

Proposed Changes to the BCZR Affecting the RC2 Zone

Editor's notes from the original online version are left in.

Changes being added shown thus and ~~deletions thus.~~

[Additional notes shown thus. Not in final legislation]

SECTION 101.1 Word Usage; definitions.

ANTIQUÉ SHOP

A retail establishment for the sale of goods of a type that are often purchased by collectors and that may include furniture, pottery, glassware, jewelry, linens, tools, artworks and books which were manufactured at least 20 years in the past. Antique shop includes the outside display of merchandise offered for sale in front of the establishment on the same lot within five feet of the front porch of front building facade, except where otherwise prohibited.

BED AND BREAKFAST HOME

A home occupation that provides one to three rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis not to exceed 14 consecutive days per stay with breakfast being available on premises at no additional cost. A Bed and Breakfast home is allowed in a building originally constructed as a one-family dwelling.

[Note: This definition, which was deleted by Bill 130-2005, needs to be re-added. At present, there is no definition in the BCZR for a Bed & Breakfast with 1-3 rooms (although it states that B&B are allowed in RC6, RC7, and RC8 by Special Exception) and the term "Bed & Breakfast Home" is used in Sections 1B01.1.B.1.g(12) and 437.1B. A "Bed-and-Breakfast Inn" is defined as 4-20 rooms.]

CAMP

A plot of ground upon which children may engage in supervised recreational, educational, cultural, or artistic activities during daylight hours or overnight. The term "camp" as defined herein, does not include schools, child care centers, or retreat centers.

HOME OCCUPATIONS

Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, as stated in Section 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity of a type not normally kept for domestic purposes is kept on the premises and no commodity is sold-for sale on the premises, not more than one person per dwelling is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, other than computers, printers, fax machines, modems, standard office copy machines and similar office equipment, is used except such as may be used for domestic purposes. A "home occupation" does not include fortune-telling.

[Note: As originally written, it is ambiguous whether or not "commodity" or goods can be stored on premises. The County licensing bureau is interpreting this to mean that it is not allowed, and refuses to issue a permit unless a business-zoned property is identified where inventory will be stored. Disallowing storage for a farm-based home business would be a

serious short-coming. The only limitations on storage of goods should be to items which would normally be in a residence.]

INSTITUTIONAL STRUCTURES (or "USES"?)

Hospitals; nursing homes; assisted living facilities; retirement homes; retirement communities; schools; colleges; universities; volunteer fire companies; churches, synagogues, mosques, temples, and other houses of religious worship; community care centers; day care centers as principal uses, class B; convention centers; conference centers; retreat centers; correctional facilities; and jails.

[This is taken from Section 450 and expanded.]

SECTION 1A01. R.C.2 (Agricultural) Zone

§ 1A01.1. General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

- a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
- b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
- c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
- d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;
- e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;
- f. That it is also necessary to limit the size of non-agricultural, commercial and institutional uses in order to preserve agricultural lands;
- fg That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and
- gh. That Baltimore County possesses numerous areas which are highly suitable for urban development, including commercial, institutional, and residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of institutional, commercial, and urban uses.

§ 1A01.2. Use regulations.

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones.

B. Uses permitted as of right. **Editor's Note:** "Churches and schools for agriculture training," originally included in this section by Bill No. 98-1975, were moved to Section 1A01.2.C by Bill No. 178-1979. The following uses only are permitted as of right in all R.C.2 Zones:

1. Dwellings, one-family detached.
2. Farms and limited acreage wholesale flower farms, subject to the provisions of (Section 404.1).
3. Open space, common.
4. Public schools.
5. Streets and ways.
6. Telephone, telegraph, electrical-power or other lines or cables, provided that any such line or cable is underground; underground gas, water or sewer mains or storm drains; or other underground conduits, except interstate or international pipelines.
7. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Subsection B, C, E or F of Section 415.1 and Section 415.2.A.1 or 415.3.C.1, as applicable.
8. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.
9. Accessory uses or structures, including, but not limited to, the following:
 - a. Excavations, uncontrolled.
 - b. Farmer's roadside stand and produce stand, subject to the provisions of Sections 404.4 and 447.
 - c. Home occupations (see as defined in Section 101.1).
 - d. Offices or studios of physicians, dentists, lawyers, architects, engineers, ~~artists~~, musicians or other professional persons, provided that any such office or studio is either
 - (1) established within the same building as that serving as the professional person's primary residence ~~at the time of application;~~ and does not occupy more than 25% of the total floor area of that residence, or
 - (2) is established within an accessory building by the professional person whose residence is on the property;and provided that it does not involve the employment of more than one nonresident employee.
 - e. Parking space, including residential-garage space and space for a recreational vehicle, subject to (Section 415A).
 - f. Piers, wharves, docks and bulkheads, subject to the provisions of Section 417.
 - g. Radio operator antennas, subject to Section 426A.

h. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400).

i. Tenant houses, including trailers used as tenant houses.

j. Rubble landfills, provided that the actual fill area does not exceed 3% of the total contiguous acreage of the property in the same ownership ~~and subject to the provisions of Section 412.7 only.~~

[Note: The reference to 412.7 needs to be corrected or deleted, since there is no such section. It was apparently deleted in 1987 when Section 412 was completely rewritten. Everything in the present 412 seems to apply to large rubble landfills, not what is being addressed here.]

k. Signs, subject to Section 450.

l. Artists' studios where an artist or artists residing on the property may create and prepare artwork for display and sale, providing that any such studio is either

- (1) established within the same building as that serving as the artist's or artists' primary residence, and does not occupy more than 25% of the total floor area of that residence, or
- (2) is established within an accessory building;

and provided that it does not involve the employment of more than one nonresident employee.

m. Family child-care homes and group child-care centers, Class A, within single-family detached dwellings, subject to the provisions of Sections 424 and 447.

n. Group child-care centers and nursery schools, subject to the provisions of Sections 424 and 447, provided they are located within an otherwise permitted

- (1) church;
- (2) public school;
- (3) private school; or
- (4) office building.

[Note: Items m and n above are what is already in Section 424, and are repeated here for visibility. The requirement to comply with the new Section 447 is new.]

10. Commercial film production, subject to the provisions of Section 435.

11. Transit facilities, subject to the provisions of Section 447.

12. Equestrian centers, provided that any such equestrian center has access to two roads, one of which is a road having, within two miles from the equestrian center, an interchange with an interstate expressway; contains no permanent grandstand; and contains no lights other than those consistent with farm use. Temporary structures, such as removable tents, viewing stands and seating, are permitted, provided that they are removed within a reasonable time following the event or events which they serve.

13. Farmstead creamery, subject to the provisions of Section 404.13.

(14. See Bill 20-10)

C. Uses permitted by special exception. Editor's Note: The following uses were included in this section by Bill No. 98-1975, and deleted by Bill No. 178-1979: "baseball batting ranges," "cemeteries," "community bldgs. swimming pools," "fish hatcheries," "golf driving ranges, miniature-golf," "helistops," "hospitals," "nursing, convalescent homes," "railroads," "sanitariums" and "shooting preserves." The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, ~~in the case of any use permitted under Item 29,~~ further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

1. ~~Airports~~(Reserved).
2. Animal boarding places (regardless of class), commercial kennels, private kennels, veterinarians' offices or veterinarians, ~~(see subject to the provisions of Sections 421 and 447).~~
3. The following uses provided that they are located in a principal building that was originally constructed before the effective date of Bill 73-2000 and the building was converted to the new use without any external enlargement after the effective date of Bill 73-2000.
 - a. ~~Antique shops (see Section 402B)~~
 - b. Bed and Breakfast Home
 - c. Residential art salon [moved from Paragraph 19 and deleted reference to 402C]

[Note: These changes are to make the treatment of antique shops and residential art salons in RC2 the same as it is in RC6, RC7, and RC8, rather than as they are treated in more "non-agricultural" zones such as RC5. For example, Section 402B prohibits outdoor display of merchandise. It also adds B&B as something that is allowed.]
4. Camps, including day camps.
5. Community care centers, subject to the provisions of Section 447, provided that
 - a. No day community care center shall provide care for more than 25 persons per site, and
 - b. No residential community care center, i.e., a center which serves as the residence of the persons for whom care is provided, shall ~~provide care for more than 15 persons per site~~be allowed.~~and~~
~~No day community care center shall provide care for more than 15 persons per acre nor more than 75 persons per site.~~[Item b. might need to be removed so that the section does not state what is not allowed.]
6. Churches, synagogues, mosques, temples, or other buildings for religious worship, subject to the provisions of Sections 300.2 and 447.

[Note that cemeteries are not allowed in RC2.]
7. ~~Excavations, controlled~~(Reserved)
8. Farm market, subject to the provisions of Sections 404.4 and 447.
9. Fishing and shellfishing facilities, Class I and II.
- ~~10. Golf courses or country clubs.~~
10. Group child-care centers, Class A or B, and Nursery Schools as a principal use, subject to the provisions of Sections 424 and 447.

[Note: The above is what is already allowed by Section 424 and repeated here for visibility with a reference to 447 added.]

11. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

- a. Only three persons, including the disabled person and the members of his immediate family who are residents of the dwelling, are employed in the use on the premises; and
- b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in his occupation away from the premises of his home.

Any provision of Section 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of a disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings.

12. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.

13. Hunting or fishing preserves.

14. Landscape service operations, subject to the provisions of Sections 404.1 and 404.3.

15. ~~Offices for agriculture-related uses.~~ (Reserved)

[Note: This is moved to Paragraph 29 since it is an "agricultural-support" use.]

16. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use, provided that any such office or studio is either

a. established within the same building as that serving as the professional person's primary residence ~~at the time of application;~~and does not occupy more than 25% of the total floor area of that residence or

b. is established within an accessory building by the professional person whose residence is on the property;

and provided that it does not involve the employment of more than ~~one nonresident professional associate nor two other~~three nonresident employees.

17. Public utility uses not permitted as of right.

18. Rail passenger station, subject to the provisions of Sections 434 and 447.

Editor's Note: Former Item 14, "Research institutes (see Section 418)," which followed this item, was repealed

by Bill No. 122-1984.

19. ~~Residential art salons (see Section 402C). (Reserved)~~ [Moved to paragraph 3.]
20. Standard restaurants or tearooms converted from dwellings, (subject to the provisions of Sections 402.2) and 447.
21. Riding stables, subject to the provisions of Section 447.
22. ~~Sanitary landfills, or rubble landfills in which the actual fill area exceeds 3% of the total contiguous acreage of the property in the same ownership. However, the fill area of a rubble landfill may not exceed 7% of the total contiguous acreage, nor may the fill area exceed a depth of 20 feet unless the Zoning Commissioner specifically finds that the landfill should be exempt from the depth limitation (see Section 412)(Reserved).~~
23. ~~Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or colleges. Private schools, as defined in Section 28-1-101 of the County Code, and agricultural training schools, both subject to the provisions of Sections 300.2 and 447; but not including colleges, universities, and non-agriculture-related trade schools.~~

[Section 28-1-101, which deals with providing transportation, defines "private school" as:
a private elementary or secondary school in the county that:

- (1) Either has been issued a certificate of approval from the State Board of Education or is accredited by the Association of Independent Schools; and
- (2) Is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.]

[This definition of "private school" could be added to Section 101. There are several other references in the BCZR to "private school":

1. 4B-102 relating to the proximity of tattoo parlors and adult entertainment, which also would appear to mean "elementary and secondary" schools.
2. RC3 and RC5 have the same allowance for "private preparatory school", which should not include colleges.
3. Section 424 relating to Group Child Care which refers to "School buildings, public or private", which should include colleges (in other zones).]

24. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or turkey shoots, subject to the provisions of Section 447.

25. ~~Sludge disposal facility — landspreading (Section 412A.2.E).(Reserved)~~

26. Trailers, as provided in Section 415.1.D.

27. Volunteer fire company or ambulance-rescue facilities, subject to the provisions of Section 447.

28. Wireless telecommunications towers, subject to the provisions of Section 426.

29. The following "agricultural-support" uses as principal commercial uses, subject to the provisions of Section 447 and Section 32-4-415(c) of the Baltimore County Code:

[Need to carefully consider whether the limits of 447 should apply to all of these uses, since they are "agriculture support".]

[Note: 32-4-415(c) states: *Development Plan or plat approval; prime and productive soils.* On prime and productive soils within the RC-2 zone, the county may not approve a Development Plan or plat unless the

county finds that construction, excavations, buildings, structures, pavements, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by the Department of Environmental Protection and Resource Management to promote agricultural uses and protect the county's soil resources.]

- a. Farm-machinery sales, storage or service; blacksmithing.
- b. Feed or grain mills or driers.
- c. Fertilizer sales or storage.
- d. Sawmills.
- e. Slaughterhouses or manufacture, processing, or packing of fruit, vegetables, animal or meat products, or by-products.

[Note: There is a conflict, since Section 404.6 states that "commercial slaughtering, except killing of poultry produced on premises, are prohibited" as "Farm and Agricultural Operations". The committee should directly address this issue to define what is allowed in the County, including limits on scale (e.g., head per year).]

f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures.

g. Firewood operations, subject to the provisions of Section 404.9.

h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception.

~~i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater.~~

i. Offices for agriculture-related uses. [Moved from Item 15.]

SECTION 300 Height Exceptions

§ 300.2. Buildings for religious, hospital and educational purposes.

[Bill No. 137-1962]

Except where greater heights are otherwise allowed by the zone, ~~B~~buildings for religious, hospital or educational purposes may be built to a height of 50 feet in any zone in which they are permitted, ~~or may and shall~~ be governed by the forty-five-degree angle basis for height determination ~~as described in Section 216. Editor's Note: Section 216 (BCZR 1955; Bill No. 137-1962) was repealed by Bill No. 100-1970. It read as follows: "Maximum building height — 35 feet, except that any building may exceed such height of 35 feet~~ provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle from the thirty-five-foot elevation at the established building line, as defined in Section 101."

[Thus, the editor's note should disappear. Without this change, there is no height limit if the lot is large enough. Note that 300.1 says that height regulations do not apply to church spires, cupolas, flagpoles, etc.]

SECTION 402. Conversion of Dwellings

§ 402.2. For tearoom or restaurant use.

For tearoom or restaurant use: To be converted for tearoom or restaurant use in an R.C.2,

R.C.4, R.C.5, R.C.20, R.C.50, D.R.1 or D.R.2 Zone ~~Editor's Note: Such conversions are also permitted in certain R.C. Zones. See Article 1A.~~ as a special exception, the following requirements must be met:

A. Meals may be served only at tables, indoors or on an outdoor terrace, and not to persons remaining in cars.

Editor's Note: Former Subsection B, which followed this subsection and established a parking space requirement, was repealed by Bill No. 26-1988.

B. The minimum lot size shall be one acre.

C. Signs are permitted, subject to Section 450;

[Bill No. 89-1997]

D. Service shall be provided only ~~at mealtimes~~ from the hours of 6 AM until 10 PM

[Since this makes no sense, it should be deleted or fixed. This probably should state the allowable hours of operation, as Section 402D does for museums. Exact hours to be determined.]

SECTION 402B. Antique Shops In Residential Zones

§ 402B.1. Location.

An antique shop may be allowed, by special exception, in an ~~R.C.2,~~R.C.4, R.C.5, D.R.1 or D.R.2 Zone only outside the urban-rural demarcation line and only on a lot no smaller than one acre; in a D.R.16 Zone, an antique shop is allowable only in a building originally constructed as a one-family dwelling that is situated on a lot with frontage on a Class I or Class II commercial motorway or in a historic district so designated by the National Register of Historic Places or the final landmarks list of the Baltimore County Landmarks Preservation Commission.

[Note: The above does not mention RC6, RC7, and RC8 where antique shops are also allowed by special exception. Thus, the above section only addresses those in "residential" zones, and supports the contention that RC6, RC7, and RC8 are not "residential". Neither is RC2, so it should not be covered by this section.]

SECTION 447 Institutional and other non-agricultural, non-residential uses in agricultural zones

This Section applies to any institutional structure and to any other permitted use for which compliance is specifically called for in the applicable Sections. It does not apply to those structures used exclusively for residential or direct agricultural purposes. It does apply to those uses listed in the applicable zones as "agricultural-support".

A. Footprint. The aggregate footprint of all buildings shall be limited to 10,000 square feet when fronting on a collector or arterial road as designated on the most recently approved Federal Highway Functional Classification map and limited to 5,000 square feet on all other roads.

[Note: The exact numbers to be determined. Compare with limit of 5,000 sq ft on residential buildings in RC7 and RC8.]

B. Impervious surfaces. The total area of impervious surface, not including buildings, is limited to ??? square feet.

[Note: The number needs to be determined based on required number of parking spaces and other required facilities.]