SECTION 1B01 - Regulations With Respect to D.R. Zones in General

§ 1B01.1. - General use regulations in D.R. Zones.

A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

[Bill No. 2-1992]

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402:
   a. In all D.R. Zones: single-family detached, semidetached or duplex dwellings.
   b. In all D.R. Zones: alternative site-design dwellings, subject to findings of compatibility pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code, and as provided for in the Comprehensive Manual of Development Policies.

[Bill No. 137-2004]

   c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings.

[Bill No. 85-1997]

   d. In D.R.10.5 and D.R.16 Zones: group houses and multifamily buildings.

[Bill No. 85-1997] [1]

2. Trailers or mobile homes (Section 415).

[Bill No. 27-2015]

3. Churches, other buildings for religious worship or other religious institutions.
4. Aboveground electrical-power, telephone, telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
5. Other cables; conduits; gas, water or sewer mains; or storm-drain systems, all underground.
6. Excavations, uncontrolled (as defined in Section 101).
7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404).

[Bill No. 41-1992]

8. Garages, community.
9. Hospitals.

[Bill No. 37-1988]

10. Local open space tracts or other common amenity open space.
11. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations.

[Bill No. 47-1982]

12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools.

[Bill No. 200-1990]

13. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122-1984, subject to the zoning regulations in effect at the time of the approval by Baltimore County of the institute or laboratory.

[Bill No. 122-1984]

14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training and private colleges on properties recommended for designation for institutional/educational uses in a Community Plan adopted by the County Council.

[Bill Nos. 63-1980; 47-1982; 47-1985; 90-2018 ]

15. Signs, nonaccessory, to the extent permitted under Section 413.
16. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.

[Bill Nos. 220-1981; 137-2004]

17. Transit facilities.

[Bill No. 91-1990]

18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:
   a. Accessory radio or television receiving antennas.
   b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than ten feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line. [2]
   c. Home occupations, as defined in Section 101 [3]

d. Parking spaces, including accessory garage spaces.

e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.

f. Signs, subject to Section 450.

[Bill No. 89-1997]

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

[Bill No. 71-1987]

19. Commercial film production, subject to Section 435.

[Bill No. 57-1990]

20. Snowball stands, permanent or temporary, in the D.R. 5.5 Zone if in existence for at least 25 years prior to the effective date of this Act and situated on property adjacent to R.O. zoned property, and with dual frontage along public roads; subject to any additional conditions and restrictions imposed and permits required by Baltimore County.

[Bill No. 88-2016 [4]]

B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.

[Bill No. 124-1981]

1. Residential transition areas and uses permitted therein.

[Bill No. 2-1992]

a. Definitions and purpose.

[Bill No. 2-1992]

(1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

(2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which:

[Bill Nos. 2-1992; 8-2004]

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA.

[Bill No. 2-1992]

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of the Departments of Public Works and Transportation, Planning, Environmental Protection and Sustainability, Permits, Approvals and Inspections, Recreation and Parks, or Economic and Workforce Development, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

[Bill Nos. 122-2010; 71-2013; 33-2021 ]

(2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

[Bill No. 137-2004]

d. A residential transition use is any use:

[Bill No. 2-1992]

(1) Permitted as of right under Section 1B01.1.A; or

(2) Any use permitted by special exception under Section 1B01.1.C, except an accessory use permitted only by special exception; or

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas.

[Bill No. 2-1992]

(1) The RTA may contain single-family detached, semidetached or duplex dwellings.

(2) Group-house, back-to-back group houses, multifamily building and parking lots shall be set back from the tract boundary 75 feet and provide a 50-foot RTA buffer.

(3) The 50-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.