

1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



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Administrative Supplement to the Baltimore County Zoning Regulations

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SECTION 101 - HOME OCCUPATION

"ANY USE CONDUCTED ENTIRELY WITHIN A DWELLING..."

- (1) This statement is interpreted to mean that the use must be within the dwelling and cannot be within a detached garage or elsewhere in the yard area of the property in question.

"WHICH IS INCIDENTAL TO THE MAIN USE OF A BUILDING FOR DWELLING PURPOSES..."

- (2) 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 more modern day 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..."

- (3) Section 413.1.A clearly indicates that an accessory use of a dwelling for a home occupation is permitted a 1 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 deliveries via trucks or heavy pedestrian traffic, 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..."

- (4) This statement clearly indicates that a person can, for instance, make dresses for customers. However, they cannot make and 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..."

- (5) This statement does not clearly indicate that members of the immediate family and domestic servants must 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..."

- (6) 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 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.
- (7) Specifically excluded from a home occupation because they appear as Special Exception uses under Section 1B01.1.C.9B are:

SECTION 101 - HOME OCCUPATION (continued)

Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, 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 percent of the total floor area of such residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. (Bill No. 105, 1982.)

(8) INTERPRETATION:

This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner on a case by case basis.

(9) The following are the zones where home occupations are allowed by right:

<u>Zone</u>	<u>Section</u>
R.C.-2	1A01.2.B.7.c
R.C.-3	1A02.2.A.10.c
R.C.-4	1A03.3.A.6.c
R.C.-5	1A04.2.A.11.c
R.C.-20 & 50	1A05.2.B.4
D.R.'s	1B01.1.A.14.d
R.A.E.-1	200.2.A.3.5.1
R.A.E.-2	201.2.A.5.1

- TRADERS LICENSE: Business addresses may be established in the home provided:

- a. all other home occupation requirements are met;
- b. all business contacts will only be by telephone or correspondence;
- c. no equipment, inventory, stock, or commodity will be DELIVERED or STORED on the premises; and
- d. 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 are permitted as a home occupation in a residential zone subject to the following conditions:

- a. a maximum of six students per day;
- b. tutoring is on a one-to-one or two-to-one basis;
- c. No more than two tutors total (one in addition to the resident);
- d. there are no commercial sales (wholesale or retail) and no commodity is delivered or stored on the premises for sale;
- e. 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 D.R. zones are considered a school and would be subject to R.T.A. requirements.

Larger tutoring services in R-O, O-1, O-2, and the commercial and industrial zones are treated as an office.

A small group of children are permitted to be tutored by a teacher in an existing school.

- LANDSCAPING OR TREE SERVICE are contracting businesses and therefore are considered contractor's equipment storage yards.

ZONING COMMISSIONER'S POLICY MANUAL

SECTION
102.1 CONFORMANCE WITH B.C.Z.R.

A. Deficient Setbacks

1. RESIDENTIAL

If an addition is proposed to a residential building and any setback is deficient, this setback may be extended provided that the deficiency is not increased nor the use of the building is changed (see 102.1.B ZCPM below)

2. NONRESIDENTIAL

a. Minor additions that:

- i. meet the current requirements, or
- ii. in line with an existing deficient setback, and not creating any other deficiencies, and;
- iii. in either case, regardless of the size of the addition, the area utilized for the addition would not prevent correcting any other deficiencies that exist on the property.
- iv. if under "i" and there is no conflict with "iii" and all the current requirements are met, a variance is not required. However, if under "ii", only that particular deficiency or setback must be rectified prior to zoning approval.

b. Major or minor additions that:

- i. are in line with an existing deficient setback but also creating another deficiency, or
- ii. creating two deficiencies, or
- iii. utilizing an area that would prevent correcting any other deficiencies on the property.
- iv. then all of the deficiencies on the property must be rectified prior to zoning approval.

3. SUBDIVISIONS

When subdividing property with existing deficient setbacks, these existing setbacks will be allowed to stand, and not require a zoning variance provided:

- a. that there are no use changes in the existing building and that,
- b. the existing building meets all current required setbacks to any newly created property or lease lines, including R/W widening when widening is taken at the time of record plat or building permit.

- B. CONVERSIONS WITH DEFICIENT SETBACKS - 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 shall 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.

ZONING COMMISSIONER'S POLICY MANUAL

SECTION 102.2

A. MIXED USES ON ONE PROPERTY

1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.
2. Even if subdivision of the property is not proposed, the Zoning Commissioner 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.
 - a. Conditions: The following guidelines have been formulated so that this matter can be handled consistently:
 - i. Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.
 - ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.
 - b. Interpretation: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

B. SETBACKS AND BUILDINGS ACROSS ZONE 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.

The only exceptions to this method of measuring setbacks would be:

- a. 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.
 - b. If there are 2 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.
2. 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.

SECTION

102.6 ACCESS

- A. For Heavier Uses Through Lighter Zones:
1. Access for a heavier commercial or industrial use or a heavier commercial or industrial zone 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 O-1 and O-2 for commercial and industrial uses is only 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 by the Zoning Commissioner. A hearing may also be required if it is the only access.
 3. Access through a residential zone (RC, DR, RAE) for a commercial or industrial use may be permitted if it is the sole access to the site. A public hearing may be required based on a determination that:
 - a. it is the only possible access from a public street;
 - b. and/or the residential land in issue is too small;
 - c. and/or the land in issue is subject to other restrictions which prevents a residential use.
 4. Access through an RO zone, a public hearing would only be necessary pursuant to Section 1.C above if it is determined that the use of the land in issue at the time the subdivision and/or development plan was submitted was residential - if commercial, no hearing would be required (See M84-6 and 85-302 SPH).
 5. Interior driveways that serve commercial or industrial uses through residential zones which are for circulation only with no access to the property from a public street would not require a public hearing.
- B. If property is wholly or partially zoned ML-IM, and the proposed use is located wholly or partially in the ML-IM zone with access to the site through a zone other than ML-IM, the requirements of Section 253.1.C with regard to access is not applicable.
- C. See County Attorney Opinions, dated 9/20/79; 9/19/79; 1/17/80.

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SECTION 270 - USE CHART - This chart is intended as a quick guide to Use Regulations in Baltimore County. It is only a table and does not supersede the uses listed in each zoning classification in the B.C.Z.R. (i.e. tables are not the determining factor).

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ZONING COMMISSIONER'S POLICY MANUAL

SECTION A400 - SPECIAL REGULATIONS

The Maryland Court of Special Appeals in Hofmeister, et al v. Frank Realty Company, dealing with Baltimore County Zoning Regulations ruled that both "Use Permits" and "Section 502 Special Exceptions" are all classified within the board category of special exceptions:

"Notwithstanding this differentiation between the species, we think it preeminently clear that the singling out of certain conditional uses for special treatment in Art. 4 of the BCZR did not in any fashion denigrate from their credentials as members in continued good standing of the genus "Special Exceptions." Art. 4, in its Statement of Purpose, makes the reason for the distinct treatment quite clear:

"Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations." (Emphasis supplied)

SECTION 400.1.a - ACCESSORY BUILDINGS - Waterfront Property - When determining the placement of accessory structures on waterfront lots, the following factors will be considered:

- (1) The orientation of the existing dwelling and other buildings on the lot.
- (2) The orientation of other houses and accessory buildings on other nearby waterfront lots.
- (3) An inspection of the property is usually made to determine the existing conditions.
- (4) See the following cases: 84-275-A
85-106-SPH
89-100-SPH Pier Rights

Waterfront construction (piers, mooring piles, bulkheads) can be built on unimproved lots, under Section 417, provided that no accessory buildings/structures are constructed.

SECTION

400.1.b ACCESSORY STRUCTURES/USES-Vacant Property- If two or more lots are under the same ownership and one lot is improved with a dwelling and an accessory structure is proposed on an adjacent lot, this may be accomplished by:

- (1) Straddling the joint property line; or
- (2) Combining the vacant lot with the dwelling lot under one metes and bounds description, with one tax account number, if possible.
- (3) 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.
- (4) You cannot variance an accessory structure on a vacant lot.
- (5) See the following case: 88-206-SPH

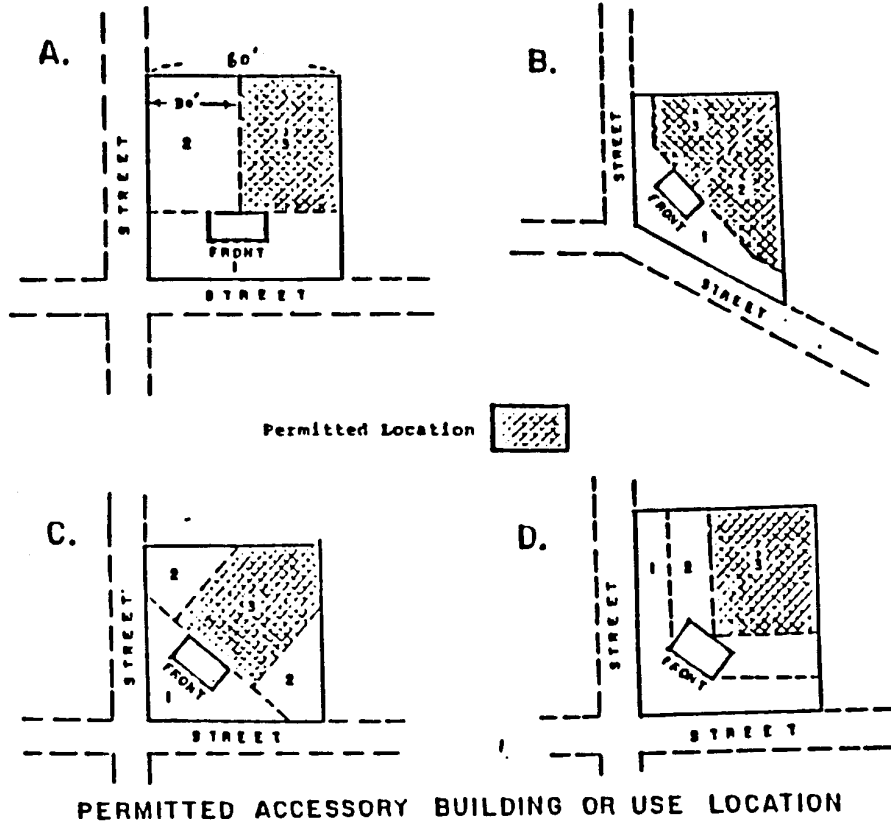
400.1.c ACCESSORY STRUCTURES/USES - R.C. Zoned Property

- (1) Is subject to the provisions of Section 400 B.C.Z.R. & Z.C.P.M.
- (2) Farms or farmette structures are only subject to Section 404.2 B.C.Z.R. & Z.C.P.M., (Page 4-6) except for swimming pools which are subject to Section 400 BCZR & ZCPM (See Case #88-206-SPH).

ZONING COMMISSIONER'S POLICY MANUAL

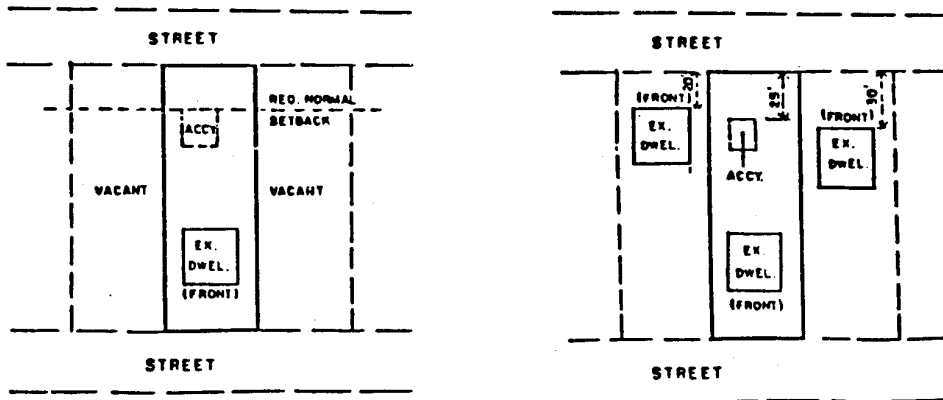
SECTION
400.1.d ACCESSORY STRUCTURES/USES

(1) Corner Lots - Location Diagrams:



(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



ZONING COMMISSIONER'S POLICY MANUAL

400.1.e ACCESSORY BUILDINGS - SPECIAL USES/STRUCTURES subject to the provisions of Section 400 BCZR.

- BARBEQUE PITS (PERMANENT)

-CARNIVALS

- (1) Temporary carnivals may be permitted on certain sites not zoned commercial or industrial as a continuing yearly occurrence, including but not necessarily limited to the following:
 - a. public land
 - b. volunteer fire company
 - c. community building or hall
 - d. private school or recreation facility
 - e. churches
 - f. fraternal organizations
 - (2) Any carnival proposed in a new location, may require a special hearing at the discretion of the Zoning Commissioner.
-

-CHILDREN'S TREEHOUSE/PLAYHOUSE

-CONTROLLED ENVIRONMENT VAULT (CEV) for underground digital Oelectronic communication terminals on private property are considered minor public utility uses under Section 306 B.C.Z.R. and an underground conduit, that the above-ground equipment is accessory to; therefore they are permitted in all zones as of right and are exempt from the area requirements in the zoning regulations and C.M.D.P. provided:

- (1) The aboveground equipment does not exceed 7 ft. x 6 ft. in area by 3 ft. in height.
 - (2) A landscaping plan has been approved for each site.
 - (3) See the following cases: 83-140-XA
83-234-XSPHA
-

-CHRISTMAS TREE SALES, See Roadside Stands below (also see Section 230.9 BCZR, and ZCPM Page 2-35)

-DAY CARE FACILITIES

- (1) A family child day care home is permitted as an accessory use to the dwelling in any zone, without a use permit, provided that it may not adjoin a property that already has family day care home, a group child care center or nursery school. (see Sections 101, 424.1.C, 424.3, 424.6.A.1, B.C.Z.R.)
- (2) A class "A" group child care center (up to 12 children) is allowed as an accessory use in single family detached dwellings in all residential zones except R.C. 4, in all industrial zones, and R.O. and O.T. zones but it may not adjoin another group day care, family day care, or nursery school property, and a use permit is granted by the Zoning Commissioner. (see Sections 424.1.C, 424.2, B.C.Z.R.)
- (3) Day care is permitted as an accessory use in a church building exempt from the R.T.A. and use permit requirements if it is church sponsored and church run, but it may not adjoin a property that has an existing family day care, a group day care, or nursery school. (see Sections 424.1.C, 424.2, B.C.Z.R.)

ZONING COMMISSIONER'S POLICY MANUAL

-DOG RUNS - Freestanding dog runs (unattached to the dwelling)
are considered accessory structures/uses

-FLEA MARKETS & SIDEWALK SALES

- (1) Sales by homeowners/residents on private property (see garage and yard sales).
- (2) Flea markets, craft, artist or baked goods sales as part of a temporary carnival or fair, or as a separate function, may be permitted (see CARNIVALS aforementioned) provided that it is a charitable function and that there are no fees being charged for the exhibition of merchandise.
- (3) Commercial flea markets in residential zones including sales for non-charitable purposes, sales where there is a fee charged to exhibit, and sales at locations other than those listed (see CARNIVALS aforementioned) are not permitted, unless:
 - a. in the judgement of the Zoning Commissioner, the use could be permitted as an adjunct to a principal use permitted by right or by special exception and
 - b. that in either case, that a special hearing or special exception be petitioned for and successfully obtained prior to any zoning approvals.
 - c. See the following case: 74-36-X
- (4) Charitable flea markets, with no exhibition fee, at locations not listed (see CARNIVALS aforementioned) may be approved with restrictions as part of a notarized letter of intent or a special hearing before the Zoning Commissioner.

-FLOWER SALES, See Roadside Stand below (also see Section 230.9 BCZR, and ZCPM Page 2-35)

-FUEL/GAS TANKS - other than tanks directly and exclusively connected for permanent heating or cooking are prohibited except that a farm may store fuel for farm equipment only.

- (1) A notarized letter of intent may be required before a permit is issued for a tank.
- (2) See the following cases: 79-135
B-79-597-9

-GARAGE AND YARD SALES- A private home owner/resident may have one private garage or lawn sale per year as an accessory use to the dwelling in residential zones provided:

- (1) That the sale would not be longer than two consecutive weekends; and
- (2) That there are no other exhibitors of sale items on the property other than the owner/resident; and
- (3) That there is no traffic congestion caused by the sale.

If there are any complaints filed with the zoning office concerning any of the above, then a notarized letter from the owner of the property that they understand these requirements, or a special hearing may be required before the zoning commissioner prior to any future sales or to modify any of these policies.

ZONING COMMISSIONER'S POLICY MANUAL

-INCINERATORS will be considered as an accessory structure, provided that it is incidental to the principal use, and meets Section 400 of the B.C.Z.R. requirements in residential zones and principal building requirements in commercial and industrial zones. (this does not apply to dumpsters)

-PIT BEEF STANDS - See Roadside Stands below. It must meet commercial site plan requirements.

-ROADSIDE STANDS

- (1) On public land, zoning has no authority or jurisdiction over any sales carried on within the public right-of-way which usually is both the street and the adjacent sidewalk.
- (2) Vendors or Hucksters are not regulated by zoning if they remain permanent or moving in the public right-of-way.
- (3) On private property, zoning does not permit roadside stands or sales temporary or permanent on residential property unless:
 - a. It is a garage or yard sale (see Garage and Yard Sales above)
 - b. It is a farmer's roadside stand (See Section 404.2 B.C.Z.R. & Z.C.P.M., Page 4-6)

-SATELLITE DISHES

- (1) Satellite television dish systems are permitted on residential property as an accessory use, only, and must comply with all of the provisions of Section 400, except that attaching the dish to the dwelling would not supplant the need for a variance hearing, if the requirements cannot be met.
- (2) See the following cases: C-84-735
85-347-A
- (3) Dishes are permitted on commercial and manufacturing buildings (no height limitation) i.e., a dish on a building in a B.L. zone may extend above 40' building limit.

-SNOWBALL STANDS - See Roadside Stands above. It must meet commercial site plan requirements.

-SWIMMING POOLS AND TENNIS COURTS

- (1) Swimming pools and tennis courts are considered accessory structures/uses.
- (2) Community pools or tennis courts not located in the rear areas behind the subdivision dwellings are to be considered other principal buildings and subject to the standards in the C.M.D.P. If located in a residential transition area, these standards will also have to be met.
See also TENNIS FACILITIES Section 406A, Page 4-24
- (3) See the following cases: 82-270-A
88-206-SPH

-TANNING AND HOT TUB FACILITIES - are not specifically listed in the Zoning Regulations, but may be permitted as an accessory use to but not limited to the following uses:

Beauty Salons
Barber Shops
Racquet Ball

Health Spas
Tennis Barns
Country Clubs

ZONING COMMISSIONER'S POLICY MANUAL

-TENTS - are permitted on a temporary basis for periods not exceeding 30 days for religious, educational or recreational uses.

-TRAILERS/TRUCKS - If originally constructed, fitted, designed, or used as a trailer, shipping container, truck body, or other similar vehicle are not permitted on residential property as principal or accessory structures such as sheds, garages, storage buildings or otherwise.

-UNUSUAL AND/OR LARGE STRUCTURES/USES not listed above or specifically exempted in 400.1.d below may be subject to a special hearing before the Zoning Commissioner:

(1) See the following cases:

83-259 (outdoor model train layout)

85-62-SPH (large greenhouse)

400.1.f - THINGS NOT CONSIDERED AS ACCESSORY and therefore not subject to the provisions of Section 400 B.C.Z.R.

- Air conditioning/heating units
- Bird baths
- Children's play equipment (not including treehouses/playhouses)
- Flag poles
- Handicapped access ramps
- Lawn furniture (moveable)

SECTION 400.2.a - ACCESSORY BUILDINGS - WATERFRONT SETBACKS

- (1) On all waterfront, when the proposed house fronts on the water, use the water as the front property line.
- (2) In D.R. zones the same maximum average setback requirements apply on waterfront.
- (3) In R.C. zones, the front yard requirement on the water would be the same as the street property line requirements based on a 50 ft. street.

SECTION 400.2.b - ACCESSORY BUILDINGS - SETBACKS FROM PAPER STREETS/ALLEYS

For the purposes of determining required setbacks, unimproved (paper) streets or alleys shall be considered the same as existing (improved) streets. The same shall apply to corner lots regarding the placement of accessory buildings. The applicant has the option of either petitioning for a variance or a road closing. To initiate a road closing procedure, a person should contact:

Law Office	887-4420
Bureau of Land Acquisition	887-3252

Introduction

Preparing this section involved a thorough analysis of the Baltimore County Code, and the Baltimore County Zoning Regulations (B.C.Z.R.), in addition to the old Zoning Policy Manual (Z.P.M.).

The major organizational feature is the use of a table to present much of the regulatory data. This form was adopted from a past attempt of the Office of Planning and Zoning (Legislative Project 86-10) to revise the sign regulations. It has decided advantages for both clarity and brevity.

The concern for clarity in County regulations includes a concern to improve their usability, especially for persons such as prospective sign-users who may not often deal with the complexities of regulations. The analysis suggested that probably the most convenient starting point for any user would relate to the basic purpose for wanting to erect a sign. The user would either have the purpose clearly in mind or would be able to identify its purpose from a comprehensive list.

Thus, the first column in the table lists 24 different classes of signage. The classes are succinctly defined in the same column. Succeeding columns then specify the restrictions (size, height, etc.) pertaining to each class and varying with the proposed structural type and zone location.

The table is intended to be a comprehensive list of all expected sign purposes. The classes, therefore, are mutually-exclusive; each sign falls only into one class. By providing a single, comprehensive list, a user need refer only to one place, the table, as the starting point for determining what regulations (if any) govern the intended usage.

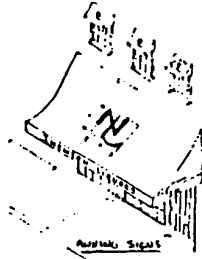
It may be noted that the classification system uses certain new terminology as a way to emphasize that new concepts are being employed. It is hoped that this manual is clearly enough defined and differentiated and that the provision of ample illustrations will make it easy to understand.

The table, of course, cannot cover every aspect of the policies and regulations on signs. Therefore, the text begins with various definitions, as well as several Z.C.P.M. policies, which interpret and elaborate requirements indicated in the table.

SECTION 413 - DEFINITIONS: The type of a sign is determined, by the general structural character of the entire sign, from among the types defined below:

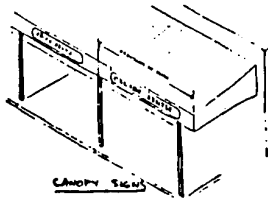
Advertising To advise, announce, apprise, command, give notice of, inform, make known, publish. On call to the public attention by any means whatsoever. Any oral, written, or graphic statement made by the seller in any manner in connection with the solicitation of business and includes, without limitation because of enumeration, statements and representations made in a newspaper or other publication or on radio or television or contained in any notice, hand-bill, sign, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any merchandise.

Awning Sign means a sign on a retractable or fixed nonstructural covering projecting from above a window to provide shade or above an entrance or walkway to provide shade and shelter.



Banner means a temporary sign displayed on cloth or similar flexible material and designed to be mounted on an open framework or hung from posts or poles.

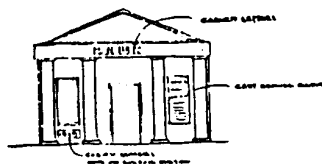
Canopy Sign means a sign on a fixed, roof-like structure (including a marquee), other than an awning, that projects from a wall of a building and extends along all or the majority of the wall's length to provide shelter in conjunction with an entrance or walkway.



Free-standing Sign means a sign that is structurally supported by an upright framing, post or pole fixed in place in the ground and not attached to a building. Free-standing signs are subject to the following:

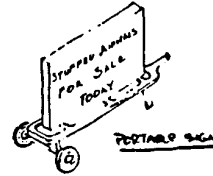
- a. Except for temporary signs (Classes 16 through 24), free-standing signs must be permanently and securely fixed in place in the ground.
- b. Other than a temporary sign, no free-standing sign may be erected within 100 feet of any existing principal building or adjoining residential premises on the same side of the street.
- c. Any sign within 25 feet of a right-of-way line must allow clear and ample visual sight lines for driveways leading into a street and at intersecting streets and alleys.

Integral Sign means comprising an integral part of the face of a building by being carved or cast, as in stone or bronze, or otherwise made and affixed as a permanent component of the building to display such information as a building name, date of erection, commemorative citations or the like.





Portable Sign means a sign displayed on an A-frame, sandwich board, wheeled framework or any similar manufactured structural form that is not permanently attached to a foundation in the ground.



Projecting Sign means a sign that is structurally attached to a wall of a building, but the face of which is not in a plane parallel to the wall; the term projecting sign does not include marquee, canopy or awning signs. Projecting signs are subject to the following:

- a. In no case may a projecting sign extend horizontally more than 42 inches from the wall to which it is attached.
- b. No projecting sign may extend over or within a public right-of-way, including sidewalks and if the sign is closer than 25 feet of the right-of-way line, it must allow clear visual sight lines for driveways, alleys or other intersecting streets.

Public, adj. Pertaining to a state, nation, or whole community; proceeding from, relating to, or affecting the whole body of people or an entire community. Open to all; notorious. Common to all or many; general; open to common use. Belonging to the people at large; relating to or affecting the whole people of a state, nation, or community; not limited or restricted to any particular class of the community.

Quasi-public, adj. Essentially public (as in services rendered, function performed, or source of income received) although under private ownership or control; affected with a public interest.

Roof Sign means a sign that is located at an elevation above any eave, cornice or parapet of a building and that derives its principal structural support from the roof, not from a wall of the building or other independent support. Roof signs are subject to the following:

- a. A roof sign may not be erected on visible angle-iron or other such open structural framework.
- b. No part of a roof sign may extend beyond the profile or silhouette of the building as viewed from the direction towards which the sign faces. It will be considered a free-standing sign and subject to the requirements of Section 413.2.f. if it extends beyond the profile.

Wall-mounted Sign means a sign painted on a wall of a building or structurally attached to a building wall in a plane parallel to the wall. Wall-mounted signs are subject to the following:

- a. No part of a wall-mounted sign may project more than 42 inches from the wall to which it is attached.
- b. No part of a wall-mounted sign may extend more than 4 feet above the eave or parapet, whichever is higher, at the top of the wall to which it is attached or be placed on the walls or screening enclosing elevator, air conditioning or similar utility mechanisms that project above the eave or parapet.

Window Sign means a sign placed upon or inside a window and intended to be seen from the outside. The number of separate window signs is not regulated, provided that the total area of all window signs, including permanent signs, may not exceed thirty percent of the total window glass area in the wall, to be calculated separately for each story of each wall.

GENERAL POLICIES:

Address Numerals:

Any numerals identifying an address must not exceed 4 inches in height, unless they are to be counted as part of the applicable permitted signage of the property.

If the numerals are included as a part of an identification or advertising sign, they will be counted as part of the overall permitted signage square footage of the property.

Replacement Signs:

If replacement signs are proposed and are the same or smaller than the existing signs but they do not meet the requirements of Section 413 B.C.Z.R. or Z.C.P.M., they may be permitted if, in the judgment of the Zoning Commissioner, they are appropriate, using the following criteria:

- a. documentation of the existing sign(s) to be replaced; including but not necessarily limited to photographs, approved plats or plans, and previous permits; and
- b. a notarized letter of intent including a specific description of existing signs and previous uses of the property; and
- c. an on-site inspection by the Zoning Office; and
- d. the square footage of several existing signs to be replaced cannot be added together to permit a larger new sign unless the old signs share the same support or frame.

ZONING COMMISSIONER'S POLICY MANUAL

SPECIAL USES POLICIES:Automobile Dealerships:

- A business operation with sales, service, parts and used cars, and possibly several authorized dealerships for other makes of cars, all on the same property, will be considered one business and only permitted 100 square feet of free-standing signs pursuant to Section 413.2.f.

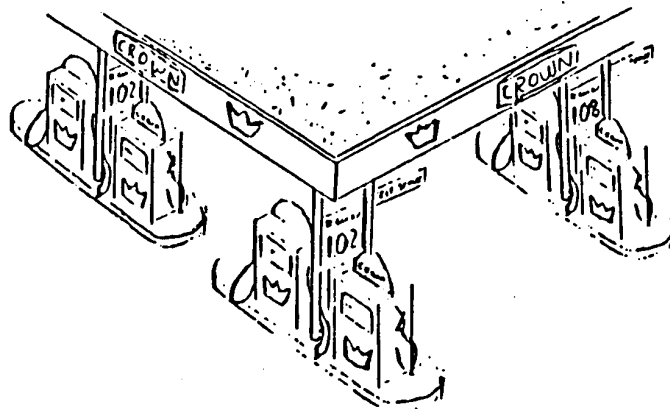
However, if the different operations of the dealership are contiguous with each other; but are located on separate recorded lots, the dealer may petition to be considered separately and thus be permitted 100 square feet of free-standing signs on each property, subject to the determination of the Zoning Commissioner after a Special Hearing.

Service Stations:

Signs at service stations are subject to the following policy interpretations:

- a. Signs on the building, kiosk, or canopy shall be considered building signs under Sections 413.2.a and d.
- b. Free-standing I.D. signs, including price signs, ancillary use signs, pump signs, and signs attached to the canopy supports are considered free-standing signs and are subject to Section 413.2.f (other business signs).
- c. "Self-service" and "Full-service" signs are permitted and do not count against the square footage requirements of a and b above, provided that there is no advertising or corporate logo on the sign.
- d. Sign setback requirements in Section 405.4.A.2.a are measured from the overhang of the sign projected vertically toward the ground to the street right-of-way.

See the following cases: 86-19XA
86-53A
86-65 to 86-70A



4-69.4

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ZONING COMMISSIONER'S POLICY MANUAL

POLICIES BY TYPE OF SIGN

INFORMATION/IDENTIFICATION SIGNS (CLASSES 1-10):

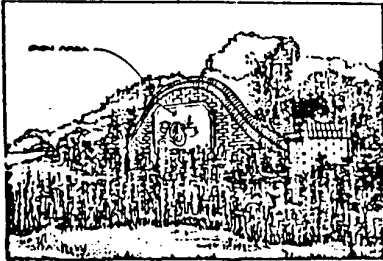
COMMUNITY SIGNS (Class 1): Buildings

Community building type uses, i.e., hospitals, conservatories, community care centers, volunteer fire company, public utility, cemeteries, and airports will be considered under Section 413.1.e and are allowed 15 square feet of signage; if in the judgment of the Zoning Commissioner the use is public or quasi-public in nature.

See the following cases: 83-10ASPH.

COMMUNITY SIGNS (Class 1): Residential Subdivisions only

- a. Signage (wording) shall be contained on a single panel or plaque with the square footage indicated (Maximum 15 square feet allowed).
- b. The signage shall be distinct and recognizable from the supporting structure.
- c. All materials and colors shall be specified.
- d. Landscaping shall be provided in conjunction with the sign and clearly indicated on the plan.
- e. Perspective drawings showing the sign relative to the subdivision entrance shall be provided.
- f. All dimensions and areas shall be shown on the plan.
- g. Signs shall not be internally illuminated.
- h. Covenants outlining maintenance responsibility shall be provided.



Sign size = 3 ft. x 5 ft. = 15 square feet

Nameplate Signs (Class 3):

Signs in residential zones (not including R.O. - office use) for uses not specifically listed under Section 413 B.C.Z.R., including:

convalescent homes	private day care
boarding/rooming homes	boat yards
camp, day camps	marinas
fishing, shell fishing	riding stables
funeral establishments	kennels
veterinarian's office	animal boarding places

and other nonresidential uses permitted as of right or by Special Exception are limited to a one square foot sign, unless in the judgment of the Zoning Commissioner the sign is generic (without advertising) and/or public or quasi-public in nature, under Section 413.1.e.

Directory Signs (Class 5):

Directory signs may be erected, subject to the following special conditions:

- a. The lettering on a directory sign indicating the names and locations of occupants may not be larger than one inch high; other lettering may not be larger than three inches high.
- b. In an O-1, O-2, O.T., M.R., M.L.R. or M.L. zone, a directory sign is allowed only if at least 75% of the tenants or functions have independent outside access to the building.

On-Site Directional Signs (Class 6):

On commercial sites, where they are not specifically regulated in the Baltimore County Zoning Regulations, on-site directional signs such as "enter", "exit", "in", "out", "handicap parking", or "handicap entrance" are permitted to give directions to traffic or pedestrians, subject to the following:

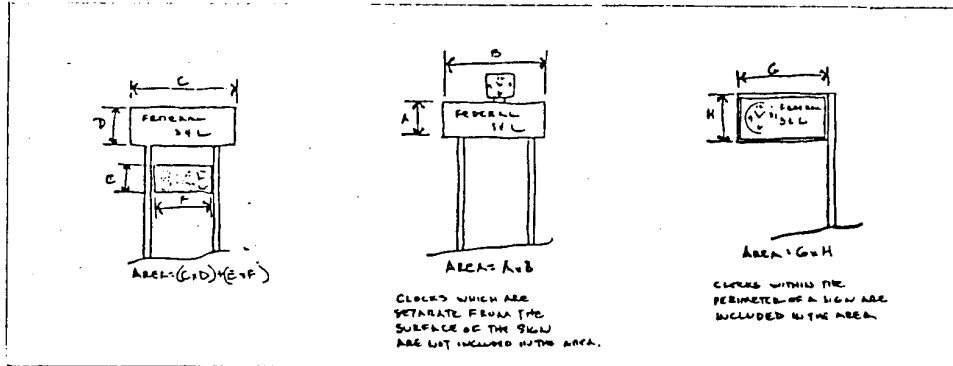
- a. the copy of the sign is generic with no advertising or corporate logo; and
- b. the size of the sign is 2 ft. X 3 ft. (6 square feet) or smaller; and
- c. the shape and color(s) must be generic in nature.

This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner, who may rule that these signs should be included in the total permitted signage on the property.

Electronic Signs (Class 8):

Flashing, changeable message board, and traveling message signs are not permitted. Time, temperature and date only signs may be permitted if, in the judgment of the Zoning Commissioner, they perform a public service; and that the messages do not flash rapidly but remain stationary for a period of time.

ELECTRONIC SIGN EXAMPLES



COMMERCIAL SIGNS (CLASSES 11-16):

Joint Identification Signs (Class 14):

To qualify for an I.D. sign(s) under Section 413.2.e for an integrated group of retail stores, shopping center or commercial buildings, the center must meet the following conditions:

- a. if the principal use of the commercial center is a shopping center or mall under one ownership, or control, there must be a minimum of three separate and distinct stores; or
- b. if the principal use of the commercial building(s) is offices, or another permitted principal use, then there must be a minimum of three separate and distinct uses included in the building or at least three separate buildings on the site; and
- c. in all cases under Section 413.2.e, a minimum of three businesses in the center must have separate outside access; and
- d. if there are separate buildings, lots or tenant spaces under separate leases or ownership, but the commercial development was approved or recorded as one commercial center, the signs permitted may be based on the overall center and not each separate division subject to the determination of the Zoning Commissioner after a Special Hearing.

See the following case: 84-327A.

TEMPORARY SIGNS (CLASSES 16-24):

Section 500.4, B.C.Z.R., requires a use permit as prescribed and issued by the Zoning Commissioner. A use permit is only applicable where no building permit is required.

Any applicant for a temporary sign must first make application with the Enforcement Section of the Zoning Office for approval of such use permit prior to the placement of any temporary sign on the property. Failure to secure such use permit will be deemed a violation of Section 500.4, B.C.Z.R., and subject to civil violation notice.

Real Estate Signs (Class 18):

Section 413 does not prescribe any temporary "For Sale" or "For Lease" signs for commercial or industrial buildings. Such signs shall be permitted only on the site of such building. A sign or signs totaling not more than 50 square feet in area, counting both sides of each sign, for each 500 feet of frontage may be posted.

Residentially zoned portions of shopping centers that have been approved and improved as parking areas shall be considered when computing the acreage and/or frontage and signs will be permitted in this area.

The sign(s) shall be removed from the premises within thirty (30) days after the sale or rental thereof or not later than one year after its date of erection, whichever comes first.

See the following cases: 88-486X
88-487X
88-507X
89-78X

Real Estate Directional Signs (Class 19):

Off-site signs will be considered outdoor advertising signs under Section 413.3, except that off-premise directional signs for new apartments, subdivisions and certain other uses may be allowed, subject to the following:

- a. a letter of permission from the owner of the property accompany the request. The letter must include the owner's address, phone number and must state that the owner understands that if any complaints are received, he is responsible for removing the sign immediately upon notification from the Zoning Office; and
- b. a scaled site plan accompany the request showing the exact location of the sign on private property with the property lines and streets shown; and
- c. the size will be limited to six square feet or smaller with a height of less than 3 feet; and
- d. a time limitation for display may be imposed.

This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

Realtor's Weekend Directional Signs (Class 20):

Realtor's temporary directional signs, indicating properties which are "For Sale", "Lease", or "Open For Inspection", may only be displayed in Baltimore County between the hours of 10 a.m. Saturday and 8 p.m. Sunday, provided that:

- a. The sign must bear NO ADVERTISING other than a REALTOR logo and the words "Open", "For Sale", or "For Lease". No company names or logos are permitted on the directional sign.
- b. The color scheme must be red on white.
- c. The sign must not exceed a size of 6 inches by 24 inches nor a height greater than 3 feet, measured perpendicular to the ground.
- d. Only one sign for each of the three specified purposes (Sale, Lease, Open) shall be posted on any given street intersection. This does not mean one sign per broker, but ONE SIGN ONLY - regardless of how many homes are open for inspection off that particular intersection.
- e. There will be no County requirement for written authorization by the property owner to be filed with the Zoning Office. However, State law does require the verbal consent of the property owner before the sign is posted.

Commercial Special Event Signs (Class 22):

Temporary signs are permitted on commercial and industrial zoned property by Section 413.4, B.C.Z.R., for periods not exceeding 60 days in any one calendar year, subject to the following:

- a. the size is limited to 4 ft. x 8 ft. (32 square feet) or smaller; and
- b. only one sign is permitted per property or in the case of a shopping center or multi-tenant commercial building or center, one sign may be permitted for each separate and distinct tenant space or each separate building with a different business; and
- c. a use permit is obtained for each 60 day period. The permit must indicate the exact dates that the sign is to be utilized. On a multi-tenant property, each tenant that wishes to advertise must have a valid permit for those dates. If the sign was placed on the property without a valid permit and a permit is applied for later, the 60 day period will begin when the Zoning Office can ascertain that the sign was first placed on the property. The only exception to this method of beginning the time period would be if the previous time period that the sign was on the property was indicated on a valid permit issued to another tenant; and
- d. the sign must be located entirely on private property and must only advertise businesses on that particular property. A scaled site plan must accompany the use permit showing the location of the sign, buildings, street right-of-way, and intersecting streets.
- e. Every sign for which a use permit has been issued shall be plainly marked with the number and the expiration date of the use permit.
- f. If a temporary sign is to be converted or installed as a permanent sign, the supports must be set permanently in concrete and the application must include:
 1. a scaled construction plan showing the size of the proposed sign, including all faces, including ground level; and
 2. a scaled site plan with the location and size; showing all faces of all existing free-standing signs on the property. The road right-of-way must also be shown; and
 3. the proposed sign must be located on the private property that it serves.

TABLE-DEFINITION OF COLUMNS- The following table specifies the allowable combinations of sign classes and sign types, along with locational, dimensional and other pertinent conditions, as follows:

Column:

- A. Class - Refers to the overall purpose and general character of the entire sign.
- B. Structural Type - Identifies the structural type(s) that may be used to display signs of the given class, subject to the requirements in the succeeding columns. (See definitions of types on Page 4.)
- C. Zone or Use - Defines the zone(s) wherein signs of the class and type combination(s) may be displayed. In certain cases, the permissibility is granted for a sign in conjunction with a particular type of land use, as identified in this column, in whichever zone(s) such use is permitted.
- D. Permit Required - A "Bldg." entry indicates that a Building Permit must be obtained for each sign. A "None" entry indicates that a Building Permit is not required, provided that the sign complies with all other applicable provisions of these Regulations. An "SE" indicates that each such sign is permitted only as a Special Exception use authorized pursuant to Section 502. A "Use" entry indicates that a permit pursuant to Section 500.4 must be obtained for each such sign.

If the proposed sign(s) will be accessory to a structure, use or development that otherwise is required to obtain a building or use permit or development approval, all pertinent information regarding the sign(s) must be included as part of the otherwise-required application(s).

- E. Maximum Area or Face - Defines the maximum number of square feet, or the rule for calculating the maximum number, that may be included within the face of any single permitted sign of the given class, regardless of the type; the number is not to be interpreted as a separate limit for each type identified in Column B, but the maximum area may be divided among more than one sign to the extent permitted in Column F. Subject to the limit in Column F regarding the maximum number of signs, compliance with the maximum area is determined by the following rules:

DETERMINING AREA - EXAMPLES

EXAMPLE 1

$AREA = (M \cdot N) + (C \cdot P)$

EXAMPLE 2

$AREA = (A \cdot B) + (C \cdot D) + (E \cdot F) + (G \cdot H)$

EXAMPLE 3

$AREA = C \cdot P$

EXAMPLE 4

$AREA = (A \cdot B) + (C \cdot D)$

EXAMPLE 5

$AREA = (A \cdot B) + (C \cdot D)$

1. "Area", as pertaining to the maximum number of square feet allowed to constitute the face of a sign:

- a. Means the sum of the surface areas included within a continuous perimeter formed by one or more contiguous rectangles that enclose the outer limits of every writing, illustration and symbol comprising the message of the sign; and
- b. Includes the surface area of all integral color or framing or other material by which the sign is differentiated from the structure on which it is erected; and
- c. Does not include any structural, supporting, or decorative features that are not intended to comprise part of the message of the sign; unless in the judgment of the Zoning Commissioner, the size is greater than that necessary to support the sign.
See the following cases: 88-291XSPHA
88-386SPHA
88-432SPHA
89-66SPHA

2. "Face" means the full surface area of a complete, separate sign as displayed for viewing including the space between and around individual letters, figures or designs as determined by the Zoning Commissioner. Each face of each permitted sign is measured and counted to determine compliance.

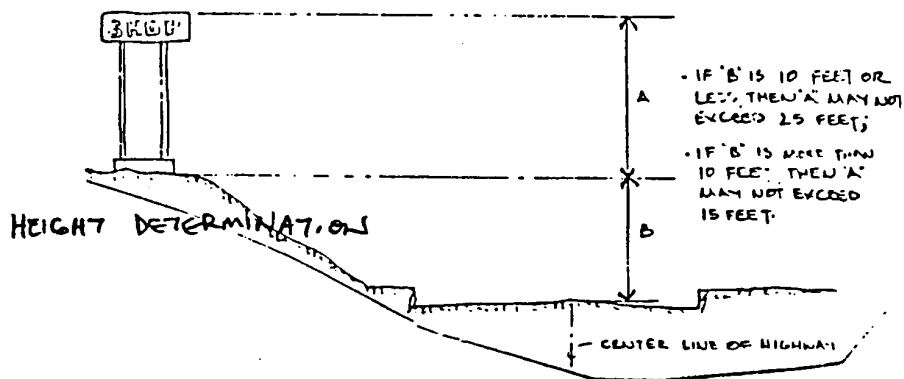
F. Maximum Number/Premises - Subject to the rules for Column E regarding measuring and counting, the entries in this column define the maximum number of separate signs of the given class, or the rule for calculating the maximum number, that may be displayed on a single premises. Unless otherwise explicitly stated, number is not to be interpreted as a separate limit for each type identified in Column B.

Double-faced, triple-faced, cube, and other multi-faced signs require that all sides or faces be counted in computing the total square footage. However, each face does not constitute a separate sign towards the total number of signs permitted. Multi-faced signs could be permitted if the total square footage does not exceed the maximum.

See the following cases: 85-110
85-113SPH
86-19XA
87-66-47
88-250SPHA

The term "frontage" in this column means a lot line of the premises that is conterminous with a right-of-way line of a highway to which the premises has or would be allowed either pedestrian or vehicular access.

G. Maximum Height - The entries in this column specify the maximum allowable height. "Height" means the vertical distance between the highest point on a sign and either (a) the finished grade at the base of the sign or (b) the elevation at the centerline of the nearest adjoining highway other than a highway built as an elevated structure, whichever measurement allows the greater elevation for the sign.



II. Illumination - The entries in this column specify whether or not illumination is permitted, subject to the regulations in Section 413.1. If illuminated, they must be of an enclosed lamp design, non-flashing and non-colored; or the beaded reflector type and must be located to avoid glare or reflection onto adjacent roads or residences. (See also discussion of electronic signs on Page 8.)

I. Special Conditions - The entries in this column specify limitations on the allowed signage or provide cross-reference to applicable provisions in the B.C.Z.R. or the Zoning Commissioner's Policy Manual (Z.C.P.M.).

TABLE OF SIGN REGULATIONS Information/Identification Signs

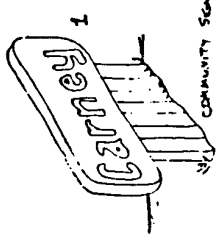
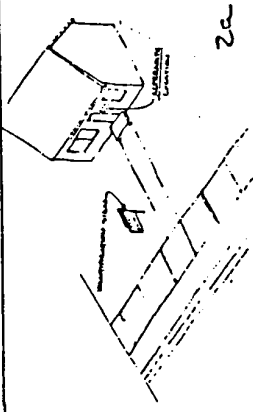
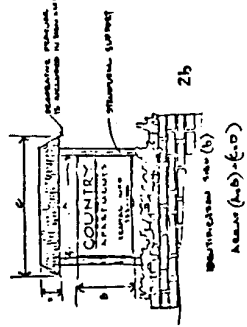
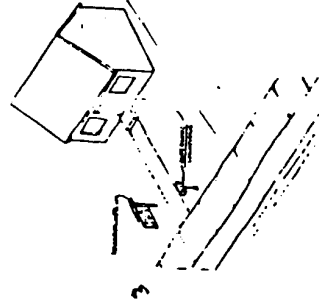
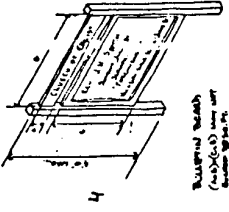
A	B	C	D	E	F	G	H	I	
Class	Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions	
1. Community, meaning a sign displaying the identity of a land subdivision, neighborhood or similar residential community	Wall-mounted; free-standing	All zones	Bldg.	15 sq. ft.	Not applicable	Not regulated	No	413.1.e.1	
									
2. Identification, meaning a non-commercial sign displaying the identity of the owner or occupant or address of a premises, or the name or purpose of a place or structure	a. Wall-mounted; free-standing	Accessory to single residence use	None	1 sq. ft.	One	Not regulated	Yes	413.1.a	
									
	b. Wall-mounted; free-standing	Accessory to a multi-unit residential structure or a project with rental office	Bldg.	15 sq. ft.	One	Not regulated	Yes	413.1.d	
									
3. Nameplate, meaning a sign displaying the identity of a home occupation, professional office or similar accessory use	Wall-mounted; free-standing	All residential zones	Bldg.	1 sq. ft.	One per accessory use	Not regulated	Yes	413.1.g (See Sec. 474.A for signs accessory to family child care homes, group child care centers, and nursery schools)	
									

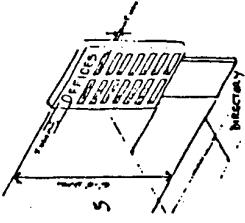
TABLE OF SIGN REGULATIONS

Information/Identification Signs

Class	A	B	C	D	E	F	G	H	I
		Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions
4.	Bulletin board, meaning a sign displaying a changeable message regarding present or future events	Wall-mounted; free-standing	Accessory to church, school, college	Bldg	30 sq. ft.	One	Not regulated	Yes	413.1.b
5.	Directory, meaning an accessory sign displaying the identity and location of the non-residential occupants of a building or development	Wall-mounted; free-standing	Accessory in all zones	Bldg.	25 sq. ft.	Not regulated	Not regulated	No	413.1.e.3
			O-1, O-2	Bldg.	25 sq. ft.	Not regulated	Not regulated	beaded reflectory	See Sec. 204.3
6.	Directional, meaning a sign intended solely for traffic control, or to provide directions to an entity, activity or area elsewhere on the same property	Wall-mounted; free-standing	Accessory, in all zones	Bldg.	25 sq. ft.	Not regulated	Not regulated	Yes	413.1.e.3
			O-1	Bldg.	8 sq. ft.	Not regulated	Not regulated	Yes	204.3.C.3.e 205.3.C.2.e
			O-2	Bldg.	8 sq. ft.	Not regulated	Not regulated	Yes	
7.	Memorial, meaning a non-commercial sign displaying information of a commemorative, interpretative or historical nature	Wall-mounted; free-standing; integral	Accessory, all zones	None	Not regulated	Not regulated	Not regulated	Not regulated	

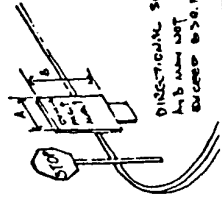


4
Bulletin Board (413.1.b) 4 ft x 3 ft

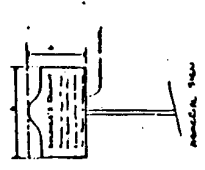


5

6
SIGNAGE SHALL BE SUBJECT MATTER IS NOT PERMITTED ON A DIRECTIONAL SIGN.



6

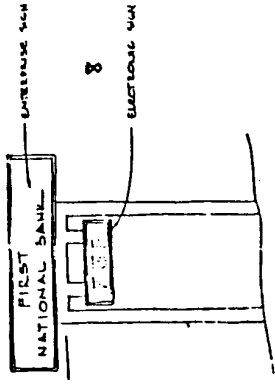


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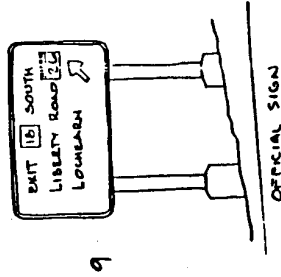
TABLE OF SIGN REGULATIONS

Information/Identification Signs

A	B	C	D	E	F	G	H	I
Class	Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions



8. Electronic, means a sign displaying electrically-controlled, changeable message regarding time, date or temperature information



9. Official, meaning a sign that is erected by a Federal, State or County agency or that is required by law or other regulation or order to be displayed

10. Notice, meaning a non-commercial sign that is authorized, but is not mandated by law or other regulation, for displaying cautionary information regarding the use or ownership of the property

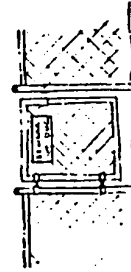
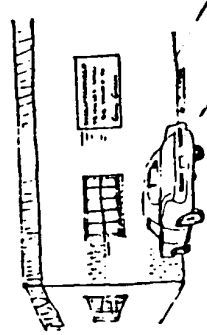
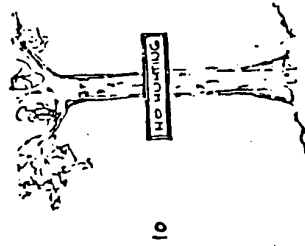


TABLE OF SIGN REGULATIONS

Commercial Signs

Class	A	B	C	D	E	F	G	H	I	Special Conditions	
										Zone or Use	Permit Req.
11. Enterprise, meaning an accessory, commercial sign that displays the identity & the products or services associated with the individual commercial entity		a. Wall-mounted; free-standing	Accessory to antique shop, residential art salon	Bldg.	5 sq. ft.	One	Not applicable	None		By conversion, pursuant to Sections 402B.1 or 402C.1	
		b. Wall-mounted; free-standing	Accessory to tea room or restaurant	Bldg.	15 sq. ft.	One	Not regulated	Yes		Pursuant to Section 402.3 413.1.1.d	
		c. Wall-mounted	Accessory to office or retail uses in RAE-1, RAE-2, O-1, O-2, OT, MLR, ML	Bldg.	1 sq. ft.	One at each exterior entrance to a separate entity within the building	Not applicable	None		413.6.c Does not include "accessory commercial uses" as defined for O-1 and O-2; see 11.e and 11.f below	
		d. Wall-mounted	R-O	Bldg.	8 sq. ft.	One	Not applicable	None		203.3.E.1	
		e. Wall-mounted	O-1, O-2	Bldg.	2 sq. ft. per 1,000 sq. ft. of floor area	One per office building	Not applicable	None		204.3.C.3 In O-2, may also have one sign per "accessory use" permitted by Section 205.3.B	
		f. Wall-mounted	Accessory to "commercial use" within office bldg. in O-1, O-2; see Column I	Bldg.	25 sq. ft.	One per "accessory commercial use"; see Column I	Not applicable	Yes		For uses permitted by Sections 204.3.A.3, 204.3.B.2, or 205.3.A.3.b	
		g. Wall-mounted	OT, MLR, ML, MR	Bldg.	In sq. ft., 1.5 times the length of the wall	One per frontage	Not applicable	Yes		413.6.a	

VARIOUS WALL-MOUNTED ENTERPRISE SIGNS

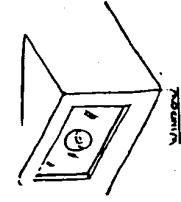
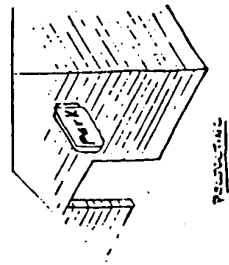
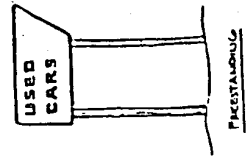
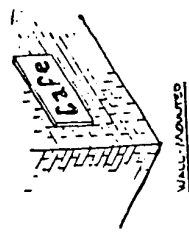


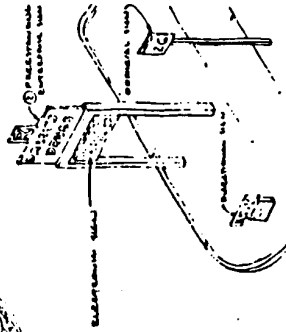
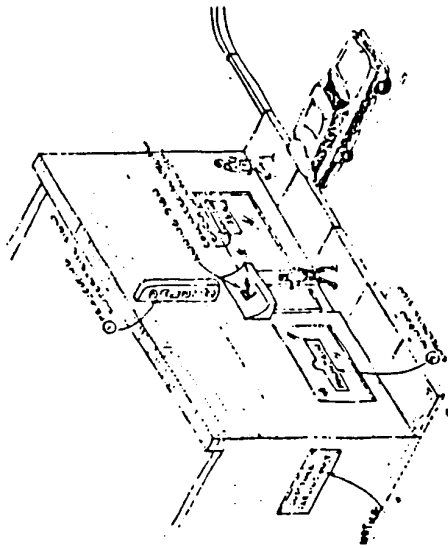
TABLE OF SIGN REGULATIONS

Commercial Signs

A	B	C	D	E	F	G	H	I
Class	Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions
11. Enterprise, continued	h. Free-standing	Accessory to Class B or Class C office bldg. in O-1	Bldg.	25 sq. ft.	One	6 ft.	Yes	204.3.C.3.b
	i. Free-standing	Accessory to office bldg. or "accessory use" in O-2	Bldg.	25 sq. ft.	One per frontage	6 ft.	Yes	"Office building" includes research institute or laboratory
	j. Free-standing	OT, MUR, ML, MR	Bldg.	25 sq. ft.	One per frontage	6 ft.	Yes	
	k. Wall-mounted; window canopy; awning	BL, BM, BR, MH	Bldg.	In sq. ft., not more than 4 times the length of the front wall	One	4 ft. above the eave	Yes	413.2.a cannot project more than 42" from building 413.2.d
	l. Free-standing	BL, BM, BR, MH	Bldg.	100 sq. ft.	3	25 ft.	Yes	413.2.f
	m. Roof projecting	RL, RM, BR, MH	Bldg.	In sq. ft., not more than 4 times the length of the front wall	One	16 ft. above highest point	Yes	413.2.b cannot project more than 42" from building 413.2.d
	n. Projecting	BL, BM, BR, MH	Bldg.	In sq. ft., not more than 2 times the height of wall			Yes	413.2.c cannot project more than 42" from building 413.2.d
	o. Wall-mounted; canopy; awning	On shopping center building, accessory to separate commercial entity with exterior customer entrance	Bldg.	150 sq. ft.	One per entity	Not applicable	Yes	413.2.e

TABLE OF SIGN REGULATIONS

Commercial Signs



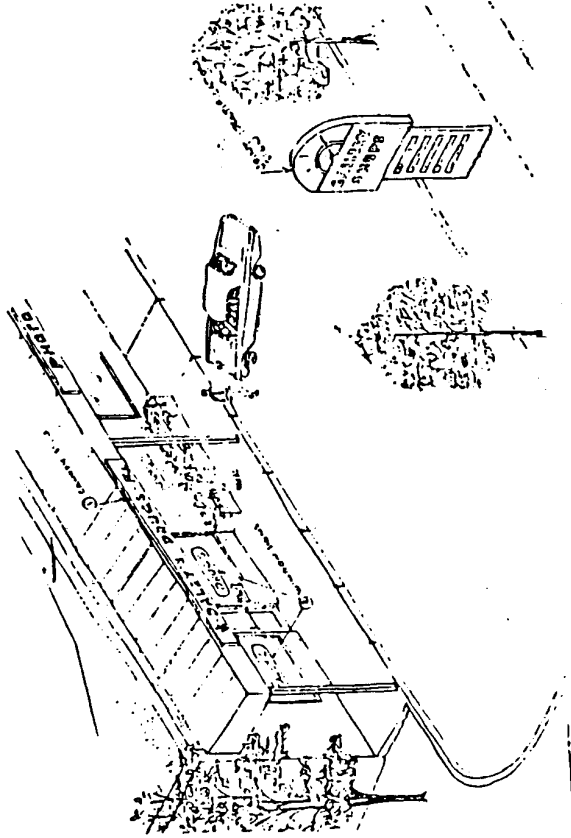
SIGN CALCULATIONS:

- STOREFRONT WALL: 30 FEET LONG
- PERMISSIBLE ENTERPRISE SIGN AREA: $2 \times 30 = 60$ S.F.; 3 SIGNS MAXIMUM.
- ① PROJECTING: $2 \times 7 = 14$ S.F.
- ② FREESTANDING: ENTERPRISE: $(6 \times 3) + (4 \times 2) = 22$ S.F.
ELECTRONIC: $5 \times 2 = 10$ S.F.
- ③ WINDOW: $(6 \times 1.5) + (1 \times 5) = 9.5'$
- ENTERPRISE SIGN AREA: 55.5 S.F.

EXAMPLE: A

SIGN CALCULATIONS:

- STORE FRONT WALL: 30 FEET LONG
- PERMISSIBLE SIGN AREA: $2 \times 30 = 60$ SQ. FT.
- 3 SIGNS MAXIMUM
- SIGN ①, A CANOPY SIGN = $9' \times 20' = 18$ SQ. FT.
- SIGN ②, A WINDOW SIGN = $15' \times 5' = 75$ SQ. FT.

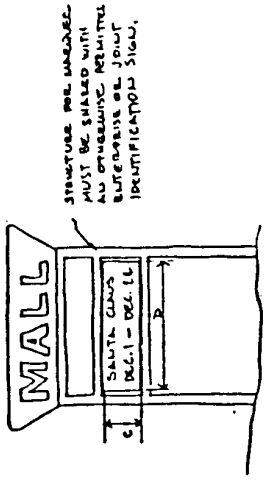


EXAMPLE: B

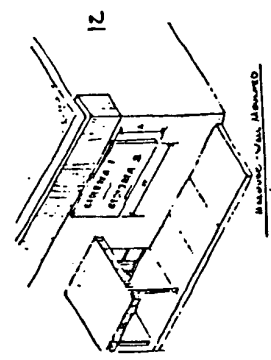
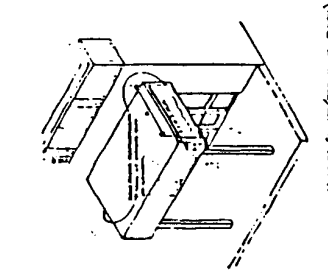
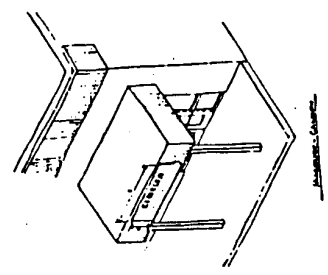
TABLE OF SIGN REGULATIONS

Commercial Signs

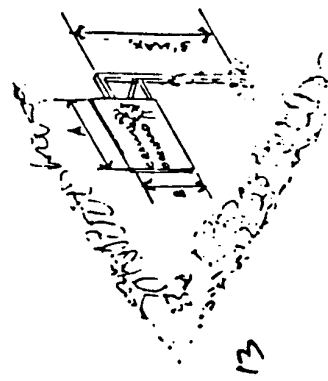
A	B	C	D	E	F	G	H	I
Class	Type	Zone Of Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions
12. Marquee, meaning an accessory sign for displaying changeable message information; see Column C	Wall-mounted; free-standing; canopy	Accessory to theater, stadium or similar public entertainment use or to planned shopping center	Bldg.	Subtracted from total signage allowed in Class 11	Not regulated	Not applicable	Yes	



MARQUEE - FREE STANDING



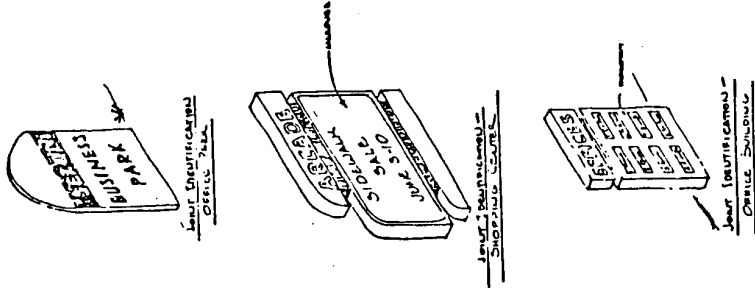
13. Farm enterprise, meaning a sign that displays the identity of a farm and that may also advertise articles grown or produced thereon	Wall-mounted; free-standing	Accessory to farm uses	Bldg.	15 sq. ft.	One	Not regulated	Yes	413.1-C Min. setback 10 ft. from highway right-of-way and 50 ft. from highway intersection centerlines
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FARM ENTERPRISE

TABLE OF SIGN REGULATIONS

Commercial Signs



Class	A	B	C	D	E	F	G	H	I
Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	illumination	Special Conditions		
14. Joint identification, meaning an accessory sign displaying the identity of a multi-occupant non-residential development, such as a shopping center, office bldg., office park or the like; see also Section 429.6.A	a. Wall-mounted	O-1, O-2, OT, MLR, ML	Bldg.	2 sq. ft. per 1,000 ft. of floor area of the building	One per principal building	Not applicable	In O-2, "office building" includes research institute or laboratory 204.3.a.3	Yes	
	b. Free-standing	Accessory to Class B or C office building in O-1	Bldg.	25 sq. ft.	One per lot	6 ft.	204.3.c.3.b	Yes	
	c. Free-standing	Accessory to office building or "accessory use" bldg. in O-2	Bldg.	25 sq. ft.	One per frontage	6 ft.	"Office building" includes research institute or laboratory	Yes	
	d. Free-standing	Accessory to industrial or office park in O-2, OT, MLR, ML	Bldg.	50 sq. ft.	One per vehicular entrance; see Column I	12 ft.	413.6.e In O-2, one additional sign allowed per office park	Yes	
15. Commercial Advertising, meaning a billboard or other non-accessory sign that is commercially maintained principally for calling attention to places, businesses, products, services, or activities that are located, produced, offered or conducted on another premises	e. Free-standing wall-mounted	BL, BM, BR, MR, MH	Bldg.	100 sq. ft.	3	25 ft.	413.2.e & f	Yes	
	f. Free-standing wall-mounted	BL, BM, BR, MR, MH	Bldg.	200 sq. ft.	3	25 ft.		Yes	

SEE THE FOLLOWING CASES:
 Metromedia v Balto. County
 Circuit Court Equity #103167
 82-139-X
 82-226-XSPH
 84-93-X
 84-109-X
 95-18-X
 85-174-X

TABLE OF SIGN REGULATIONS

Temporary Signs

A	B	C	D	E	F	G	H	I
Class	Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Special Conditions

20. Real Estate Weekend Direct-
ional, meaning a temporary, off-
premises sign giving directions
to an individual residential
property

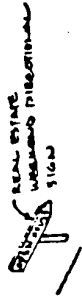
All zones

Use

6" x 24"

3 ft.

None



21. Special Event, meaning a temporary sign in conjunction with a campaign or event sponsored by or on behalf of a civic or other non-profit organization

All zones

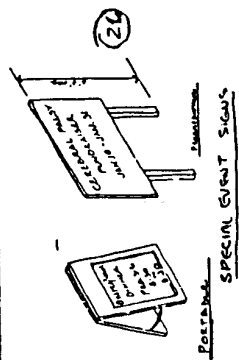
Use

15 sq. ft.

5 ft. for free-standing

None, Beaded reflector

Must be removed within 10 days after the event



22. Commercial Special Event, meaning a temporary sign on premises for sale promotion purposes or to announce distinctive events or information

Accessory to commercial use in all zones

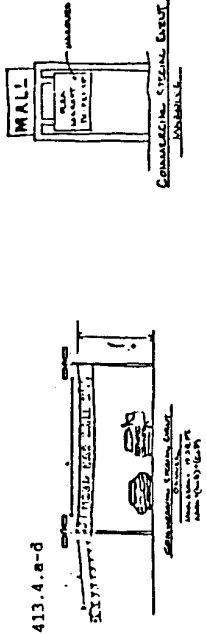
Use

15 sq. ft.

8 ft.

None

413.4.a-d



23. Political Campaign, meaning a temporary sign displaying information about an electoral issue or a candidate for public office

All zones

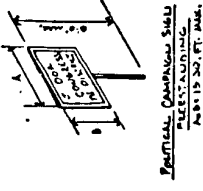
No

15 sq. ft.

8 ft. for free-standing

None, Beaded reflector

413.1.e.2
Must be removed within 10 days after the event.
Use of a commercial advertising sign for campaign messages is not regulated by this class



24. Personal message, meaning an accessory sign displaying a political, religious or personal message

All zones

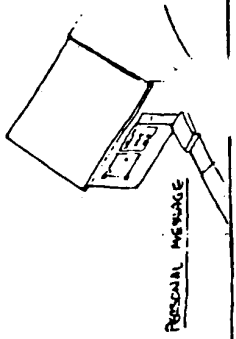
No

Not regulated

not regulated

None not included

Definition does not include political campaign signs



417.1 WATERFRONT CONSTRUCTION

(a) BOAT YARDS & MARINAS/COMMERCIAL & COMMUNITY

1. BOAT RACKS:

A major concern which has recently become a problem as far as over-loading are boat racks. When these racks were first introduced several years ago, they were used for winter storage of boats which had water berths at the marina. But recently, with the dearth of available facilities, many marinas have begun renting space in boat racks as seasonal dry slips; i.e., instead of having a water slip for the summer season, the boat is kept on the boat rack until you call the marina and inform them you want it placed in the water.

Because boat racks increase density on the land, create additional traffic and impervious surface area, it must be considered a substantive change to a Special Exception as granted.

(A) CONDITIONS: Boat racks may be permitted where they will meet the following conditions:

- i. a boat rack, whether in the open or under roof, shall be considered a structure and therefore, require a building or use permit, whichever may be applicable; and
- ii. a setback will be required under Section 417.7 (B.C.Z.R.) if an open/unwalled portion of the structure faces the property line; such setback shall be measured from the property line to the closest point be it either boat, rack or the eaves of the structure itself; and
- iii. each rental space in a boat rack shall be considered a dry boat slip and thus subject to B.C.Z.R. parking requirements under Section 409, unless the petitioner can verify that each boat rack space is the out-of-water storage space for an individual water slip.

(B) INTERPRETATION: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner on a case-by-case basis.

(b) Residential: If, on residentially improved waterfront property a large pier and/or many piles are proposed, justification may be required by the zoning office that the property will continue to be used for private residential purposes. The improvements are approved under a residential permit, then it can be assumed that the zoning approval was for private residential use only.

(c) Unimproved Lots:

1. Waterfront construction (piers, mooring piles, bulkheads) may be constructed on unimproved lots pursuant to Section 417, provided that no accessory buildings/structures are constructed (See 84-275-A; 85-106-SPH);
2. If waterfront construction such as a pier or piles, launching ramp and/or any buildings are proposed on vacant community property, a special exception for a "community building....." is required (See Case 84-251-XA).

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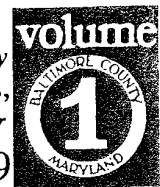
Baltimore County **Zoning Regulations**



*County Executive
Dennis F. Rasmussen
and the
Baltimore County Council*

**Variances
Special Exceptions
Use Permits
Special Hearings**

*adopted by
J. Robert Haines,
Zoning Commissioner
May 1989*



Process & Procedures Handbook



*Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353*

*J. Robert Haines
Zoning Commissioner*

PETITION PROCESS AND PROCEDURE



*Dennis F. Rasmussen
County Executive*

This handbook is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (B.C.Z.R.). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the Baltimore County Zoning Regulations.

Fourth: No employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Zoning Commissioner or Deputy Zoning Commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the B.C.Z.R.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:

Development Control
Zoning Office
111 West Chesapeake Avenue
Room 113
Towson, MD 21204
Telephone: 887-3391

INFORMATION ONLY, NOT LEGAL ADVICE

PROCESS & PROCEDURES:

All requests for Variances, Special Exceptions, Use Permits, and Special Hearings are handled by the Zoning Office. Applications are obtained from and filed with the Development Control Section of the Zoning Office, and all hearings are scheduled before the Zoning Commissioner. The enabling legislation that provides the Zoning Commissioner with the authority is located in Sections 307 & 500 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Zoning Commissioner is the sole interpreter of the B.C.Z.R.

Variances:

Under the authority of Section 307, B.C.Z.R., the Zoning Commissioner has the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases:

- a) Where strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 - 1) "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.
 - 2) To prove practical difficulty for an area variance, the following criteria must be met:
 - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
 - (ii) Whether the grant would do substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
 - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- b. No increase in residential density beyond that allowed by the Zoning Regulations shall be permitted;
- c. In strict harmony with the spirit and intent of height, area, off-street parking, or sign regulations;
- d. And only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

INFORMATION ONLY, NOT LEGAL ADVICE

Before granting any variance, the Zoning Commissioner shall require advertising and posting of the property and shall hold a public hearing. All Orders of the Zoning Commissioner shall contain a finding of fact specifying the reason or reasons for granting or denying each request for a variance.

Special Exceptions:

Because not all uses fit neatly into permitted categories or zones, and under certain conditions various uses could be detrimental; the uses listed as Special Exceptions in the B.C.Z.R. are permitted only if granted by the Zoning Commissioner under the authority of Section 500.5, B.C.Z.R. In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zoning Commissioner shall hold a public hearing. After the hearing he shall pass his Order granting or refusing the Special Exception. In granting any Special Exception, the Zoning Commissioner must find that the use for which the Special Exception is requested will not:

- a. Be detrimental to the health, safety, or general welfare of the area;
- b. Create congestion in roads, streets or alleys;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air;
- g. Be inconsistent with the spirit and intent of the B.C.Z.R.;
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of the B.C.Z.R.

In granting any Special Exception, the Zoning Commissioner may impose such conditions, restrictions, or regulations as he deems necessary or advisable for the protection of surrounding and neighboring properties.

Use Permits:

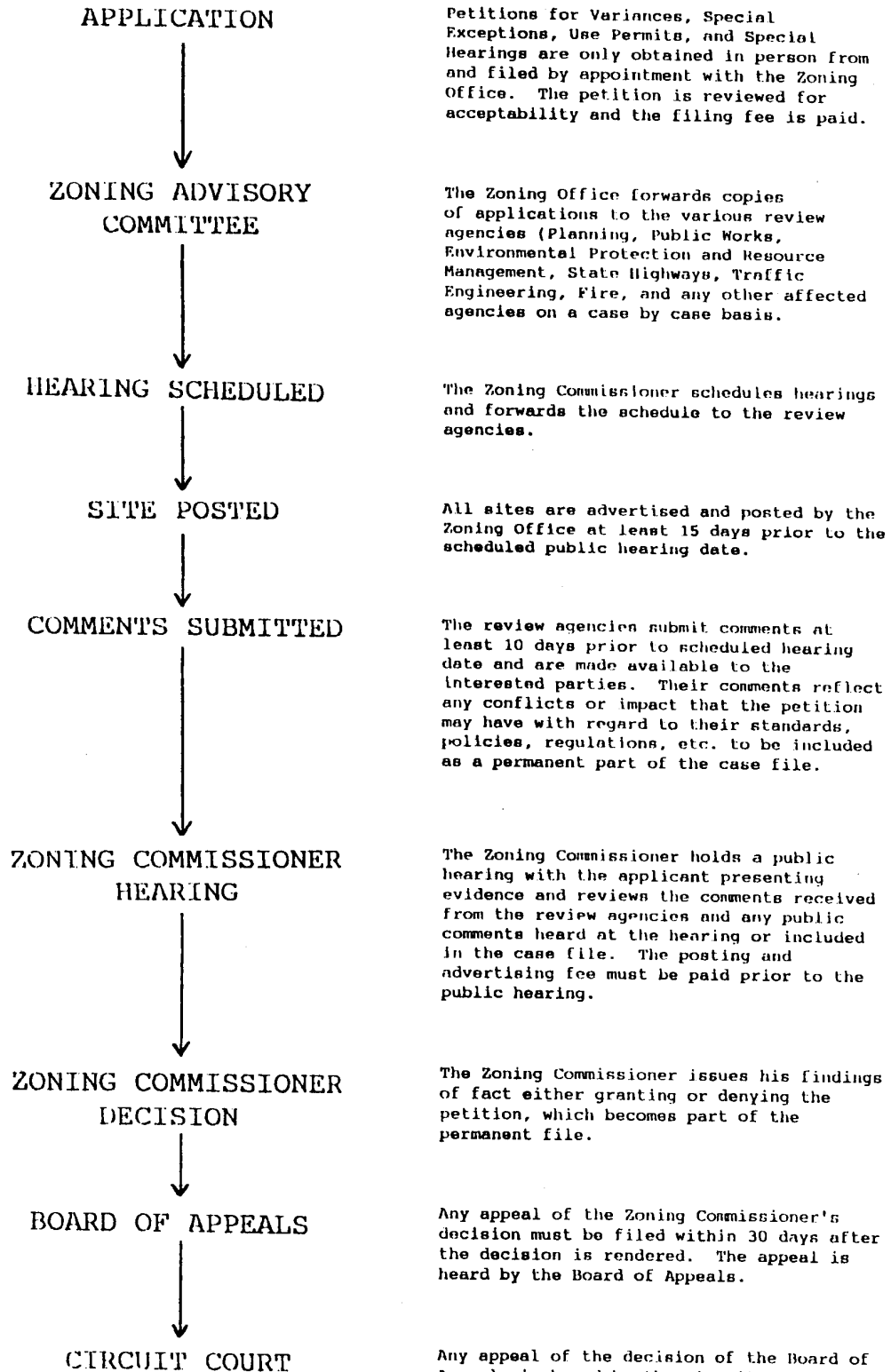
Certain uses have singular, individual characteristics which make it necessary, in the public interest (even though other County permits may not be required), to specify regulations in greater detail than would be feasible in the individual use regulations for each zoning classification. Under the authority of Section 500.4, the Zoning Commissioner has the power to issue a use permit provided that all the conditions for that particular use specified in the B.C.Z.R. are met. Under the authority of Section 500.7, B.C.Z.R., he has the right to require a public hearing whenever he deems it in the public interest.

Special Hearings:

Under the authority of Section 500.6, the Zoning Commissioner has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any Zoning Regulations, or the proper interpretation thereof, and to pass his Order regarding the matter.

Under the authority of Section 500.7, any person can petition the Zoning Commissioner to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the B.C.Z.R.

Review & Judicial Process



INFORMATION ONLY, NOT LEGAL ADVICE

ZONING COMMISSIONER'S POLICY MANUAL

500.8 PUBLIC HEARING RULES

A. Representation by Counsel

1. An individual may enter an appearance at hearing by an attorney or may represent himself. An individual shall include a partnership, joint venture or individual property owner and/or contract purchaser or lessee.
2. A corporation may enter an appearance at hearing only by an attorney. A corporation may file a Petition signed by a representative of the corporation, but there must be representation by counsel at the public hearing.

B. Non-conforming Uses

1. All special hearings for nonconforming principal uses filed before the Zoning Commissioner must be accompanied by detailed site plans prepared by a registered surveyor, or a professional engineer except:
 - a. Nonconforming taverns, bars, and restaurants, that need zoning verification for a liquor license change that does not include a change of ownership outside of the immediate family, or
 - b. if there is a joint or partial ownership change outside of the immediate family, and the original family or owner remains as a major partner.
2. The following information must accompany all non-conforming use petitions:
 - a. 8" x 10" photographs are submitted showing enough detail to document the use as it exists; and
 - b. there is no change in the existing use areas except what may be proposed to reduce or correct any deficiencies; and
 - c. that all site plans accompanying the petition are detailed including use, area, height, coverage, dimensions, setbacks, parking, and other data on the checklist for filing.
3. All non-conforming use petitions involving proposed additions to buildings or use areas, must also include:
 - a. square footage calculations of the ground floor area or footprint of the existing and proposed uses; and
 - b. if the change would involve intensification within an existing use area; the calculations outlining the change would also be required.

ZONING COMMISSIONER'S POLICY MANUAL

500.8 PUBLIC HEARING RULES (Continued)

C. Motions To Amend

1. If a petition for a special exception, variance, and/or special hearing for whatever reasons requires an amendment, the proposed amendment shall be incorporated by reference into the request for variance, special exception, et al. Notice and re-posting may be required at the discretion of the Zoning Commissioner.
2. If the proposed amendment to a previously approved special exception, variance, and/or special hearing, where in the opinion of the Zoning Commissioner the proposed change would materially affect the relief previously granted, the Petitioner shall file a Motion to Amend, using the same case number as the original special exception, variance, et al. Such a Motion shall be made in writing and set forth the relief or order sought, and shall attach thereto a proposed Order.
 - a. The Petitioner shall certify that copies of said Motion have been forwarded, by first class mail to all Protestants of record and to the People's Counsel. Notice shall indicate that a request for hearing must be received by the Zoning Commissioner by the close of business on the twenty-first day from the date of said certification. Further, said notice shall include the statement that if no hearing is requested, a decision shall still be rendered.
 - b. A Motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based.
3. Procedure - Time Periods
 - a. Within ten (10) days after the time the Zoning Commissioner accepts a Motion to Amend under the provisions of this Policy, the Zoning Commissioner shall establish a tentative date to render a decision on the proposed Motion, that date to be not sooner than thirty (30) days nor later than forty five (45) days after the Motion is accepted.
 - i. the date the decision is tentatively scheduled to be rendered is termed the "tentative decision date"; and
 - ii. the date three business days before the tentative date is the closing date.
 - b. At least fifteen (15) days before the closing date, notice shall be conspicuously posted on the property to which the proposed Motion relates and must be maintained on the property in compliance with standard rules promulgated by the Zoning Commissioner.
 - c. If no demand for a public hearing is received by the Zoning Commissioner by the close of business on the closing date, the tentative decision date shall cease to be tentative, and the decision shall be rendered on that date.
 - d. Prior to the issuance of an order, the Petitioner shall submit his proposed amended site plan to the Zoning Plans Advisory Committee for their review. The Petitioner shall be responsible for submitting their comments to the Zoning Commissioner.

SECTION 500.9 The Director of Zoning Administration and Development Management shall have the power to require and approve plans or plats of developments, subdivisions of land, or of any land or site in connection with an application for a building or use permits or petition for a public hearing. All such plans or plats shall be drawn to scale and shall contain sufficient information relative to the proposed or existing use to determine compliance with the Baltimore County Zoning Regulations. At the discretion of the Director of Zoning Administration and Development Management, such plan or plat, shall be required in connection with any violation or alleged violation or any non-compliance or alleged non-compliance with any zoning regulations regardless if a plan or plat relative to a permit application or public hearing petition was previously submitted. The Director of Zoning Administration and Development Management shall enforce compliance with the most recently approved plan or plat and it shall be the responsibility of the developer, builder, or other concerned party to maintain copies thereof.

Section 600- Interpretation

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO J. Robert Haines _____ **Date** February 25, 1991 _____
FROM Arnold Jablon _____
SUBJECT Enforcement of Private Covenants _____

The courts have always clearly expressed the position that a governmental entity cannot enforce private covenants. They are entered into by and between private parties, to which the County is not a party. There is no means by which the County could intervene in a matter to which it is not a party. This is no different than any third party intervening in a matter in which two other parties are entwined and in which the third party has no legal interest.

If the violation of the restrictive covenant does not contradict or contravene a County law, rule, or regulation, there is no action for the County to take. I recognize the issue to which Ms. Hickinbotham refers, but the master deed or by laws of the homeowners association should provide for the enforcement of the covenants and the means by which legal action could be instituted and attorney fees and costs charged. If the County were to intervene, it would in effect take over the legal representation of every homeowners or condominium association in the County.

This issue has been raised before the County Board of Appeals and the courts. In each instance, it has been determined that the County has no standing to enforce privately executed covenants. They are recorded to protect the property owners and to provide notice to purchasers that restrictions exist on the use of property; enforcement is specifically reserved to the homeowners and condominium associations.

AJ/srl

ZONING COMMISSIONER'S POLICY MANUAL

AUTHORITY

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