

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2026, Legislative Day No. 1

Bill No. 4-26

Mr. Izzy Patoka, Councilman

By the County Council, January 5, 2026

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Density Residential (D.R.) Use Regulations in Existing
Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify the
County Council’s intent regarding certain existing or proposed developments in the D.R.
Zone with respect to any lot which is in a recorded residential subdivision approved by the
Baltimore County Planning Board or Planning Commission and which has been used,
occupied or improved in accordance with the approved subdivision plan; and generally
relating to existing or proposed developments in the D.R. Zone.

BY repealing and re-enacting, without amendments

Sections 1B00.1.A-F, 1B00.2.A-E, and 1B01.1.B.3
Baltimore County Zoning Regulations, as amended

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

BY repealing and re-enacting, with amendments

Section 1B01.1.B.2
Baltimore County Zoning Regulations, as amended

WHEREAS, on September 2, 2025, the Appellate Court of Maryland issued an unreported opinion in Case No. 499 (September, 2024 Term) titled, In the Matter of Andrew and Sarah Segal (the “Opinion”); and

WHEREAS, among other things, the Opinion interpreted §1B01.1.B.2 of the Baltimore County Zoning Regulations to “restrict [the] use of land in existing [residential] developments [that existed prior to August 5, 1970, were in a Density, Residential (D.R.) zone as of that date, and have remained in a D.R. zone until the present day] to uses lawfully established on a particular parcel of land as of August 5, 1970, when §1B01.1.B.2 went into effect”; and

WHEREAS, the Court’s interpretation of §1B01.1.B.2 – as enacted in Bill 100-70 – represents an interpretation that is inconsistent with the County Council’s intent, and is at odds with over 50 years of administrative rulings and caselaw regarding the County’s residential Zoning Regulations; and

WHEREAS, the effect of the Opinion may also call into question a number of residential and non-residential approvals the County has granted in the intervening 55 years, including dozens of synagogues, treatment facilities, rehab facilities, nursing homes, professional offices, home office conversions, parking and storage lots, and accessory dwelling units, among others; and

WHEREAS, the Court’s interpretation of §1B01.1.B.2 revolves around a particular phrase which stated that the uses permitted on an existing residential property “*shall be limited to those now lawfully established*” (emphasis added); and

WHEREAS, examples of uses currently permitted in the D.R. Zone that were not permitted under Bill 100-70 include: alternative site-design dwellings; mobile homes; produce stands in association with a farm; privately sponsored day care and nursery programs, as an ancillary use; Class A group child care centers and Class B group child care centers providing for up to 40 children; antennas used by CATV (Cable Television) systems operated by companies franchised under Article 25 of the Baltimore County Code; transit facilities; swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes or other accessory structures or uses; snowball stands; central community hubs; and converted builder show houses; and

WHEREAS, the Court's interpretation appears to ignore the context in which the County Council enacted Bill 100-70 in the first place, which not only set forth §1B01.1.B.2, but also established the modern residential zoning scheme that persists today in the Zoning Regulations; and

WHEREAS, prior to Bill 100-70, the Council was constantly revising the residential zoning for individual properties being developed because such zoning changes were required to manage the density and uses of each individual plot; and

WHEREAS, the modern D.R. zoning scheme, which originated in Bill 100-70, was established to give greater flexibility to develop tracts within the allowed density and uses without the need to micro-manage the zoning or use of each individual plot; and

WHEREAS, this is evidenced by the declaration of findings and purpose sections of §1B00 in Bill 100-70, which precede and underpin all of the D.R. zoning regulations, including §1B01.1.B.2; and

WHEREAS, the declaration of findings and purpose have remained substantially unchanged since the enactment of Bill 100-70 and are stated below; and

WHEREAS, in order to clarify the Council’s intent in Bill 100-70 and the subsequent interpretation of §1B01.1.B.2 over the years, including the potential invalidation of over 55 years of approvals by the County, the Council deems it appropriate to revise §1B01.1.B.2; now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

ARTICLE 1B – DENSITY RESIDENTIAL (D.R.) ZONES

SECTION 1B00 – Legislative Statement of Findings;

Policy with Respect to D.R. Zones in General

§ 1B00.1. Declaration of findings.

The Baltimore County Council finds:

A. That residential zoning regulations heretofore in effect have not been conducive to the creation of housing diversity in Baltimore County subdivisions;

B. That minimum standards for individual lots, having been derived from maximum overall density standards, have resulted in an excessive spreading of residential development over subdivision tracts; such spreading of development has led to removal or undesirable transformation of natural vegetation and other features more properly left in their natural or previous states, and has led to visual monotony;

C. That zoning reclassifications based on lot sizes and types of housing have, in some situations, prevented the construction of the maximum numbers of housing units intended

1 to be permitted on development tracts, especially in cases of severe topographical variation, or
2 have induced “cramped” layout or other undesirable subdivision design characteristics as
3 accommodation of maximum density is achieved;

4 D. That evolving markets for types of housing units not permitted in lower-
5 density zones have created pressures leading to frequent rezoning, ultimately resulting in vastly
6 greater population levels than have been planned for, tending to nullify planning efforts and to
7 overload and overcrowd public facilities;

8 E. That, as a result of such rezoning, residential zoning classifications at the
9 various density levels have not been applied to a satisfactory degree in proper relation or with
10 sufficient regard to: location or size of commercial or industrial areas or uses; utilities,
11 motorways, schools or other public facilities; timeliness of development; conservation and
12 allocation of land resources; and other factors which should be considered in planning for the
13 development of the county on the basis of a comprehensive rationale;

14 F. That, in light of the above findings, it is in the interest of the general welfare
15 that new zoning classifications, formulated so as to avoid such effects in future residential
16 development, be established as hereinafter provided;

17
18 § 1B00.2. Purpose.

19 The D.R. zoning classifications are established, pursuant to the legislative findings set
20 forth above, in order to:

21 A. Foster a greater variety in housing types within future residential
22 developments;

23 B. Allow more feasible preservation of natural features and induce the

1 reservation of ample and more suitably designed open spaces and parks, in order to better satisfy
2 the needs of residents without economic disadvantage to developers;

3 C. Allow greater flexibility in subdivision-development planning and provide for
4 the inducement of more creative as well as more economic approaches to residential
5 development, with the goal of desirable and distinctive identity and character of individual
6 residential locales;

7 D. Provide the means to satisfy differing housing-market requirements without
8 rezoning, and thus without disruptive changes in density potential;

9 E. Provide for the application of residential zoning classifications in a manner
10 more nearly in accord with comprehensive plans and comprehensive-planning goals; and
11

12 Section 1B01 – Regulations With Respect to D.R. Zones in General

13

14 § 1B01.1. General use regulations in D.R. Zones.

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

17 2. Use regulations in existing developments. In existing developments as
18 described in Subsection A.1 of Section 1B02.3, uses shall be [limited to] those [now lawfully
19 established] USES PERMITTED UNDER THE ZONING REGULATIONS or to those indicated
20 in the subdivision plans on file with the Department of Permits, Approvals, and Inspections,
21 except as may otherwise be permitted under provisions adopted pursuant to the authority of
22 Section 504.

1 3. Use regulations for existing subdivision tracts. On subdivision tracts for which
2 tentatively approved plans remain in effect as described in Subsection A.2 of Section 1B02.3, the
3 uses permitted shall be those indicated in the plan or, where the use is not indicated and if not
4 inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at
5 the time the tentative approval was granted.
6

7 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall apply retroactively
8 to all approvals granted under §1B01.1.B.2 of the Baltimore County Zoning Regulations as of
9 the enactment of Bill 100-70.
10

11 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
12 the affirmative vote of five members of the County Council, shall take effect 14 days after its
13 enactment.