

*BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
LEGISLATIVE SESSION 2024*

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*Issued: July 8, 2024  
Work Session: July 9, 2024  
Legislative Day No. 13 : August 5, 2024*

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*The accompanying notes are  
compiled from unaudited  
information provided by  
the Administration and  
other sources.*



OFFICE OF THE COUNTY AUDITOR

**BALTIMORE COUNTY COUNCIL**

**August 5, 2024**

**NOTES TO THE AGENDA**

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**AGENDA**  
**BALTIMORE COUNTY COUNCIL**  
**LEGISLATIVE SESSION 2024, LEGISLATIVE DAY NO. 13**  
**AUGUST 5, 2024 6:00 P.M.**

**WORK SESSION – JULY 9, 2024, 4 P.M.**

CEB = CURRENT EXPENSE BUDGET  
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE

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**BILLS FOR FIRST CONSIDERATION**

**GIULIANA VALENCIA-BANKS, CHIEF, IMMIGRANT AFFAIRS, EXECUTIVE OFFICE**

1 Bill 48-24 – Mr. Patoka(By Req.) – CEB – American Immigration Council Grant

**PETE GUTWALD, DIRECTOR, DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS**

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**COUNCIL**

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Bill 48-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Administrative Office

## American Immigration Council Grant

The Administration is requesting a supplemental appropriation of private funds from the American Immigration Council totaling \$27,000 to the American Immigration Council Grant Gifts and Grants Fund program. The funds will be used to support the implementation of the County's Welcoming and Belonging Strategic Plan by engaging immigrant and refugee communities to increase awareness of services provided by government agencies, community-based organizations, or other entities. See Exhibit A.

## Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State	--	--	--
Federal	--	--	--
Other <sup>(1)</sup>	\$ 27,000	--	\$ 27,000
<b>Total</b>	<b>\$ 27,000</b>	<b>--</b>	<b>\$ 27,000</b>

<sup>(1)</sup> American Immigration Council funds. No County matching funds are required.

## Analysis

In June 2024, the Administration entered a Memorandum of Understanding (MOU) with the American Immigration Council, effective May 1, 2024, to commit to the terms of the proposed grant award; final acceptance of the funding is contingent upon the Council's approval of Bill 48-24.

The Office advised that the proposed grant funds will be used to support the implementation of the County's Welcoming and Belonging Strategic Plan by engaging immigrant and refugee communities to increase awareness of services provided by government agencies, community-based organizations, and other entities. The Office further advised that approximately \$20,000 of the proposed supplemental appropriation will be utilized for costs associated with three workshops, including food boxes from the Maryland Food Bank to distribute at the workshops to incentivize attendance, speaker stipends, boxed lunches for vendors and presenters, interpretation services, and translating and printing physical copies of the Baltimore County Welcome Guide and other materials. The Office also advised that \$7,000 of the proposed supplemental appropriation will be utilized to subcontract a nonprofit immigration legal service provider to organize an immigration screening clinic where immigrants and refugees will be evaluated for pathways to immigration relief. The Office estimates that 400 persons will be served during the workshops and 20-30 persons will be served by the screening clinic.

The grant period is May 1, 2024 through October 31, 2024. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 48-24 will take effect August 18, 2024.

## **Executive Summary**

The American Immigration Council has awarded Baltimore County's Immigrant Affairs team \$27,000 to support the implementation of the County's Welcoming and Belonging Strategic Plan. From May through October 2024, Baltimore County will have access to technical assistance, such as capacity building workshops and policy guidance, and peer learning opportunities with other Gateways for Growth communities, including best practice sharing and collaborative problem-solving.

The strategic plan was drafted by the New Americans Task Force and included recommendations for how to support immigrants and refugees across Baltimore County. More than 12% of Baltimore County residents are foreign-born individuals. Many of these individuals need more awareness of available services provided by provided by government agencies, community-based organizations, or other entities.

One of the recommendations found in the Welcoming and Belonging Strategic Plan is to increase awareness of services by engaging immigrant and refugee communities. To achieve this goal, the Immigrant Affairs team will host multiple community resource events geared toward addressing barriers to integration and helping attendants become active and engaged community members. To encourage participation in these events, grant funds will be used to purchase culturally appropriate food boxes from the Maryland Food Bank and other incentives. In an effort to better inform new and long-time immigrant and refugee communities about their rights, such as tenant and labor rights, the immigrant affairs team will work with non-profits to provide presentations at these events. These organizations will be provided with a speaker stipend using the funds. Funding will also be used to print the Baltimore County Welcome Guide into the five most commonly spoken languages throughout the county and to print physical copies of the guide.

Prepared by: Administrative Office

**Bill 49-24**

**Council District(s) All**

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**Mr. Patoka (By Req.)**

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**Department of Permits, Approvals and Inspections**

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**The Building Code of Baltimore County**

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Section 35-2-201 of the County Code requires the Department of Permits, Approvals and Inspections to prepare and submit legislation amending the Building Code within 9 months after publication of each new edition of the Triennial International Code Council’s International Building Code. The legislation must be submitted to the County Executive for review and then to the County Council for adoption.

Bill 49-24 replaces the 2015 Building Code, as adopted by Bill 40-15, with the 2021 International Building Code, International Residential Code, International Mechanical Code, International Model Energy Conservation Code, and International Swimming Pool and Spa Code.

An Executive Summary of specific changes to the current ordinance is attached. See Exhibit A. With the affirmative vote of five members of the County Council, Bill 49-24 shall take effect 15 days after its enactment.

## **Executive Summary**

Baltimore County last updated its Building Code with Bill 40-15 on May 4, 2015. This legislation implemented, with certain amendments, deletions, and additions, the ICC International Building Code, 2015 Edition; the ICC International Residential Code, 2015 Edition; the ICC International Mechanical Code, 2015 Edition; and the ICC International Energy Conservation Code, 2015 Edition.

At this time, Baltimore County is updating its Building Code to follow the International Code Council (ICC) International Building Code, 2021 Edition; the ICC International Residential Code, 2021 Edition; the ICC International Mechanical Code, 2021 Edition, the ICC International Energy Conservation Code, 2021 Edition, and the International Swimming Pool and Spa Code, 2021 Edition. This grouping will be known as the “Building Code of Baltimore County, Maryland.” The State of Maryland Codes Administration adopted the 2021 International Building Code in May 2023.

The proposed legislation includes updates for EV Charging Stations in single family dwellings as well as in commercial structures. Additionally, sections of the 2015 Baltimore County Building Code will move to the Baltimore County Zoning Regulations. This includes sections on piers and fences. Both are covered in the Zoning Regulations, and this consolidates all requirements to prevent confusion and conflicts.

Prepared by: Department of Permits, Approvals and Inspections



**Bill 50-24**

**Council District(s) All**

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**Councilmembers Ertel, Patoka, Marks & Kach**

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**Adequate Public Facilities – Overcrowded School Districts –  
Clarifying Legislation**

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Bill 50-24 amends the newly enacted Adequate Public Facilities Ordinance (“APFO”) as set forth in Bill 31-24, which was passed by the County Council on June 3, 2024.

Bill 31-24 significantly reformed the County’s APFO regarding school capacity, adopting several recommendations of the 2020 Baltimore County APFO Task Force and enacting certain structural changes.

The bill phased in a reduced threshold for an overcrowded school district from 115% to 105% over a period of several years, and also removed the “adjacency rule” that allowed a proposed development to be approved in an overcrowded school district if there is sufficient capacity in an adjacent school district. It also created a process by which a Committee on Public School Capacity (the “Committee”) would determine whether a school district was an overcrowded school district, the projected number of students a proposed development would contribute to the applicable school district, whether a proposed development passed or failed the school capacity adequacy test, and whether the proposed development could obtain a school capacity approval certificate in order to obtain building permits.

Bill 50-24 makes the Committee’s function advisory. The nine-member Committee is comprised of an appointment by each Councilmember and two appointments by the County Executive. The role of the Committee is to review relevant information and to advise County officials, the Baltimore County Public Schools Superintendent, the Board of Education, and the public on efforts to address and prevent public school overcrowding. The Committee will not issue school capacity approval certificates, as contemplated in Bill 31-24, and will not consider nor endorse mitigation opportunities.

The Committee will continue, in an advisory capacity, to:

- Review and evaluate publicly available information related to public school capacities, public school enrollments and projected enrollments, public school facilities and capital plans, and growth trends including the specialized needs of individual communities;
- Assess whether the process of requesting adjustments to State-Rated Capacity is sufficient to accommodate the varied needs of magnet and other specialized programs;
- Recommend potential educational options, redistricting, and programming changes that the County and Board of Education could consider to alleviate school overcrowding; and
- Collect, analyze, and disseminate other information as necessary to inform the public about the County's overcrowding determinations and efforts to alleviate and prevent school overcrowding.

The Committee will issue an annual report by July 31 of its activities for the previous year.

Bill 50-24 reinstates the role of the Department of Planning in the analysis of school capacity. Specifically, the Department of Planning, in consultation with the Board of Education, shall prepare a school utilization report that details the current and projected utilization of each school, as a percentage of State-Rated Capacity, for the current year and the next 3 years, as well as a map for each school district that is currently or projected to be an overcrowded school district in the utilization report. The map will show the overcrowded school district, all school districts adjacent to the overcrowded school district, and for each school district shown on the map – the school utilization percentage and any projected changes in the school utilization.

The Department shall also review the most recent capital improvement program and capital budget from the Board of Education, as well as any subsequent funding decisions of the Interagency Commission on School Construction, and adjust the data in the report or map to account for anticipated additional seats or State-Rated Capacity for any addition, expansion, or renovation of an existing school or any other project or construction that may increase a school's State-Rated Capacity or decrease a school's enrollment and will reach substantial completion in the next 4 years.

With all of the aforementioned information and analysis, the Department of Planning shall make the recommendation of whether a school district is currently an overcrowded school district, is projected to be an overcrowded school district after 3 years, or is projected to be an overcrowded school district after 3 years as a result of the proposed development plan.

Bill 50-24 provides generally that development approval may not be granted in a school district that is projected to be an overcrowded school district after 3 years, or if the development plan is projected to generate additional school population that would result in the school district becoming an overcrowded school district after 3 years.

Development approval may be granted for a proposed development in an overcrowded school district if:

- The capital budget contains a capital project that has appropriations or authorizations sufficient to fund the construction of a new school, addition, or renovation which would result in the district not being an overcrowded school district;
- The Board of Education has approved a plan that implements educationally sound programs or initiatives that will provide adequate capacity in an overcrowded school district; or
- The County Attorney issues a written opinion prior to development approval that the proposed development plan or a portion of the proposed development plan is necessary to meet the County's affordable housing requirements under the Conciliation and Voluntary Compliance Agreement ("VCA"), effective March 9, 2016, between the County and the U.S. Department of Housing and Urban Development.

Aside from the aforementioned VCA exception, building permits for an approved development plan may not be issued until either the school district in which the development is to be located is not an overcrowded school district, or 4 years have elapsed following development plan approval. For any length of time that an approved development is not eligible to receive building permits, the expiration of the plan approval is automatically tolled (i.e., delayed).

Bill 50-24 also requires an applicant to submit a School Impact Analysis to the Department of Planning. Finally, the Department of Planning shall adopt School Impact Analysis regulations, in accordance with Article 3, Title 7 of the County Code, to carry out the APFO process.

Bill 50-24 will take effect 45 days after its enactment.

**Mr. Kach**

**Zoning Regs. – Uses Permitted in the R.C. 4 Zone – Long-Term Care  
and Nursing Home Facility**

Bill 51-24 defines a long-term care and nursing home facility and permits such a use in the Resource Conservation (R.C.) 4 Zone under certain conditions.

The bill defines a long-term care and nursing home facility as a facility that offers some or all of the following services: inpatient and at-home hospice; palliative care; medical and physical rehabilitation and/or therapy; counseling and support services for elderly or chronically ill patients and their families; independent housing for persons 55 years of age or older; medical and healthcare services for elderly or chronically ill patients; administrative offices; and related accessory uses.

Currently, some of these services are permitted by existing uses, such as nursing homes, housing for the elderly, or assisted living facilities. However, none of the existing uses permit all of these services in one facility.

The bill permits a long-term care and nursing home facility as of right in the R.C. 4 Zone, provided the use existed as of January 1, 2024 and is served by public utilities. The bill also exempts modifications of existing buildings that are currently in use as a long-term care and nursing home facility from height and area regulations, performance standards, or additional applicable standards, provided the modifications do not materially change the footprint of any building.

With the affirmative vote of five members of the County Council, Bill 51-24 will take effect 14 days from the date of its enactment.

**Bill 52-24**

**Council District(s) 5 & 6**

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**Councilmembers Marks & Ertel**

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**Design Review Areas – Overlea-Rossville Commercial Revitalization District**

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Bill 52-24 establishes part of the Overlea-Rossville Commercial Revitalization District (the CRD) as a Design Review Area, thereby requiring the Design Review Panel (the DRP) to review development plans for proposed nonresidential developments located in the designated portion of the CRD.

In general, the DRP acts in a consulting and advisory capacity to the agencies involved in the interagency process for reviewing development plans under § 32-4-226 of the County Code in order to encourage design excellence. The DRP assesses development plans on their designs, such as the visual and functional integration of streetscapes and public amenities; the use of signage and accessory structures, like parking garages; and the layout of sidewalks. While the DRP’s recommendations are advisory to the Hearing Officer and the agencies, the Hearing Officer may impose a recommendation of the DRP as a condition for approval of a development plan.

Attached to Bill 52-24 is a map showing the specific area of the CRD, located northeast of I-695, that is to be a Design Review Area. Last, the bill states that the Overlea-Rossville CRD northeast of I-695 shall be added as a Design Review Panel Area to the Comprehensive Manual of Development Policies.

With the affirmative vote of five members of the County Council, Bill 52-24 will take effect 14 days from the date of its enactment.

**Bill 53-24**

**Council District(s) All**

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**Mr. Young**

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**Zoning Regs. – Uses Permitted in the Business, Local (B.L.) Zone – Butcher Shop**

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Bill 53-24 amends the uses permitted in the Business, Local (B.L.) Zone in order to add a “butcher shop” to the list of uses permitted by right in the Zone.

The bill also specifies that 3.3 off-street parking spaces per 1,000 square feet of gross floor area are required for a butcher shop use.

With the affirmative vote of five members of the County Council and signature by the Executive, Bill 53-24 shall take effect 14 days after its enactment.

**Mr. Marks**

**Zoning Regs. – Data Centers and Energy Storage Devices**

Bill 54-24 defines a data center and an energy storage device and permits such uses as a matter of right in certain zones, subject to certain conditions. The bill also establishes special regulations for data centers and energy storage devices.

The bill defines a data center as a building or group of buildings used to house computer systems, computer storage equipment, and associated infrastructure that businesses or other organizations use to organize, process, store, and disseminate large amounts of data.

The bill defines an energy storage device as a resource capable of absorbing electrical energy, storing it for a period of time, and delivering the energy for use at a later time as needed. Specifically, an energy storage device consists of the system of structures, wires, insulators, and associated hardware that carries electrical energy to and from the electric power system. An energy storage device is not considered a utility transmission facility.

The bill permits data centers or energy storage devices as a matter of right in the Resource Conservation (R.C.) 5, Manufacturing Restricted (M.R.), Manufacturing Light Restricted (M.L.R.), Manufacturing Light (M.L.), and Manufacturing Heavy (M.H.) Zones. The bill also establishes Special Regulations for these uses. If a conflict arises between the Special Regulations and any other provisions of the Baltimore County Zoning Regulations, the Special Regulations shall govern.

Regarding their location, data centers and energy storage devices are permitted on property within the Chesapeake Bay Critical Area. Also, the site of an energy storage device must be a minimum of 30 acres and located within one half mile of a transmission line.

Data centers and energy storage devices must be at least 10 feet set back from any lot or street line. However, this may be reduced for purposes of integrating, adjoining, or connecting structures on contiguous lots with the expressed approval of the owner of the contiguous lot. A

yard or setback is not required between data centers or energy storage devices. A principal structure associated with a data storage or energy storage device, including support structures, may reach a maximum of 60 feet.

The minimum number of off-street parking spaces provided shall be one space per employee on the largest shift. Signage for a data center or energy storage device shall comply with the regulations applicable to the M.H. Zone.

Last, a landscaping buffer must be provided around the perimeter of any portion of a building or structure used as a data center or energy storage device. However, landscaping is not required within areas which are already vegetated or when landscaping would conflict with other regulations, such as those applicable to wetlands and the preservation of natural habitat.

With the affirmative vote of five members of the County Council, Bill 54-24 will take effect 14 days from the date of its enactment and will apply prospectively to any concept plan, request for limited exemption or waiver, or application for a Planned Unit Development which is filed after September 1, 2024.



**Bill 55-24**

**Council District(s) All**

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**Mr. Marks**

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**Comprehensive Zoning Map Process – Notice to Owner –  
Removal of Posted Notice**

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During the quadrennial Comprehensive Zoning Map Process (“CZMP”), it is required that a property being considered for a possible change of zoning classification be posted at least 15 days before the Planning Board hearing on the issue to which the identified property relates. If a request for change in zoning has been filed by an applicant other than the County, the applicant is responsible for the cost of posting by payment of a posting fee to the County. In general, the Department of Planning determines the manner of posting. If a zoning issue contains more than one property, the Department may post one or more notices for all properties included in the issue.

Bill 55-24 adds a provision to the CZMP posting requirements so that for any notice posted on a property by the Department of Planning, the Department shall remove the posting within 60 days following the conclusion of the Planning Board hearing on the issue to which the identified property relates.

With the affirmative vote of five members of the County Council, Bill 55-24 shall take effect 14 days after its enactment.