

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 2

Bill No. 5-13

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, January 22, 2013

A BILL
ENTITLED

AN ACT concerning

MD 43 Overlay District

FOR the purpose of authorizing residential uses in the MD 43 Overlay District under certain conditions; and generally relating to the MD 43 Overlay District.

BY repealing and re-enacting, with amendments

Section 259.11.A.3
Baltimore County Zoning Regulations, as amended

BY adding

Section 259.12.C.
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF
2 ~~BALTIMORE COUNTY, MARYLAND, that Section 259.11.A.3 of the Baltimore County~~
3 ~~Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments,~~
4 ~~to read as follows:~~ BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning
5 Regulations read as follows:

6 259.11. Development standards for MD 43 Overlay District.

7 A. Uses permitted by right.

8 3. Notwithstanding any of the regulations of this section to the contrary and in
9 addition to the rights granted under this section, residential uses[, permitted and as limited in
10 accordance with the BM-CT Zone,] are permitted to be built on a maximum 30% OF THE [of
11 eight acres that are part of an] overall tract of at least 800 acres THAT, AS OF FEBRUARY 19,
12 2013, IS under common ownership or control or part of a common scheme of development.

13 [Such residential uses] MULTI-FAMILY UNITS ARE PERMITTED IN ACCORDANCE
14 WITH THE REGULATIONS APPLICABLE TO THE BM-CT ZONE, EXCEPT THAT UNITS
15 are permitted on any story of a proposed building. OTHER RESIDENTIAL UNIT TYPES ARE
16 PERMITTED IN ACCORDANCE WITH THE BULK, HEIGHT, AND BUILDING SETBACK
17 REQUIREMENTS APPLICABLE TO THE DR 10.5 ZONE. [The height and area regulations of
18 the BM-CT Zone or any applicable development regulations may be waived as part of a pattern
19 book reviewed and approved by the Director of Planning or by application for zoning relief
20 provided the requirements of Section 502.1 are met.] APPROVAL OF A PATTERN BOOK IN
21 ACCORDANCE WITH SECTION 259.11.D MAY ALLOW WAIVER OR MODIFICATION

1 OF ANY APPLICABLE LAWS, REGULATIONS, REQUIREMENTS, OR POLICIES
2 GOVERNING ZONING OR DEVELOPMENT OF THE PROPERTY. SUCH WAIVER OR
3 MODIFICATION MAY BE REVIEWED AND APPROVED BY THE DIRECTOR OF
4 PLANNING OR, IN THE ALTERNATIVE, BY THE ADMINISTRATIVE LAW JUDGE
5 AFTER PUBLIC HEARING ON A PETITION FOR SPECIAL HEARING UPON A FINDING
6 THAT THE REQUIREMENTS OF SECTION 502.1 ARE MET. OR REGULATIONS
7 GOVERNING DEVELOPMENT, INCLUDING HEIGHT, AREA, BULK, OR PARKING
8 REQUIREMENTS. A WAIVER OR MODIFICATION MAY BE APPROVED BY THE
9 OFFICE OF ADMINISTRATIVE HEARINGS AFTER PUBLIC HEARING, SUBJECT TO A
10 FINDING THAT THE REQUIREMENTS OF SECTION 502.1 ARE MET.

11
12 Section 259.12 Application

13 C. THE MD 43 OVERLAY DISTRICT MAY ONLY BE APPLIED TO PROPERTY
14 LOCATED WITH THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART
15 ONE, STUDY AREA.

16
17 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been
18 passed by the affirmative vote of five members of the County Council, shall take effect

19 March 4, 2013.