

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru February 13, 2017

DEPARTMENT OF PLANNING AND ZONING
Harford County, Maryland

FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

and

SUBDIVISION REGULATIONS, Chapter 268
of the Harford County Code, As Amended

are included at the end of
The Development Regulations.

**ZONING CODE
AMENDMENT INFORMATION:**

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
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09-33AA	1/22/10	14-26AA	8/25/14
10-03	4/20/10	15-17	12/7/15
10-30	12/13/10	15-23AA	1/4/16
10-32AA	12/27/10	15-35AA	2/8/16
11-04AA	5/23/11	15-36AA	2/16/16
11-05AA	5/23/11	15-39AA	2/16/16
11-03	5/31/11	16-02AA	5/17/16
11-32	12/12/11	16-07	7/5/16
11-44	12/19/11	16-20	8/22/16
11-62AA	1/13/12	16-28	2/13/17
12-07AA	5/14/12	16-29AA	2/13/17
12-14	5/21/12		
12-44	1/26/13		
12-48AA	2/11/13		
13-4AA	5/6/13		
13-17	7/22/13		
13-35	1/21/14		
13-36	1/21/14		
13-50	2/18/14		

Chapter 267. Zoning

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§ 267-33. Signs. [Amended by Bill 13-17; Bill 14-1; Bill 15-35 As Amended; and Bill 16-028]**A. Zoning certificates; fees.**

- (1) Zoning certificate requirement. It shall be unlawful for any person to erect, alter or relocate any sign or other advertising structure, as defined in this Part 1, without first obtaining a zoning certificate and making payment of the required fee.
- (2) Application. Application for a zoning certificate for a sign shall be signed by the property owner or authorized agent. The zoning certificate application shall require the name and address of the sign owner or the sign erector, drawings showing the copy design, dimensions, height and location of the sign and such other pertinent information as the Department may require to ensure compliance with the laws of Harford County, Maryland. Whenever an application for a zoning certificate is filed for the erection of a sign on property designated as an Historic Landmark, the application shall be subject to the approvals of the Historic District Commission and the Department.

B. General provisions. Signage shall be constructed in an unobtrusive manner which compliments the architectural elements of quality, style, color and material of the building, and the architectural period of the building(s). The following broad categories of sign types are regulated by this section unless otherwise provided herein:

- (1) Canopy signs. A canopy sign must have its lowest point no closer than 8 feet to the ground.
- (2) Freestanding signs. The maximum area of any freestanding sign shall not exceed 120 square feet. The setback measured to the edge of the sign shall be equal to 1/3 of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is 20 feet measured from the base of the sign.

Electronic message Boards are permitted as freestanding signs and are limited to 1 single- or double-sided sign per road frontage. Temporary or portable electronic message Boards are not permitted. Electronic message Boards shall not exceed 60 square feet in size, and shall display only on-premises messages, or time and/or temperature displays. An electronic message Board shall consist only of alphabetic or numeric characters and shall not include any graphic, pictorial or photographic images or videos. The appearance of any animation, motion, flashing, blinking or shimmering is not permitted. A single message, or segment of a message, shall have a display time of at least 2 seconds, including the time needed to move the message onto the sign Board, with all segments of the total message to be displayed within 10 seconds. A display traveling horizontally across the message Board shall move between 16 and 32 light columns per second. Requirements for display times do not apply to time and/or temperature displays.

- (3) Wall signs. Wall signs shall include all flat signs which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Flat wall mounted signs may be located on any wall of a building and may extend not more than 8 feet above the parapet wall

or roofline of the building to which they are attached. However, no window, or part of a window, shall be covered by the sign area or its supporting structure.

- (4) Temporary signs. The maximum number of temporary signs a property may have in any 1 calendar year is 2. Temporary signs may be displayed for periods not exceeding 30 consecutive calendar days and not exceeding 60 calendar days in any 1 year.
- (5) Projecting signs. Projecting signs may not extend over public rights-of-way, or project more than 4 feet from the wall of a building. Projecting signs may not have less than 10 feet clearance, as measured vertically from the ground to the bottom of the sign or supporting structure, and shall not exceed a height of 25 feet, as measured vertically from the ground to the top of the sign or supporting structure. Projecting signs shall have a maximum sign area of 60 square feet.
- (6) Directional signs. The maximum area of any directional sign shall not exceed 6 square feet. Directional signs can be located at the nearest intersection of any major collector or arterial road and set back 10 feet from the property line. Unless otherwise provided herein, the maximum height allowed for any directional sign is 6 feet above the nearest public road grade.
- (7) Billboards.
 - (a) General. Billboards shall be permitted in the General Industrial (GI) district only. New billboards may not be constructed within the Chesapeake Science and Security Corridor or the Edgewood Neighborhood Overlay District (ENOD).
 - (b) Location. Billboards shall be limited to 1 per parcel. Billboards shall not be permitted to be erected within 750 feet of any residence, historic structure or building as defined in §267-4 (Definitions), public square or the entrance to any public park, public, private or parochial school, library, church or similar institution. All such signs shall be set back from the front property line the distance required for a principal building in the zoning district in which located. No billboard shall be permitted to be erected within 100 feet of a road intersection unless the base of the sign is not less than 10 feet above ground level or road surface, whichever is higher. No billboard shall be erected within 660 feet of any highway which is part of the interstate highway system.
 - (c) Height. A billboard shall be no more than 30 feet in height from road grade.
 - (d) Area. The maximum area of any billboard shall not exceed 300 square feet.
 - (e) Illumination. Illumination shall be in accordance with the provisions of this section.

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- (d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (e) Directional signs. One directional sign, not exceeding 6 square feet in sign area and no more than 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use or agricultural use, if set back 10 feet from the road right-of-way and located at either the nearest intersecting arterial road or the nearest intersecting road.
 - (f) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
 - (g) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
 - (h) Electronic message boards on properties that contain Institutional uses which are located on either a freeway/expressway or a principal urban arterial route, each as provided in the "Existing Roadway System Functional Classification" Table in Appendix III, Functional Classification of Roads to the 2016 Master Plan, Harford Next, as a Special Exception, subject to approval of the Board. Electronic message boards must be located at least 10 feet from the road right-of-way and at least 250 feet from the structural boundaries of any dwelling, shall not exceed 6 feet in height, and must not have a sign area exceeding 20 square feet.
 - (i) Notwithstanding the requirements in Paragraph (h) above, electronic message boards displaying a message and content relating to public safety, and designed to protect the health, safety, and welfare of the public, shall be permitted throughout the district as a Special Exception, subject to approval of the Board on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area exceeding 20 square feet. Only local and state law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.
- (2) RR, R1, R2, R3 and R4 residential districts. In addition to the requirements set forth in this section, signs in the RR, R1, R2, R3 and R4 district must comply with the following standards:
- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
 - (b) Except for electronic message boards, freestanding signs may be permitted as a special exception, subject to approval of the Board, provided they are located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height and must not have a sign area exceeding 4

square feet. Electronic message boards shall not be permitted within the RR, R1, R2, R3 and R4 districts.

Notwithstanding anything contained in this paragraph, electronic message boards displaying a message and content relating to public safety and designed to protect the health, safety, and welfare of the public shall be permitted, as a special exception, subject to approval of the Board, on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area exceeding 10 square feet. Only local and State law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.

- (c) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
 - (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
 - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (f) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
 - (g) All permanent signs shall be compatible with the style, character and design of the residential neighborhood in which the sign is erected.
- (3) RO Residential Office district. In addition to the requirements set forth in this section, signs in the RO district must comply with the following standards:
- (a) One freestanding sign per parcel, which shall have a maximum of 16 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no more than 20 feet from the right-of-way.
 - (b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 4 square feet in area.
 - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.

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- (d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
 - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
 - (g) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
 - (h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (4) VR Village Residential district. In addition to the requirements set forth in this section, signs in the VR district must comply with the following standards:
- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
 - (b) Freestanding signs may be permitted as a special exception, subject to the approval of the Board, provided that they are located not less than 10 feet from the road right-of-way, do not exceed 6 feet in height and do not have a sign area exceeding 4 square feet.
 - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
 - (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
 - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

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- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
 - (g) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (5) VB Village Business district. In addition to the requirements set forth in this section, signs in the VB district must comply with the following standards:
- (a) One freestanding sign per parcel, which shall have a maximum of 18 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no more than 20 feet from the right-of-way.
 - (b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 10 square feet in area.
 - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
 - (d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
 - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
 - (g) Permanent residential entrance signs are permitted pursuant to the provisions of Subsection B(8).
 - (h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.

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- (6) B1 Neighborhood Business, B2 Community Business, B3 General Business, CI Commercial Industrial, LI Light Industrial and GI General Industrial districts. In addition to the requirements set forth in this section, signs in the B1, B2, B3, CI, LI and GI districts must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
 - [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
 - (b) Two freestanding signs identifying commercial or industrial activity other than Integrated Community Shopping Centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection B(2) of this section.
 - (c) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.
 - (d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 32 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (e) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.
 - (f) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).

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- (g) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
- (7) MO Mixed Office district. In addition to the requirements set forth in this section, signs in the MO district must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 1 square foot per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
- [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
- (b) Signs shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.
- (c) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
- (d) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet, and signs must be set back a minimum of 10 feet from the road right-of-way.
- (e) Directional information signs shall be adequately provided and design coordinated.
- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.
- (g) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in

area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

- (h) The following types of signs shall not be permitted for any project located in the MO district:
 - [1] Billboards.
 - [2] Temporary or portable signs.
- (8) Chesapeake Science and Security Corridor. In addition to the requirements set forth in this section, signs in the Chesapeake Science and Security Corridor must comply with the following standards:
 - (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
 - [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
 - (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (c) Two freestanding signs identifying commercial or industrial activity other than community shopping centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection b(2) of this section. Signs shall be set back from the right-of-way 1/3 of the required front yard setback for the underlying zone.
 - (d) One directional sign, not exceeding 4 square feet in area or 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use if located at the nearest intersection of any major collector or arterial road and set back the required distance for the district. However, the maximum number of directional signs shall not exceed 3 per intersectional quadrant.

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- (e) Existing billboards located on sites within the Chesapeake Science and Security Corridor may remain and may be replaced subject to approval of necessary permits. Should the billboard be located on a site with an existing use, expansion of the use by more than 20% shall require the removal of said billboard. Should a billboard be located as the sole use on a site as of the effective date of the legislation, future development of the site, for other permitted uses, shall require the removal of said billboard. Notwithstanding the foregoing, the owner of a site upon which a billboard is located within the Chesapeake Science and Security Corridor shall be permitted to redevelop the site for other permitted uses or expand the current use by more than 20% subject to the following conditions:
- [1] The site is subject to a lease with a third party for the billboard;
 - [2] The owner submits, to the Director of Planning, an affidavit that the owner has made good faith efforts to terminate the billboard lease, which efforts have failed;
 - [3] The lease term shall end no later than 2 years from the date of the issuance of the building permit for the property and the owner provides evidence of termination of the lease to the Director of Planning;
 - [4] The owner shall provide to the Director of Planning, a bond in an amount equal to 115% of the cost to remove the billboard at the end of the lease term; and
 - [5] The owner shall record, among the Land Records of Harford County, Maryland, a permanent easement for the benefit of the County to permit the County to enter upon the property to remove the billboard in the event the billboard is not removed within the time period set forth herein.
- (f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
- (g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (h) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.

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- (9) Edgewood Neighborhood Overlay District (ENOD). In addition to the requirements set forth in this section, signs in the ENOD must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
 - [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
 - (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (c) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet from the base of the sign, and signs must be set back a minimum of 10 feet from the road right-of-way line.
 - (d) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.
 - (e) Directional information signs shall be adequately provided and design coordinated.
 - (f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
 - (g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.

- (h) Billboards are not permitted for any new or redevelopment project located in the Edgewood Neighborhood Overlay District.
 - (i) One temporary or portable signs shall be permitted in the area designated as the main street only. Signs may not exceed 8 square feet in area, be located so as not to inhibit the normal flow of pedestrian traffic and in front of the specific business that is being advertised.
- (10) Integrated Community Shopping Center (ICSC). Signs for an ICSC shall comply with the following:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
 - [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
 - (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (c) Freestanding signs identifying Integrated Community Shopping Centers are allowed, but the maximum sign area shall be determined independently from the sign area restrictions contained in this section. Freestanding signs shall not exceed 1 square foot in area for each linear foot of road frontage or 200 square feet, whichever is smaller. One such sign shall be permitted for each road frontage, or not more than 2 signs shall be permitted along any frontage which exceeds 500 feet. The sign height shall not exceed 40 feet and shall be set back not less than 20 feet from the front property line.
 - (d) Directional information signs shall be adequately provided and design coordinated.
 - (e) The following types of signs shall not be permitted in an ICSC:
 - [1] Billboards.
 - [2] Temporary signs.

§ 267-65.1. Magnolia Neighborhood Overlay District. [Added by Bill 16-029 As Amended]

- A. Purpose and intent. The intent of the Magnolia Neighborhood Overlay District (“MNOD”) is to encourage the development of residential communities which shall utilize Traditional Neighborhood Design, while providing for flexibility in housing types, allowing limited retail uses and encouraging innovative designs that foster a sense of community.
- B. Application. The MNOD includes all land situated south of the Chesapeake Science and Security Corridor (CSSC) as defined in §267-64 (Chesapeake Science and Security Corridor), west of MD Route 152 (Mountain Road), east of Trimble and Haverhill Roads, and north of the Aberdeen Providing Grounds (APG). A map of the MNOD, which is incorporated by reference herein, is on file at the Department of Planning and Zoning.
- C. Existing zoning. The permitted uses shall be those set forth in Subsection F below. The allowable densities for residential development shall be based on conventional development standards for the underlying zoning district. Unless otherwise specified in this section, the design standards for residential uses in the MNOD shall be those of the Conventional with Open Space (COS) design option in the R4 zoning district. The design standards for all other uses shall comply with the Design Requirements for those uses in the B3 zoning district. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.
- D. Objectives.
- (1) To encourage development and redevelopment in the Joppa/Joppatowne area.
 - (2) To encourage land assemblage in order to maximize potential at opportunity sites.
 - (3) To promote integrated and connected communities with a mix of housing types.
 - (4) To promote affordability and life-cycle housing.
 - (5) To encourage the integration of neighborhood scale retail and service uses.
 - (6) To encourage high quality design architecture and site design that shall incorporate Traditional Neighborhood Design concepts.
 - (7) To promote walkability and physical activity through the incorporation of safe and accessible pedestrian and bicycle amenities.
- E. General Requirements.
- (1) All development within the MNOD shall be subject to the requirements of this section, except:
 - (a) The permitted uses for developments less than 20 acres shall be only those of the underlying zoning district.

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- (b) For residential developments less than 20 acres, the design standards of the next most dense residential zoning district shall apply.
 - (2) The development must be served by public water and sewer.
 - (3) The Director of Planning and Zoning shall approve the proposed signage for all uses within the development. Electronic message boards are prohibited. A signage plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. All signage shall be standardized and coordinated throughout the development.
 - (4) Lighting on any non-residential use shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto adjacent residential uses. A lighting plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. Lighting fixtures shall be coordinated throughout the development. Dark-sky friendly lighting practices shall be utilized in the design of the lighting plan.
- F. Permitted uses. Pursuant to Subsection C above, the permitted uses within the MNOD shall be the following:
- (1) Permitted residential uses include single-family detached dwellings, attached dwellings and multi-family dwellings.
 - (2) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens, mews and squares; and linkages to regional recreation and open space systems.
 - (3) The following institutional uses shall be permitted within developments in the MNOD provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres:
 - (a) Daycare centers.
 - (b) Community Centers.
 - (c) Fire station with assembly hall.
 - (4) If the Director of Planning and Zoning approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards and requirements shall be enforceable as any other standard or requirement of this Part 1.
 - (5) Commercial uses. Commercial uses proposed in a residential district shall be part of an overall redevelopment or development plan and shall not exceed 100 square feet of gross floor area for every dwelling unit. The following commercial uses shall be permitted in a MNOD development:
 - (a) Agricultural retail.

- (b) Restaurants; excluding drive through restaurants.
- (c) Personal services; excluding tattoo parlors, massage parlors, and establishments typically engaged in the sale and/or use of tobacco products.
- (d) Professional services.
- (e) Convenience goods stores, excluding stores with motor vehicle filling stations. The sale of tobacco or similar products and alcoholic beverages shall be prohibited in a convenience goods store located within the MNOD.
- (f) Health clubs and gymnasiums.

G. Site design.

- (1) The project shall be designed such that distinctive residential neighborhoods are defined; large tracts of homogeneous housing types are discouraged.
- (2) The project shall utilize Traditional Neighborhood Design concepts to provide a variety of housing types and open space uses to achieve a balanced and integrated community.
- (3) With respect to any development within the MNOD, no more than 15% of the acreage shall be developed as multi-family units, and no more than 35% of the acreage shall be developed as attached dwelling units.
- (4) The project shall be designed with adequate buffers to minimize the visual impact between residential and all other uses. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary plan review. A minimum buffer yard of 15 feet shall be provided between residential uses and all other uses in the development. The Director of Planning and Zoning may modify the buffer requirement if innovative design concepts are utilized, or a complimentary mix of uses negates the need for a buffer. All other requirements set forth in §267-29 (Landscaping) of the Harford County Code as Amended shall apply.
- (5) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy for adjoining residential uses.
- (6) The project shall be designed so that vehicular and pedestrian connections are provided to surrounding developments.
- (7) A paved shared use path at least 8 feet in width and separated from the roadway shall be provided and connect to all phases of the development. The location of the shared use path shall be approved by the Director and Planning and Zoning and the Director of Public Works.

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- (8) Streetscape design standards shall be submitted for review and approval at the time of preliminary or site plan review. The approved design standards shall be followed throughout each phase of the development.
 - (9) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way.
 - (10) A security vault, approved by the Fire Chief of the Volunteer Fire and Ambulance Company, located closest to the site, shall be installed on each multifamily and nonresidential structure.
 - (11) Projects within the MNOD shall be designed to facilitate and encourage future transit ridership.
- H. Vehicular and pedestrian circulation and access.
- (1) Road connections between all developments within the MNOD are required unless it is demonstrated to the Director of Planning and Zoning and the Director of Public Works that a connection is not feasible. In addition, any development within the MNOD shall provide connections to any adjacent property or properties within the MNOD by road, sidewalk, walking rails and/or bicycle access. A circulation plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
 - (2) The project shall be designed such that on-street and off-street parking areas do not impede the access of emergency vehicles
- I. Parking. The off-street parking requirements for any use shall be those set forth in §267-26 (Off-street Parking and Loading) of the Harford County Code, as Amended. The Department of Planning and Zoning, with concurrence from the Department of Public Works, may authorize a modification of the parking space requirements for nonresidential uses.
- (1) Parking standards for nonresidential uses may be reduced up to a total of 20% of the required number of spaces under the following scenarios:
 - (a) If parking areas are screened from the public right-of-way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.
 - (b) If on-street parking is provided, the parking standards may be reduced up to 5%.
 - (c) If bicycle connections or amenities are provided, the parking standards may be reduced up to 10%.

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- (2) Guest parking for attached and multi-family dwelling units shall be provided at a ratio of 1 guest parking space per 4 dwelling units. Guest parking may be provided within parking lots for commercial and institutional uses, provided that:
 - (a) The guest parking is located within 1,500 feet of the residential units it is intended to serve.
 - (b) The guest parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. The agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking agreements must also contain a provision for maintenance of the parking area.

J. Design standards.

- (1) Parking areas are to be located to the rear or side of all nonresidential uses. Interconnection between parking areas on adjacent properties is required.
- (2) All nonresidential buildings shall be oriented to face the street, with entrances and display windows at street level. A direct and convenient pedestrian connection shall be provided from sidewalks to building entrances.
- (3) Commercial or mixed-use buildings shall have similar architectural features as the residential uses in the development and shall not exceed twice the height and massing of adjacent buildings.
- (4) Architecturally harmonious building materials, colors, textures and treatments shall be used for all exterior walls of all buildings in the MNOD, and shall be harmonious with the building materials, colors, textures and treatments throughout the MNOD. Brick or stone shall be used on the front elevations of all buildings. The use of split face block, standard EIFS or similar cladding material shall be prohibited. Rear and side elevations shall be of finished quality and shall be consistent in color with the rest of the building. Architectural renderings or elevations shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
- (5) A consistent building line should be maintained at the setback line along the street. However, projections of porches, bay windows, stoops, and other architectural features into the required setback may be permitted in order to create character.
- (6) In areas of mixed residential types, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building.
- (7) Front load garages shall be prohibited along any existing or proposed collector roads. For dwellings located along internal roads, a garage may be oriented towards the road provided that it is located a minimum of twenty (20) feet behind the front façade of the principal structure. Freestanding garages and carport structures for multiple dwelling unit buildings must be designed to be

integral with the building design or sited so as to avoid long and monotonous rows of garage doors or building walls.

- (8) The project should be designed so that off-street parking and garages are visually unobtrusive.

K. Open space.

- (1) Developments within the MNOD shall provide open space as follows:

MINIMUM OPEN SPACE	
District	Percent of Parcel Area
R1	10
R2	10
R3 (for single family attached or detached)	15
R3 (for all other dwelling types)	20
R4	20

- (2) Recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- (3) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
- (4) All open space shall be provided pursuant to §267-31 (Open Space) of the Harford County Code as Amended.

§ 267-66. Water Source Protection Districts.

- A. Purpose and intent. Harford County recognizes that the provision of a safe drinking water supply is essential to maintaining the public health, safety and the quality of life within the community. These standards protect high-quality, low-cost water for domestic, municipal, commercial and industrial needs for the users of Harford County and protect local resources. Water source protection areas in Harford County include the Perryman wellfield, community water systems and nontransient water systems as mapped by the Maryland Department of the Environment. The areas surrounding these water supplies contribute not only water to the supply source but also the potential for contaminants that result from land use activities. These areas are referred to as "contributing areas". Activities occurring within the contributing areas may impact the water sources at varying time frames, therefore necessitating different requirements for each contributing area. The goals of these standards are:
- (1) Protect the quality and quantity of the groundwater and surface water that provide drinking water to the general public.
 - (2) Manage land use and development activities within the contributing areas in a manner that sustains the quality and quantity of the water source for the long term.
 - (3) Foster environmentally sensitive development within the contributing areas by setting forth standards that prevent negative impacts and by establishing mitigation measures that minimize the likelihood that the water sources will be impacted.
 - (4) Utilize other water resource protection regulations throughout this Part 1, such as §267-29 (Landscaping), §267-30 (Buffer Yards), §267-62 (Natural Resource District), §267-53D(4)(c) (AG District), §267-59C(7)(e) (B1, B2 and B3 Business Districts), §267-89D (Sanitary Landfills) and §267-90D (Rubble Landfills).
 - (5) Promote and encourage implementation of Watershed Restoration Action Strategies (WRAS) of Harford County.
- B. Applicability. In order to carry out the provisions of this Subsection, districts have been established. The Department of Planning and Zoning shall maintain a map, a copy of which is incorporated herein by reference, delineating the location of these sources as most currently designated by Maryland Department of the Environment. Said map shall be known as the Harford County Water Source Protection District Map. In conjunction with existing zoning regulations and districts, the requirements of this section shall apply to all development and redevelopment within the contributing areas for the following districts:
- (1) Perryman wellfield district.
 - (2) Community water system districts.
 - (3) Nontransient noncommunity water system districts.

C. General regulations.

(1) Prohibited uses.

(a) The following uses are considered to pose a high risk to groundwater and surface water and shall be prohibited within all watersource protection districts:

- [1] New or expanded mining or quarry activities.
- [2] New or expanded sanitary landfills and rubble landfills.
- [3] New or expanded hazardous waste collection, transfer or disposal facilities.
- [4] Class V injection wells.
- [5] New underground storage tanks (UST). This restriction applies to any tank or combination of tanks of any size, including underground pipes connected to the tank, where 10% or more of the combined volume of the pipes and tank(s) is underneath the surface. This includes tanks regulated by the Maryland Department of the Environment (MDE) through Code of Maryland regulations (COMAR) 26.10.02 and unregulated tanks (e.g., farm or residential less than 1,100 gallons). It does not include the following:
 - [a] A storage tank located in an underground area such as a basement, if the storage tank is located on or above an impervious surface such as a concrete floor;
 - [b] Wastewater collection systems;
 - [c] Stormwater management facilities; or
 - [d] Propane tanks.
- [6] Surface impoundments, ponds or lagoons. Except for stormwater detention and retention ponds and ponds used for recreational or landscaping purposes.
- [7] Manufacturing and production of paving, roofing and other construction materials using petroleum-based coating and preserving materials.
- [8] Dumping of snow from outside the water source protection district.
- [9] Bulk storage of hazardous materials except as follows:
 - [a] Materials needed for normal household use;

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- [b] Waste oil retention facilities required by statute, rule or regulation;
 - [c] Materials needed for emergency generators; or
 - [d] Materials used in water treatment plants.
- [10] Motor vehicle repair shops and motor vehicle filling and service stations, except when located within a designated rural village area as shown on the most recent version of the Land Use Plan, provided all COMAR regulations are met.
 - [11] Junk yards.
 - [12] Dry cleaning establishments.
 - [13] Metal plating establishments.
 - [14] Miscellaneous chemical storage or manufacturing.
 - [15] Petroleum refining.
 - [16] Lubricating oils and greases.
 - [17] Offal or dead animal disposal or processing services.
- (2) Exemptions. The following activities are exempt from regulation under this Subsection:
- (a) Transportation of hazardous materials. The transportation of hazardous materials shall be exempt from the provisions of this Subsection.
 - (b) Application of herbicides and pesticides. The application of herbicides and pesticides associated with recreation, agriculture, pest control, roadside maintenance and aquatic weed control shall be exempt from the provisions of this Subsection provided that:
 - [1] The application is completed in strict conformity with the use requirements as set forth in the EPA substance registries. Herbicides and pesticides can only be used according to its labeling and according to pertinent Federal and State laws.
 - [2] The application of herbicides and pesticides shall be noted in the records of an applicator certified by the Maryland Department of agriculture. Records shall be kept of the date and the amount of these substances applied at each location and said records shall be available for inspection.
- D. Perryman wellfield protection district.
- (1) Application. The Perryman wellfield protection district is designated on the Harford County Water Source Protection District Map.

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- (2) Impervious surface limitations.
- (a) New impervious surfaces shall be prohibited within 100 feet of all County-owned wells within the district.
 - (b) For all new nonresidential development and redevelopment within the Perryman wellfield protection district, the amount of impervious surface shall be limited to 50%. Existing lots of record with impervious surface coverage of 50% or greater shall minimize the amount of impervious surface associated with the redevelopment of the site. In no case shall the amount of impervious surface exceed 75% or the amount currently on the site, whichever is less.
 - (c) For residentially zoned parcels, the amount of impervious surface shall be limited to the following:
 - [1] On undeveloped lots, new impervious surfaces shall not exceed 50% of the parcel or lot. However, if the lot of record is ½ acre or less in size, the amount of impervious surface may exceed the 50% limit by 25% or 500 square feet, whichever is greater.
 - [2] The redevelopment or expansion of existing residential uses on lots of record shall be permitted provided they do not exceed the 50% limit on impervious surfaces, except as provided in paragraph [3] below.
 - [3] Existing lots of record having impervious surface coverage of 50% or more may increase the amount of impervious surface on site by 500 square feet.
 - [4] For new residential subdivisions, impervious surfaces may not exceed 50% of the overall development.
 - (d) Hydraulic connectivity shall be maintained between impervious surfaces.
- (3) Stormwater management.
- (a) For all new development and redevelopment, stormwater management shall be designed to minimize the impact of pollutants to the wellfield.
 - (b) Natural Resource District areas and significant/special natural features shall be preserved.
 - (c) Stormwater management systems shall mimic, as closely as possible, the runoff process of the site in its natural state. This shall include, at a minimum, natural storage, infiltration and pollutant filtering functions.
 - [1] Grass swales, vegetated filter strips, bioretention, constructed stormwater wetlands, sand filters and closed sand filters shall be used where possible.

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- [2] Runoff from service stations, towing and vehicle storage areas and maintenance areas with gasoline pumps shall not be infiltrated.
- (d) All new development and redevelopment on nonresidentially zoned lands shall:
- [1] Meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended;
 - [2] Meet the requirements for stormwater management as detailed in Stormwater Management Activities: Developing Pollution Prevention Plans and Best Management Practice (U.S. EPA 1992);
 - [3] Meet the requirements of COMAR 26.08.01 industrial surface water discharge permits;
 - [4] Provide stormwater management systems that capture and pretreat the stormwater runoff from all impervious areas; and
 - [5] Design and install stormwater Best Management Practice (BMPs) as an integrated system. BMPs shall be used sequentially in the wellfield protection districts to provide an effective treatment hierarchy. In applying a treatment hierarchy, priority shall be given to implementing the following approaches:
 - [a] Impervious surfaces shall be minimized where appropriate. Certain sites shall require impervious surfaces to act as containment areas for toxic and hazardous materials;
 - [b] Runoff shall be pretreated before entering a stormwater facility or before it is channeled to an infiltration facility;
 - [c] Flows shall be attenuated in vegetated swales and bioretention storage areas;
 - [d] Runoff shall be infiltrated on site, depending on the soil characteristics of the site and the quality of the runoff; and
 - [e] Excess stormwater shall be managed by detention and/or retention devices.
- (e) All new development and redevelopment on residentially zoned lands shall:
- [1] Meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended; and
 - [2] Design and install stormwater best management practices as an integrated system. BMPs shall be used sequentially to provide an effective treatment hierarchy. In applying a treatment hierarchy, priority shall be given to implementing the following approaches:

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- [a] Impervious surfaces shall be minimized where appropriate;
 - [b] Runoff shall be infiltrated on site, depending on the soil characteristics of the site and the quality of the runoff;
 - [c] Flows shall be attenuated in vegetated swales and bioretention storage areas; and
 - [d] Excess stormwater shall be managed by detention and/or retention devices.
- (4) Aboveground storage tanks.
- (a) Aboveground storage tanks associated with nonresidential uses are allowed, provided they meet the requirements of COMAR 26.10.02.12.
 - (b) New aboveground storage tanks for residential heating fuel shall be allowed in all zones, provided that the tank is:
 - [1] Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
 - [2] Sheltered to prevent the intrusion of precipitation; and
 - [3] Located so as to allow for routine visual inspections for leaks.
 - (c) All aboveground storage tanks shall be located at least 100 feet from all County wells.
- (5) Landscaping standards. Landscaping shall be provided consistent with the standards set forth in §267-29 (Landscaping).
- E. Community water system protection district.
- (1) Applicability. The community water system protection district applies to those recharge areas designated as community water systems on the Harford County water source protection district map.
 - (2) Impervious surface limitations.
 - (a) New impervious surfaces shall be prohibited within 100 feet of all community wells.
 - (b) The amount of impervious surface for all new nonresidential development shall be limited to 50% of the parcel or lot. Existing lots of record with impervious surface coverage of 50% or greater shall minimize the amount of impervious surface associated with the redevelopment of the site. In no case shall the amount of impervious surface exceed 75% or the amount currently on the site, whichever is less.
 - (c) For residentially zoned parcels, the amount of impervious surface shall be limited to the following:

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- [1] On undeveloped lots, new impervious surfaces shall not exceed 50% of the parcel or lot. However, if the lot of record is ½ acre or less in size, the amount of impervious surface may exceed the 50% limit by 25% or 500 square feet, whichever is greater.
 - [2] The redevelopment or expansion of existing residential uses on lots of record shall be permitted provided they do not exceed the 50% limit on impervious surfaces, except as provided in paragraph [3] below.
 - [3] Existing lots of record having impervious surface coverage of 50% or more may increase the amount of impervious surface on site by 500 square feet.
 - [4] For new residential subdivisions, impervious surfaces may not exceed 50% of the overall development.
- (d) Hydraulic connectivity shall be maintained between impervious surfaces.
- (3) Stormwater management.
- (a) For all new development and redevelopment, stormwater management shall be designed to minimize the impact of pollutants to the wellfield.
 - (b) Natural Resource District areas and significant/special natural habitats shall be preserved.
 - (c) Stormwater management systems shall mimic, as closely as possible, the runoff process of the site in its natural state. This shall include, at a minimum, natural storage, infiltration and pollutant filtering functions.
 - [1] Grass swales, vegetated filter strips, bioretention, constructed stormwater wetlands, sand filters and closed sand filters shall be used where possible.
 - [2] Runoff from service stations, towing and vehicle storage areas and maintenance areas with gasoline pumps shall not be infiltrated.
 - (d) All new development and redevelopment shall meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended.
- (4) Landscaping standards. Landscaping shall be provided consistent with the standards set forth in §267-29 (Landscaping).
- (5) Aboveground storage tanks.
- (a) All new aboveground storage tanks shall be located at least 100 feet from all community wells.
 - (b) New aboveground storage tanks shall be:

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- [1] Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
 - [2] Sheltered to prevent the intrusion of precipitation; and
 - [3] Located so as to allow for routine visual inspections for leaks.
- F. Nontransient noncommunity water system protection area.
- (1) Applicability. The nontransient noncommunity water system protection district applies to those recharge areas designated as nontransient noncommunity water systems on the Harford County Water Source Protection District Map.
 - (2) Impervious surface requirements.
 - (a) New nontransient noncommunity wells. New impervious surfaces are prohibited within 100 feet of new wells designated as nontransient noncommunity wells by Maryland Department of the Environment as of the date of this Part 1. The impervious surface requirement must be achieved using the following criteria:
 - [1] The well, and the 100-foot impervious surface requirement for the well, must fall within the limits of the property being served by the well; or
 - [2] The property owner of the property being served by the well must obtain an easement from any property that is affected by the 100-foot impervious surface standard; or
 - [3] An additional pervious area buffer must be maintained, on the property being served by the well, equal in surface area to the size of the buffer extending off of the property.
 - (b) Existing nontransient noncommunity wells. Existing impervious surfaces located within 100 feet of a nontransient noncommunity well, as designated by Maryland Department of the environment prior to the date of this Part 1, shall be permitted to remain provided there is no increase in impervious surfaces within 100 feet of the well.
 - (3) Stormwater management requirements, as specified in Chapter 214 of the Harford County Code, as amended, shall be met. The use of stormwater credits for innovative Site Planning, in the 2000 Maryland Stormwater Management Design Manual, Volumes I and II, shall be used to the greatest extent practicable.
 - (4) New aboveground storage tanks shall be:
 - (a) Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
 - (b) Sheltered to prevent the intrusion of precipitation; and

- (c) Located so as to allow for routine visual inspections for leaks.
- G. Variances. The Board may grant a variance from the provisions of this section upon a finding by the Board that the proposed development will not have a significant adverse effect on the water source protection district. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Harford County Health Department, the Department of Public Works and the Maryland Department of the Environment.
- H. Notification. The procedure for notification of proposed new noncommunity nontransient well construction must be followed as described in §268-20 (Community Input Meetings) of the Subdivision Regulations for Harford County.

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ARTICLE VIII. Design Standards for Special Developments

§ 267-67. Purpose.

The purposes of this Article are:

- A. To encourage innovations and design excellence in development by permitting variety in type, design and layout of buildings.
- B. To provide opportunities for recreation and open space.
- C. To encourage efficient use of land and public services.
- D. To provide flexibility in land development and protection of sensitive environmental and agricultural features.

§ 267-68. Approval. [Amended by Bill 12-48 as amended]

- A. Administrative approval. The following special developments shall be subject to review and approval by the Director of Planning:
 - (1) Conventional with Open Space (COS).
 - (2) Conservation Development Standards (CDS).
 - (3) Agricultural/commercial.
 - (4) Garden and mid-rise apartment dwellings.
 - (5) Nursing homes and assisted living facilities in the Chesapeake Science and Security Corridor.
 - (6) Mixed Use Centers in the Development Envelope, as defined on the most recently adopted Land Use Plan.
 - (7) Planned employment center in the ENOD only.
 - (8) Traditional neighborhood design in the ENOD only.
 - (9) Integrated Community Shopping Center (ICSC) 100,000 square feet or less in the Chesapeake Science and Security Corridor only.
 - (10) Mobile Home Subdivision (MHS) in the R3 and R4 districts only. At the time of submission of an application for approval of a MHS, the property owner shall notify all adjacent property owners of the intent to develop an MHS. In considering the application for an MHS, the Director of Planning must consider the Limitations, Guides and Standards outlined in §267-9 (Board of Appeals).
 - (11) Housing for the elderly.
 - (12) Continuing Care Retirement Community (CCRC).

- (13) Corporate Office Park (COP).
 - (14) Retail/service/office uses in the RO district.
 - (15) Animal shelters.
- B. Board approval. The following special developments shall be subject to approval of the Board pursuant to this section and §267-9 (Board of Appeals):
- (1) Planned Residential Development.
 - (2) Mobile home park.
 - (3) The location on a parcel or a portion thereof for a proposed ICSC. The development plans for any Integrated Community Shopping Centers shall be approved by the Director of Planning in accordance with this Article.
 - (4) The location on a parcel or portion thereof for a Chesapeake Science and Security Corridor shopping center over 100,000 square feet.
- c. Prior to approval by the Board of the special development identified in Subsection B(1) and (2), the Board shall determine that the proposed project complies with the development and design standards set forth herein and is consistent with the purpose of this section and the limitations, guides and standards noted in §267-9 (Board of Appeals):
- (1) The Board shall consider the report of the Director of Planning regarding the project's compliance with this section upon the applicant's submission of information as required in §267-12A(2) (Concept Plan).
 - (2) The Director of Planning may approve modification or amendment of the project plan after Board approval upon a finding that the modification or amendments comply with the requirements of this section.
- D. Prior to approval of the location of an ICSC, the Director of Planning shall prepare a report regarding the project's compliance with the standards in §267-9 (Board of Appeals). To provide adequate information for this report, the Director of Planning may require the submission of a Concept Plan for the site, a traffic impact study, a market feasibility study and other information as needed to determine project compliance. The Board shall consider the report of the Director of Planning and specific recommendations contained therein in its decision regarding the location of a shopping center.

§ 267-69. General Design Standards. [Amended by Bill 12-48 as amended]

The following general requirements shall be applicable to all projects developed under this Article:

- A. The protection of trees shall be considered in determining the location of open space and development areas.
- B. The project shall be designed to minimize earthmoving, erosion and the disturbance of environmentally sensitive features.

- C. The road system shall be designed as harmonious with the topography and adjacent public roads and designed to allow for a network of roads which interconnect throughout the development.
- D. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines in §267-73 (AG Commercial), §267-72 (Conservation Development Standards) and §267-85.1 (Animal Shelters).
- E. All public roads and intersections and parking areas and areas of high pedestrian use shall be adequately lighted and arranged to direct light away from residences.
- F. All other requirements of this Part 1 shall apply. In the event of a conflict with other sections of this Part 1, the specific provisions of this Article shall apply, except in water source protection areas, in which case the most restrictive shall apply.
- G. Projects developed under this Article shall be consistent with the Harford County Subdivision Regulations.

§ 267-70. Conventional with Open Space (COS).

- A. Eligibility. A COS shall have a minimum parcel size of 5 acres in the R1, R2, R3 and R4 districts.
- B. Permitted uses. The uses permitted in a Conventional with Open Space development shall be those uses permitted in the appropriate district.
- C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).
 - (1) Site design.
 - (a) The project shall be designed with regard to the soils, topography and natural features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
 - (c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).
 - (d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed COS development. The Department shall determine the appropriate buffer yard.
 - (e) No building shall be located within 10 feet of the road right-of-way.
 - (f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.
 - (2) Vehicular circulation and access.

- (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
- (3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:
- (a) In a Conventional with Open Space development, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R1	10%
R2	10%
R3 (single-family attached and detached)	15%
R3 (all other dwelling types)	20%
R4	20%

- (b) All open space shall be provided pursuant to §267-31 (Open Space).
- (4) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

§ 267-71. Planned Residential Development (PRD).

- A. Eligibility. A PRD shall have a minimum parcel size of 5 acres in the R3 and R4 districts.
- B. Permitted uses. The uses permitted in a PRD shall be those uses permitted in the appropriate district. Business uses in a Planned Residential Development project developed in the R4 district are permitted provided that such uses do not exceed 1,000 square feet of gross floor area for every 100 dwelling units.
- C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).
 - (1) Site design.
 - (a) The project shall be designed with regard to the soils, topography and natural features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
 - (c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).
 - (d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and

type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed PRD development. The Department shall determine the appropriate buffer yard.

- (e) No building shall be located within 10 feet of the road right-of-way.
 - (f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.
- (2) Vehicular circulation and access.
- (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
- (3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:
- (a) In a PRD, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R3	20%
R4 (except high rise)	25%
R4 (high-rise)	30%

- (b) All open space shall be provided pursuant to §267-31 (Open Space).
- (4) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- (5) The Board may approve modifications to the design requirements listed on Tables 55-3.1, 55-3.2, 55-4.1, 55-4.2 and 55-4.3 in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

§ 267-72. Conservation Development Standards (CDS).

- A. The provisions of these development standards may be applied to single-family detached subdivisions located within the agricultural district.
- (1) In order for a parcel to be developed under Conservation Development Standards, it must be a minimum of 35 acres in size.
 - (2) Allowable densities under Conservation Development Standards shall be that set forth in this §267-53 (AG Agricultural District).

- (3) The developable area shall not exceed 25% of the total parcel, including all land necessary to accommodate utilities and infrastructure, including roads, water, wastewater and electric lines. The preservation area shall not be less than 75% of the total parcel.
 - (4) The developer shall submit a scaled drawing of the property. The drawing shall include the property boundaries, the general lot designs, road locations, forested areas, steep slopes, wetlands, streams and other sensitive areas. In addition, the drawing shall show the remaining agricultural use on the property, including agricultural buildings, cropland and pasture areas.
- B. The following uses are permitted in the preservation area, pursuant to the lot and setback requirements of this section:
- (1) Agriculture.
 - (2) Agricultural public events.
 - (3) Agricultural retail sales.
 - (4) Agricultural commercial.
 - (5) Forestry.
 - (6) Public service use.
 - (7) Greenhouses and nurseries, commercial.
 - (8) Park.
 - (9) Wildlife refuge.
- C. The uses allowed in the developable area shall be limited to single-family residential dwellings.
- D. Design standards.
- (1) Development shall be designed in a manner that will minimize the effect on cropland, pasture, forest and areas of other significant value.
 - (2) The preservation area should be determined with reference to the location of forested and agricultural land or preservation areas on adjacent properties so as to maintain contiguity where feasible.
 - (3) All land in the preservation area, whether part of the created subdivision or platted and recorded separately, shall be subject to an easement in perpetuity in a form to be approved by the Department of Law and recorded in the Land Records of Harford County, Maryland, restricting any future development on that property, except those permitted in Subsection B.
 - (4) If future public necessity warrants, the property owner and the County may agree to amend the terms of the easement, subject to the following requirements:

- (a) The land may be developed only for a nonresidential use that is beneficial to the community, as specified in the amended easement;
 - (b) The agreement of the County Council shall be evidenced by legislative act of the Council; and
 - (c) An amended easement shall be effective only upon its recordation in the Land Records of the County.
- (5) Public roads shall be designed in a manner that is consistent with the Harford County Road Code and with the surrounding rural character.
 - (6) The easement shall not provide for public access to any privately-owned land.
 - (7) Landscaping and buffering. Landscaping and buffering in developable areas shall conform to the regulations in §267-29 (Landscaping) and §267-30 (Buffer Yards).

§ 267-73. Agricultural/Commercial. [Amended by Bill 13-52; Bill 15-23 as amended and Bill 15-39 as amended]

A. General provisions. The following general requirements shall be applicable to all projects developed under this Article:

- (1) Must be approved by the Director of Planning.
- (2) Except as otherwise provided in this Subsection, the parcel shall be a minimum of 10 acres.
- * (3) For the 3 years prior to application for approval, gross agricultural income shall have been at least \$15,000 annually, as set forth on Internal Revenue Code Schedule F, or as set forth on any other financial documentation requested and approved by the Department of Planning and Zoning. Gross agricultural income shall remain at least \$15,000 annually as set forth in this Subsection (3).
- (4) The parcel shall be zoned and assessed agricultural.
- (5) Meets the specific criteria for the use.
- (6) Must be owner or tenant operated.
- (7) Safe and adequate access shall be provided for vehicular traffic, as determined by the State Highway Administration or Harford County.
- (8) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.
- (9) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.

** Note: Per Section 2 of Bill No. 15-23 as amended, The requirements of this Act shall not apply to projects that have applied for preliminary or site plan approval prior to September 15, 2015.*

- (10) Buildings in which animals are housed shall comply with §267-53 (AG Agricultural District).
- (11) Setbacks for these uses shall be a minimum of 100 feet from any property line except road frontage and 200 feet from any off-site residence. A buffer yard shall be provided between any parking or storage area and any public road and any off-site residence.
- (12) Written approval from the record owner is necessary if someone other than the owner of record is operating the use.

B. Amusements.

- (1) Commercial riding stables.
 - (a) Parking shall be provided a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence.
 - (b) Pursuant to §267-30 (Buffer Yards), the property on which the commercial stable is located shall be buffered with a type "C" buffer. The buffer yard may be included in the setback area.
- (2) Private parties and receptions.
 - (a) Unless located entirely within an enclosed building, this use shall not be located less than 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
 - (b) Adequate parking shall be provided on site and screened from any off-site residence.
 - (c) Hours of operation are not permitted between 12:00 midnight and 6:00 a.m.
- (3) Farm breweries.
 - (a) Adequate parking shall be provided on site and screened from any off-site residence.
 - (b) Planting of the grain, produce or fruit, as applicable, used as the ingredient in the brewing of the product is required to be initiated upon approval.
 - (c) Hours of operation are permitted between 10:00 a.m. and 10:00 p.m.
 - (d) Any enclosed structure, or portion thereof, to be used for tastings, sales or events shall not exceed 2,500 square feet.
 - (e) Events designed to promote the farm brewery shall be permitted on the property, subject to the applicable requirements and conditions set forth in Article 2B, Alcoholic Beverages, of the Maryland Annotated Code, as amended.

- (f) The owner shall obtain all other necessary and required Federal and State licenses and approvals prior to operating.
- C. Industrial uses associated with agricultural uses as provided for in the use charts.
- (1) Any new buildings or additions shall be located a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence. Existing buildings shall be exempt.
 - (2) Outside storage is permitted provided it is a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).
- D. Motor vehicle.
- (1) Commercial or construction vehicles and equipment storage, service and repair, used in the farming operation and owned by the farmer or tenant operator may be located on the property provided that the parcel is a minimum of 20 acres. The storage of commercial or construction vehicles and equipment shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).
 - (a) Farm vehicles or pieces of equipment may be located on the farm property provided that the parcel is a minimum of 20 acres.
 - (b) Storage of these vehicles or equipment for repair shall be a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).
 - (2) School buses. A maximum of 25 school buses may be located on the property provided that the parcel is a minimum of 20 acres. School buses shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).
- E. Retail.
- (1) Feed and grain storage and sales.
 - (a) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
 - (b) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.
 - (2) Farm markets, private.
- F. Services.
- (1) Veterinary practice, large animals.
 - (a) Hours of operation shall not be limited for this use.
 - (b) The entire use must be setback 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

- (2) Restaurants.
 - (a) Shall not have seating capacity to accommodate more than 30 patrons.
 - (b) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
 - (c) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
 - (d) Shall not be in operation between 10:00 p.m. and 6:00 a.m.

§ 267-74. Garden and Mid-Rise Apartment Dwellings (GMA). [Amended by Bill 11-04, as amended]

- A. Purpose. To provide for development of multi-family dwelling unit projects in the B3 and R4 zoning districts.
- B. Objectives.
 - (1) To provide opportunity for new residential and mixed use development in the Development Envelope.
 - (2) To encourage quality design and incorporation of limited business uses within a single development.
 - (3) To assure compatibility of the proposed land uses with internal and surrounding uses.
- C. Development standards.
 - (1) Permitted uses. The following uses shall be permitted:
 - (a) Garden apartments.
 - (b) Mid-rise apartments. In the R4 district, retail and service uses may be incorporated into the overall project for up to 30% of the gross square footage. Business uses shall be located on only the first floor of any building. No more than 1 restaurant or bar shall be permitted per project. Freestanding signs advertising the business uses shall be limited to 120 square feet in size per project.
 - (2) Access. Primary access to the GMA site shall be from a primary residential or higher functionally classified road.
 - (3) Design. The proposed project shall be designed with buildings which are compatible and harmonious with surrounding uses. Efforts shall be made to minimize the impact and maximize the aesthetics to adjoining or surrounding properties. The design shall provide for adequate buffers, pursuant to §267-30 (Buffer Yards).
 - (4) Open space. The open space shall constitute at least 20% of the parcel area, of which at least 10% shall be suitable for and devoted to active recreation. The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure

privacy and quiet for adjoining residential uses. All open space shall be provided pursuant to §267-31 (Open Space).

- (5) Landscaping. Any area not used for buildings, structures or parking shall be landscaped and properly maintained, pursuant to §267-29 (Landscaping).
- (6) For development in the B3 zoning district, which is located entirely within the Development Envelope, the R4 Conventional with Open Space (COS) Design Standards shall be used. The permitted density shall not exceed 20 dwelling units per acre.

§ 267-75. Nursing Homes and Assisted Living Facilities.

These uses may be granted in the R2 and CI districts in the Chesapeake Science and Security Corridor, provided that:

- A. A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
- B. The setbacks of the district for institutional uses shall be met.
- C. The density shall not exceed 20 beds per acre of the parcel.
- D. In the CI district, consideration shall be given to protection of the residents from impacts of nearby industrial uses:
 - (1) To minimize exposure to noise and other emissions from roads, parking areas and industrial activities, outdoor active and passive recreation areas shall be buffered with a combination of evergreen and deciduous trees that are at least 6 feet high at the time of planting.
 - (2) Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the 3 closest volunteer fire and ambulance companies.
 - (3) The Director of Planning may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the residents.

§ 267-76. Mixed Use Center. [Amended by Bill 11-04, as amended]

- A. Purpose. To provide opportunities and incentives for high quality mixed use development that creates a synergy of uses, attractive and efficient design and a reduction of vehicle miles traveled by locating a variety of uses in one location in the B1, B2, B3, CI, GI, LI and R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- B. Objectives.
 - (1) To encourage orderly, staged development of comprehensively designed mixed use centers.
 - (2) To create a mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, where all related structures, parking

and open spaces are designed to function as a cohesive and integrated site, while protecting the residential character of surrounding neighborhoods.

- (3) To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
- (4) To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
- (5) Encourage harmonious and coordinated development of sites, considering the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.
- (6) Encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design and a reduction of vehicle miles traveled.

C. Eligibility.

- (1) In order for a project to utilize the mixed use center development standards, the property must be located in the B1, B2, B3, CI, GI, LI or R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- (2) Any project utilizing the mixed use center development standards must utilize public water and sewer.
- (3) A minimum parcel area of 5 acres must be established.

D. Permitted uses.

- (1) Any use permitted in the B1, B2, B3, CI, GI, LI and R4 zoning districts shall be permitted regardless of the underlying zoning district of the property.
- (2) Mix of uses. The following percentage of floor area proposed on site as shown on all plans shall not exceed the following:

Residential uses	75%	In accordance with B3 or R4 requirements as a PRD or COS development
Service uses	75%	In accordance with B3 or CI requirements
Retail trade	50%	In accordance with B3 or CI requirements
Institutional	50%	In accordance with B3, R4, CI, LI or GI requirements
Industrial	50%	In accordance with CI, LI or GI requirements
Motor vehicle/related	25%	In accordance with B3 or CI requirements
Warehousing, wholesaling	25%	In accordance with CI, LI or GI requirements
All other uses	25%	In accordance with B3, R4 or CI, LI or GI requirements

E. Site design.

- (1) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.

- (2) The project shall be designed with regard to the topography and other natural features of the parcel.
- (3) Site design shall incorporate elements that foster community interaction, including outside plazas and eating areas, focal points such as a pond or fountain, public art or other amenities that generally serve the public.
- (4) The mixed use center may include the subdivision of individual building sites or the creation of lease spaces for freestanding buildings. The project must function as a cohesive commercial center with pedestrian linkages between the buildings. The architecture, site design, lighting and signage shall incorporate consistent design and theme elements, such as pedestrian courtyards.
- (5) Minimum yard requirements. As specified in the underlying zoning district.

F. Building design. An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:

- (1) The patterns for placement of windows and doors and use of traditional design elements such as facade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
- (2) Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

G. Parking.

- (1) Parking requirements in a mixed use center may be calculated by the use of the following chart. This chart takes into account that different uses have their peak parking generation periods at different times and sharing of parking spaces may be used.

Use	Weekday		Weekend		
	Day 6am to 6pm	Evening 6pm to 12mid	Day 6am to 6pm	Evening 6pm to 12mid	Nighttime 12mid to 6am
Industrial	100%	10%	10%	5%	5%
Retail and Service	60%	90%	100%	70%	5%
Hotels	75%	100%	75%	100%	75%
Restaurants	50%	100%	100%	100%	10%
Movie Theaters	40%	100%	80%	100%	10%
All Other Uses	100%	100%	100%	100%	100%

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- (2) Using the parking requirements from the Harford County Zoning Code, the highest parking requirement for any given time period is calculated using the chart above. This requirement becomes the parking requirement for the nonresidential uses in the mixed use center. All requirements for shared parking shall be addressed in any mixed use center utilizing shared parking in accordance with the Zoning Code. Residential parking requirements shall be determined from the parking requirements in the Harford County Zoning Code, as amended.
 - (3) The Director of Planning may approve the use of landscaped pavers or other pervious material for a portion of the required parking not to exceed 25% of the total parking.
- H. Pedestrian circulation plan. Each mixed use center shall provide a pedestrian circulation plan identifying improvements that are reviewed and approved by the Department of Public Works and accomplish the following:
- (1) Minimizes conflict between pedestrians and moving motor vehicles.
 - (2) Channels pedestrian flows to crossing areas and delineates paths across major roadways through the use of textured surfaces, striping and signage.
 - (3) Creates safe and convenient pedestrian paths from all parking areas to the buildings and between the buildings through the use of landscaped buffer areas, islands, walkways, crosswalks and traffic control devices.
 - (4) Connects internal pedestrian walkways to existing walkways and/or makes provisions for connection to future site walkways.
 - (5) Provides convenient and safe access to surrounding residential neighborhoods and commercial areas.
- I. Vehicular circulation plan. Each mixed use center shall provide a vehicular circulation plan identifying improvements that accomplish the following:
- (1) At principal vehicular access points, service drives, turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.
 - (2) Loading and service areas. Loading and service areas shall be separated from the pedestrian and customer parking areas. Service areas shall be located away from roadways to the greatest extent possible. If exposed to view, due to unusual site conditions, service areas shall be buffered from public view to the greatest extent possible.
- J. Lighting. Each mixed use center shall provide a lighting plan identifying the following:
- (1) A description of the type and location of lighting fixtures and the light intensity and shielding provisions to be used.
 - (2) The lighting fixtures shall be designed to assure compatibility with the building style.

- (3) Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent lots.
- K. Modifications. The Director of Planning may approve modifications to the approved plans for the mixed use center, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Director of Planning may require the applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

§ 267-77. Planned Employment Centers.

- A. Purpose. Planned employment centers are an option for projects located in the R4, B3, LI, CI or GI zoning districts to promote a higher quality of economic development opportunities within the Edgewood Neighborhood Overlay District (ENOD).
- B. Objectives.
 - (1) To promote a coordinated employment center in a variety of zoning districts that would compliment adjacent land uses.
 - (2) To encourage harmonious architecture and design standards within a project with a select number of land uses under a diverse set of residential, industrial and business zoning classifications.
 - (3) To establish a standard for employment opportunities as an integral part the community.
- C. Eligibility. All planned employment center developments are subject to Site Plan approval and the following:
 - (1) A minimum parcel size of 20 acres.
 - (2) A common area to include a community green area with pedestrian walkways maintained with strict covenants by a property manager or landowner.
 - (3) The original user and any subsequent users must initially create and make reasonable efforts to maintain a minimum of 75 full-time equivalent employment opportunities.
 - (4) The maximum impervious surface coverage on the developed parcel shall be 75%.
 - (5) Trash containers/dumpsters shall be buffered on all sides exposed to street view. Construction materials for buffering shall be consistent in color and texture to the main building, pursuant to §267-30 (Buffer Yards).
 - (6) No outside display or storage is permitted.
 - (7) Loading facilities shall be buffered from public view.
 - (8) Access to the site shall accommodate anticipated traffic volumes. Pedestrian and bicycle circulation plans shall be submitted with Preliminary Plans indicating on-site amenities and linkages to adjacent sites. The Department of Planning and Zoning shall approve such access with concurrence from the Department of Public Works.

- D. Permitted uses.
- (1) Corporate offices.
 - (2) Professional services.
 - (3) Laboratory research and development.
 - (4) Educational/training.
 - (5) Retail and service uses are limited to 10% of the gross square footage of the overall project and located on the ground level.
- E. Building design. An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:
- (1) The patterns for placement of windows and doors and use of traditional design elements such as facade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
 - (2) Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

§ 267-78. Traditional Neighborhood Developments.

- A. Purpose. To provide for flexibility in modifying housing types, limited retail uses and site design standards and to allow innovative designs that foster a sense of community within the Edgewood Neighborhood Overlay District (ENOD).
- B. Objectives.
- (1) To promote the concept of community through the design of a variety of housing types and the development of adequate open space.
 - (2) To encourage design flexibility in housing types and the architectural style of buildings within the development.
 - (3) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating different standards of land planning and site design than could be accomplished under conventional zoning categories.
 - (4) To provide for an enriched and enhanced natural environment in a community by the preservation of trees, natural topographic and geological features, wetlands, watercourses and open space.
 - (5) To encourage development in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

- C. Eligibility. A Traditional Neighborhood Development shall have a parcel size of 10, 5, 3 and 3 acres in the R1, R2, R3 and R4 district, respectively.
- D. Permitted uses. The following uses shall be permitted:
- (1) Permitted uses include single-family detached dwellings, single-family attached dwellings and multiple-family dwellings.
 - (2) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens and squares; or linkages to regional recreation and open space systems.
 - (3) Institutional uses that are permitted within the R1, R2, R3 and R4 district may be incorporated within a Traditional Neighborhood Development. Developments for the following uses will be permitted provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres.
 - (a) Fire station with assembly hall.
 - (b) Day care centers.
 - (c) Community centers.
 - (d) Civic service clubs.
 - (e) Private schools.
 - (4) If the Director of Planning approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards and requirements shall be enforceable as any other standard or requirement of this Part 1.
 - (5) A Traditional Neighborhood Development shall not apply to the Main Street area as defined by the ENOD and may include the following additional permitted uses:
 - (a) Residential.
 - [1] Country inns and resorts.
 - [2] Nursing homes and assisted living.
 - (b) Commercial. Any commercial use proposed in a residential district shall be part of an overall redevelopment or development plan. Development for these uses will be permitted provided that such uses do not exceed 50 square feet of gross floor area for every dwelling unit. The inclusion of the following business uses shall not affect the overall residential density calculations.
 - [1] Neighborhood market.
 - [2] Specialty shops.

- [3] Antique shops, art galleries and museums.
 - [4] Health services and medical clinics.
 - [5] Personal services.
 - [6] Professional services.
 - [7] Restaurants.
- (6) Live/work units are permitted provided no more than 50% of the gross square footage of the structure is utilized for professional or retail services.
- E. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).
- F. Site design.
- (1) The project shall be designed with regard to establishing distinctive residential neighborhoods that are defined by special places and buildings rather than homogeneous housing types.
 - (2) The project shall be designed to provide a variety of housing types and open space uses to achieve a balanced and integrated community. A variety of housing types are not required in the R1 district.
 - (3) The project shall be designed with adequate buffers to minimize the visual impact of the proposed project to adjoining properties, pursuant to §267-30 (Buffer Yards).
 - (4) The project design and arrangement of buildings, streets, open space, landscaping and other elements should emphasize, enhance and incorporate scenic views, existing slopes, forests, geological features, wetlands, streams and other natural features of the site.
 - (5) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy and quiet for adjoining residential uses.
 - (6) The design of the development should be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height and setbacks.
 - (7) The site design shall provide for buffering, sight breaks and buffers between the buildings on the site and adjacent buildings of different architectural styles.
 - (8) The project shall be designed so that the traffic generated by the development does not have a significant adverse impact on the surrounding development.
 - (9) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-

bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way. The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded. A security vault, approved by the Fire Chief of the volunteer fire and ambulance company, located closest to the site, shall be installed on each multi-family and nonresidential structure.

G. Vehicular circulation and access.

- (1) The project should be designed so that off-street parking and garages are visually unobtrusive.
- (2) The project shall provide for a through network of roads that allows for circulation and community integration.
- (3) The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded.

H. Open space.

- (1) In a Traditional Neighborhood Development, open space shall be provided as follows:

Minimum Open Space	
District	Percent of parcel area
R1	10%
R2	10%
R3 (for single-family attached or detached)	15%
R3 (for all other dwelling types)	20%
R4	20%

- (2) Recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- (3) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
- (4) All open space shall be provided pursuant to §267-31 (Open Space).

I. Specific requirements. Prior to or at the time of recordation of a plat for a Traditional Neighborhood Development subdivision in the Land Records of the County, the owner shall also record all use and development restrictions that the subdivision is subject to under the approved Preliminary Plan. The subdivision restrictions shall be reviewed and accepted by the Department of Law prior to recordation to ensure that all lots created on the property will be subject to all the restrictions.

J. A pedestrian and bicycle circulation plan shall be provided indicating on-site amenities and linkages to adjacent sites.

§ 267-79. Integrated Community Shopping Center (ICSC).

A. Development standards.

- (1) Permitted uses. The uses permitted shall be those permitted in the appropriate district.
- (2) Site design.
 - (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
 - (b) The project shall be designed with regard to the topography and other natural features of the parcel.
 - (c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
 - (d) Outside storage shall be limited as applicable in the appropriate district.
 - (e) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style.
 - (f) Landscaping should provide for a transition from surrounding uses to the uses on the site. All other requirements set forth in §267-29 (Landscaping) must be met.
- (3) Vehicular circulation and access.
 - (a) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
 - (b) A comprehensive pedestrian circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
- (4) Loading and service areas.
 - (a) All establishments must have vehicular service access, either from an individual service drive or from a common service yard.
 - (b) All such service areas must be segregated from public areas and buffered from public view.
 - (c) Establishments over 10,000 square feet in area must have loading berths at the rate of 1 berth per 20,000 square feet or part thereof.

B. Specific design requirements. An ICSC shall meet the following requirements:

- (1) Minimum road frontage of 300 feet.

- (2) Maximum building coverage not to exceed:

District	Percentage
B2	40%
B3	45%
CI	45%

- (3) Maximum impervious surface not to exceed:

District	Percentage
B2	85%
B3	85%
CI	85%

- (4) No building shall be within 40 feet of the public road rights-of-way or 10 feet of parking areas.
- (5) No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.

§ 267-80. Mobile Home Park (MHP).

- A. Eligibility. A mobile home park shall be at least 10 acres and located in the R3 or R4 districts.
- B. Development standards.
- (1) Permitted uses.
- (a) This project may include mobile homes of single or multiple width, single-family detached homes or any combination thereof but shall not include recreational vehicles or travel trailers.
- (b) Any project containing more than 100 dwelling units shall provide a community meeting room and an enclosed recreation area containing a minimum of 20 square feet of gross floor space per dwelling unit. A sales and management office and a convenience goods store, not to exceed 5 square feet of gross floor space per dwelling unit, may be maintained within the same structure.
- (2) Density. The maximum density shall be 5.0 units per gross acre in an R3 district and 6.5 units per gross acre in an R4 district.
- (3) Site design.
- (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
- (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.

- (c) No structure shall be less than 50 feet from the property lines of the project, and a type "C" buffer shall be provided along all property lines at the periphery of the project, pursuant to §267-30 (Buffer Yards).
 - (4) Vehicular circulation.
 - (a) The right-of-way for private roads shall be 40 feet. The pavement width of interior roads, whether intended to be public or private, shall be a minimum of 26 feet. In the event that off-street parking is provided, this may be reduced to 20 feet where on-street parking is prohibited and the roadway serves not more than 20 dwelling units.
 - (b) The long side of a dwelling unit may not be located within 25 feet of the right-of-way of any interior road, and the end (or short side) of a dwelling unit may not be located within 15 feet of the same. Not more than 6 homes in a row shall have the same setback. Such setbacks shall differ by at least 6 feet.
 - (5) Parking.
 - (a) There shall be 2 parking spaces, measuring at least 9 x 18 feet, for each dwelling unit.
 - (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be buffered from adjacent projects and public roads.
 - (6) Open space and recreation.
 - (a) Twenty percent of the parcel area shall be reserved as open space or buffer yards.
 - (b) Adequate recreation facilities shall be provided in each phase of development to meet the needs of the residents.
 - (c) All open space shall be provided pursuant to §267-31 (Open Space).
- C. Specific design requirements.
 - (1) Area requirements:
 - (a) Minimum parcel size: 10 acres.
 - (b) Minimum road frontage: 200 feet.
 - (c) Minimum dwelling unit lot area: 5,000 square feet for an R3 district and 4,500 square feet for an R4 district.
 - (d) Minimum lot width: 50 feet for an R3 district and 45 feet for an R4 district.
 - (e) Maximum impervious surface ratio: 45%.

- (2) Setback requirements.
 - (a) Front setback: 33 feet from the center line of unreserved right-of-way or 20 feet from the public right-of-way.
 - (b) Rear setback: 20 feet; 10 feet when adjacent to open space.
 - (c) Side setback: 10 feet on side, total of 20 feet.

§ 267-81. Mobile Home Subdivision (MHS).

- A. Eligibility. A MHS shall be at least 5 acres and located in an R3 or R4 district.
- B. Development standards.
 - (1) Permitted uses.
 - (a) This project may include mobile homes but shall not include recreational vehicles or travel trailers.
 - [1] The mobile home unit shall be placed on a permanent foundation unpierced, except for required ventilation and access. Installation shall include a positive surface water drainage away from each unit.
 - [2] All wheels, axles, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
 - (2) Site design.
 - (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
 - (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.
 - (c) No structure shall be less than 50 feet from the property lines of the project. A type "C" buffer shall be provided along all property lines at the periphery of the project, pursuant to §267-30 (Buffer Yards).
 - (d) A landscaping plan shall be submitted in accordance with §267-29 (Landscaping).
 - (3) Vehicular circulation. The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (4) Parking.
 - (a) There shall be 2 parking spaces, measuring at least 9 x 18 feet, for each dwelling unit.

- (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened from adjacent projects and public roads.
- (5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. The following open space requirements shall be met:
 - (a) Open space shall be provided as follows:

District	Minimum Open Space (percentage of parcel area)
R3	15%
R4	20%

- (b) All open space shall be provided pursuant to §267-31 (Open Space).
- (6) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- C. Density and lot characteristics. The density, lot sizes and design requirements for a mobile home subdivision shall be those permitted for a conventional development of single-family detached dwellings in the zoning district in which the project is located.
- D. For Conventional with Open Space and Planned Residential Developments, where a mobile home subdivision is part of a COS or PRD project, the requirements of §267-70 (Conventional with Open Space (COS)) or §267-71 (Planned Residential Development (PRD)), respectively, shall apply in addition to the requirements of this section. All regulations applicable to both the MHS and to the COS or PRD shall be met.

§ 267-82. Housing for the Elderly.

- A. Eligibility. Housing for the elderly shall have the following eligibility requirements:
 - (1) In the B2, B3 and CI districts, the minimum lot size shall be 10 acres. In the R2, R3 and R4 districts, the minimum lot size shall be 4 acres.
 - (2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.
- B. Development standards.
 - (1) Permitted uses. The accessory uses permitted in a housing for the elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.

- (2) Density. The maximum density shall be 7 units per gross acre in R2 districts and 14 units per gross acre in the R3, R4, B2, B3 and CI districts.
- (3) Site design.
 - (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
 - (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-30 (Buffer Yards). In the B2, B3 and CI districts, a buffer yard 20 feet wide shall be provided.
 - (d) No building shall be located within 10 feet of the private road right-of-way and parking areas.
 - (e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.
- (4) Vehicular and pedestrian circulation and access.
 - (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
 - (c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.
 - (d) Adequate access shall be provided for emergency vehicles and personnel.
 - (e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.
- (5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 50% of the total parcel area shall be in open space.
 - (a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.

- (b) The active recreation space shall be a minimum of ½ acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The required active open space may be reduced by the Director of Planning based upon the specific program proposed by the developer.
- (c) All open space shall be provided pursuant to §267-31 (Open Space).
- (6) Minimum conditions and covenants regarding age restrictions. The following conditions and covenants are required, at a minimum, to be contained in deeds of covenants, conditions and restrictions to be recorded at the time that a plat for the housing for the elderly development is recorded:
 - (a) The project is intended to constitute housing intended and operated for occupancy by at least one person 55 years of age or older per unit, to the extent required by the housing for older persons act of 1995 and Section 807(b)(2)(c) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(c)) (the "Fair Housing Act").
 - (b) Subject to the provisions of paragraph (f) below, and exceptions otherwise authorized and approved by the Board, each unit must be occupied by at least one resident who is 55 years of age or older.
 - (c) Residents under 19 years of age or younger are not permitted unless such person is:
 - [1] Necessary to provide a reasonable accommodation to a handicapped resident; or
 - [2] Is a handicapped dependent of a resident, only to the extent permitted and/or required by the provisions of the Fair Housing Act.
 - (d) Guests of owners or residents who are under 19 years are permitted to stay in the unit for periods of time not to exceed a total of 60 calendar days for each such guest in any one calendar year (with each calendar year being measured from January 1 through December 31 of any given year).
 - (e) Nothing contained herein shall be deemed to prohibit the daily visitation by persons not otherwise permitted to occupy a unit (including persons under 19 years of age who are family members or guests of the owner or occupant of a unit), provided such visitation shall not be for a period of more than 72 continuous hours.
 - (f) Subject to the provisions of the fair housing act, a surviving spouse of an owner or resident who was 55 years of age or older may retain the occupancy of the unit without regard to the age of the surviving spouse provided, however, that the continued occupancy of the surviving spouse does not violate the requirements of the fair housing act that at least 80% of the units be occupied by a person who is 55 years of age or

older. In the event that less than 80% of the units are occupied exclusively by persons who are 55 years of age or older, the owners or residents may be required by the entity named in the covenants and restrictions as having such authority (hereinafter referred to as "the Board") to vacate the units in order to comply with the requirements of the fair housing act. In the event that the Board requires that an owner or resident vacate their unit, the owner or resident must vacate within 180 calendar days from the date of notification by the Board.

- (g) The Board shall have the authority to adopt such rules and regulations as it may deem necessary or desirable to implement the foregoing restrictions and to ensure that the property otherwise complies with the fair housing act and any corresponding State or local law or ordinance (and any regulations promulgated thereunder). In the event that the exemptions relating to "housing for older persons" under the fair housing act or any State or local law or ordinance, as applied to the property, shall be modified, expanded, supplemented, clarified, defined, explained and/or limited, the Board shall have the authority to adopt rules and regulations modifying such restrictions to the extent deemed necessary or desirable by the Board in response thereto provided, however, that no such rule or regulation shall cause or allow the property to no longer qualify for exemption under the fair housing act or any State or local law or ordinance without the express prior written consent of the declarant.
- (h) Each owner or occupant of a unit, if and when requested to so do by the Board, shall promptly furnish the Board with the names and ages of all occupants of the unit and shall complete and submit such affidavits and other documents as the Board may reasonably request to verify the age of all unit occupants.

C. In order to modify any of the conditions contained in Subsection B(6) herein, the entity designated in the covenants and restrictions as having such authority must receive the written approval of Harford County. Any such modification must be recorded in the Land Records of Harford County, Maryland to be effective.

D. Specific design requirements.

- (1) Front, rear and side yards and maximum height shall be as shown on Table 55-4.2, Design Requirements for Specific Uses/R4 Urban Residential District for Residential: PRD.
- (2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.
- (3) Maximum building coverage. The maximum building coverage shall be as follows:

Dwelling Types	Maximum Building Coverage (percent of total lot)
Patio/court/atrium, townhouse and multiplex	40%
Garden and mid-rise apartments	30%

- (4) Impervious surface ratio. The maximum impervious surface for any housing for the elderly project shall not exceed 50% of the total parcel area.
- (5) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 50 feet in the R2 zoning district and 60 feet in R3, R4 and CI zoning districts.

§ 267-83. Continuing Care Retirement Community (CCRC). [Amended by Bill 13-35]

A. Eligibility. CCRC's shall have the following eligibility requirements:

- (1) The project developer shall have filed a statement of intent to provide continuing care facilities in accordance with the Human Services Article of the Annotated Code of Maryland, as amended. The project shall be developed in accordance with and regulated by The Human Services Article of the Annotated Code of Maryland, Continuing Care Contracts (the "state CCRC act"), as amended.
- (2) The minimum lot size shall be 20 acres.
- (3) The project shall be served by public water supply and public sewer facilities.
- (4) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads.

B. Development standards.

- (1) Permitted housing types. For purposes of this section only, a variety of housing types may be permitted on a single parcel. These may include garden or mid-rise apartments, patio, atrium or court dwellings, multiplex units, duplex units, townhouses, single-family detached dwellings or other units which meet the needs of the residents. Dwelling units shall include independent living units along with assisted living and skilled care facilities. The maximum number of beds in the skilled care facility may not exceed 20% of the total number of independent dwelling units approved for this project by Maryland Office on Aging. For additional beds, application can be made for a Certificate of Need ("CON") with the State of Maryland.
- (2) Permitted uses. Ancillary uses, including community convenience stores, branch banks, auditoriums, TV studios, theaters, retail gift shops and professional, medical, health and personal services, dining facilities and meeting rooms and other resident activity facilities are permitted, provided:
 - (a) The uses are located within the residential buildings or within community buildings that are architecturally compatible with the residential structures and are for the use and benefit of the residents of the community, their guests and the employees.
 - (b) There are no advertising signs indicating the uses placed along the boundary of the community.

- (c) No individual retail accessory use may exceed 1,500 square feet, and the total retail accessory uses shall not exceed 150 square feet per dwelling unit.

- (3) Density. The CCRC use shall be permitted in the R1, R2, R3, R4 and CI zoning districts. For the purposes of calculating density, the number of beds in the assisted living and skilled care facilities shall be divided by the average household size (2.79) to determine the equivalent number of dwelling units. No more than 2,000 units shall be permitted in any such project. The maximum density shall be as follows:

District	Units Per Gross Acre
R1	25
R2	25
R3	30
R4	30
CI	30

- (4) General site design.
 - (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
 - (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide adequate buffer yards, pursuant to §267-30 (Buffer Yards).

- (5) Vehicular circulation and access.
 - (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements, with efforts directed to reduce speed wherever possible.
 - (c) Adequate emergency access shall be provided for both vehicles and personnel.
 - (d) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

- (6) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 33% of the total parcel area shall be in open space.

- (a) Age appropriate recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. A recreational plan shall be submitted with the Preliminary Plan and shall identify facilities and programs for the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.
- (b) The required age appropriate active recreation space shall be a minimum of 2 acres and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The minimum acreage may be reduced by the Director of Planning based upon the specific program proposed by the developer.
- (c) All open space shall be provided pursuant to §267-31 (Open Space).

C. Specific design requirements.

- (1) The project design shall incorporate design elements found in residential uses in the neighborhood.
- (2) Setbacks. The minimum setback to adjacent residential lots for the main structures shall be twice the building height. The use setback, including all structures, parking and drive areas, shall be 50 feet with a 15-foot landscaped buffer yard. Setbacks from all internal rights-of-way or private roads shall be a minimum of 15 feet.
- (3) The height of each structure, other than garden or mid-rise apartments, shall not exceed the height requirement of the district. The height of a garden or mid-rise apartment is limited to 4 stories in the R1 and R2 zoning districts and 5 stories in R3 and R4 zoning districts.
- (4) Building length. The maximum length of a building block shall not exceed 250 feet without offset. To exceed the maximum building block length, any building shall have offsets of 4 feet minimum for each additional 200 feet of length.
- (5) Distance between building blocks. The distance between buildings shall be a minimum of 30 feet. The enclosed walkways or pedestrian bridges shall not be construed as part of the building. However, the construction of such walkways must comply with all applicable building requirements or the applicable sections of the Harford County Code, as amended.
- (6) Maximum building coverage. The maximum building coverage shall be 40% of the total parcel area.
- (7) Impervious surface ratio. The maximum impervious surface for any CCRC project shall not exceed 60% of the total parcel area.

§ 267-84. Corporate Office Park (COP).

These uses may be granted in the CI and LI zoning districts. A Corporate Office Park shall be developed in accordance with the provisions of this Article.

A. Purpose. Corporate Office Park development standards are established to provide for a park-like employment center of high technology industries, research and development facilities, corporate and business offices, limited retail, service and residential uses. It is intended that this development option is to provide higher design standards and a more flexible approach to development in industrial zoning districts.

B. Objectives.

- (1) To attract corporate office locations in desirable areas in the County which have a positive affect on economic development and professional job opportunities.
- (2) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.
- (3) To provide enhanced performance standards in Corporate Office Parks, which establish a high quality of design.
- (4) To assure compatibility of the proposed land use with internal and surrounding uses by incorporating innovative standards of land planning and site design.
- (5) To reduce traffic congestion by encouraging the clustering of buildings near internal streets, the provision of service uses and the development of pedestrian networks to reduce dependence on single occupant automobiles and to better accommodate such transportation alternatives as transit service and carpooling in a project.

C. Eligibility. Corporate Office Parks shall have a minimum parcel size of 100 acres located in the CI or LI districts. Corporate Office Parks may be permitted on parcels less than 100 acres if contiguous to an existing Corporate Office Park.

- (1) The project shall have direct access to 1 or more existing or planned collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.
- (2) The project must be located within a Priority Funding Area within the Development Envelope.
- (3) the project must utilize public water and sewer service.

D. Height requirements. Maximum building heights of a structure in a Corporate Office Park development shall be 4 stories. Maximum building heights of a structure in a Corporate Office Park development may be increased to a maximum of 8 stories if the impervious surface standards are met:

Stories	CI	LI
1 – 4	85%	85%
5 – 8	55%	55%

E. Development standards.

- (1) Vehicular circulation.

- (a) Loading and service areas shall be separated from the pedestrian and employee parking areas. Service areas shall be located away from roadways to the greatest extent possible.
 - (b) The internal vehicular circulation system must follow a pattern of intersection streets that provide alternative routes. Cul-de-sacs are discouraged.
 - (c) Points of external access and alignments of internal roadways must facilitate use of public transit. This may include rights-of-way sufficient for bus pull outs and bus shelters as well as transit easements on private streets.
 - (d) A comprehensive pedestrian and bicycle circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
 - (e) Transit alternatives and transportation demand management strategies must be provided which achieve a goal reduction of auto trips for Corporate Office Park developments of 10% below the peak hour trip generation rates as identified in the ITE Trip Generation Manual (current edition). These strategies include carpooling incentives, transit/bus services, vanleasing and flexible work schedules.
- (2) Parking standards.
- (a) All parking areas must be effectively buffered from adjacent roadways and adjoining residential areas, through the use of berms, plantings or the depression of parking areas below surrounding grades.
 - (b) Parking areas should be broken up into lots of no more than 150 cars. The lots should be separated by landscaped islands.
 - (c) The number of parking spaces provided and overall design and layout of parking lots must be in accordance with §267-26 (Off-street Parking and Loading) of the Harford County Code, as amended.
 - (d) No direct access to any lot is allowed from a collector or higher functional classification road as defined in the Harford County Transportation Element Plan.
 - (e) All access points from a Corporate Office Park shall be consolidated wherever feasible.
- (3) Landscaping.
- (a) Facilities for refuse disposal shall be enclosed by solid walls incorporated into the design of the buildings. Landscaping shall be installed around the perimeter.

- (b) Every effort should be made to avoid formality in plantings except as it may be integral to an architectural concept. Emphasis should be placed on the natural grouping of groves of trees, and every opportunity should be taken to emphasize or take advantage of natural terrain features.
 - (c) Islands and other landscaping alternatives shall be incorporated into parking areas to add visual interest. The use of islands, perimeter or roof-top gardens designed and landscaped to serve as bioretention facilities is encouraged.
- (4) Building design standards.
- (a) A typical architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process.
 - (b) Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the Corporate Office Park. All sides of the building are to be built with finish materials, including, but not limited to, brick, natural stone and ornamental block.
 - (c) Mechanical equipment should be located within the building or within a mechanical equipment penthouse. If mechanical equipment is located on the roof or is freestanding on the site, it must be effectively screened from view by means fully compatible with the architecture. Mechanical equipment must be screened from view from all sides.
 - (d) Outdoor storage is prohibited.
- (5) Accessory/auxiliary uses – are uses intended for the primary use of employees and/or clients of the principal use.
- (a) Uses and structures which are normally and customarily incidental to any of the principal uses permitted in the CI or LI zoning district.
 - (b) Retail and service uses may be incorporated into the overall project for up to 25% of the nonresidential gross square footage not to exceed 200,000 square feet. Retail and service uses within a Corporate Office Park project shall not be considered an Integrated Community Shopping Center (ICSC).
 - (c) Residential uses may be incorporated into the overall acreage up to 40%. The R4/COS design and density requirements shall be used for residential development within a Corporate Office Park. The permitted number of stories will be determined by §267-84D (Height Requirements).
 - (d) Accessory/auxiliary uses must be integrated into the overall design of the project. A phasing plan will be required in order to establish timeframes that allocate the area of uses in a manner in which the percentage of uses or amount of area allocated for accessory/auxiliary uses do not exceed the area of the principal use during the development of the Corporate Office Park project.

- (e) The Director of Planning must approve an overall development plan that allocates the amount of area for each use.
- (6) Lighting.
- (a) The lighting fixtures shall be designed to assure compatibility with the building style.
 - (b) Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on residential lots.
- (7) Open space.
- (a) Corporate Office Parks shall include a minimum of 30% of the parcel area preserved as vegetated open space. The buffer yards and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 25 feet is maintained.
 - (b) All open space shall be provided pursuant to §267-31 (Open Space).
- (8) Signage. Signage shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.
- (a) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. The signage shall be compatible in quality, style, color and materials to the building(s). Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (b) Freestanding identification signs shall be limited to 2 signs for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet, and signs must be set back a minimum of 10 feet from the road right-of-way line.
 - (c) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto, not exceeding 1 square foot for each horizontal linear foot of wall facing on the street on which the sign faces.
 - (d) Directional information signs shall be adequately provided and design coordinated.
 - (e) The following types of signs shall not be permitted for any project located in a Corporate Office Park development:
 - [1] Billboards.

- [2] Revolving, rotating or changing-light- intensity or changing-color signs.
- [3] Temporary or portable signs after issuance of use an occupancy permit.

F. Modifications. The Director of Planning may approve modifications to the approved plans for the Corporate Office Park, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Director of Planning may require the applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

§ 267-85. Retail/Service/Office Uses in the RO District.

- A. Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purpose of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.
- B. Development standards.
- (1) Design. An architectural rendering of the building facade and elevations of the structure shall be submitted. The rendering shall demonstrate how the project meets the following standards and objectives:
 - (a) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction.
 - (b) Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.
 - (c) Design requirements. See Tables 56-1.1 and 56-1.2.
 - (2) Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.
 - (3) Use limitations. The uses permitted under this section shall comply with the following:
 - (a) Enclosed building. All uses permitted shall be conducted within an enclosed building except parking, loading, unloading or as otherwise permitted.

- (b) Storage restriction. The outside storage of material or equipment shall not be permitted.
 - (c) Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.
- (4) Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.

§ 267-85.1. Animal Shelters. [Added by Bill 12-48 as amended]

A. Eligibility. Animal shelters shall have the following eligibility requirements:

- (1) In the AG, B2, B3, and CI districts, the minimum lot size shall be 20 acres in the AG district and 2 acres in the B2, B3 and CI districts.
- (2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs shall be provided in a system approved by the County Health Department.

B. Development standards.

- (1) In the AG district:
 - (a) All buildings for the shelter of domestic animals and all runways for domestic animals shall be located 200 feet from any lot line.
 - (b) All other uses for domestic animals shall be located 50 feet from any lot line.
- (2) In the B2, B3 and CI districts, all buildings and uses shall be located 25 feet from any adjacent residential lot.
- (3) Parking shall be provided at 1 space per 300 square feet of gross floor area.

ARTICLE IX. Special Exceptions

§ 267-86. Purpose.

Special exceptions may be permitted when determined to be compatible with the uses permitted as of right in the appropriate district by this Part 1. Special exceptions are subject to the regulations of this Article and other applicable provisions of this Part 1.

§ 267-87. General Regulations.

- A. Special exceptions require the approval of the Board in accordance with §267-9 (Board of Appeals). The Board may impose such conditions, limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Part 1 and the public health, safety and welfare.
- B. A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.
- D. The Board may require a bond, irrevocable letter of credit or other appropriate guaranty as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- E. In the event that the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof.

§ 267-88. Specific Standards. [Amended by Bill 09-31, as amended; Bill 10-03; Bill 11-04, as amended; Bill 13-4 as amended; and Bill 16-007]

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

- A. Amusements.
 - (1) Arenas and stadiums. These uses may be granted in the B3, C1, L1 and G1 districts, provided that:
 - (a) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
 - (b) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.

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- (c) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
 - (d) A minimum parcel area of 75 acres is established.
 - (e) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.
- (2) Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, RR, R1, R2, R3, R4 and GI districts, provided that:
- (a) No off-street parking or loading area shall be located within any required yard or within 25 feet of any parcel boundary.
 - (b) Off-street parking and loading areas, swimming pools and tennis courts shall be buffered from adjacent residential lots.
 - (c) The principal access shall be provided from an arterial or collector road.
 - (d) No more than 20% of the land area upon which such a use is conducted may be located in the GI district.
 - (e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
- (3) Fairgrounds, racetracks and theme parks. These uses may be granted in the AG, CI, LI and GI districts, provided that:
- (a) A minimum parcel area of 75 acres is established.
 - (b) The principal access shall be provided from an arterial or collector road.
 - (c) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
 - (d) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.
 - (e) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
 - (f) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.
- (4) Marinas and boat launching, storage and repair. These uses may be granted in the AG, RR, R1, R2, R3, R4, B1, B2 and LI districts, provided that:
- (a) In the urban residential districts, such facilities shall be a part of a Conventional with Open Space (OCS) development or a Planned Residential Development (PRD).

- (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot and along any public road.
- (5) Motor vehicle recreation, ATV and go-cart tracks. These uses may be granted in the AG and GI districts, provided that:
 - (a) A minimum parcel area of 25 acres is established.
 - (b) Proper sediment control measures are used for any stormwater runoff.
 - (c) The primary activity takes place a minimum of 500 feet from any adjacent residential lots.
 - (d) No adjoining property is participating in the agricultural preservation program.
 - (e) Hours of operation shall be established by the Board of Appeals.
- (6) Outdoor theaters. These uses may be granted in the AG district, provided that:
 - (a) Such theaters shall be for live productions only.
 - (b) All structures shall be located at least 200 feet from any adjacent residential lot.
 - (c) Parking areas shall be buffered from adjacent residential lots by a type "C" buffer, pursuant to §267-30 (Buffer Yards).
- (7) Indoor shooting ranges. These uses may be granted in the AG district, provided that:
 - (a) Adequate measures are taken to ensure that no loaded firearms will be brought into or taken out of the building.
 - (b) The sale, consumption or possession of alcoholic beverages on the premises is forbidden.
 - (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
 - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to neighboring uses.
- (8) Golf driving ranges and miniature golf courses. These uses may be granted in the AG and VB districts, provided that:
 - (a) The use shall not be within 50 feet of any lot line or within 200 feet of any adjacent residential lot.

- (b) A minimum parcel area of 6 acres shall be provided for golf driving ranges.
- (9) Trap, skeet, rifle or archery ranges, outdoor. These uses may be granted in the AG, CI and GI districts, provided that:
- (a) A minimum parcel area of 75 acres shall be required for all rifle and pistol ranges. A minimum parcel area of 25 acres shall be required for all trap, skeet and archery ranges.
 - (b) Discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.
 - (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
 - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to residential neighborhoods.
 - (e) The facilities shall be designed so that the topographic features of the parcel are used to enhance safety and minimize firearm noise.
- (10) Indoor theaters. These uses may be granted in an AG district, provided that:
- (a) Such theaters shall be for live productions only.
 - (b) The proposed uses shall be located on an historic site or within an historic structure.
 - (c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission.
 - (d) The project shall respond to and be protective of natural and historic features of the site.
 - (e) All structures shall be located at least 200 feet from any adjacent residential lot.
 - (f) Parking areas shall be buffered from adjacent residential lots. Sufficient parking to accommodate all patrons on the site shall be provided.
 - (g) A minimum parcel area of 3 acres is established.
 - (h) Activities or uses on the site shall be limited to those approved by the Board.
- (11) Riding stables, commercial or club. These uses shall be granted in the AG district, provided that:
- (a) No stable shall be located within 200 feet of any residential lot.
 - (b) A minimum parcel area of 5 acres is established.

- (12) Agricultural resource center. This use may be granted in the AG district, provided that:
- (a) A minimum parcel area of 100 acres is established.
 - (b) The principal access shall be provided from a collector or higher functionally classified roadway as defined by the most recently adopted Transportation Element Plan.
 - (c) No building or structure, including temporary structures, shall be located less than 200 feet from any adjacent residential lot.
 - (d) Any outside lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
 - (e) Ancillary uses to the agricultural resource center are defined as office space, banquet hall and meeting rooms. The ancillary uses are limited to 10% of the total building square footage or 25,000 square feet, whichever is less.
 - (f) Public events are limited to 1 event per 30 calendar days, and hours of operation for public events are permitted between 6:00 a.m. and 10:00 p.m.
 - (g) A type "E" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot.

B. Industrial uses.

- (1) Offal or dead animal disposal or processing services. These uses may be granted in the AG and GI districts, provided that:
- (a) The vehicles and equipment are stored entirely within an enclosed building or are buffered from adjacent residential lots and public roads.
 - (b) No vehicle used for transportation of offal or dead animals is parked or equipment is stored within any required yard.
- (2) Paper and allied products. These uses may be granted in the GI district, provided that structures are designed so as to ensure that the activities conducted therein will not endanger the public health and safety and, further, that any odors will not be a nuisance to the neighborhood.
- (3) Petroleum refining. These uses may be granted in the GI district, provided that:
- (a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.

- (4) Lubricating oils and greases. These uses may be granted in the GI district, provided that:
 - (a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.
- (5) Asbestos products. These uses may be granted in the GI district, provided that:
 - (a) Such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
 - (b) Outside storage is prohibited.
- (6) Ammunition. These uses may be granted in the LI and GI district, provided that such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.
- (7) Ordnance and accessories. These uses may be granted in the LI district, provided that:
 - (a) The Board of Appeals shall establish the hours in which the operation and testing shall occur.
 - (b) The trajectory of any weapons being tested outdoors be directed away from any buildings within site-line, within 1/2 mile.
 - (c) Underground testing must occur within approved containment devices.
 - (d) Air drops of ordnance and accessories is prohibited.
 - (e) Appropriate off-site signs shall be posted within standard limits, warning of explosions and radio-wave interference.
 - (f) Facilities testing self-propelled machinery shall be buffered with a 100-foot landscaped buffer yard that provides a 100% opaque screen year-round.
- (8) Laboratory research, experimental or testing. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 10 acres is required.
 - (b) The research activity is directly linked to agricultural research or requires the cultivation of crops or the keeping of animals or requires a rural setting to perform the work activities.
- (9) Biological Products. These uses may be granted in the CI, LI and GIS districts, provided that:

- (a) A minimum parcel area of 5 acres is required.
- (b) A type "E" buffer, pursuant to §267-30 (Buffer Yards) shall be provided along any boundary with an adjacent residential lot.
- (c) Structures shall be designed so as to ensure that the activities conducted therein will not endanger the public health and safety.

C. Institutional uses.

- (1) Cemeteries, memorial gardens and crematories. These uses may be granted in the AG, RR, R1, R2, R3, R4, VR, VB, B1, B2, B3, CI and LI districts, provided that:
 - (a) A minimum parcel of 20 acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.
 - (b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than 50 feet from any road bounding the cemetery and not less than 50 feet from any other lot line.
 - (c) All graves or burial plots shall be set back not less than 30 feet from any public road right-of-way and not less than 50 feet from any adjacent lot line.
 - (d) Such use shall be subject to the approval of the State Department of health and mental hygiene.
- (2) Civic service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:
 - (a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 25 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.
 - (b) Total building coverage shall not be more than 30% of the parcel area.
 - (c) No parking area shall be located in any required front yard.
 - (d) A type "D" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
- (3) Community centers or assembly halls. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:
 - (a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 50 feet.
 - (b) Total building coverage shall not be more than 30% of the parcel area.

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- (c) No parking space shall be located in any required front yard.
- (d) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
- (4) Day-care centers.
- (a) These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:
- [1] A minimum parcel area of ½ acre is established.
 - [2] Access to the facility shall be from an arterial or collector road.
 - [3] All outdoor play areas shall be located in a fenced area in the rear of the building. A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
 - [4] The operation may be conducted in a previously existing structure, or, if a new structure is constructed, the architecture of the building shall be harmonious with other architecture within the neighborhood.
 - [5] If the operator of a day-care center operated in a church, private school or public school has obtained a zoning certificate under the provisions of §267-28 (Accessory Uses and Structures), the day-care center is exempt from the requirements of this Subsection C(4).
- (b) These uses may be granted in the CI, LI and GI districts, provided that:
- [1] Access to the facility shall be from a public road.
 - [2] In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be fenced. A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided around the play area.
 - [3] Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the 3 closest volunteer fire and ambulance companies.
 - [4] The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.
- (5) Fire station, with fire station assembly hall. This use may be granted in the RR, R1, R2, R3, R4 and VR districts, provided that:

- (a) A minimum parcel area of 3 acres is established.
 - (b) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 100 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.
 - (c) Total building coverage shall not be more than 30% of the parcel area.
 - (d) No parking space shall be located in any required front yard or less than 50 feet from any adjacent residential lot.
 - (e) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
- (6) Hospitals. These uses may be granted in the R2, R3, R4 and RO districts, provided that:
- (a) A minimum parcel area of 15 acres is established.
 - (b) The hospital complies with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
 - (c) The hospital must be serviced by public water and sewer systems.
 - (d) Any structure is located at least 300 feet from any adjacent residential lot.
 - (e) Any parking area shall be at least 25 feet from any adjacent residential lot.
 - (f) Access to the use shall be from an existing or proposed arterial or collector road.
 - (g) A type "C" buffer yard (see §267-30 (Buffer Yards)) shall be provided along any boundary with an adjacent residential lot.
- (7) Schools, colleges and universities, excluding Harford County Public Schools and Harford Community College, offering general academic instruction. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI and LI districts, provided that:
- (a) It is located on a parcel of at least 1 acre. An additional 800 square feet of parcel area is required for each student in excess of 30.
 - (b) It is located on a parcel frontage of at least 200 feet.
 - (c) A front yard depth of at least 50 feet, a side yard depth equal to at least 2 times the height of the tallest structure located on the parcel which is proximate to the side yard and a rear yard depth of at least 50 feet.
 - (d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately buffered.

- (e) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
- D. Motor vehicle and related services.
- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG district, provided that:
 - (a) The vehicles and equipment are stored entirely within an enclosed building or are fully buffered from view of adjacent residential lots and public roads.
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.
 - (c) A minimum parcel area of 5 acres shall be provided.
 - (d) All parking and storage areas must be clearly delineated and constructed of a stabilized surface.
 - (2) Motor vehicle repair shops. These uses may be granted in the AG and B1 districts, provided that:
 - (a) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road right-of-way or adjacent residential lot.
 - (b) Outdoor storage shall be prohibited.
 - (c) Vehicles, except those used in the operation of the business, may not be stored on the property for more than 90 calendar days.
 - (d) The rental or storage of trailers, boats and trucks shall be prohibited.
 - (e) The fumes, odors and noise from the vehicle-related work shall be minimized.
 - (f) A minimum parcel area of 5 acres in the AG district and 1 acre in the B1 district is required.
 - (g) In the AG district, the use shall be operated by the resident of the property.
 - (h) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.
 - (i) All parking and storage areas must be clearly delineated and constructed of a stabilized surface.

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- (3) Salvage and junk yards. These uses may be granted in the GI district, provided that:
- (a) A minimum parcel area of 10 acres is required.
 - (b) Storage and salvage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high.
 - (c) No salvage material or junk may be piled more than 6 feet high or above the level of the buffer yard, whichever is greater.
 - (d) A type "E" buffer yard (see §267-30 (Buffer Yards)) shall be provided along any adjacent road right-of-way or adjacent property.

E. Natural resource uses.

- (1) Mineral extraction and processing. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2 and B3 districts, provided that:
- (a) A permit for such use has been approved by the Maryland Department of the Environment.
 - (b) No building or structure shall be located within 100 feet of any road right-of-way or adjoining property line.
 - (c) The following buffer requirements shall be maintained:
 - [1] In addition to §267-30 (Buffer Yards), all areas in which extraction activities occur shall maintain a minimum 1,000 foot buffer from any adjacent road and a minimum buffer of 1,500 feet from any adjacent residentially zoned parcel. Within the required buffer yard, a minimum 20 foot recreational buffer shall be maintained;
 - [2] The storage of overburden shall not be visible above the tree line and shall be properly screened from any adjacent road or residentially zoned parcel; and
 - [3] Blasting activities shall not be permitted within 2,000 feet of any residentially zoned parcel or designated historic landmark.
 - (d) Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by the selective cutting, transplanting and addition of trees, shrubs and other ground cover for the depth of the front yard setback. Where it is determined that landscaping is not practical because of soil and/or operation conditions, other buffering shall be provided.
 - (e) Any use authorized as a conditional use pursuant to Board of Appeals approval prior to the effective date of this Part 1 shall comply with the conditions as previously established. Any use authorized after the effective date of this Part 1, as amended, may proceed, subject to the

conditions of this section. Where a conditional use or special exception has been granted, any modification or change of operations affecting the conditions or expansion of the use shall be subject to approval by the Board of Appeals.

- (f) The Director of the Department of Planning and Zoning annually shall require all active mining operations that operate subject to a Board of Appeals decision to submit to the Department a Certificate of Compliance. The Certification shall be signed by the Chief Executive Officer and the Plant Operator/Manager of the company which owns the property and shall state whether the mining operation is in compliance with all of the conditions in the Board's decision. The Certificate of Compliance shall include detailed information to address the conditions imposed as part of the Board of Appeals case. The Director of the Department of Planning and Zoning may require any additional information needed to verify compliance, such as a property line or topographic survey or part or all of the property sealed by a Professional Land Surveyor or Registered Property Line Surveyor.
- (2) Sawmills, firewood processing and distribution. These uses may be granted in the AG and B3 districts, provided that:
 - (a) A minimum parcel area of 10 acres is required.
 - (b) Storage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high.
 - (c) A type "E" buffer yard (see §267-30 (Buffer Yards)) shall be provided along any adjacent road right-of-way or adjacent property.
 - (d) No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.
 - (3) Mulch processing, storage and sales. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 10 acres is required.
 - (b) Storage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high.
 - (c) A type "E" buffer yard (see §267-30 Buffer Yards) shall be provided along any adjacent road right-of-way or adjacent property.
 - (d) No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.

F. Residential uses.

- (1) Apartments, high-rise. These uses may be granted in the R4 and B3 districts, provided that:
 - (a) A minimum parcel area of not less than 3 or more than 20 acres shall be established.
 - (b) The density shall not exceed 30 dwelling units per acre for high-rise apartments, and the maximum building coverage shall be 30% of the total parcel for high-rise apartments.
 - (c) The location is suitable for apartment dwellings with regard to traffic, access, efficiency and convenience of land use and safety.
 - (d) The proposed project is designed with properly arranged traffic flow, pedestrian linkages and parking; buildings which are compatible and harmonious with surrounding uses; and minimum obstruction to the view of those who live in the surrounding area.
 - (e) The open space shall constitute at least 35% of the parcel area, of which at least 40% shall be suitable for and devoted to active recreation.
 - (f) Any area not used for buildings, structures or parking shall be landscaped and properly maintained.
 - (g) In the B3 district, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents. No individual retail accessory use may exceed 1,500 square feet, and the total retail accessory uses shall not exceed 150 square feet per dwelling unit. No freestanding signs advertising the business uses shall be allowed.
- (2) Camps, retreats and recreational vehicle parks. These uses may be granted in the AG district, provided that:
 - (a) Recreational vehicle parks shall contain electrical and water outlets for individual sites, 1 or more central sanitary stations, toilets and shower facilities.
 - (b) The parcel shall have a minimum frontage of 200 feet on a collector or arterial road.
 - (c) The maximum density permitted shall be 10 campsites or rooms per acre, with a minimum campsite size of 3,000 square feet. All campsites shall be at least 50 feet from any property line.
 - (d) The only permitted permanent residential occupancy shall be for the resident owner or manager.
- (3) Country inns, tourist homes and resorts. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:

- (a) Eating and sleeping facilities for at least 3 guests on a daily or weekly short-term basis shall be provided.
 - (b) The project shall be responsive to the natural and historic features of the parcel.
 - (c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission, consistent with Article XIII.
- (4) Group home for sheltered care. This use may be granted in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:
- (a) A minimum parcel area of 3 acres is required in the AG district. A minimum parcel area of 2 acres is required in the RR and R1 districts.
 - (b) Density is limited to 8 residents per acre.
- (5) Nursing homes and assisted living facilities. These uses may be granted in the AG, RR, R1, R2, VR, VB and B1 districts, provided that:
- (a) A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
 - (b) The setbacks of the district for institutional uses shall be met.
 - (c) The density shall not exceed 20 beds per acre of the parcel.
- (6) Personal-care boarding homes. This use may be granted in the AG, RR, R1, R2, R3, R4, RO, VB and VR districts, provided that:
- (a) The proposed use shall be located in a single-family detached dwelling.
 - (b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.
 - (c) A maximum density of 1 Boarder per 2,000 square feet of lot area shall be maintained.
 - (d) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.
 - (e) All applicable State and County laws and regulations are satisfied.
- (7) Mobile homes. These uses may be granted in the R3, R4, VR, VB, B1, B2 and B3 districts, provided that:
- (a) The main roof of each unit shall be pitched, having at least 1 foot of rise for each 4 feet of horizontal. The roofing material shall be compatible with residential dwellings within the neighborhood in which the mobile home is to be located.

- (b) The exterior finish of the unit shall be of a color, material and scale which are harmonious with the existing residential dwellings within the neighborhood in which the mobile home is to be located. In no case shall the degree of reflectivity of exterior finishes exceed that of semi-gloss white paint. Siding, trim and features shall be compatible with other materials used in construction of the mobile home unit.
- (c) The mobile home unit shall be placed on a permanent foundation in accordance with the manufacturer's specifications. Installation shall include a positive surface water drainage away from each unit.
- (d) All wheels, axels, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
- (e) The lot size and yard requirements applicable to single-family detached dwellings in the respective zoning district shall apply to mobile homes.
- (f) In the VR and VB districts, mobile homes shall have a minimum width of 24 feet and a minimum length of 48 feet.

G. Retail trade.

- (1) Agricultural retail. This use may be granted in the RO district, provided that the parcel has sufficient road frontage to ensure ingress and egress. Any permanent structure shall meet setback for retail uses.
- (2) Antique shops, art galleries and museums. These uses may be granted in the AG district, provided that a minimum parcel area of 2 acres is required and the proposed use is located in an historic structure.
- (3) Auction sales, agricultural related products. These uses may be granted in the AG, VB and B3 districts, provided that:
 - (a) A minimum parcel area of 3 acres shall be established.
 - (b) No facility for overnight shelter of animals shall be within 200 feet of any adjacent residential lot.

H. Services.

- (1) Construction services and suppliers. These uses may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 5 acres in the AG district and .5 acres in the VB district is required.
 - (b) If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
 - (c) All parking and storage areas must be paved.

- (d) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
- (2) Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:
- (a) A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.
 - (b) All parking areas must be paved.
 - (c) A type "C" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
 - (d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.
- (3) Small engine repair. This use may be granted in the AG district, provided that:
- (a) A minimum parcel area of 2 acres is required.
 - (b) All equipment must be stored within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
- (4) Funeral homes and mortuaries. These uses may be granted in the AG district, provided that:
- (a) The proposed use shall be located in a building which is residential in character.
 - (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any residential lot or public road.
 - (c) Access for such use shall be from an arterial or collector road.
 - (d) A minimum parcel area of 3 acres is established.
- (5) Kennels. These uses may be granted in the AG district, provided that:
- (a) A minimum parcel area of 5 acres must be provided.
 - (b) All buildings for the shelter of animals and all runways shall be located at least 200 feet from any lot line.
- (6) Pet grooming. This use may be granted in the AG district, provided that:
- (a) The activity takes place inside a completely enclosed building.
 - (b) No animals may be kept overnight, except those owned by the proprietor.

- (7) Personal services. These uses may be granted in the VR district, provided that:
 - (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided Between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed 5,000 square feet.
- (8) Professional services. These uses may be granted in the VR district, provided that:
 - (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed 5,000 square feet.
- (9) Restaurants. These uses may be granted in the VB and B1 districts, provided that:
 - (a) The use is located with direct access to an arterial or collector road.
 - (b) A type "A" buffer, pursuant to §267-30 (Buffer Yards), must be provided along the public road(s) and any adjacent residential lot.
- (10) Veterinary clinics or hospitals or veterinary practice, large animals. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 3 acres is required.
 - (b) The use shall be located with direct access to an arterial or collector road.
 - (c) A type "A" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any adjacent residential lot.
 - (d) Any runways or outdoor holding areas shall be set back at least 200 feet from any lot line.
- (11) Health services and medical clinics. These uses may be granted in the RO district, provided that:
 - (a) The structure shall be of a size, scale and facade compatible with the surrounding residential neighborhood.
 - (b) All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses.
 - (c) A type "A" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any adjacent residential lot.
- I. Transportation, Communications and Utilities (TCU).
 - (1) Aircraft landing and storage, private. This use may be granted in the AG, CI, LI and GI districts, provided that:

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- (a) The airfield is designed in accordance with design criteria required for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
 - (b) The approach and landing paths are in accordance with the requirements for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
 - (c) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.
 - (d) The length of the runway is sufficient for the aircraft to stop safely without thrust reversal after aborting takeoff at takeoff speed.
 - (e) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.
 - (f) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.
 - (g) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.
- (2) Airports, general aviation. These uses may be granted in the AG, CI, LI and GI districts, provided that:
- (a) Landing, takeoff and utility areas used by aircraft shall be provided with a hard surface.
 - (b) All commercial maintenance or servicing of aircraft shall take place entirely within an enclosed structure. No structures used for the commercial maintenance or servicing of aircraft shall be located less than 200 feet from any property line.
 - (c) Airport approach and landing paths are in accordance with requirements for public use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
 - (d) The airfield is designed in accordance with the design criteria for public use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
 - (e) A sturdy and well-constructed fence, not less than 6 feet in height, shall be constructed along any public road. All aircraft stored on the site shall be

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- secured by locks or stored inside a locked enclosure to prevent the unauthorized use of such aircraft.
- (f) Appropriate airport accessory uses, such as restaurants, snack bars, automobile rental agencies, airline business offices and service facilities, but not other business or industrial uses, may be permitted.
 - (g) The Director of Planning shall refer the application to the Maryland Aviation Administration or the appropriate regional planning bodies to determine:
 - [1] If such airport is an integral part of or will interfere with the general plan of airports for the Maryland-Washington regional district.
 - [2] If the takeoff and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of any nearby airport.
 - (h) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.
 - (i) No more than 50% of the land area upon which the commercial operation is conducted may be located in the AG district. The commercial operation includes all buildings, pavement areas, airport approach and landing paths, aircraft parking and storage areas.
 - (j) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.
- (3) Communications and broadcasting stations. These uses may be granted in the AG district, provided that:
- (a) A minimum parcel area of 1 acre is established.
 - (b) The building shall be architecturally compatible with adjacent buildings.
 - (c) The building shall be set back at least 50 feet from any adjacent residential lot.
- J. Warehousing, wholesaling and processing.
- (1) Abattoirs and slaughterhouses. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 20 acres is established.
 - (b) The use is provided with direct access from arterial or collector roads.

- (2) Petroleum and gas products, sales or storage. Underground petroleum and gas products storage not in excess of 25,000 gallons' capacity may be granted in the B3 district, and aboveground and underground petroleum and gas products storage in excess of 25,000 gallons' capacity may be granted in the G1 district, provided that:
- (a) The applicant demonstrates that the best practicable means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance and protect against fire and explosion shall be employed.
 - (b) The parcel is located at least 300 feet from any railroad siding or bulk storage area for other volatile or explosive materials.
 - (c) The tanks are set back at least 100 feet from any public road right-of-way, and the premises are enclosed by a secure fence of at least 8 feet in height.
 - (d) The tanks are located at least 400 feet from any institutional use and at least 300 feet from any adjacent residential or business use.
 - (e) All properties adjacent to the facility must be served by public water.

ARTICLE X. Landfills**§ 267-89. Sanitary Landfills.**

This use is permitted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The site must be included in the most recently adopted Harford County Solid Waste Management Plan.
- B. The site must be a minimum of 100 acres in size.
- C. A Site Plan shall be developed to consider and address topography of the area, ability to effectively buffer the landfill area and such other factors as the Departments of Planning and Zoning and Public Works and the County Council deem relative in conformity with §267-9I (Board of Appeals, Limitations, Guides and Standards).
- D. A buffer area, designed to adequately buffer the landfill activities from view of adjoining properties, shall be maintained between the fill area and adjoining property lines. If the existing vegetation within the buffer area does not adequately screen the landfill activities, a landscaped earth berm shall be constructed within the buffer area to provide adequate screening. The distance shall be determined by the County Council after the Site Plan is developed. For any landfill, or landfill expansion, receiving a permit from the Maryland Department of the Environment after the effective date of this act, a minimum buffer area of 1,000 feet shall be maintained between the fill area and any adjoining residential property line, not including properties owned by the entity operating the landfill. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road. Prior to commencement of landfilling activities, a minimum 20 foot recreational buffer shall be established within the required buffer yard.
- E. An undisturbed buffer area of 1,000 feet shall be maintained between the fill area and the banks of the Deer Creek.
- F. The Department of Public Works shall cause, prior to submission of the Site Plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the County. The notice shall identify the location of the site, the acreage and physical description of the site.

§ 267-90. Rubble Landfills.

This use is permitted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The site is at least 100 acres in size and must be included in the most recently adopted Harford County Solid Waste Management Plan.
- B. The Department of Public Works shall cause, prior to submission of the Site Plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the County. The notice shall identify the location of the site, the acreage and physical description of the site.
- C. An undisturbed buffer area, designed to adequately buffer the landfill activities from view of adjoining properties, shall be maintained between the fill area and adjoining property lines. The distance shall be determined by the County Council after the Site Plan is developed and shall be a minimum of 1,000 feet from adjoining property lines. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road. Prior to commencement of landfilling activities, a minimum 20 foot recreational buffer shall be established within the required buffer yard.

- D. All areas in which solid waste is deposited are at least 500 feet from the Floodplain District established by Chapter 131 of the Harford County Code, as amended.
- E. All areas in which solid waste is deposited are at least 1,000 feet from any lawfully permitted off-site residential or institutional building.
- F. The rubble landfill is contoured to substantially conform to the original grade of the site and, in any case, the height of the landfill does not exceed the height of the tallest structure, excluding towers, or natural feature within 2,500 feet of the parcel.

§ 267-91. Solid Waste Transfer Stations. [Amended by Bill 11-62, as amended]

This use may be granted in the AG, B3, CI and GI districts, provided that:

- A. The site must be included in the most recently adopted Harford County Solid Waste Management Plan. The site must be at least 3 acres in the AG district and at least 1 acre in the B3, CI or GI district.
- B. A 150 foot buffer shall be provided next to any adjacent residential lot and along any public road. Ancillary uses may be allowed within the buffer including access roads; stormwater management; utilities; wetland mitigation and reforestation; site security measures; and landscaping.
- C. Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.
- D. Outside storage of materials or equipment shall be completely buffered from view of adjoining residential properties and public roads.
- E. To the extent possible, all buildings on the site shall be located and configured in a manner to maximize the distance between the buildings and adjacent residential lots.
- F. Fencing shall be erected and maintained around the facility.

§ 267-92. Other County Solid Waste Processing Facilities. [Amended by Bill 11-62, as amended]

These uses only include County operations associated with the collection of yard waste and recyclable materials. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The facility must be located on County-owned property and operated by the Harford County Department of Public Works.
- B. The facility is for the sole purpose of collecting yard waste, as defined by the solid waste management plan, and other recyclable materials.
- C. A 150 foot buffer shall be provided next to any adjacent residential lot and along any public road. Ancillary uses may be allowed within the buffer including access roads; stormwater management; utilities; wetland mitigation and reforestation; site security measures; and landscaping.
- D. Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.
- E. Outside storage of materials or equipment shall be completely buffered from view of adjoining residential properties and public roads.

ARTICLE XI. Telecommunications Facilities

§ 267-93. Purpose.

The County finds that the provisions of this Article are necessary in order to:

- A. Minimize the number of communications towers in Harford County.
- B. Encourage the co-location of telecommunications facilities.
- C. Encourage the use of existing buildings, towers, lights, utility poles, water towers and other similar structures for antennas.
- D. Allow telecommunications providers to build out their systems over time.
- E. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the County.
- F. Require the County to create a government information system database that contains information regarding the location of all communications antennas, the location of all communications towers and information relative to the carrying capacity of each tower.
- G. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are installed in such a manner as to minimize disturbance to existing vegetation and designed to include suitable landscaping to buffer the facility, where necessary.
- H. Ensure that if a new communications tower must be built, the tower should be:
 - (1) Constructed to accommodate 3 or more providers when practical;
 - (2) Erected in a medium or high intensity commercial zone when practical;
 - (3) Located and designed to minimize visibility from residential properties; and
 - (4) Available for co-location for a government sanctioned public safety use prior to its availability to another provider.

§ 267-94. Accessory Uses.

Communications antennas may be placed, as accessory uses, upon any existing structure in any district as a matter of right, subject to the following restrictions:

- A. Communications antennas and any related mounting structures may not be more than 12 feet in total height without a variance.
- B. No communications antennas shall be placed upon any single-family residence.
- C. If the addition of communications antennas to an existing structure triggers a governmental lighting requirement, with respect to a facility that is not already subject to

such a requirement, the addition will be allowed only by special exception through the granting of an area variance.

- D. A building permit shall be required.
- E. Certification from the applicant that its equipment will meet all applicable Federal standards governing the emission of energy.
- F. Equipment buildings that do not exceed 560 square feet per building, per provider, or a single equipment building that does not exceed 560 square feet, per provider, are permitted in any district as accessory uses.

§ 267-95. Communications Towers.

- A. Communications towers shall be allowed by right, up to 199 feet, in the B3, CI, LI, GI and MO districts.
- B. A communications tower shall be allowed by right within an existing overhead transmission line right-of-way provided that the height of the communications tower does not exceed the height of the existing structure by more than 20%.
- C. Communications towers shall be allowed by special exception, up to 199 feet, in the RR, R1, R2, VR, VB, B1, B2 and AG districts.

§ 267-96. Provisions Applicable To All Communications Towers.

- A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of the structure to allow for the placement of antennas for 3 or more carriers. This provision may be waived by the approving body if it is determined that a co-location design will have an adverse impact on the surrounding area.
- B. No aviation-related lighting shall be placed upon any communications tower unless specifically required by the Federal Aviation Administration or other governmental entity.
- C. Monopoles shall be the preferred communications tower structure type within the County.
- D. To the extent practical, communication towers shall have suitable landscaping in order to buffer the site from adjoining properties.
- E. The only signage permitted on any communications tower shall be a single sign, no larger than 6 square feet, affixed to the equipment building or fence enclosure that identifies the tower owner, each locating provider and the telephone number for the person to contact in the event of an emergency.
- F. All zoning certificate applications for the construction of new communications towers shall be subject to the Development Advisory Committee (DAC) review process, with the following additional requisites:
 - (1) Whether an applicant has satisfied the radio frequency need requirements identified in this section shall be reviewed by a radio frequency engineer. The

engineer shall be retained by the County from an approved panel of such engineers to be created and maintained by the County. The engineer shall determine whether the applicant has shown a radio frequency need, based on coverage and/or capacity issues or other engineering requisites, to construct a new communications tower.

- (2) When the communications tower is permitted by right, the engineer's determination shall be made in the ordinary course of DAC review.
 - (3) When the communications tower is allowed by special exception, the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-1.D of the Harford County Code, as amended. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues.
 - (4) The County's radio frequency engineer shall ensure that any new tower does not interfere with or obstruct existing or proposed communications towers designed for public safety use.
- G. The applicant shall be responsible for maintaining the communications tower in a safe condition.
- H. Communications towers shall be utilized continuously for wireless communications. In the event that a communications tower ceases to be used for wireless communications for a period of 6 months, the approval will be revoked. In the event that the Director of Planning is presented with evidence that further viability of the tower is imminent, the Director of Planning may grant 1 extension of the approval for a period not to exceed 6 months beyond the revocation of the use. The applicant shall take all necessary steps to dismantle the tower and remove and dispose of all visible remnants and materials from the subject parcel within 90 calendar days after termination. The applicant shall ensure removal of the tower and all associated accessory structures by posting an acceptable monetary guarantee with the County on forms provided by the Department of Planning and Zoning. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director of Planning for the removal of the tower, plus a 15% contingency.
- I. Every application for the construction of a new communications tower shall include the following:
- (1) Information demonstrating the applicant's radio frequency need for the facility, including computer modeling information, an explanation as to why co-location is not feasible and a list of alternative sites considered;
 - (2) A checklist prepared, in conformity with Section 106 of the National Environmental Policy Act, and any other documents filed by the applicant with the FCC related to this site if requested by the Department;
 - (3) A Site Plan, including the layout of the site, a drawing or other physical depiction of the proposed communications tower and any equipment buildings, and a map showing the area within a 1 mile radius of the tower;

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- (4) A description of the number of carriers' equipment that the tower can accommodate and a statement as to whether the applicant will allow other carriers to co-locate on the facility;
 - (5) Documentation demonstrating the tower shall be designed and constructed in accordance with any applicable American National Standards Institute Standards;
 - (6) Proof that the applicant owns, or otherwise has permission to use, the site, along with any easements necessary to access the site;
 - (7) A Certification from each carrier that will utilize the facility that its equipment will meet all applicable Federal standards governing the emission of energy from such facilities; and
 - (8) A nonbinding 5-year plan showing the applicant's existing and proposed communications network within the County. In accordance with State law on access to public records, §10-611 *et seq.* Of the State government Article, the Department shall treat the 5-year plan it obtains as confidential and shall not permit public inspection of that information.
- J. When proposing a new communications tower, the applicant must demonstrate a radio frequency need for such a facility by showing:
- (1) That the applicant has researched the co-location possibilities in the area, including in its research a review of the County's database of structures; and
 - (2) That due to the absence of sufficiently tall structures in the search area, the absence of structural capacity on existing structures or other valid engineering or economic factors, no viable co-location opportunities exist in the search area.
- K. Communication towers shall not be located within 1,000 feet of a historic landmark.

§ 267-97. Additional Special Exception Requirements.

An applicant proposing a new communications tower in the RR, R1, R2, VR, VB, B1, B2 or AG districts shall demonstrate that the request complies with the following conditions:

- A. The placement of the communications tower, at the proposed location, will not have a material negative impact on the value, use or enjoyment of any adjoining parcel.
- B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower or nonresidential building or structure.
- C. The applicant shall provide the following additional information in support of its application:
 - (1) Photographs of existing site conditions;
 - (2) Photographs demonstrating that a balloon test has been conducted, or other evidence depicting the visual impact of the proposed tower within a 1 mile radius of the tower; and

- (3) A map describing the topography of the site and the area within a 1 mile radius of the proposed tower.

§ 267-98. Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, VR, VB and B1 Districts.

Applications proposing new communications towers in the RR, R1, R2, VR, VB and B1 districts shall be presumed not to be favored unless the applicant can demonstrate that no suitable alternative site exists. In order to obtain a special exception in one of these districts, the applicant must demonstrate, in addition to the requisites applicable to all other tower requests, the following:

- A. There exists no suitable alternative location in a B2, B3, C1, G1, LI or AG district identifying with particularity any other sites considered;
- B. There is something unique about the proposed location, such as its size, the nature of surrounding uses or other factors, that negates the presumption that such facilities are generally incompatible with residential zoning; and
- C. That due to the location, elevation, engineering, technical feasibility or inability to obtain a lease or ownership of a location elsewhere, the construction of a tower at the proposed location is warranted.

§ 267-99. Public Safety Uses.

The construction of communications towers, determined to be necessary, in accordance with a plan approved by the County Council, for government-sanctioned public safety use or the mounting of communications antennas for government-sanctioned public safety use is exempt from the provisions contained in §267-97 (Additional Special Exception Requirements) and §267-98 (Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, VR, VB and B1 districts) of this legislation. Public safety use is defined as local and State law enforcement agencies and Emergency Operations Center, including the oversight of the fire companies and medical services, designed to protect the health, safety and welfare of the public but does not include the operations of the Department of Inspections, Licenses and Permits or the Humane Society.

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ARTICLE XII. Applicability of Provisions

§ 267-100. Approved or Pending Zoning Certificates or Building Permits.

- A. The requirements of this Part 1 shall not apply to any building, structure or use established pursuant to a zoning certificate or building permit approved prior to the effective date of Bill 08-44, provided that any such building, structure or use shall commence within 12 months of said date.
- B. The requirements of this Part 1 shall not apply to any building, structure or use proposed to be established pursuant to a zoning certificate or building permit application pending as of said date, provided that:
 - (1) The requirements of the Zoning Code in effect at the time of application apply;
 - (2) The zoning certificate or building permit is approved within 60 calendar days after said date; and
 - (3) Any such development shall commence within 12 months of the date of the approved zoning certificate or building permit and diligently pursued to a final action.

§ 267-101. Board of Appeals Approvals.

- A. The requirements of this Part 1 shall not apply to any variance or special exception approved by the Board pursuant to the regulations in effect at the time of the Board's approval.
- B. Any substantial modification not in accordance with the terms of this Article shall require the approval of the Board, pursuant to §267-9 (Board of Appeals).
- C. The requirements of this Part 1 shall not apply to any zoning case pending before the Board or Courts of this State and diligently pursued to a final action.

§ 267-102. Approved Preliminary and Site Plans.

- A. Preliminary Plans approved prior to the effective date of this Part 1 may proceed provided that the lots have been recorded within 2 years of the date that the plan was approved.
- B. Site Plans approved prior to the effective date of this Part 1 may proceed provided that a building permit has been obtained within 2 years of the date that the plan was approved.

§ 267-103. Effect of Declaration of Invalidity.

Should all or part of any comprehensive zoning map legislatively adopted on or after the effective date of the Part 1 be declared invalid, the zoning restrictions applicable prior to the date of invalidation shall apply to the property affected by such declaration of invalidity, pending further action by the County Council.

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PART 2. MISCELLANEOUS PROVISIONS

ARTICLE XIII. General Provisions for Historic Landmarks

§ 267-104. Purpose.

- A. The purpose of this Article is to provide Harford County with the standards necessary to allow the preservation of significant historic structures, functions and/or archaeological sites in the County.
- B. It is hereby declared by Harford County, Maryland, that it is the public policy that the protection, enhancement, perpetuation and use of structures and sites of special character or historical interest or archaeological value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The further purpose of this Article is to:
 - (1) Effect and accomplish the protection, enhancement and perpetuation of such improvements that represent or reflect elements of the County's cultural, social, economic, political and architectural history.
 - (2) Safeguard the County's historic and cultural heritage as embodied and reflected in such Landmarks.
 - (3) Stabilize and improve property value.
 - (4) Foster civic pride in the beauty and noble accomplishments of the past.
 - (5) Protect and enhance the County's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.
 - (6) Strengthen the economy of the County.
 - (7) Promote the use of Historic Landmarks for the education, pleasure and welfare of the people of the County.
- C. Historic Preservation Commission. The Historic Preservation Commission shall be established pursuant to Chapter 9 of the Harford County Code, as amended.

§ 267-105. Applicability.

This Article may not be construed to:

- A. Prevent any routine maintenance or repair of an exterior architectural feature which involves no change in design, material or outward appearance of a structure proposed or designated as a County Historic Landmark;
- B. Prevent the construction, reconstruction, alteration or demolition of any exterior architectural feature which the Department of Inspections, Licenses and Permits

determines is required for the public safety because of an unsafe or dangerous condition; or

- C. Prevent or prohibit the owner or occupant, if any, of a structure on the list of County Historic Landmarks from using that structure in any lawful manner, so long as the use does not involve the demolition of the structure or the alteration of its exterior architectural features.

§ 267-106. Maintenance of Lists.

The list of County and Municipal Historic Landmarks shall be maintained and made available for public inspection at the Department of Planning and Zoning.

§ 267-107. Method of Nomination.

- A. County Historic Landmark nominations shall be made to the Historic Preservation Commission and may be submitted by a member of the Commission, owner of record of the nominated property or structure or any other person or organization.
- B. The Department of Planning and Zoning, at the request of the Preservation Commission, shall make recommendations to the County Council regarding nominations for designation of County Historic Landmarks using the criteria set forth in §267-108 (Criteria for Consideration of Nomination).

§ 267-108. Criteria for Consideration of Nomination.

- A. The Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, function or area meets 1 or more of the following criteria:
 - (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the community, County, State or Country.
 - (2) Its location as a site of a significant local, County, State or national event.
 - (3) Its identification with a person or persons who significantly contributed to the development of the community, County, State or Country.
 - (4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
 - (5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, County, State or Country.
 - (6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.
 - (7) Its embodiment of design elements that make it structurally or architecturally innovative.

- (8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.
 - (9) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.
 - (10) Its suitability for preservation or restoration.
 - (11) Its significance as an archaeological site.
- B. Any structure, property or area that meets 1 or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

§ 267-109. Nomination Report and Recommendation of Preservation Commission. [Amended by Bill 15-17]

The Preservation Commission shall, within 45 calendar days from receipt of a completed nomination in proper form, determine that the nominated Landmark does or does not meet the criteria for designation.

- A. The determination shall be forwarded in a report to the Director of the Department of Planning and Zoning. The report shall include, but is not limited to, the following information:
- (1) An explanation of the significance or lack of significance of the nominated Landmark as it relates to the criteria for designation.
 - (2) An explanation of the integrity or lack of integrity of the nominated Landmark.
 - (3) In the case of a nominated Landmark found to meet the criteria for designation, the report shall include a detailed description of the property's historic, archaeological or architectural significance and an analysis/description of unique or special features that contribute to the historical significance of the property:
 - (a) The significant exterior architectural features of the nominated Landmark that should be protected.
 - (b) The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness.
 - (4) Criteria for review of certificates of appropriateness shall conform to the United States Secretary of Interior's Standards for the Treatment of Historic Properties.
 - (5) The relationship of the nominated Landmark to the ongoing effort of the Commission to identify and nominate all potential areas and structures that meet the criteria for designation.
 - (6) All Landmarks, appurtenances and environmental settings appropriate to ensure preservation of character and historical integrity.

- (7) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated Landmark.
 - (8) A map showing the location of the nominated Landmark.
- B. The recommendations and report of the Commission shall be sent to the Department of Planning and Zoning within 14 calendar days following the vote of the Commission and shall be available to the public.

§ 267-110. Establishments of Landmarks.

- A. Notices.
- (1) Immediately upon completion of the nomination of a Landmark, the Department of Planning and Zoning shall inform the owner of the property, by registered mail, of the nomination. The notice shall include copies of the proposed nomination, draft legislation and a form requesting the owner's and/or owner's agreement to the nomination. If the owner does not agree to the nomination and/or designation, all action pertaining to the site shall cease.
- B. Notice and hearing.
- (1) The Department of Planning and Zoning, in conjunction with the Preservation Commission, shall conduct public meetings to consider structures to be included on the Landmarks list.
 - (2) For each structure or group of structures, a sign shall be conspicuously posted giving notice of the public meeting on whether a structure should be included on the Landmarks list.
 - (3) The public meeting shall be held no sooner than 45 calendar days, nor later than 60 calendar days after the sign is posted.
 - (4) The Department of Planning and Zoning shall submit the nominated Landmark to the County Council for adoption.
 - (5) Upon designation, the Landmark shall be incorporated into the Zoning Code and identified by name and historic inventory number.
- C. Interim control. No building permit shall be issued by the Department of Inspections, Licenses and Permits for alteration, construction, demolition or removal of a nominated Landmark from the date of meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the County Council, unless such alteration, removal or demolition is authorized by formal resolution of the County Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 90 calendar days.

§ 267-111. Amending and Rescinding Designations.

A designation may be amended or rescinded upon petition to the County Council and compliance with the same procedure and according to the same criteria set forth herein for designation.

§ 267-112. Historic Landmarks. [Amended by Bill 09-01; Bill 09-11; Bill 10-30; Bill 11-44; Bill 14-9]

The Department of Planning and Zoning shall maintain a list of the County's designated Historic Landmarks consisting of public and private sites and structures in the County as well as a list of properties/sites that the Commission considers to be of significant historical, architectural, archeological or cultural value that are eligible for designation.

The following sites are designated as County Historic Landmarks in accordance with this Part. The boundaries of the County Historic Landmarks are shown on the Official Historic Districts and Landmarks Maps, on file with the Department of Planning and Zoning.

Historic Inventory Number	Property Name	Property Address
937	Christopher's Camp	1219 South Fountain Green Road, Bel Air
441	Churchville Presbyterian Church and Cemetery	2844 Churchville Road, Churchville
225	Hays House	324 South Kenmore Avenue, Bel Air
609	Little Falls Meeting House Burial Ground	719 Old Fallston Road, Fallston
610	Fallston Friends Schoolhouse	719 Old Fallston Road, Fallston
855	Nelson-Reardon-Kennard House	3604 Philadelphia Road, Abingdon
4	Rigbie House	2422 Castleton Road, Darlington
1312	St. Francis De Sales Church	1450 Abingdon Road, Abingdon
5	Sophia's Dairy	4602 Pulaski Highway, Belcamp
168	St. Mary's Church	1 St. Mary's Church Road, Abingdon
561	Stansbury Mansion	1616 Eden Mill Road, Pylesville
49	Thomas Run Church	Thomas Run Road, Bel Air
165	Deer Creek Harmony Presbyterian Church	2202 Shuresville Road, Darlington
12	Deer Creek Friends Meeting House and Cemetery	1212 Main Street, Darlington
6	Bon Air	2501 Laurel Brook Road, Fallston
307	Mccomas Institute	1911 Singer Road, Joppa
249	Spesutia Church Vestry House and Cemetery	1504 Perryman Road, Aberdeen
867	Bush Hotel	4014 Philadelphia Road, Abingdon
1315	Joppa Historic District	Joppa
44	D. H. Springhouse	3000 Sandy Hook Road, Bel Air
469	King and Queen Seats	Rt. 24, Street
1117	Whitaker Mill And Miller's House	1212 Whitaker Mill Road, Joppa
103	Tabernacle Church	Tabernacle Road, Whiteford
66	Old Brick Baptist Church	Baldwin Mill Road, Forest Hill
1590	St. James African Methodist Episcopal Church Cemetery	4139 Gravel Hill Road, Havre de Grace

Historic Inventory Number	Property Name	Property Address
693	Woodside	400 Singer Road, Abingdon
240	Swansbury	111 Beards Hill Ext., Aberdeen
1279	Greenwood	331 Glenville Road, Churchville
1435	Historical Society Headquarters/ Old Bel Air Post Office	143 N. Main Street, Bel Air
356	Joshua's Meadows	300 N. Tollgate Road, Bel Air
1244	Hopkins House	141 N. Main Street, Bel Air
1393	Old Aegis Building	29 West Courtland Street, Bel Air
1394	Mrs. Dunnigan's Building	31 West Courtland Street
1780	Old Aberdeen High School	34 N. Philadelphia Blvd., Aberdeen
1395	Mrs. Dunnigan's Hotel and Restaurant	33 West Courtland Street, Bel Air
1463	Harford Mutual Fire Insurance Company Building	18 Office Street, Bel Air
2181	Darlington Library	1134 Main Street, Darlington
218	Harford County Courthouse	20 West Courtland Street, Bel Air
1456	Survey Stones for Bel Air at 220 South Main St.	220 South Main Street, Bel Air
1396	Survey Stones for Bel Air at 33 West Courtland St.	33 West Courtland Street, Bel Air
1311	Bel Air M.E. Church (Main Street)	20 N. Main Street, Bel Air
1413	Bel Air Black School	205 Hays Street, Bel Air
1267	Asbury M.E. Church	114 Asbury Road, Churchville
448	Ivory Mills	4916 Harford Creamery Road, Norrisville
458 & 459	George N. Wiley Mill	4907 Jolly Acres Road, Norrisville
997	Calvary United Methodist Church	1321 Calvary Road, Churchville
1228	Woodview	1326 Somerville Road, Bel Air
1605	Dembytown Church	800 Trimble Road, Joppatowne
1689	Orthodox Friends Meeting House and Caretaker's House	2225 Old Quaker Road, Darlington
Park Property:		
2180	Francis Silver Park (Darlington)	2428 Shuresville Road, Darlington
370	Scott House (Equestrian Center)	608 Tollgate Road, Bel Air
230	Liriodendron	502 W. Gordon Street, Bel Air
562	Eden Mill Park	1617 Eden Mill Road, Pylesville
1081	Stone House and Spring House (Edgeley Grove Farm)	864 Smith Lane, Benson
Bridges:		
439	Franklinville Road	Joppa
1119	Old Carrs Mill Road	Fallston
336	Nobles Mill Road	Darlington
799	Cherry Hill Road	Street
1982	Forge Hill Road	Dublin
1038	Ring Factory Road	Bel Air
1237	Whitaker Mill Road	Joppa
1098	Green Road	Whitehall
Board of Education:		
699	Harford Glen	60 W. Wheel Road, Bel Air

Historic Inventory Number	Property Name	Property Address
1407	Methodist Episcopal Parsonage (Demolished)	35 East Gordon Street, Bel Air
1410	Kimble-Waters House (Demolished)	50 East Gordon Street, Bel Air
2179	Darlington Elementary School	2119 Shuresville Road, Darlington
258	Proctor House	54 East Gordon Street, Bel Air
1409	Old Bel Air Academy	45 East Gordon Street, Bel Air
Harford Community College:		
152	Hays-Heighe House	401 Thomas Run Road, Bel Air

§ 267-113. Certificate of Appropriateness Required.

A Certificate of Appropriateness shall be required from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, that authorizes the following actions affecting the exterior architectural appearance of any Landmark, consistent with §267-115 (Standards for Review):

- A. Any construction, alteration, demolition or removal of an exterior architectural feature, requiring a permit from the Department of Inspections, Licenses and Permits or as specified in the report designating the Landmark.
- B. Notwithstanding the above, if the Director of the Department of Inspections, Licenses and Permits, the Director of the Department of Public Works and the County Health Officer determine, after consultation with the Department of Planning and Zoning, that a County Historic Landmark property constitutes an immediate danger to the health, welfare and safety of the public, the Director may approve the demolition or alteration of the property.
- C. An alteration permitted under Subsection B shall be only to the extent necessary to remove the immediate danger constituted by the property.
- D. County Historic Landmarks that are the property of the state, shall be subject to the requirements of this Subsection in so far as possible.
- E. The Director of a County Department that is responsible for the maintenance of a County Historic Landmark property shall submit an annual report stating the condition of the property to the Historic Preservation Commission.
- F. Minor changes for County-owned buildings, to resolve safety or State law requirements, may be approved by the Department of Planning and Zoning, upon consultation with the Department of Inspections, Licenses and Permits.
- G. Any demolition of a County-owned Historic Landmark shall require approval by the Harford County Council by a vote of at least 5 members.

§ 267-114. Applications.

Every application for a demolition permit or other exterior building permit as required in this Subsection, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated Landmark shall be forwarded to the Historic

Preservation Commission within 7 calendar days following receipt of the application. The Department of Inspections, Licenses and Permits shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission.

Applications for a Certificate of Appropriateness shall be made on a form prepared by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission. The application can be obtained from the Department of Planning and Zoning.

Applicants may request a meeting with the Historic Preservation Commission prior to submittal of an application or during the review process.

§ 267-115. Standards for Review. [Amended by Bill 15-17]

- A. Design guidelines for applying the criteria for review of certificates of appropriateness shall adhere to the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.
- C. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
- D. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- E. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- F. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- G. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- H. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- I. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- J. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

§ 267-116. Determination by Commission. [Amended by Bill 15-17]

The Historic Preservation Commission shall review the application for a Certificate of Appropriateness and recommend to the Department of Planning and Zoning, approval or denial of the Certificate of Appropriateness within 45 calendar days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided to the applicant, the Department of Planning and Zoning and the Department of Inspections, Licenses and Permits within 14 calendar days following the determination.

§ 267-117. Denial.

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Preservation Commission shall make recommendations to the Department of Planning and Zoning concerning changes, if any, that could resolve the issues. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Preservation Commission.

§ 267-118. Buffer Requirements.

Except when the Landmark is County owned or operated, the following requirements must be met:

- A. If a proposed use will be on a property that is adjacent to a designated County Historic Landmark and if the proposed use is within 500 feet of the Landmark, the proposed use shall have a buffer and landscaping in accordance with this section.
- B. The Director of Planning shall determine the required width and landscaping of the buffer.
 - (1) The width shall be up to 75 feet.
 - (2) Landscaping shall be provided consistent with the criteria put forth in §267-29 (Landscaping).
- C. Before determining the required width and landscaping alternative, the Director of Planning shall obtain a recommendation from the Historic Preservation Commission. In making its recommendation, the Historic Preservation Commission shall consider the following:
 - (1) The nature and extent of the proposed use, the degree of compatibility between the proposed use and the County Historic Landmark.
 - (2) The extent to which the buffer yard will help to preserve the character of the County Historic Landmark.
 - (3) The size of the property on which the proposed use will be located.

- (4) The distance of the proposed use from the County Historic Landmark.
- (5) The size of the property on which the County Historic Landmark is located.

§ 267-119. Fees.

Fees, if any, shall be as established in Chapter 157 of the Harford County Code, as amended.

§ 267-120. Violations and Penalties.

The County may proceed with appropriate enforcement actions, pursuant to §267-14 (Violations and Penalties).

ARTICLE XIV. Official Harford County Zoning Maps

§ 267-121. Publication.

The zoning districts, as established by law, shall be published in the form of official zoning maps, and the maps shall be referred to as the "Zoning Maps of Harford County, Maryland."

§ 267-122. Contents.

The official zoning maps shall designate, in a clear and precise manner, the zoning classification of all land in Harford County governed by the provisions of this Chapter.

§ 267-123. Incorporation by Reference.

The 1997 Official Zoning Maps are the maps enacted by and incorporated into County Council Bill no. 97-55.

§ 267-124. Certification; Availability to Public.

All official zoning maps shall be permanently kept on file with the Council Administrator and a copy of the maps shall be on file in the Department of Planning and Zoning. The maps shall be made available to the public for public inspection during normal County business hours, and the Department of Planning and Zoning shall provide for the sale of the maps to the general public.

§ 267-125. Amendments.

Zoning maps may be amended by the County Council pursuant to applicable law and rules and regulations.

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ARTICLE XV. Growth Management

§ 267-126. Adequate Public Facilities. [Amended by Bill 09-33, as amended; and Bill 11-04, as amended]

A. Annual growth report.

- (1) The Department of Planning and Zoning shall prepare an annual growth report describing growth and facility capacity in accordance with paragraphs (2) and (3) of this section. The annual growth report shall be submitted by the Director of Planning to the County Council by June 1 and shall become effective July 1.
- (2) Growth trends. The annual growth report shall describe the growth that has occurred in the preceding year. The information in the report shall be aggregated by the appropriate facility service areas, and the report shall include, but need not be limited to, the following information:
 - (a) Number of building permits approved for new dwelling units, by type;
 - (b) Number of residential units for which Preliminary Plan approval has been issued but for which building permits have not yet been issued;
 - (c) The number of building permits approved for nonresidential uses, by type and total floor area;
 - (d) Estimated population, households and employment;
 - (e) Comparisons with the same information for the previous 5 years;
 - (f) Comparison with the same information for the Baltimore region and other political subdivisions; and
 - (g) Population, household and employment projections for 5- and 10-year periods.
- (3) Specific facility analysis. The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. The analysis shall include, but need not be limited to, the following information:
 - (a) Schools.
 - [1] Full-time enrollment for each school district, as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education;
 - [2] Rated capacity and utilization percentage of each school facility, with capacity based on the State rated capacity;
 - [3] One-year, 2-year and 3-year enrollment projections for each facility, including a description of the method of projecting enrollment in each facility;
 - [4] Pupil yield factor by school level for each type of dwelling unit;

- [5] List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projects enrollment and opening date;
 - [6] School districts map for each level of school facilities; and
 - [7] Modified enrollment projections for each district which include planned units remaining (recorded lots and units projected from approved Preliminary Plans) and projected units from vacant land zoned for residential purposes.
- (b) Sewerage.
- [1] Sewage generation (in gallons per day) for each type of dwelling unit and commercial/industrial use (average);
 - [2] Inventory/tabulation of existing flows, including all allocations to the system, and the total system capacity;
 - [3] Sewage generation projections for the system, including the basis for their computation; and
 - [4] A list of capital projects, contained in the capital improvements program, for expanded sewerage facilities, including project status.
- (c) Water.
- [1] Water usage (in gallons per day) for each type of dwelling unit and commercial and industrial use (average);
 - [2] Inventory/tabulation of existing water consumption, including all allocations to the system, and the total system capacity;
 - [3] Water usage/demand projections for the system, including the basis for their computation; and
 - [4] A list of capital projects, contained in the capital improvements program, for expanded water facilities, including project status.
- (d) Roads.
- [1] List of approved transportation capital projects outlined in the Harford County Capital Improvement Program and the State Consolidated Transportation Program;
 - [2] List of the existing Level of Service (LOS) at major intersections in the County; and
 - [3] List of the existing Average Daily Traffic (ADT) on major roadways in the County.

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- (e) Government facilities.
 - [1] An analysis of the need for additional fire, library and public safety services based on the County's population; and
 - [2] List of approved capital projects, contained in the Capital Improvement Program, related to fire, library or public safety facilities.
 - (4) Amendments. The Director of Planning may amend the annual growth report to correct factual errors or to include significant changes in facility capacity. Such amendments shall be presented to the County Council within 210 calendar days of the effective date of the report.
- B. Adequacy standards (minimum acceptable Level of Service).
- (1) Testing for adequate school capacities as provided under Subsections (2)(a)[1][a] and [b] shall occur on December 1 and June 1 of each year. If such testing reveals that the enrollment at any school exceeds the State rated capacity as provided under (2)(a)[1][a] or [b], the annual growth report shall be amended to reflect these changes and the amendments shall be presented to the County Council.
 - (2) Residential development. Approval of residential subdivision plans and Site Plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this Subsection and the current and projected use level described in the annual growth report:
 - (a) Schools.
 - [1] Preliminary approval. Preliminary subdivision plans exceeding 5 lots and Site Plans for multi-family residential developments exceeding 5 dwelling units shall not be approved at locations where either of the following conditions exists:
 - [a] The enrollment at the elementary school which serves the site is greater than 110% of the State rated capacity or is projected to be greater than 110% within 3 years; or
 - [b] The enrollment of either the middle school or high school which serves the site is greater than 110% of the State rated capacity or is projected to be greater than 110% within 3 years.
 - [2] Conditional review. If paragraphs (2)(a)[1][a] or [b] of this Subsection prevent approval of a Preliminary Subdivision Plan or a Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is

removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs (2)(a)[1][a] or [b] of this Subsection no longer exists.

[3] Capital project. A Preliminary Plan, or a Site Plan, may be approved when the enrollment of a school serving the site is greater than 110% of the State rated capacity, if the following conditions exist:

[a] The approved capital budget contains a capital project that has appropriations sufficient to fund construction of a new school, a school addition or school renovation which, upon completion, will reduce the enrollment at the school that serves the site to 110% or less of the State rated capacity based on the following:

(i) Information provided by the Board of Education that demonstrates that the enrollment of the school serving the site will be 110% or less due to the capital project; or

(ii) In the event that the Board of Education fails to provide the Department of Planning with the information as provided in subparagraph (i) of this paragraph, prior to the next scheduled testing date for adequacy as provided herein, the Department of Planning shall review the adjacent school attendance areas, as provided in the most recent Annual Growth Report, to determine whether the capital project would provide adequate capacity to allow the Board of Education to reduce enrollment at the school serving the site to 110% or less of the State rated capacity;

[b] Actual construction of the capital project has begun; and

[c] The capital project is scheduled to be completed and operational within 2 years.

[4] Exemptions. The provisions of this Subsection shall not apply to transient housing, housing for the elderly and Continuing Care Retirement Communities.

(b) Sewerage.

[1] The County sewerage system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility

Agreements, all unexpired Preliminary Plans and properties using individual sewerage systems that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:

- [a] Collector system to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;
 - [b] Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the subdivision;
 - [c] Pumping stations and force mains, receiving flows from the collector system in the drainage/service area, have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;
 - [d] Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development; and
 - [e] Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- [2] The County sewerage system shall also be considered adequate if there is compliance with [1][a] and [1][c] of this Subsection and the County has funded projects for the improvement of the facilities necessary to comply with requirements of [1][b], [d] and [e] of this Subsection.
- [3] The County sewerage system shall also be considered adequate if there is compliance with [1][e] of this Subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this Subsection or the developer executes an agreement with the County for improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this Subsection.
- [4] If the County sewerage system is found to be inadequate, then Preliminary Subdivision Plans exceeding 5 lots, Site Plans for multi-family residential developments exceeding 5 dwelling units and extensions of previously approved Preliminary Subdivision Plans shall not be approved.
- [5] Conditional review. If paragraphs [1][a], [b], [c], [d] or [e] of this Subsection prevents approval or the extension of a previous

approval of a Preliminary Subdivision Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c], [d] or [e] of this Subsection no longer exists.

- [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the sewerage system. If development is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system, execution of public works utility agreements for such development is subject to availability of capacity in the sewerage system at the time of application for the Public Works Utility Agreements.

(c) Water.

- [1] The County water system or community water system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, building under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility Agreements, all unexpired Preliminary Plans and properties using individual water supply system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:

[a] The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development, as established in the County's water and sewer design guidelines;

[b] Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;

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- [c] Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development; and
 - [d] Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.
- [2] The County water system or community water system shall also be considered adequate if the County or the operating entity has funded projects for the improvement of the facilities necessary to comply with the requirements of paragraphs [1][a], [b], [c] and [d] of this Subsection.
 - [3] The County water system or community water system shall also be considered adequate if there is compliance with [1][c] and [d] of this Subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this Subsection or the developer executes an agreement with the County or the operating entity for improvements to the system to meet the requirements of [1][a] and [b] of this Subsection.
 - [4] If the water system serving the proposed development is found to be inadequate, then Preliminary Subdivision Plans exceeding 5 lots, Site Plans for multi-family residential developments exceeding 5 dwelling units and extensions of previously approved Preliminary Subdivision Plans shall not be approved.
 - [5] Conditional review. If paragraph [1][a], [b], [c] or [d] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c] or [d] of this Subsection no longer exists.
 - [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this Subsection concerning the adequacy of the water system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the water system. If development is exempt from the provisions of this Subsection

concerning the adequacy of the water system, execution of public works utility agreements for such development is subject to availability of capacity in the water system at the time of application for the Public Works Utility Agreements.

(d) Roads

- [1] Developments which generate more than 249 trips per day, based on the Institute of Transportation Engineers Trip Generation Manual (current edition), shall have prepared, by the subdivider, a Traffic Impact Analysis (TIA) study to determine the Level of Service (LOS) of road intersections within the study area. The traffic study shall conform to the requirements outlined in the Harford County TIA guideline including:
 - [a] Expansion of the study area for developments which generate 1,500 or more trips per day; or
 - [b] Limiting the study area to 2 miles in all directions or to the area as identified in paragraph [3], whichever is less.
- [2] At the request of and with justification submitted by the subdivider, the Director of Planning, with the concurrence of the Department of Public Works, may eliminate from the impact study those intersections where the County staff find that there will be:
 - [a] Minimal impact on traffic; or
 - [b] Excessive distance between the first arterial road and next intersecting collector road.
- [3] Existing State and County roads shall be considered adequate to accommodate the traffic projected to be generated by the proposed development if:
 - [a] Inside the Development Envelope (the boundary designated as the planned growth area of Harford County as provided in the most recently adopted Land Use Element Plan) the existing County and State roads in all directions from each point of entrance of the site through the intersection with the first arterial roadway to the next intersecting collector or higher functional classification road as defined by the Harford County Transportation Plan are capable of accommodating a projected Level of Service "D" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
 - [b] Outside the Development Envelope (the boundary designated as the planned growth area of Harford County as provided in the most recently adopted Land Use Element Plan) the existing County and State roads in all

directions from each point of entrance of the site to the first intersection of a major collector or higher functional classification road as defined by the Harford County Transportation Plan are capable of accommodating a projected Level of Service "C" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

- [4] Capital projects with 100% of the construction costs allocated in the County's current year adopted Capital Improvement Program or approved for construction in the current year State-Consolidated Transportation Program may be utilized in the traffic analysis. Necessary improvements identified in the TIA to meet the LOS standards in (d)[3] must be provided by the subdivider:
- [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; or
 - [b] If the TIA determines that the existing LOS is "D" or lower at an intersection outside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; and
 - [c] If the TIA determines a subdivider is subject to mitigate its portion of trips generated from the site, then the subdivider shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the subdivider is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property or State or federal regulations, all of which are beyond the control of the subdivider, then the subdivider shall deposit into an escrow account with the County 125% of the funds necessary to cover the costs of the improvements as determined by the County. Said funds shall be deposited prior to issuance of a building permit. The County shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the County for longer than 10 years from date of deposit.
- [5] Conditional review. If paragraphs [3][a] or [b] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Subdivision Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously-approved plans, by date of the request for extension. Record plats, grading permits and Public

Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [3][a] or [b] of this Subsection no longer exists.

- [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan approved before the effective date of Council Bill 94-36 is exempt from the provisions of this Subsection concerning the adequacy of the roadways. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the roadway system.
- (3) Nonresidential development. Approval of nonresidential development and Site Plans shall be subject to findings of adequate capacity based on the standards set in this Subsection and the current and projected use levels described in the annual growth report:
- (a) Sewerage.
- [1] The County sewerage system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility Agreements, all unexpired Preliminary Plans and properties using individual sewerage system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
- [a] Collectors system to serve the proposed development is designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;
- [b] Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the development;
- [c] Pumping stations and force mains, receiving flows from the collector system in the drainage/service area, have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area;
- [d] Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have

sufficient available capacity to accommodate expected peak flow from the proposed development; and

- [e] Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- [2] The County sewerage system shall also be considered adequate if there is compliance with [1][a] and [c] of this Subsection and the County has funded projects for the improvement of the facilities necessary to comply with requirements of [1][b], [d] and [e] of this Subsection.
 - [3] The County sewerage system shall also be considered adequate if there is compliance with [1][e] of this Subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this section or the developer executes an agreement with the County for improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this Subsection.
 - [4] If the County sewerage system is found to be inadequate, then Preliminary Subdivision Plans, Site Plans and extensions of previously approved Preliminary Subdivision Plans shall not be approved.
 - [5] Conditional review. If paragraphs [1][a], [b], [c], [d] or [e] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Subdivision Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for the extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c], [d] or [e] of this Subsection no longer exists.
 - [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan or Site Plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the sewerage system. If development is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system,

execution of Public Works Utility Agreements for such development is subject to availability of capacity in the sewerage system at the time of application for the public works utility agreements.

(b) Water.

- [1] The County water system or community water system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, building under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility Agreements, all unexpired Preliminary Plans and properties using individual water supply system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
 - [a] The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development, as established in the County's water and sewer design guidelines;
 - [b] Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;
 - [c] Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development; and
 - [d] Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.
- [2] The County water system or community water system shall also be considered adequate if the County or the operating entity has funded projects for the improvement of the facilities necessary to comply with the requirements of paragraphs [1][a], [b], [c] and [d] of this Subsection.
- [3] The County water system or community water system shall also be considered adequate if there is compliance with [1][c] and [d] of this Subsection and the developer agrees to construct the improvements to the system to meet the requirements of [1][a], [b], [c] and [d] of this section or the developer executes an agreement with the County or the operating entity for improvements to the system to meet the requirements of [1][a] and [b] of this Subsection.

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- [4] If the water system serving the proposed development is found to be inadequate, then Preliminary Subdivision Plans, Site Plans and extensions of previously approved Preliminary Subdivision Plans shall not be approved.
- [5] Conditional review. If paragraphs [1][a], [b], [c] or [d] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c] or [d] of this Subsection no longer exists.
- [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan or Site Plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this Subsection concerning the adequacy of the water system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the water system. If development is exempt from the provisions of this Subsection concerning the adequacy of the water system, execution of public works utility agreements for such development is subject to availability of capacity in the water systems at the time of application for the Public Works Utility Agreements.

(c) Roads.

- [1] Developments which generate more than 249 trips per day, based on the Institute of Transportation Engineers Trip Generation Manual (current edition), shall have prepared, by the subdivider, a Traffic Impact Analysis (TIA) study to determine the Level of Service (LOS) of road intersections within the study area. The traffic study and procedures to be utilized for mitigating roadway impacts shall conform to the requirements outlined in the Harford County TIA guidelines, including:
- [a] Expansion of the study area for developments which generate 1,500 or more trips per day; or
- [b] Limiting the study area to 2 miles in all directions or to the area as identified in paragraph [3], whichever is less.

- [2] At the request of and with justification submitted by the subdivider, the Director of Planning, with the concurrence of the Department of Public Works, may eliminate from the impact study those intersections and roadways where the County staff find that there will be:
- [a] Minimal impact on traffic; or
 - [b] Excessive distance between the first arterial and next intersecting collector.
- [3] Existing State and County roads shall be considered adequate to accommodate the traffic projected to be generated by the proposed development if:
- [a] Inside the Development Envelope the existing County and State roads in all directions from each point of entrance of the site through the intersection with the first arterial roadway to the next intersecting collector or higher functional classification road as defined by the Harford County Transportation Plan are capable of accommodating a projected Level of Service "D" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
 - [b] Outside the Development Envelope the existing County and State roads in all directions from each point of entrance of the site to the first intersection of a major collector or higher functional classification road as defined by the Harford County Transportation Plan are capable of accommodating a projected Level of Service "C" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
- [4] Capital projects with 100% of the construction costs allocated in the County's current year adopted Capital Improvement Program or approved for construction in the current year State-Consolidated Transportation Program may be utilized in the traffic analysis. Necessary improvements identified in the TIA to meet the LOS standards in (c)[3] must be provided by the subdivider:
- [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; or

- [b] If the TIA determines that the existing LOS is "D" or lower at an intersection outside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; and
 - [c] If the TIA determines a subdivider is subject to mitigate its portion of trips generated from the site, then the subdivider shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the subdivider is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property or State or Federal regulations, all of which are beyond the control of the subdivider, then the subdivider shall deposit into an escrow account with the County 125% of the funds necessary to cover the costs of the improvements as determined by the County. Said funds shall be deposited prior to issuance of a building permit. The County shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the County for longer than 10 years from date of deposit.
- [5] Conditional review. If paragraphs [3][a] or [b] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Subdivision Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously-approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [3][a] or [b] of this Subsection no longer exists.
- [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan approved before the effective date of Council Bill 94-36 is exempt from the provisions of this Subsection concerning the adequacy of the roadways. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the roadway system.

- [7] Projects located within the Chesapeake Science and Security Corridor developments which have their primary access directly onto U.S. Route 40 and do not generate more than 1,500 trips per day, based on the ITE Manual, shall not be required to submit a traffic impact analysis. Projects that generate more 1,500 trips must have a traffic impact analysis prepared and comply with all standards of this section.
- C. Appeal. Notwithstanding anything to the contrary contained in this Chapter or in the Harford County Subdivision Regulations, it is hereby determined that nothing contained in this section shall be subject to a variance, special exception or an appeal to the Hearing Examiner or Board of Appeals. An aggrieved party may appeal to the Director of Administration in accordance with established procedures.
- D. The provisions of this section pertaining to adequate water and sewer facilities shall apply to the Harford County Sanitary District and all Sanitary Subdistricts.
- E. Compliance with the Harford County Department of Public Works water and sewer rules and regulations addressing adequate capacity is required prior to execution of any Public Works Agreement and/or issuance of any building permit.
- F. A developer shall not avoid the intent of this section by submitting piecemeal applications for Preliminary or Site Plan approvals. This section applies when a parcel of land, as described in the Land Records of Harford County on the effective date of Council Bill 93-23, is developed for nonresidential use or a cumulative total of 6 residential dwelling units/lots or more is created from the parcel. However, a developer may seek approval of only a portion of the subdivision or development, provided that the impact of all previously-approved preliminary or Site Plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.