

Baltimore County, MD
Friday, May 4, 2012

SECTION 1A08. R.C.7 (Resource Preservation) Zone

[Bill No. 74-2000]

§ 1A08.1. Findings and legislative goals.

A. Findings.

1. Master Plan 2010, adopted by the County Council in February 2000, identifies specific resource preservation areas where valuable cultural, historic, recreational and environmental resources are located and should be protected for the health of the local community and the community at large.
2. Among the actions recommended in Master Plan 2010 to protect resources in resource preservation areas is the reduction of permitted residential densities in these areas to one dwelling per 25-50 acres of land.
3. An R.C.7 Zone would allow limited development, compatible with the rural community, and at the same time protect rural resources.
4. The county recognizes the importance of retaining large-acreage parcels to protect and promote the agricultural industry.

B. Legislative goals. The Baltimore County Council seeks to achieve the following goals in the R.C.7 Zone:

1. To preserve and protect total ecosystem function, including riparian and aquatic ecosystems;
2. To protect forests, streams, wetlands and floodplains;
3. To protect the water quality of watercourses, the Chesapeake Bay and regional biodiversity;
4. To respect historic sites in their settings;
5. To provide a quality recreational experience to visitors;
6. To protect remaining prime and productive soils in areas not currently protected by the R.C.2 Zone.
7. To maintain the unique character of a rural area by preserving its natural, historic, cultural, recreational, scenic, architectural and archaeological resources.
8. To provide for the environmentally sound use of land and forest resources, and to prevent forest fragmentation, especially in areas of extensive interior forest;
9. To implement state and federal mandates for the protection of natural resources and rural legacy;

10. To enhance rural character and environmental protection by locating buildings in harmony with site conditions;
11. To preserve the traditional character of rural communities by limiting the scale and intensity of development;
12. To incorporate traditional features of the local built environment into development; and
13. To maintain the rural scale and character of area roads by limiting growth in the volume of traffic generated by local development.

§ 1A08.2. Definitions.

In this section, the following term has the meaning indicated:

BUILDING ENVELOPE

The area on a lot within which all structures except wells, septic systems, stormwater management systems, driveways or fences are permitted to be built.

§ 1A08.3. Permitted uses.

- A. Uses permitted by right. In addition to the uses in Paragraph E of this subsection, the following uses are permitted by right in an R.C.7 Zone:
 1. Dwellings, one-family detached.
 2. Farms and limited acre wholesale flower farms, subject to Section 404.
 3. Open space, common.
 4. 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 mains; shared well and septic systems when approved by the Department of Environmental Protection and Sustainability; or other underground conduits, except interstate pipelines.

[Bill No. 122-2010]

7. Accessory uses or structures, subject to Section 429, including:
 - a. Farmer's roadside stand and produce stand, subject to Section 404.4;
 - b. Home occupations;
 - c. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee;
 - d. Parking and residential garage space, subject to Section 409;
 - e. Signs, subject to Sections 450 and 1A08.8.C.5; and
 - f. Swimming pools, tennis courts and other recreational amenities, if accessory to a dwelling or residential subdivision only.

8. Commercial film production, subject to Section 435.
9. Farmstead creamery, subject to the provisions of Section 404.13.

[Bill No. 34-2009]

B. Uses permitted by special exception. The following uses only may be permitted by special exception in an R.C.7 Zone.

1. The following uses provided that they are located in a principal building that was originally constructed before the effective date of Bill 74-2000; and the building is converted to the new use without any external enlargement after the effective date of Bill 74-2000:
 - a. Antique shop;
 - b. Bed and breakfast;
 - c. Tea room; and
 - d. Residential art salon.
2. Subject to Paragraph E of this subsection, churches and other buildings for religious worship.
3. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals as an accessory use, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees;
4. Public utility uses not permitted by right.
5. Bottled water plant as an agricultural support use, if the source of water is located on the same site as the plant, and provided that the Director of Environmental Protection and Sustainability makes a finding that the proposed facility is not expected to adversely affect the quality of capacity of surface water or ground water.

[Bill No. 122-2010]

6. Campgrounds, including day camps.
7. Farm market, subject to Section 404.4.
8. Golf courses.
9. Horticultural nursery, subject to Sections 404.1 and 404.2.
10. Riding stables.
11. Target archery and field archery ranges.
12. Volunteer fire company or ambulance-rescue facilities.
13. Winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on premises. Temporary promotional events such as wine tasting or public gatherings associated with the winery are permitted within any limits set through the special exception process.
14. Wireless telecommunication towers, subject to Section 426.

- C. Notwithstanding any provision of this section or any other county law or regulation to the contrary, if a property to which the zoning classification R.C.7 is applied had a development plan filed, accepted and pending for approval as of January 19, 2000, the development plan shall be reviewed based on the zoning classification applicable to the property at the time the development plan was filed.
- D. Application of zone. The R.C.7 may not be applied to lands currently zoned R.C.2.
- E. Prior zoning. If a property was zoned so that churches and other buildings for religious worship were permitted by right prior to being zoned as R.C.7, churches and other buildings for religious worship are permitted by right on that property.

§ 1A08.4. Plans and permits.

All development must be in accordance with this section and the standards and guidelines for "rural preservation" and "scenic views" adopted pursuant to this section, and published as part of the Comprehensive Manual of Development Policies.

- A. Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of these regulations. To support the finding, the Director may require information such as building elevations, building cross-sections or viewshed analyses pursuant to § 32-4-224(d) of the Baltimore County Code. The Director must certify that any deviation from this section or the standards and guidelines cited above was necessary to:

[Bill No. 137-2004]

- 1. Meet another standard or guideline;
 - 2. Comply with environmental regulations or otherwise protect resources; or
 - 3. Achieve the best possible site design based on the goals in Section 1A08.1.B.
- B. Before the issuance of any building permit, the Director of Planning or the Director's designee must certify that the proposed development is in conformance with a plan approved pursuant to these regulations.
 - C. A finding pursuant to this section may be appealed to the Baltimore County Board of Appeals within 30 days of the date of the finding by any person aggrieved by the finding.

§ 1A08.5. Scenic views.

To protect the scenic views or, when necessary pursuant to 1A08.4, to mitigate the disturbance of scenic views, the Director of Planning may require that one or both of the following be clearly designated on the final record plat with appropriate notations:

- A. Areas where disturbance of natural vegetation is prohibited; or
- B. Areas where revegetation of landscaping is required.

§ 1A08.6. Development area and standards.

- A. Maximum height. No structure with a height greater than 35 feet is permitted, except as otherwise provided under Section 300.
- B. Area regulations.

1. Maximum lot density. A tract may be developed in an R.C.7 Zone at a maximum density of 0.04 lot per acre of gross tract area (an average of one lot per 25 acres). No lot lying within an R.C.7 Zone and having a gross area of less than 50 acres may be subdivided. Any lot having a gross area of 50 acres or more may be subdivided at the rate of one lot for each 25 acres of gross area. In cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record.
2. Lot area. The area of any residential lot in a major or minor subdivision must not be less than one acre.
3. Building envelope. For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet, and no single dwelling, inclusive of a garage or accessory building, shall have a building footprint that exceeds 5,000 square feet. The placement of the building envelope is determined on the basis of:
 - a. The goals for the zone; and
 - b. The minimum setbacks for the zone.
4. Minimum development allowance. Any lot or parcel of land lawfully existing on the effective date of Bill 74-2000 may be developed with a single dwelling.
5. Setbacks.
 - a. Any principal building constructed in an R.C.7 Zone must be situated at least:
 - (1) Thirty-five feet from the right-of-way of public or private interior streets;
 - (2) Eighty feet from any principal building; and
 - (3) Fifty feet from the rear lot line.
 - b. Any principal building or well constructed, or any use that may be in conflict with any permitted agricultural operation, in an R.C.7 Zone must be at least 300 feet from any adjacent property that was cultivated or used for pasture during the previous three years, as determined by the Department of Environmental Protection and Sustainability, or that is subject to a perpetual agricultural or conservation easement.

[Bill No. 122-2010]

6. Impervious surface coverage — nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than 10% of any lot may be covered by impervious surfaces such as structures or pavement.
7. Historic properties. No building or structure on a development tract which is officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Places, or which is subject to an easement held by the Maryland Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:

[Bill No. 137-2004]

- a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;

- b. An overall photographic and written description of the building, structure or landmark identified has been submitted and is determined to be in compliance with the Secretary of the Interior's standards for the treatment of historic properties;
 - c. Documentation of the preservation, restoration and protection for the building, structure or landmark has been approved by the Director of Planning in consultation with the Maryland Historical Trust prior to issuance of any building permit; and
 - d. When provisions of this paragraph apply to any development, the conditions for approval must be noted on the concept plan and development plan, or the minor subdivision plan.
- C. Performance standards. Conditions for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are intended to foster creative development that promotes the goals stated in 1A08.1.B.
1. Stormwater management. Stormwater management facilities must be integrated with the topography of the site and consistent with the visual appearance of the surrounding natural features.
 2. Buildings.
 - a. Buildings must be located on the least visually prominent portion of the site from the public road, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.
 - b. Buildings should reflect the traditional rural character of the area in architectural form, scale, materials and detailing and in landscaping context.
 - c. Dwellings and other principal use building should be front-oriented to public rights-of-way; reverse-fronted lots generally will not be permitted.
 - d. Institutional uses, when permitted, should be regarded as community landmarks, and treated as permanent, special uses. This status should be reflected in building orientation and location on the site, entryways, landscaping, architecture and exterior building materials.
 - e. All of the exterior walls of a building must be treated similarly with respect to color and architectural details.
 - f. Accessory structures, including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C.7 Zone; however, the height of accessory structures is subject to the provisions of Section 400.
 - g. When buildings are located in open fields because of site constraints, additional landscaping or berms may be required to soften views.
 3. Roads, parking areas and storage areas.
 - a. Interior roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet.
 - b. Curbing must not be used unless required for stormwater management, as determined by the Department of Public Works. When curbing is required, it must consist of mountable curbs of a color that simulates the appearance of aged concrete, in accordance with specifications established by the Department of Public Works.

- c. Fencing of residential properties must be in keeping with rural character. Fences must be either split rail or board on post, and the type of fence must be consistent throughout the development.
 - d. Off-street parking and vehicle or equipment storage areas, when necessary for nonresidential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from the public roads and dwellings.
 - e. Areas for the outside storage of materials or supplies for non-agricultural commercial uses, except merchandise offered for sale by antique shops, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from all public roads and dwellings.
 - f. Street lights, if permitted on interior streets, must be no higher than 14 feet and illuminated by no more than one one-hundred-watt sodium vapor lamp. Fluorescent and incandescent lights are not permitted. The light fixtures should be of a style that diffuses light.
4. Screening. Visual screening for privacy or to block distracting views should be natural in appearance and sensitive to grade relationships. Screens should not disrupt the harmony of the natural landscape or obstruct scenic views.
5. Signs.
- a. Community signs are prohibited. Subdivisions may be identified by street signs.
 - b. A nonresidential principal use may be identified by:
 - (1) An enterprise sign, subject to Section 450; or
 - (2) An identification sign, subject to Section 450.

§ 1A08.7. Inconveniences arising from agricultural operations.

Any dwelling in an R.C.7 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including noise, odors, fumes, dust, the operation of machinery or aircraft of any kind during any twenty-four-hour period, the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.