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The Zoning And Planning Process In Baltimore County And Its Effect On Minority Group Residents

A Report of the Maryland State Advisory Committee
to the United States Commission on Civil Rights

MARCH 1971

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CC TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

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CONTENTS

	<u>Page</u>
Preface	iii
Introduction	iv
Affected Black Communities	1
Turners Station	1
Edgemere	2
Back River Neck	2
Bengies-Chase	3
Loreley	4
East Towson	5
Lutherville-Seminary Avenue	6
Bare Hills	6
Catonsville Pines	7
Summary and Conclusion	8
Recommendations	11
Appendices	16

PREFACE

The United States Commission on Civil Rights

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The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the Maryland State Advisory Committee. The conclusions and recommendations are based upon the Advisory Committee's evaluation of information received as a result of an open meeting held in Baltimore, Maryland on January 5, 1971 and of staff reports in 1970 and early 1971. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

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INTRODUCTION

Following a 3-day hearing in August 1970 by the United States Commission on Civil Rights in Baltimore on the civil rights implications of suburban development in that county, the Maryland State Advisory Committee to the Commission was impelled to pursue the issues involved in detail.

The Commission hearing was part of its long-term study of suburban development in various parts of the country to determine the extent to which minority group members are sharing in this rapid growth and benefiting from its relative prosperity. Insofar as barriers exist, and it is patent that they do, the Commission has attempted to determine which groups in our society are responsible for their presence and what actions will assure that minority group members have the same right as majority group members to live in suburbia if they choose to do so.

In Baltimore the Commission studied activities at all levels: the role of private individuals and citizens' organizations; the role of private builders, real estate brokers, and financial institutions; the role of government in the city, the county, and the State; and, finally, that of the Federal Government.

Baltimore County was selected for this inquiry by the Commission, not because it was felt that conditions were worse there than in other areas, but because the Commission considered the county to be fairly typical of most suburban areas in its growth patterns and in the problems which burgeoning suburban developments have raised for black people.

Following a trend representative of large metropolitan areas, the Baltimore area has become increasingly polarized in its residential configurations. In 1960, Baltimore County's black residents made up about 3½ percent of the total population while the city was 35 percent black.

By 1970, the county, according to preliminary census estimates, was no more than 3 percent black, while the black proportion in the city was approaching one-half. (See Appendices A and B.)

Among the Commission's subjects for investigation in the Baltimore area was the zoning and planning process of Baltimore County. The old and new zoning regulations of the county, the subdivision ordinance, the existing zoning maps, the proposed Guideplan, and the process of zoning change by petition were studied. Officials and staff members of the county government were interviewed and participated in the hearing.

In a report prepared for the Commission hearing, urban planning consultant Yale Rabin concluded:

Development activities in Baltimore County over the past 10 years have functioned to substantially reduce housing opportunities in the county for low-income, predominantly (but not exclusively) black households.

Nonresidential zoning of black residential areas was a significant factor in many of the demolitions of homes occupied by low-income black families/ which have taken place, and several other remaining low-income black residential areas are similarly zoned for industry or business

The expansion and renewal of some black residential areas is prevented by adjacent nonresidential zoning or unreasonably low density residential zoning.

Some black residential areas are isolated from their surroundings and particularly from adjacent white residential areas by discontinuous street patterns.

Many black residential areas are characterized by unpaved streets and a generally low level of public improvements, while adjacent white residential areas often have paved streets and are better served by public improvements.

Blacks have not shared proportionately in the benefits of subsidized suburbanization generated in large measure by the construction of highways and reinforced by home mortgage insurance, school subsidies, and public utilities grants.

Zoning and other development-control activities in Baltimore County have served to reinforce local discriminatory attitudes and practices, and have played a major role in significantly altering the income distribution of the black population in the county through systematic displacement of low-income black households.

The likely effects of the continuation of present policies and practices by the county are: low-income blacks (and some whites) will be forced to leave the county (and move to the city) through rezoning, restrictions on growth, and condemnation of older housing; and the county will reduce its share of the costs of providing health, welfare, and educational services to low-income households by imposing those costs on the city.

Zoning and planning are pivotal in determining the nature and composition of a community. And because of the deficiencies that had been revealed at the hearing, the Maryland State Advisory Committee decided, when the county planning board recommended new zoning maps to the county council, to take a second look at the zoning and planning proposed for the county. In addition, the Committee felt other governmental action which could affect present or potential black residents of the county needed to be reviewed.

On January 5, 1971, the Committee held an open meeting in Baltimore County. In the course of the evening, the Committee heard statements from an urban planning consultant; from the director of the Baltimore County Office of Planning and Zoning, the chairman of the planning board, and the county's director of public works; from residents of Turners Station, Bengies-Chase, Loreley, East Towson, Bare Hills, Lutherville, and Catonsville as well as from the executive director of the county community relations commission and the executive director of the State human relations commission. A transcript of this open meeting is available at Commission headquarters in Washington, D. C. The report that follows briefly describes the effect of proposed zoning and planning changes on several black communities as seen by the Advisory Committee, and reported by residents of the affected areas.

It should be understood that in its discussion of zoning changes, this report deals only with the zoning maps recommended by the planning board in November 1970.

AFFECTED BLACK COMMUNITIES*

Turners Station

Turners Station is the largest of the black communities in Baltimore County. It is located on the Patapsco Neck Peninsula west of Bear Creek, at the southern end of the Dundalk area.

In recommending zoning for Turners Station, the planning board, according to George Gavrelis, Baltimore County Director of Planning, "affirmed the residential character of the area, increased density very slightly for a small parcel and continues to affirm the industrial potentials along the harbor itself."

While zoning is not at this time a significant problem in Turners Station, the present and proposed construction of freeways and other highways is very significant. A resident told the Committee that he expected Turners Station to be eliminated. A whole network of freeways would completely isolate the area, which is relatively isolated now. This isolation will be further reinforced by the proposed upgrading of Main Street, which is at the western edge of Turners Station. A resident complained that a beach area would be eliminated by the planned second harbor crossing. He observed that the State claims not to want to eliminate this beach, but he said, "If you don't eliminate the beach you have to eliminate some of the private citizens from the area so it's either the beach or the citizens."

In examining the zoning for the Turners Station area, the county planners did not consider the highway construction that had been proposed for the area.

*For a map showing the location of the communities discussed, see Appendix C.

Edgemere

Edgemere is a small, low-income black community immediately to the east of Sparrows Point. A freeway shown on the proposed Guide-plan goes through the Edgemere area.

Although a decision to build a freeway in that area has not yet been made and the exact route has not been studied, past experience with the construction of highways, generally, and with their construction in Baltimore County, specifically, leads to concern that the Edgemere community might be threatened by future highway construction.

Back River Neck

The Committee considered two black communities in this area: Hopewell Avenue and Back River Neck Road. For the Hopewell Avenue community, the planning board has recommended that the present residential zoning be retained and that commercial zoning be restricted to the frontage along Back River Neck Road. Recently, the zoning commissioner granted a business roadside (BR) zoning for a car wash on the east side of Back River Neck Road north of Hopewell Avenue. This BR zone would encroach upon the Hopewell Avenue residential area. Zoning will remain residential, however, unless the county council adopts the ruling of the zoning commissioner and refuses to accept the recommendation of the planning board.

A number of black families live along the Back River Neck Road near Middleborough Road. This area received a business roadside zoning in 1966. The planning board has recommended that the commercial zoning be changed to residential to reflect the existing residential use.

Bengies-Chase

The black community of Bengies-Chase can be divided, somewhat artificially, into six areas. These are:

1. Along Eastern Avenue Extended between Carroll Island Road and the Chase School
2. Eastern Avenue Extended at Minnow Branch Road
3. Bengies Road east of Wampler Road
4. Earls Road north of Eastern Avenue extended
5. Eastern Avenue near Ebenezer Road (Chase)
6. North of Eastern Avenue Extended and east of Earls Road

The pre-existing zoning was residential for areas 2 and 5; manufacturing for areas 3, 4, and 6; and a mixture of manufacturing, commercial, and residential for area 1. The planning board recommended that areas 3 and 6 be rezoned for residential use. The recommendation for the other areas was to leave them unchanged. These area residents are upset because they fear the continued manufacturing zoning of much of the area will prevent the Bengies-Chase community from expanding.

The Committee was told that a flight pattern exists over some of the residential areas of Bengies-Chase and that this makes the area less attractive and less appropriate for residential use. This feature of the Bengies-Chase area was not mentioned in the statement of the director of the office of planning and zoning.

Prior to 1966 most of this area had been zoned for residential use. In that year, however, much of it was rezoned for industrial use. Residents of the area said that they did not receive notice of the proposed rezoning in 1966. They are concerned that the county council

will not accept the recommendations of the planning board to rezone some of these areas for residential use. Black residents told the Committee that the black population is declining because of the extensive industrial zoning and the influx of speculators.

The low density residential use proposed for much of the area is not very logical since few black families will be able to afford 1 acre lots. Higher density zoning, however, is made less feasible because of the lack of sewage facilities in the area.

In addition, freeways shown on Baltimore County's proposed Guideplan cut through two of these six areas, 1 and 3, creating the same danger of total isolation that threatens the Edgemere area.

Loreley

The black community of Loreley is divided among five small areas.

These are:

1. Loreley Road south of Pulaski Highway
2. Red Lion Road west of Allender
3. Philadelphia Road west of New Forge Road
4. Forge Road west of Winkler Street
5. Pfeffer Road north of Philadelphia Road, mostly south of JFK Highway

There were no zoning changes in these areas. Area 1 is squeezed between a manufacturing zone located between it and Pulaski Highway and a proposed park on the other side. Area 2 will continue to be zoned under the planning board recommendation for light manufacturing.

Area 3 will continue to be zoned for residential use. Area 4 is recommended for 1 acre lots, although it is between two areas which are recommended for half acre lots. Area 5 is within the rural holding zone (RDP). Although the entire Loreley area is beyond the Urban Rural Demarcation Line, one of the five sections is zoned for industrial use and is crowded by an industrial zoning.

East Towson

During the last 30 years, the black residential area of Towson has been continuously reduced by public and commercial construction. The only remaining black neighborhood in Towson is that of East Towson. A substantial part of the loss of black population can be accounted for by the construction of a Towsontown Junior High School in 1949, the fire department headquarters in 1955, and the county police headquarters in 1960. Most recently, the central business area has been undergoing rapid growth which has been squeezing the black population of East Towson.

The county's urban renewal program, which was defeated in a referendum in 1964, included not only a plan to provide replacement housing for people in areas slated for redevelopment, but also a general low-income housing program. Private redevelopment in Towson has not been accompanied by the provision of relocation housing.

The proposed zoning in the East Towson area creates a small garden apartment zone in what had formerly been a manufacturing zone. This is to provide a site for relocation housing for families displaced by a planned ring road. Otherwise, the recommended zoning does nothing to halt the continued encroachment of the Towson central business area into the black community of East Towson.

a rezoning would limit the residential expansion of their community and that it would be possible to provide access from the existing residential area.

Furthermore, efforts on the part of the black community to fight industrial encroachment have frequently proved fruitless. A Bare Hills resident explained that when a protest was lodged concerning a plant built on residential property, the newspaper reported: "The Baltimore County land developer who built the manufacturing plant practically on a residential zone had the violation legalized yesterday over the protests of community residents."

Catonsville Pines

The planning board has recommended residential zoning with a density of 16 density units per acre for 17 acres in this area. Residents are concerned that this zoning would lead to overcrowding--adequate facilities do not now exist to provide for a substantial increase in population in the area.

There is also concern that development of the tract would make impossible the preservation of a very old black cemetery located there and that it would cause present residents to be displaced.

Although the planning board recommended residential zoning for the northeast corner of Lincoln Avenue and Route 40, a petition has been filed asking for office building zoning for the corner. This was rejected by the zoning commissioner, but a decision has not yet been made by the board of appeals. Residents of the area are concerned that if the petition is granted, the county council will designate the site for office building zoning.

SUMMARY AND CONCLUSIONS

After the Commission's August hearing, staff of the county's office of planning and zoning re-examined the existing and proposed zoning for the county's black residential areas, interviewed residents of these areas, and tried to recommend new zoning proposals that would take into better account the needs and interests of the county's black communities. On the whole, the recommendations of the planning board would provide better zoning for black residential areas, reducing the threat to their existence from the expansion of nonresidential uses.

Of six black areas in the Bengies-Chase area, two which had been zoned for industrial use have been recommended for rezoning as residential. The planning board has also recommended residential zoning for a part of Back River Neck Road where black families live which had previously been zoned for commercial use.

In other areas, the recommendations of the planning board do not appear to be as satisfactory. The land zoned for industrial use adjacent to Bare Hills is to be expanded, although residents of the area believe that this will curtail the growth of their neighborhood. In reply, the planning board maintains that the land in question is not suitable for residential use. One part of the Loreley area is to be left with industrial zoning.

There is concern among black residents of the county that the county council will not adopt recommendations of the planning board that black residential areas be rezoned from industrial or commercial use to residential use. There is also concern that the county council will not accept the planning board's recommendation to retain the residential zoning of some black residential areas. It is feared that the council will grant nonresidential zoning in two areas:

- (1) On Back River Neck Road, business roadside zoning, adjacent to the black community of Hopewell Avenue, was granted by the zoning commissioner. No appeal was taken.
- (2) In Catonsville, application for zoning for an office building at the corner of Lincoln Avenue and Route 40 was rejected by the zoning commissioner; decision by the board of appeals is awaited.

To summarize, if present trends and priorities are not reversed, one can expect Turners Station to become increasingly isolated and a much less desirable place to live because of highway construction; the Bengies-Chase and Loreley areas to be restricted in their development by nonresidential zoning and to remain under the threat of partial destruction due to highway construction; East Towson to gradually give way to the economic forces of the growing Towson center, aided by key public improvements; Bare Hills and Lutherville to keep their present small size but risk becoming less desirable places to live if industrial or commercial expansion occurs; and the black neighborhoods of Catonsville to become increasingly ghettoized unless steps are taken to maintain and improve municipal facilities and to reduce the isolation of the area.

The zoning petition process appears to be helping to eliminate black communities by a process of attrition. It is a constant struggle for black people to keep commercial development away from their homes, and the resources at their disposal are so meagre that many homeowners simply give up, sell out, and move to the city. Their properties are bought up by speculators and commercial interests who seldom fail to win zoning changes. One by one black homeowners leave, commercial development takes over, the community becomes a less pleasant place in which to live, and more families are constrained to leave. Many blacks feel they cannot live in Baltimore County without facing the harassment and frustration of having to fight for services to which they are entitled (and which whites receive as a matter of course) and against commercial development in their communities. The ultimate conclusion to be drawn is that blacks are clearly second-class citizens in the eyes of at least certain branches of the county government.

Despite the diligent and commendable effort of the office of planning and zoning, the recommended rezonings represent little more than a holding operation for many of the county's black communities. Residential zoning does not allow for growth if the lot size required is larger than potential residents can afford. A viable community cannot come into existence if it is penned in by possible industrial uses, squeezed by parks, and its very existence threatened by highway construction at some point in the future.

RECOMMENDATIONS

The Maryland State Advisory Committee to the U. S. Commission on Civil Rights recommends the following actions to assure the preservation of black residential areas in Baltimore County and the opportunity for all groups to live in the county:

1. The Baltimore County Council should preserve the planning board's recommendations for the residential zoning of black enclaves which have previously been zoned for nonresidential use or which are now endangered by administrative rezonings for nonresidential uses. These areas are Hopewell Avenue, Back River Neck Road, Bengies Road east of Wampler Road, the north side of Eastern Avenue east of Earls Road, and the north-east corner of Route 40 and Lincoln Avenue in Catonsville.
2. The county council should increase the amount of residential zoning in Bare Hills.
3. The county should hold in abeyance any higher density residential development in the Catonsville Pines area because of the poor condition of access roads leading to the area proposed for higher density. The county government should assure that any further development in Catonsville Pines does not displace existing residents of the area and does not create congested traffic, should preserve the cemetery that exists in the area, and should not allow the area to become overcrowded.

4. After further planning and consultation with residents in the area, the county should increase the amount of land in the Bengies-Chase and Loreley areas that is zoned for residential use. It should make certain that land is not zoned for industrial use unrealistically and should use rural zoning (RDP--Rural Deferred Planning) rather than industrial for land beyond the Urban-Rural Demarcation line.
5. The State and county should not build highways that will surround Turners Station and threaten the viability of that area, nor should the State and county build highways that threaten the viability of the East Towson community.
6. The planning board should remove from the Guideplan highways that have been unrealistically or prematurely planned. When future transportation facilities are projected, they should be located so that the disruption of black communities and the displacement of black residents will be kept to a minimum.
7. Consistent with sound planning, the county should extend the normal suburban amenities--water and sewer facilities, paved streets and roads, recreational facilities and the like--to black residential areas where they are now lacking.
8. In cooperation with nonprofit sponsors such as SHEI (Suburban Housing Enterprises, Inc.) and with private companies, the county should improve and expand the housing in black residential areas.
9. Consistent with sound planning principles and taking due account of the desires of residents of the areas, the county should make sure that street patterns do not isolate black residential areas from neighboring white residential areas:

The Committee recommends the following further actions to officials of Baltimore County to improve the racial climate and to make the amenities of the county more readily available to blacks and to lower-income families:

1. The county representatives in the State legislature should actively support passage of strong fair housing legislation for Maryland.
2. The county should enact a strong fair housing ordinance.
3. The county should require builders and real estate brokers to take affirmative action to market their properties to blacks.
4. The county should initiate a program to convince black residents of the city of Baltimore that they are welcome to move into any community of Baltimore County and should take whatever action is necessary to insure that blacks do in fact have such an opportunity.
5. The county should form a housing authority and help create an adequate housing supply for low-income residents of the county as well as for low-income residents of the city of Baltimore who would like to move to or return to Baltimore County. This housing could be provided through cooperation with the city of Baltimore or by a Leased Housing, Turnkey, or Rent Supplement program of the county.
6. The county should require developers to provide for a certain percentage of moderate-income housing units when new housing is being planned.

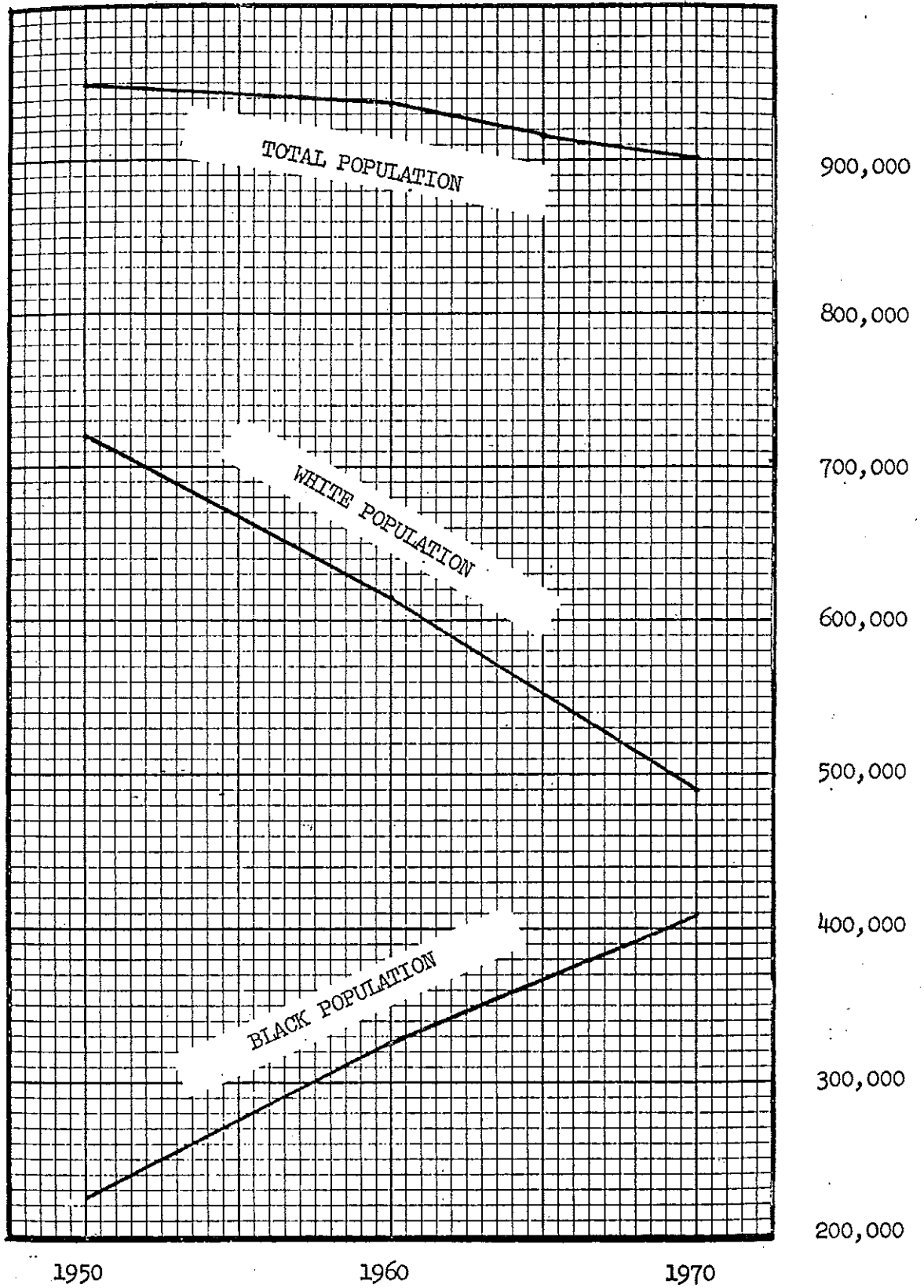
7. The county should work with developers of, or itself develop, Planned Unit Development (PUDs) or new communities in order to design such development in a way that will insure maximum racial and economic residential integration.
8. The county should take whatever action is needed to requalify for Metropolitan Development Grants from the Department of Housing and Urban Development.
9. The county should work to improve the planning and the goals of the Regional Planning Council in order to requalify the RPC for Sec. 701 planning grants from the Department of Housing and Urban Development.
10. The county executive should assure that blacks and low-income residents of the county are adequately represented on the planning board. In doing this, he should keep in mind that a group is generally best represented by one of its own members.
11. The planning board and the director of the office of planning and zoning should ascertain that the planning staff is made up of well trained and highly competent planners and should make a special effort to employ black planning professionals.
12. The county should take affirmative action to increase minority employment in the county government, especially at the professional and supervisory levels.
13. Petitions for zoning changes should be submitted for review to the community relations commission and the department of social services of the county.
14. In areas appropriate for immediate residential development, the county should increase the amount of land zoned for medium

and high density residential use in order to accommodate more low-income and black families. This is particularly important if rezoning of black residential areas from residential to nonresidential use displaces black families.

15. The county should create a separate zone for office use so that the DR 16 zone can be reserved unequivocally for residential use.

APPENDIX A

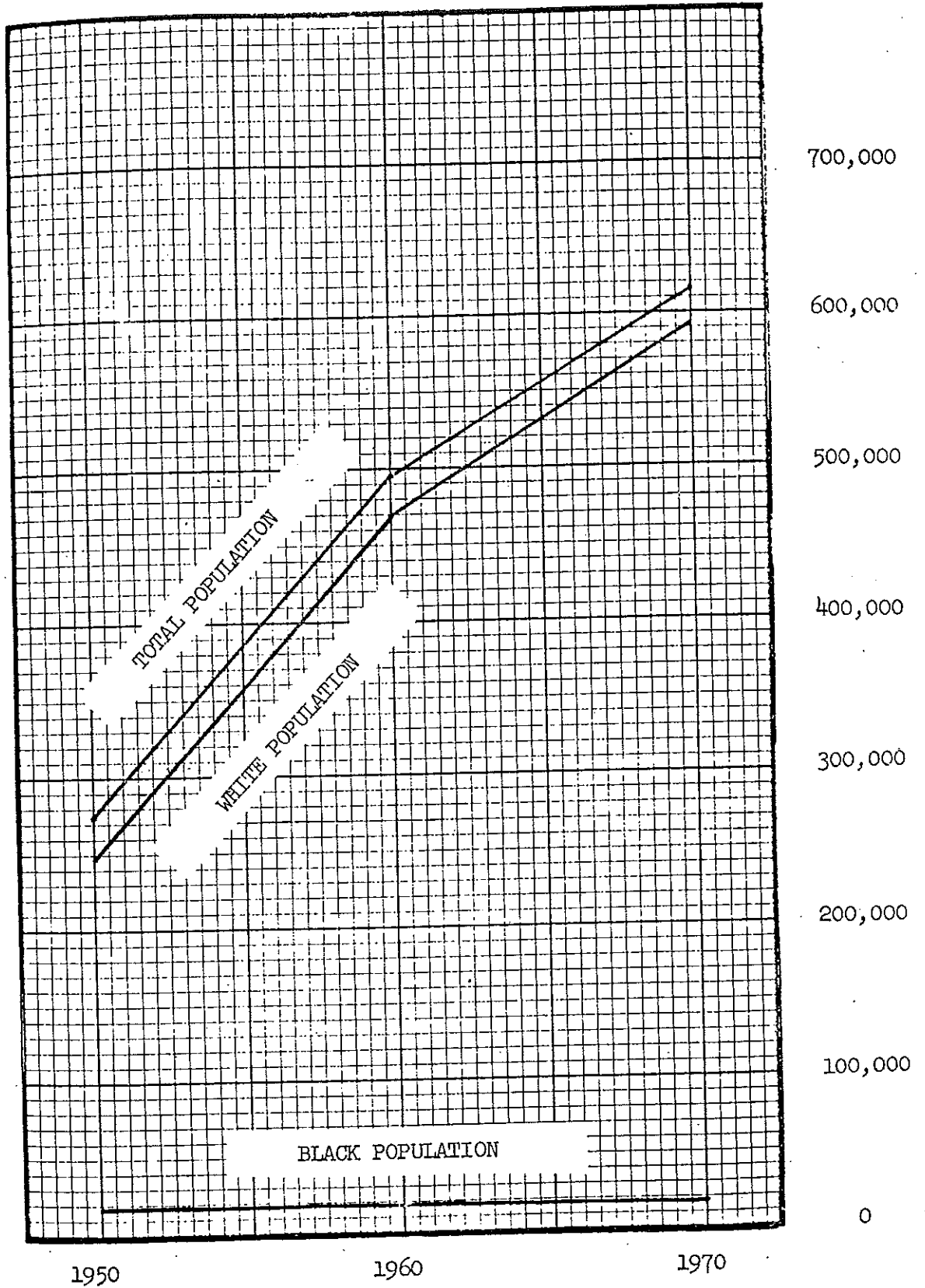
POPULATION TRENDS, BY RACE, BALTIMORE CITY, 1950 - 1970



SOURCE: U.S. Census of Population and Housing: 1950, 1960; 1970 preliminary U. S. Census figures.

APPENDIX B

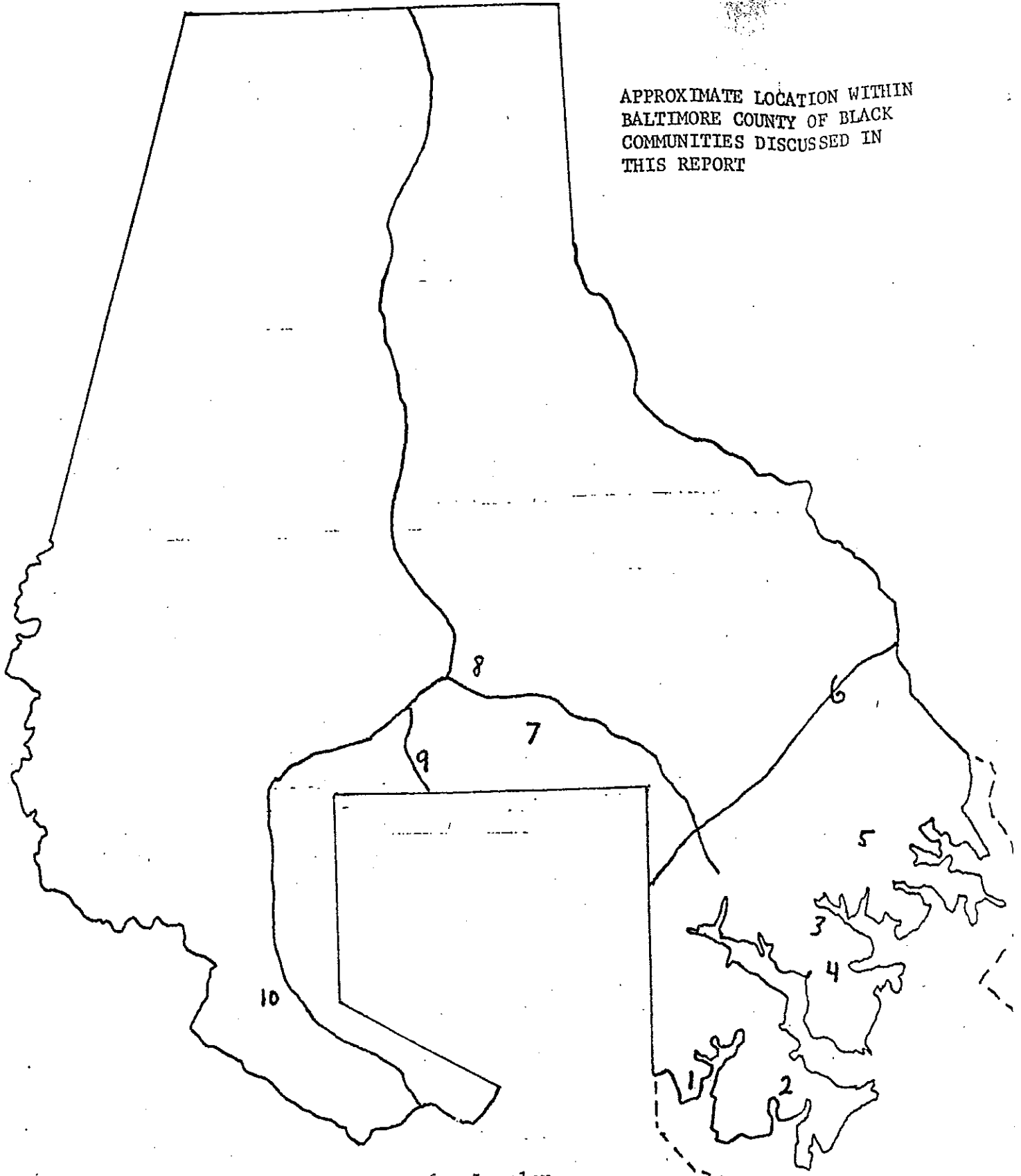
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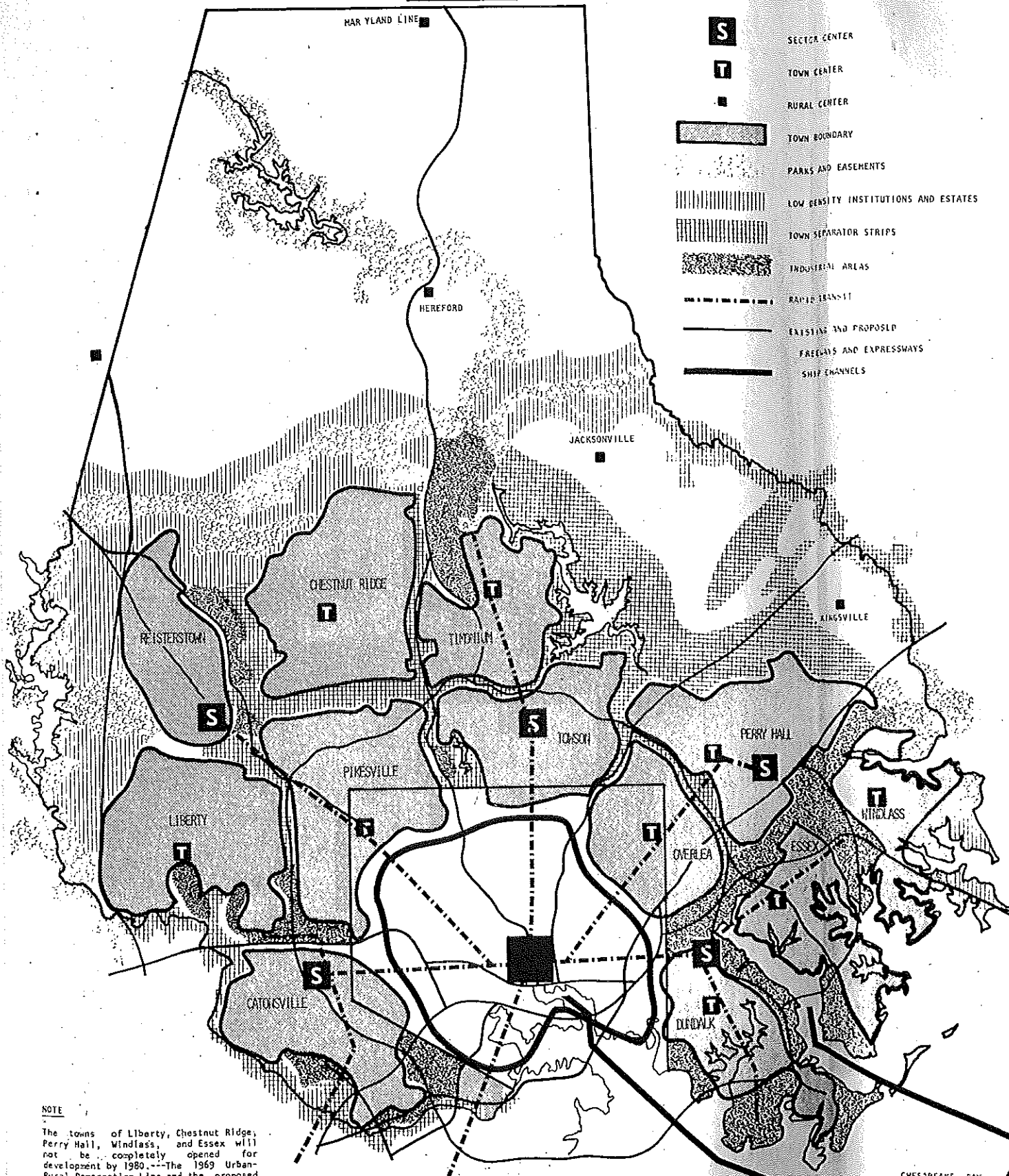
APPENDIX C

APPROXIMATE LOCATION WITHIN
BALTIMORE COUNTY OF BLACK
COMMUNITIES DISCUSSED IN
THIS REPORT



- | | |
|--------------------|-----------------|
| 1. Turners Station | 6. Loreley |
| 2. Edgemere | 7. East Towson |
| 3. Hopewell Avenue | 8. Lutherville |
| 4. Back River Neck | 9. Bare Hills |
| 5. Bengies-Chase | 10. Catonsville |

APPENDIX D



NOTE

The towns of Liberty, Chestnut Ridge, Perry Hall, Windlass, and Essex will not be completely opened for development by 1980. ---The 1969 Urban-Rural Demarcation Line and the proposed 1980 Urban-Rural Demarcation Line are on display in the Office of Planning and Zoning.

guideplan concepts

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

REVISED SEPTEMBER 1970