34.5 feet in lieu of 40 feet and an extension of a previously non-conforming setback of greater than 25%. Granted.
- 1995-0162-A 9330 Liberty Rd. To extend a deficient setback and to allow a side yard setback of 20 ft., in lieu of the required 30 ft. Granted.
- 2011-0179-A 1433 and 1435 Bellona Ave. While going through a major subdivision, the two existing dwellings sought variance relief for front and side deficient setbacks. Granted.

S-14 Open Projections

Reference Section: 301.1 of the BCZR

Regulations for open projections are dependent upon when the subdivision uses were approved by the Planning Board, Planning Commissioner, Director of Planning, County Review Group, or the Administrative Law Judge

For subdivisions approved from 1945 to 1955, the following rules apply:

1. Uncovered porches are permitted where they would not obstruct light and ventilation.
2. Steps and unenclosed porches may extend nine feet beyond the front building line.
3. Covered porches, carports, etc. have to meet principal building setbacks.

For subdivisions approved from 1955 to 1971, the following rules apply: when determining the required setbacks for open structures in the side yard, the 25% projection into the minimum required side yard is allowed, even if the proposed use is on the side with the greater setback.

“Minimum” is defined to be the lesser setback requirement side and not the specific side that the projection is proposed.

25% permitted for open projections from the front, sides, and rears.

For subdivisions approved from 1971 to 1992, the following rules apply: to determine the required setback so that the 25% projection can be applied on development plans with or without envelopes shown, the following procedures will be followed if the dwelling is:

1. Approved under the small lot table or in RC Zone, then the 25% projection will be determined from the required setbacks in the table or the setbacks that are required in the particular rural zone (see 1B02.3.C.2, BCZR).
2. In Transition. From subdivisions approved prior to or using the transition area standards chart (Section 1B01.2.C.4. deleted 9/25/81), the 25% projection will be determined from the required setbacks in the chart (see Section 1B01.2.C.4., BCZR).
3. From subdivisions approved after the deletion of the transition area standards chart, the setbacks will be determined the same as in 3.C. below.
4. Out of Transition. For the front and rear of dwellings - first determine what the required principal building setback would be for a windowed wall at that location, then apply Section 301.1 25% projection.

For the sides of dwellings, use only the windowed wall setbacks of 15 ft. as the required setback. If the dwelling exists at 15 ft. or greater than 15 ft. to the property line, then apply Section 301.1, 25% projection (11.25 ft.). If the dwelling exists closer than 15 ft. to the property line, the 25% projection allowance will be figured on the existing setback.

Open porches and decks above the first floor (open underneath), over the particular yard space that is necessary to meet the 500 sq. Ft. required private space factor, is allowed provided:

- that they are restricted from ever enclosing under the deck or porch, unless they obtain a variance; and
- that they meet all setback requirements. (As of 11/17/88, the land area under an uncovered deck, at-grade or elevated, may be included in the calculation of minimum private yard space.)

Subdivisions approved from 1992 to the present - determine the required setback so that the 25% projection can be applied; the setback can be reduced by 25% in the DR and RC Zones.

Covered Patios: If a roof is proposed over an existing patio constructed at grade level and the existing setback for the patio is closer than allowed, a variance will be required.

If the patio is above grade, a roof can be constructed without a hearing provided there is no change in setbacks.

Open Patios: Patios will be considered as an open projection if said patio remains unenclosed.

Dog Runs: Setbacks for dog runs will be the same as open projection if attached to dwellings. If not attached, see Section 400 of the BCZR and Policy A-15.

Open projections for non-residential uses into required yards within all zones are also subject to Section 301 (same as residential) of the BCZR.

S-15 Residential Transition Area Requirements

Reference Section 1B01.1.B of the BCZR

The purpose of the residential transition area (RTA) requirements is to assure that similar housing types are built adjacent to one another and that sufficient buffers and screening are provided between dissimilar housing types and uses.

The RTA regulations have been amended several times since the enactment of Bill No. 100, 1970, which established these transition requirements. The objective of the initial RTA regulations was to develop a method to assure a similar appearance between existing and new subdivisions, even if the housing types were the same.

Bill No. 124, 1981 then established the setback and buffer criteria between single-family dwellings and dissimilar residential or nonresidential uses. Bill No. 2, 1992 amended the previous regulations by changing the criteria for the generation of RTA with the respective setbacks and buffers. The 1992 bill also produced flexibility by permitting the RTA requirements to be modified by a zoning variance.

Bill No. 100, 1970 was clear as all setback requirements for dwellings within an RTA were internal (within the proposed subdivision). The later of the two bills, which established setbacks and buffers from offsite land areas, opened many different methods on the way RTA regulations may be interpreted. This policy should attempt to keep the interpretation for methods of determining RTA as consistent as possible.

Upon interpretation of Section 1B01.1.B. of the Baltimore County Zoning Regulations, which defines and sets the requirements for the residential transition area (RTA), the following will apply with regards to this policy:

1. An RTA is not created or projected when developing on land zoned other than DR except as specifically stated in the BCZR by zone.
2. The tract boundary will be considered the perimeter of the site to be developed.
3. An RTA is not generated when the property to be developed lies adjacent to land zoned DR-10.5 or DR-16; however, if developing within those zones, the property may be subject to the RTA requirements.
4. The requirements of the RTA, including the buffer and setback, may be reduced by a zoning variance or special hearing as specified in the BCZR.
5. The required RTA buffer must remain an uncleared and upgraded landscaped buffer and cannot contain storm water management ponds, cleared drainage areas, or accessory structures.

6. The RTA requirements have changed several times with the amendments of the BCZR. If a plan has tentative approval (i.e., JSPC, CRG, Development) the requirements at the time of plan approval, unless specified by the BCZR, will apply.
7. All setback and buffer requirements must be projected from the tract boundary line into the site to be developed and cannot include off site land area.
8. The RTA requirements apply to any use other than a single-family or semi-detached dwelling that may take the physical appearance as such dwelling. Examples of uses that fall into this category are churches or rooming (boarding houses) converted from a single-family dwelling. These uses must meet RTA requests as zoning is use specific
9. If a building(s) falls within an RTA, only the portion of the building in the RTA is subject to the RTA area requirements. The portion of the building(s) outside the RTA is not subject to the RTA requirements.
10. An RTA is still created by an unlike use if a dwelling lies within 150 feet of the tract to be developed, even if the dwelling (and lot) is not directly adjacent to the tract. The same will apply to a vacant lot that is not directly adjacent to the tract but lies within 150 feet of the tract to be developed.
11. Pursuant to Section 1B01.1.B.1.b.(2) of the BCZR, a lot that is two or more acres in area does not generate an RTA. For the purpose of this policy, the lot of two or more acres can be comprised of different zoning classifications (i.e., DR-50 ac., OR-1-.50 ac., and BL-1 ac.).
12. If two or more subdivisions or lands to be developed are situated adjacent to or within close proximity to one another and an RTA is generated, the subdivision or land that will be considered as established first is the one which has an approved documented plan on file with the Baltimore County Zoning Office (such as a final development plan or building permit plan.)
13. Telecommunication towers and buildings accessory thereto will be subject to the RTA requirements with the exception of antennas located on a tower, building, or structure legally existing prior to the installation of the antenna, even if the tower, building, or structure was approved by special exception. However, any new building accessory to an antenna on an existing structure will be subject to RTA unless the new structure is considered as within the spirit and intent of any approved modification or variance to the RTA requirements.

S-16 Riding Stables

Reference Section 101 of the BCZR

The following definitions and policy will clarify the requirements for riding stables.

Riding Stable: A Building Where Riding Horses Are Boarded or Kept for Hire.

Animal Boarding Place: Any building, other structure or land, or any portion thereof, which is used, intended to be used, or arranged for the boarding, breeding or other care of animals for profit, but excluding a farm, kennel, pet shop, veterinarian's office, or veterinarian.

Conflicting definitions will be applied as follows:

1. Commercial riding stables are those that primarily own and rent horses for riding purposes. This type of use will not be subject to the use requirements of Section 421 of the Baltimore County Zoning Regulations but will be permitted only in accord with the appropriate use regulations for the specific zone. (Example- within the RC-5 Zone a riding stable is listed as a use permitted by special exception; therefore, a special exception is required. In addition, the stable must be 200 feet to the nearest property line.
2. Riding stables that primarily board horses for others, but may or may not provide riding trails, must still comply with the requirements of the specific zone in which it is located.
3. Farms as defined in Section 101 of the BCZR that include the raising and stabling of horses owned by the farm owners will not be considered as riding stables or animal boarding places (provided there are no other commercial activities for those animals) and the buildings are limited to the principal building setbacks required by the zone.

See Policies RM-3: Animals on Residential Property and RM-9: Farms and Animal-Related Uses

S-17 Setbacks for Residential Institution Uses

Reference Section 1B01.2.C.1.a of the BCZR

Residential institutional uses such as nursing homes and assisted living facilities, which are both permitted only by special exception in the DR Zones, must comply with the nonresidential principal building setbacks required in the Baltimore County Zoning Regulations. Other residential uses, such as apartments for the elderly (that contain independent living units) which could be permitted without a special exception, must comply with the standard residential setbacks in the Comprehensive Manual of Development Policies. All uses are subject to the residential transition area requirements if applicable.

S-18 Setbacks for Residential Structures in Existing Subdivisions

Reference Sections 103.3 and 1B02.3.B of the BCZR

If a residential structure (dwelling, addition, or accessory structure) is proposed for a lot in a recorded subdivision, the setbacks that will apply are those in effect at the time of subdivision approval by the Planning Board, Planning Commission, Director of Planning, or Administrative Law Judge.

If the subdivision received tentative approval, prior to plat recordation, by the Planning Commission, Joint Subdivision Planning Committee, or County Review Group, then the setbacks of the date of tentative approval apply.

All subdivisions that have been approved prior to the zoning regulations (1945) or that have been approved on or after that date but do not have any Baltimore County Planning or other applicable Baltimore County Planning authoritative approval (by plat or tentative) must comply with the current zoning regulations.

S-19 Side Street Setbacks When the Small Lot Table Applies

Reference Section 1B02.3.C of the BCZR

Side street setbacks required by the small lot/tract table pursuant to Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) will be the same as the front yard requirement. Averaging is not required or permitted from the side street; therefore, a front average setback cannot be used from the side street. Also, street centerline setbacks are not required for side yards governed by the small lot/tract table.

See case:

1989-0334-A 400 Beechwood Ave. Variance request to allow a corner lot side yard setback of 22 ft. in lieu of the required 25 ft. Granted.

S-20 Straddling Lot Lines

Reference Sections 1B01.2.B.1 and 500 of the BCZR

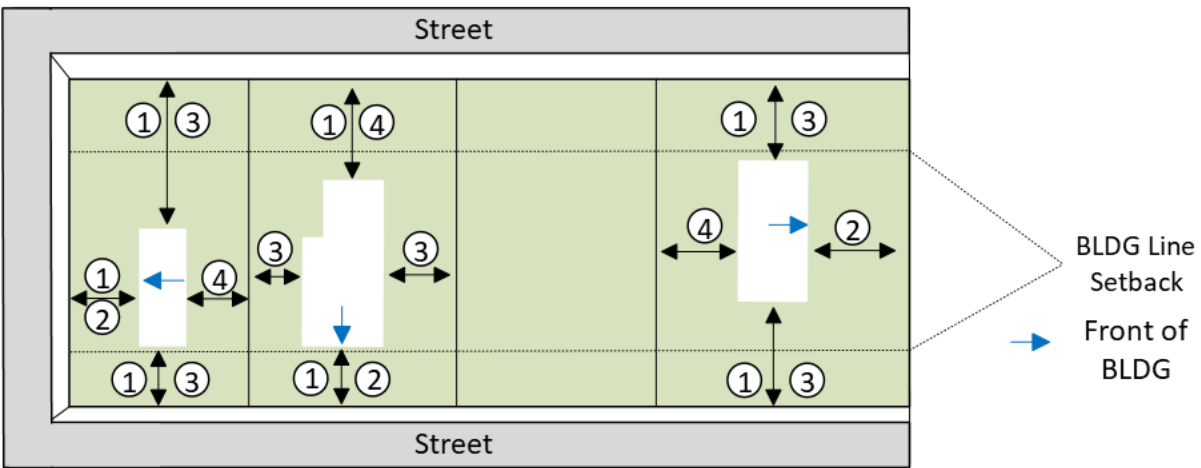
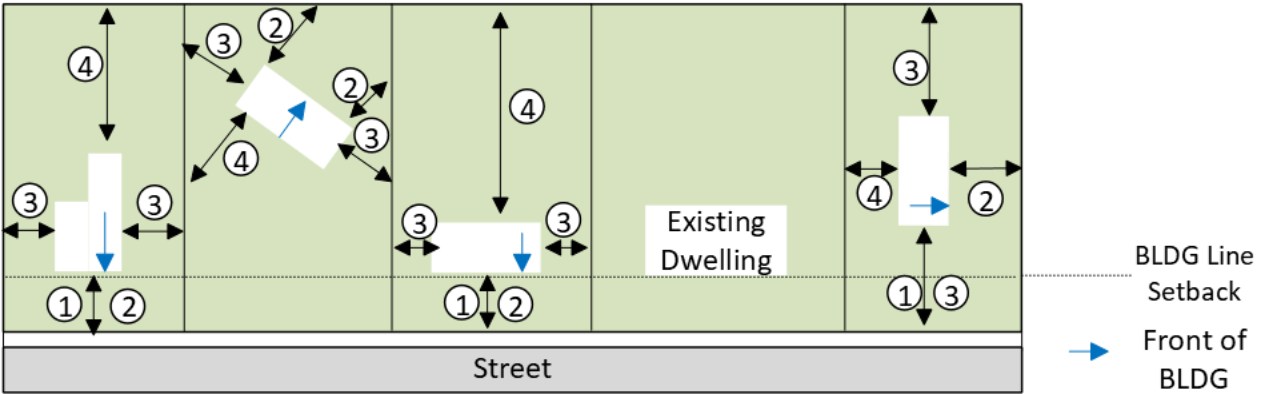
A building which straddles or runs across a lot, parcel, tract or property line(s) will not be required to meet the building setbacks to that line(s), provided that said building is one and a singleness of use. If the building contains a division wall(s) between units, those walls do not cause each unit to be a separate building.

This policy will apply to residential, commercial or manufacturing uses.

S-21 Street Frontage/Building to Lot Line Orientation

Reference Sections 101, 1B02.3.C.1 and 500 of the BCZR

The building line setback required by the lot's specific zoning classification must be maintained from all abutting street frontages. Additionally, if a building is oriented so as to face or front a lot line other than a street, the applicable front, side, and rear setbacks relative to the building's front must also be maintained as required by the property's zoning classification. The following diagrams will be used to assist in the interpretation of this policy:



1. Street building line setback (if two setbacks conflict, the greater of the two will be maintained).
2. Front yard setback
3. Side yard setback
4. Rear yard setback

S-22 Waterfront Setbacks

Reference Article 1A, Sections 1B02.3.C.1 and 303.1 of the BCZR

On waterfront property, the portion of the lot adjacent to the water will be considered the front yard for purposes of determining orientation. The portion of the property adjacent to the street or right-of-way will be considered the rear yard.

In DR Zones, the same front average setback requirements (pursuant to Section 303.1 of the Baltimore County Zoning Regulations) apply on waterfront lots.

In RC Zones, the front yard requirement on the water would be the same as the street property line requirements based on a 50-foot-wide street.

Existing pools, gazebos, and other accessory structures located in the front yard (adjacent to the water) that were built prior to the adoption of this policy manual will be considered a legal nonconforming use and restricted pursuant to Section 104 of the Baltimore County Zoning Regulations. However, all other Baltimore County agencies' requirements must be met.

Any exception to this policy will be approved pursuant to orientations shown on a minor subdivision plan, a development plan, and/or a final development plan.

Waterfront construction (piers, mooring piles, bulkheads) can be built on unimproved lots pursuant to Section 417 of the BCZR, provided that no accessory building/structures are constructed. If the proposal is to construct an accessory structure on an unimproved lot with no principal structure, a special hearing is required,

See cases:

- 1984-0275-A: 7610 Old Battle Grove Rd. To permit a partially constructed accessory structure in the front yard. Denied because applicant could not demonstrate a hardship. Case was appealed to the Board of Appeals. Petitioner claimed dwelling's main entrance access door faced the roadside and therefore, the waterside was rear of the property. The Board rejected the claim and determined that the "front yard of this waterfront house is the water abutting side of the lot. Affirming the Zoning Commissioner decision.
- 1986-0106-SPH: 1330 Burke Rd. To permit a shed on what this property considers its rear yard (waterside), based on the orientation, front entrance faces the roadside. Granted. Board of Appeals treats front vs. rear, of waterfront on a case-by-case basis considering lot configuration, dwelling orientation, rooms within the interior, and location of other building. Denied the Zoning Commissioner's order. The Circuit Court of Baltimore County upheld the Zoning Commissioner's determination that factors such as dwelling orientation and neighboring houses were valid factors when considering front versus rear.

Signs

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SI-1 Advertising on Vehicles

A vehicle cannot be parked for the purpose of displaying an attached sign. Vehicles accessory to a legitimate business or use may not be parked in such a way as to be visible from the public road.

SI-2 Automated Screens (Car Charging Stations and Gas Pumps)

Reference Section 450.2.C.1, BCZR

Provided screens are not seen from the road, automated screens are not considered a sign.

SI-3 Billboards

Reference Section 450.7.C, Table of Sign Regulations, 11, Outdoor Advertising, BCZR

“Billboard” is not defined in the BCZR and will be regulated as an “outdoor advertising sign” per Section 450.7.C and the Table of Sign Regulations.

SI-4 Canopy Signs

Reference Sections 450.3 Definition of Area and 450.5.B.3 of the BCZR

Certain subsections of Section 450 (Signs) of the Baltimore County Zoning Regulations restrict the number of canopy signs and the amount of sign area for such signs. Unlike wall-mounted signs, a canopy sign is not restricted to the maximum distance from a building wall. However, pursuant to Section 450.5.B.3a of the Baltimore County Zoning Regulations, the allowable canopy sign area will be based upon the size of the wall from which the canopy projects.

If the canopy sign consists of a message which is painted or displayed on the canopy face without a separate sign structure, the area will be determined by drawing a rectangle around the sign theme. If colors are included within the sign theme, the rectangle must include those colors.

SI-5 Color Theme Definitions

Reference Section 450.3, BCZR

For the purpose of establishing the theme area of a message on signs, the following will apply:

When more than one company theme or logo color is proposed as a background color on the sign, the area so colored will be considered part of the theme of the sign and will be counted toward the overall sign area as further detailed and/or described in Section 450 of the Baltimore County Zoning Regulations.

SI-6 Contiguous Sign

Reference Section 450.3, BCZR

For different sign types, the following is considered a “contiguous sign”:

1. Freestanding. Signage of the same class/type can be spaced more than 1 ft. apart if sharing the same support structure.
2. Wall mounted. Signage can be spaced more than 1 ft. apart when mounted on the same bracket.

A contiguous sign will be considered 1 sign for the purpose of determining the allowed number of signs on a façade or property.

SI-7 Directional Signs (Signs Examples)

Reference Table of Sign Regulations, 3, Directional, BCZR

Signs on sites with multiple tenants may include directional signs such as the following: exit, rental office, enter, leasing office, loading, pay here, drive-up kiosk, a sign w/an arrow, etc.

Multi-tenant building sign with an arrow can be considered a directional sign. However, a single tenant building sign advertising a business with an arrow is considered a freestanding sign.

SI-8 Face Changes of Existing Signs

Reference Sections 450.6.C.2 and 450.6.C.3 of the BCZR

Notwithstanding Sections 450.6.C, 450.8.C, and other applicable sections of Baltimore County Council Bill No. 89-1997 and the Baltimore County Zoning Regulations, the following policy will serve as a guide to assist in the understanding of the zoning regulations as they apply to “face changes” for wall-mounted, free-standing and/or any other legal nonconforming sign(s) within Baltimore County. Section 101 and 104 of the BCZR will be used to help interpret the meaning of sign “character” and “content,” as those terms are cited in the aforementioned subsections of Section 450 of the BCZR but are not specifically defined.

For the purpose of this policy, a legal nonconforming sign must be established by proof that the sign is existing or that there is an approved site plan (i.e., PUDs) which would have accompanied a building or use permit, public hearing, or tentative approval.

Sections 450.6.C.2 and 450.6.C.3 of the BCZR state that a sign may be altered and a sign face change permitted (without a permit), provided that there is no change in character. For the purpose of this policy, character will not be altered if there is a change of ownership or if the new use, that maintains the sign, is permitted by right within the underlying zone.

SI-9 Landscape Signs

Reference Sections 450.3 and 500 of the BCZR

Section 450.3 of the Baltimore County Zoning Regulations defines “message” as a communication, statement, or display of information or ideas through written words, letters, numerals, symbols, images, colors, illumination or theme comprising the face of a sign. The “message” may be distinguishable from the structural and supportive elements of the sign.

For the purpose of this policy, any natural items such as flowers, plants, and/or rocks arranged to form a symbol will be considered landscaping and not a sign; however, larger items such as boulders or large rocks which have a message painted or attached materials will be considered as signs and subject to Section 450 of the BCZR.

SI-10 Multi-family or Community Signs in the Business Zones

Reference Section 450.4, BCZR

Section 450.4 of the Baltimore County Zoning Regulations restricts certain signs based upon the property’s use in lieu of the zone. Multi-family, institutional, and community buildings are limited to a 25-square-foot sign area and a 6-foot sign height within residential zones. If such a building and sign are located within one of the business zones, the sign will be considered enterprise and receive the benefit of the zone which permits the additional area and height. For the purpose of this zoning policy, any proposed sign may benefit from the zone (first) instead of the use.

SI-11 Multiple Wall-mounted Signs

Reference Section 450.4, BCZR

Certain subsections of Section 450 (Signs) of the Baltimore County Zoning Regulations restrict the amount of permitted wall-mounted signs on a building. On a long building wall or façade, one may argue that two separate signs (structurally) with an identical face will be considered as the one sign because the theme is the same.

For the purpose of this policy, multiple wall-mounted sign faces will be considered as one sign if said faces are within one frame. If two separate frames are structurally connected, such frames will be considered as two signs. The sign theme will have no bearing in determining the amount of wall-mounted signs.

SI-12 Murals

Reference Section 450.4 Table of Sign Regulations, 5, Enterprise (q)(2) and Section 259.16.5.b

If a mural is used to advertise a business or community area, it is considered a sign. A mural may include historical business names or uses, scenery, old street scene, etc. It may not include such information as the current name of a community, advertising, inventory sales, or a business name. A building or zoning use permit is required for a mural if advertising a business.

The Department of Planning reviews all murals located in the Downtown Towson District, per BCZR Section 259.16.5.b.

SI-13 Nonconforming Signs

Reference Sections 104, 450.8.A.3, and 500 of the BCZR

Section 450.8.A.3 of the BCZR states that a sign for which a special exception, development plan, special hearing or variance has been approved prior to the effective date of Bill No. 89-97 may be erected in accordance with the sign provisions in effect at the time of said approval, subject to the abatement provisions of Section 450.8.D of the BCZR. This policy will consider a CRG or JSPC plan as a development plan. All the aforementioned approvals do not have to illustrate a sign detail on their respective plans to be grandfathered under the previous sign regulations; however, building permit plans approved before the effective date of the subject bill must show a sign detail to be grandfathered.

Existing signs which do not conform with Section 450 of the Baltimore County Zoning Regulations and do not meet the exemptions as described above may not be relocated (taken down and put back up in another area on the lot) or replaced (any sign part other than the face) unless the removal is caused by street or highway widening required outside the subject property's control. If widening results in sign removal, the owner or lessee has one year, from when the sign is taken down, to replace and relocate the sign. The sign height and area may not be increased and the character must remain the same. Signs that need repair or that are damaged may not benefit from this policy unless the plan is exempted or grandfathered.

SI-14 Off-premise Signs

Reference Sections 450.3, 450.7.D, 450.7.E and 500, BCZR

Off-premise signs will be considered outdoor advertising signs except for the following:

1. Off-premise signs for new construction, new apartments and new subdivisions that have lots or dwellings for sale are permitted provided:
 - A letter of permission from the owners of the property must accompany the request. The letter will include the owners' address and phone number and must

state that the owners understand that if any complaints are received by the Office of Zoning, they are responsible for removing the sign immediately upon notification from that office.

- The sign size is limited to 2' x 3' or six square feet maximum.
 - A to-scale plot plan accompanying the request must be provided, showing the exact location of the sign on private property with the property lines and streets shown.
 - More than one location or property may be approved for one specific use, as determined by the Director of PAI.
 - The off-premise sign may not be placed within the County or State Right-of-Way.
2. Off-premise temporary signs for uses other than new construction, new apartments and new subdivisions may be permitted as described under number 1 above and may be limited to weekends only.

For off-premise directional signs, a special hearing before the Administrative Law Judge may be required prior to zoning approval. The Zoning Office will approve these signs by a conditional use permit only, as these approvals can be rescinded at any time.

SI-15 Roof Signs

Reference Sections 450.5.B.7, 450.8.C, and 500 of the BCZR

Section 450.5.B.7 of the Baltimore County Zoning Regulations defines and prohibits roof signs. Proposed roof signs may not be approved by a zoning variance or special hearing unless such signs meet the provisions of Section 450.8.C (nonconforming signs) of the BCZR.

A sign(s) may be permitted upon a "mansard" as defined in Section 450.3 of the BCZR. A mansard is not considered a roof. If a conflict exists in the interpretation between a roof and mansard, a special hearing will be required for sign approval.

SI-16 Signs for Special Uses

Reference Section 450.4, Table of Sign Regulations, 5, Enterprise, BCZR

This policy will establish that specific uses are permitted certain signs(s), plus additional signs of a different structure type as permitted by the zone.

Section 450.4 and several other sections of the Baltimore County Zoning Regulations list several specific uses with their respective sign allowances. The intent of those sections is to allocate additional sign areas to certain types of signs for specific Uses. This does not mean these Uses are limited to these signs only. The sign regulations will allow additional signage of a different Structure Type than what is allocated for the Use as governed within the Zoning classification.

For example, car dealerships are permitted free-standing signs (one for each franchise agreement held by the dealership); however, the regulations make no reference to allowed wall-mounted signs for dealerships. Wall mounted or projecting signs will comply with BCZR Sections 450.4, Table of Sign Regulations, 5(g), depending on whether the dealership is a single tenant (single franchise) or multi-tenant (multi-franchise) building.

SI-17 Special Sign Regulations

Reference 256.5.g, 259.16 and Table of Sign Regulations, BCZR

In addition to the Table of Sign Regulations, additional sign regulations apply in the following situations:

1. In the Downtown Towson District, the Baltimore County Design Review Panel reviews all signs at or above the sixth floor of any building. See 259.16 BCZR. Per the Table of Sign Regulations, the Director of Planning has additional purview in finding that all components of signs are compatible with the architectural elements of the building.
2. On certain tracts of land located in the MH or MH-IM Zone with at least 2,500 acres in area that is under common ownership or control, the Department of Planning may approve a pattern book for all signage. See Section 256.5.G, BCZR.

SI-18 Striptease or Pawnshop Business Signs

Reference Section 450.4, BCZR

Section 450.4.A.5(n) of the Baltimore County Zoning Regulations indicates that an Administrative Law Judge's hearing is required for a use permit for a sign accessory to a striptease or pawnshop business. The hearing request will be a special hearing and not a variance. Any other use that is not established legally may not be permitted a sign(s) without approval of a special hearing.

Appendices

Appendix A: Policy and Code Cross Reference Tables

Policy Number	Reference Code Section BCZR and BCC
A-1	426 and 426A
A-2	240, 248, 253, 256, and 500
A-3	101, 400, and 500
A-4	1B01.1.C.4 and 500
A-5	400.4
A-6	1B01.2.B.1, 300.1, 400.1, and 400.2
A-7	101 and 400
A-8	500 and 502
A-9	103.1, 1B02.3.A, and 1B02.3.B
A-10	BCC 24-1-101, Article 1A, 101, 400.1, 400.2, 400.3, and 404
A-11	230, 233, 236, and 500
A-12	306
A-13	500
A-14	400 and 500
A-15	Article 1A, 101, and 404
A-16	400 and 500
A-17	500
A-18	400 and 500
A-19	1B01.1.C
A-20	400
A-21	101
A-22	101, 230, 404, and 500
A-23	400
A-24	1B01.2.C.1.a and 400
A-25	101 and 400
A-26	101 and 400
A-27	n/a
MB-1	1B01.1.B.1.g(4)
MB-2	422 and 423
MB-3	409 and 500
MB-4	500
MB-5	101 and 500
MB-6	500
MB-7	409.8.B and 502
MB-8	500
MB-9	270
MB-10	230.1.A.9 and 500
MB-11	230, 233, and 236
MB-12	500

MB-13	259.3
MB-14	101 and 405A
MB-15	500
MB-16	n/a
MB-17	n/a
MB-18	424
MB-19	101, 405, and 500
MB-20	n/a
MB-21	103.1
MB-22	424
MB-23	n/a
MB-24	253.1F and 500
MB-25	409.7.C
MB-26	256.3
MB-27	254 and 255.2
MB-28	101, 4B-101, and 4B-102
MB-29	230.1.A.9
MB-30	409.6
MB-31	409.4 and 500
MB-32	436
MB-33	101 and 405.2
MB-34	101
MB-35	233 and 236
MB-36	409.10 and 409.12
MB-37	n/a
MB-38	302 and 500
MB-39	230
MB-40	101 and 253.1.C
MB-41	n/a
MB-42	101, 253, and 256
MB-43	101
MB-44	500
MB-45	405A and 500
MB-46	101 and 405A
MB-47	101, 408A, 450A, and 500
MB-48	230
MB-49	230, 233, and 236
MB-50	101, 253, 256, 410, and 410A
PP-1	500
PP-2	1BO2.1, 253.5, 270, 415.6, 426.5.D, 450, and 500
PP-3	500
PP-4	500
PP-5	500
PP-6	500

PP-7	500 and Appendix F
PP-8	500
PP-9	307, 502, and 500.7
PP-10	500
PP-11	307, 500, and 502
RM-1	102.4 and 259.9(e) and BCC Section 32-4-409
RM-2	1B01.3.A.7.c and 500
RM-3	100.6 and 101
RM-4	101 and 204.3
RM-5	102.2 and 402
RM-6	500
RM-7	1B01.3.A
RM-8	n/a
RM-9	101 and 421
RM-10	101.1
RM-11	301 and 500
RM-12	n/a
RM-13	414 and 415
RM-14	102.2
RM-15	500
RM-16	402 and 500
RM-17	101 and 500
RM-18	500
RM-19	104 and 500.7
RM-20	101, 202.3 and 202.4
RM-21	1B01.3, 200, 201, and 500
RM-22	104 and 500
RM-23	101 and 415
RM-24	101 and 500
RM-25	102.2 and 104
RM-26	304
RM-27	102.2 and 500
RM-28	417
RSD-1	1B01.2
RSD-2	1B01.2.A and 500
RSD-3	Article 1A and Section 1B02.3.A.3
RSD-4	1B01.2.A.1 and 1B01.2.A.2
RSD-5	Article 1A and Section 500
RSD-6	1B01.2.A and 1B02.3.A.3
RSD-7	100 and 102.2
RSD-8	Article 1A, Sections 102.2 and 500
RSD-9	n/a
RSD-10	500
RSD-11	1B01.3.A.4 and 504

RSD-12	1B01.2.A.2, 230.1.A.1, 302.1 and 500
RSD-13	103.1 and 1B02.3 and BCC Section 32-4-262(2)
RSD-14	Article 1A, Sections 1B01.2.A and 500
RSD-15	1B02.3.C.1
RSD-16	1A01.3.B.1
RSD-17	500
S-1	n/a
S-2	303.1, 303.2, and 504
S-3	n/a
S-4	100.1 and 500
S-5	103 and 104
S-6	101 and 500
S-7	303.1 and 500
S-8	104, 307, and 500
S-9	232, 235, 238, and 303.2
S-10	101 and 500
S-11	101 and 500
S-12	102.2
S-13	104 and 307
S-14	301.1
S-15	1B01.1.B
S-16	101
S-17	1B01.2.C.1.a
S-18	103.3 and 1B02.3.B
S-19	1B01.2.3.C
S-20	1B01.2.B.1 and 500
S-21	101, 1B02.3.C.1 and 500
S-22	Article 1A, Sections 1B02.3.C.1 and 303.1
SI-1	n/a
SI-2	450.2.C.1
SI-3	450.7.C, Table of Sign Regulations, 11, Outdoor Advertising
SI-4	450.3 and 450.5.B.3
SI-5	450.3
SI-6	450.3
SI-7	Table of Sign Regulations, 3, Directional
SI-8	450.6.C.2 and 450.6.C.3
SI-9	450.3 and 500
SI-10	450.4
SI-11	450.4
SI-12	450.4 Table of Sign Regulations, 5, Enterprise (q)(2) and Section 259.16(5)(b)
SI-13	104, 450.8.A.3, and 500
SI-14	450.3, 450.7.D, 450.7.E and 500,
SI-15	450.5.B.7, 450.8.C, and 500

SI-16	450.4, Table of Sign Regulations, 5
SI-17	256.5.g, 259.16 and Table of Sign Regulations
SI-18	450.4

Reference Code Section BCZR	Policy Number
Article 1A	A-10, A-15, RSD-3, RSD-5, RSD-8, RSD-14, and S-22
1A01.3.B.1	RSD-16
1B01.1.B	S-15
1B01.1.B.1.g(4)	MB-1
1B01.1.C	A-19
1B01.1.C.4	A-4
1B01.2	RSD-1
1B01.2.A	RSD-2, RSD-6, and RSD-14
1B01.2.A.1	RSD-4
1B01.2.A.2	RSD-4 and RSD-12
1B01.2.B.1	A-6 and S-20
1B01.2.C.1.a	A-24 and S-17
1B01.3	RM-21
1B01.3.A	RM-7
1B01.3.A.4	RSD-11
1B01.3.A.7.c	RM-2
1B02.1	PP-2
1B02.3	RSD-13
1B02.3.A	A-9
1B02.3.A.3	RSD-3 and RSD-6
1B02.3.B	A-9 and S-18
1B02.3.C	S-19
1B02.3.C.1	RSD-15, S-21, and S-22
4B-101	MB-28
4B-102	MB-28
100	RSD-7
100.1	S-4
100.6	RM-3
101	A-3, A-7, A-10, A-15, A-21, A-22, A-25, A-26, MB-5, MB-14, MB-19, MB-28, MB-33, MB-34, MB-40, MB-42, MB-43, MB-46, MB-47, MB-50, RM-3, RM-4, RM-9, RM-17, RM-20, RM-23, RM-24, S-6, S-10, S-16, and S-21
101.1	RM-10
102.2	RM-5, RM-7, RM-25, RM-27, RSD-8, S-12
102.4	RM-1

103	S-5
103.1	A-9, MB-21, and RSD-13
103.3	S-18
104	RM-19, RM-22, RM-25, S-5, S-8, S-13, and SI-13
200	RM-21
201	RM-21
202.3	RM-20
202.4	RM-20
204.3	RM-4
230	A-11, A-22, MB-11, MB-39, MB-48, and MB-49
230.1A.1	RSD-12
230.1.A.9	MB-10 and MB-29
232	S-9
233	A-11, MB-11, MB-35, and MB-49
235	S-9
236	A-11, MB-11, MB-35, and MB-49
238	S-9
240	A-2
248	A-2
253	A-2, MB-42, and MB-50
253.1.C	MB-40
253.1.F	MB-24
253.5	PP-2
254	MB-27
255.2	MB-27
256	A-2, MB-42, and MB-50
256.3	MB-26
256.5.g	SI-17
259.3	MB-13
259.16	SI-17
259.16.5.b	SI-12
259.9(e)	RM-1
270	MB-9 and PP-2
300.1	A-6
301	RM-11
301.1	S-14
302	MB-38
302.1	RSD-12
303.1	S-7 and S-22
303.2	S-9
304	RM-26

306	A-12
307	PP-11,S-8, and S-13
400	A-3, A-7, A-14, A-16, A-18, A-20, A-23, A-24, A-25, and A-26
400.1	A-6 and A-10
400.2	A-6 and A-10
400.3	A-10
400.4	A-5
402	RM-5 and RM-16
404	A-10, A-15, and A-22
405	MB-19
405.2	MB-33
405A	MB-14, MB-45, and MB-46
408A	MB-47
409	MB-3
409.4	MB-31
409.6	MB-30
409.7.C	MB-25
409.8.B	MB-7
409.10	MB-36
409.12	MB-36
410	MB-50
410A	MB-50
414	RM-13
415	RM-13 and RM-23
415.6	PP-2 and RM-9
417	RM-28
422	MB-2
423	MB-2
424	MB-18 and MB-22
426.5.D	PP-2
426	A-1
426A	A-1
436	MB-32
450	PP-2
450A	MB-47
450.2.C.1	SI-2
450.3	SI-4, SI-5, SI-6, SI-9, and SI-14
450.4	SI-10, SI-11, and SI-18
450.5.B.3	SI-4
450.6.C.2	SI-8

450.6.C.3	SI-8
450.7.D	SI-14
450.7.E	SI-14
450.8.A.3	SI-13
450.8.C	SI-15
Table of Sign Regulations	SI-17
Table of Sign Regulations, 3, Directional	SI-7
Table of Sign Regulations, 5, Enterprise	SI-16
Table of Sign Regulations, 5, Enterprise (q)(2)	SI-12
Table of Sign Regulations, 11, Outdoor Advertising	SI-3
500	A-2, A-3, A-4, A-11, A-13, A-14, A-16, A-17, A-18, A-22, MB-3, MB-4, MB-5, MB-6, MB-8, MB-10, MB-12, MB-15, MB-19, MB-24 MB-31, MB-38, MB-44, MB-45, MB-47, PP-1, PP-2, PP-3, PP-4, PP-5, PP-6, PP-7, PP-8, PP-10, RM-2, RM-6, RM-11, RM-15, RM-16, RM-17, RM-18, RM-21, RM-27, RSD-2, RSD-5, , RSD-8, RSD-10, RSD-12, RSD-14, RSD-17, RM-22, RM-24, S-4, S-6, S-7, S-8, S-10, S-11, S-20, S-21, SI-9, SI-13, SI-14, and SI-15
500.7	PP-9 and RM-19
502	A-8, MB-7, and PP-11
504	RSD-11, and S-2
Appendix F	PP-7

Reference Code	Section BCC	Policy Number
24-1-101		A-9
32-4-262(2)		RSD-13
32-4-409		RM-1

Appendix B: Zoning Review Forms

<https://www.baltimorecountymd.gov/departments/pai/zoning/forms>

November 15, 2022

Building Permit and Pier Permit Approvals

- Checklist: Honeygo Area Setback Chart and Bulk Standards
- Checklist: Office Building, Class A
- Checklist: Waterfront Construction
- Form: Front Yard Averaging

Zoning Use Permit, Counter and Plan Approvals

- Accessory Apartment (In-Law) Application Guide
- Bed and Breakfast Application
- Business License Zoning Application Guide
- Checklist: Assisted Living Facilities I or II
- Checklist: Trucking Facilities
- Checklist: Undersized Lots
- Form: Automotive Wholesale Dealer's License
- Traders License and Home Occupation Approval
- Use Permit: Boarding and Rooming House
- Use Permit: Business Parking in a Residential Zone
- Use Permit: Child Care Center, Class A
- Use Permit: Donation Bin
- Use Permit: Dumpster
- Use Permit: Farmers Roadside Stand
- Use Permit: Flowers and Snowball Stands
- Use Permit: Live Musical Entertainment Application

Variance, Special Exception and Special Hearing Petitions

- Accessory Apartment (In-Law) Application Guide
- Checklist: Residential
- Combined Checklist: Non-Residential, Permits and Non-Residential Public Hearings
- Combined Petitions: Administrative Variance or Administrative Special Hearing
- Combined Petitions: Special Hearing, Special Exception and Variance
- Form: Demand for Hearing
- Petition: Approved Sign Posters

Verifications: Verbal and Written

- Verification Types, Guidelines and Requirements

Signs and Fences

- Fence Height Waiver Application and Information
- General Residential Fence Detail
- Sign Use Permit Application
- Signs Checklist and Fees

Zoning Final Development Plans and Partial Final Development Plans

- Checklist: Honeygo Area Setback Chart and Bulk Standards
- Checklist: Zoning Final Development Plans (FDPs) and Partial FDP (DR and RC Zones)

Reclassification (Cycle and Out-of-cycle Re-Zoning Petitions)

- Petition for Reclassification
- Reclassification Advertising Requirements and Procedures Form
- Reclassification Guide
- Reclassification Procedures

Development Review Committee (DRC) Lot Line Adjustments (LLA)

- DRC Lot Line Adjustment Application and Checklist
- DRC Lot Line Adjustment Information

Miscellaneous

- Citizen's Guide to Zoning
- Directory of Engineers and Surveyors
- Procedure for Minor Subdivisions
- Property Research Information
- Resource Conservation 2 (RC-2) Information Sheet
- Zoning Case History Brochure
- Zoning Classifications
- Zoning Review Fee Schedule

Appendix C: Structural Types of Signs

Illustrative Purposes Only

