Harford County, Maryland

ZONING CODE

Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru May 31, 2011

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
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11-03	5/31/11

Chapter 267. Zoning

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Chapter 267. Zoning

PART 1. STANDARDS.

ARTICLE I. General Provisions

§ 267-1. Title.

The Zoning Code shall include the text and regulations, the Official Zoning Maps and any amendments thereto.

§ 267-2. Legislative Authority.

This Zoning Code is adopted pursuant to Article 25A of the Annotated Code of Maryland and the Charter. The Zoning Maps of the County shall be the comprehensive Countywide maps adopted by legislative action simultaneously herewith or subsequent hereto.

§ 267-3. Purpose.

A. The purpose of this Zoning Code is to promote the health, safety, morals and general welfare of the community by regulating the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of lots, yards and other open spaces and the location and use of buildings, structures and land for business, industrial, residential and other purposes. This Zoning Code is enacted to support the Master Plan and designed to control traffic congestion on public roads; to provide adequate light and air; to promote the conservation of natural resources, including the preservation of productive agricultural land; to facilitate the construction of housing of different types to meet the needs of the County's present and future residents; to prevent environmental pollution; to avoid undue concentration of population and congestion; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public facilities; to give reasonable consideration, among other things, to the character of each district and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the County; to secure safety from fire, panic and other danger; and to conserve the value of property.

B. It is the policy of Harford County, Maryland, that the provisions of this Zoning Code or any rule or regulation adopted to administer this Zoning Code shall not be interpreted, implemented or intended in any manner so as to regulate, restrict, control, interfere with or govern the use of a person's home with respect to those uses commonly associated with the enjoyment of the home, including the rights of parents to educate their children in their own home and the rights of persons to use their own home for religious activities.

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§ 267-4. Definitions. [Amended by Bill 09-19, as amended; Bill 11-04, as amended; and Bill 11-05, as amended]

ABANDON - To relinquish the right to use or to cease the use of property without the intention to either transfer rights in the property or to resume the use thereof.

ABUT - To physically touch, border upon or share a common property line.

ACCESS - An unobstructed way or means of approach to provide entry to or exit from a property.

ACCESSORY STRUCTURE OR USE - A structure or use of land, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot or parcel of land with such principal use.

ADDITION - Any construction that increases the size of a building.

ADJACENT - Parcels of land that abut one another.

ADULT BOOKSTORE OR ADULT ENTERTAINMENT CENTER - An entity or establishment that, as its principal business purpose, offers for sale, rental, exhibition or viewing, any printed, recorded, digitally analogued or otherwise viewable matter, any kind of sexual paraphernalia or any kind of live performance, entertainment or exhibition, that depicts, describes or relates to sexual conduct, sexual excitement or sadomasochistic abuse. For purposes of this definition: "sexual conduct" means human masturbation, sexual intercourse, or the touching of or contact with genitals, pubic areas or buttocks of a human, the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and others; "sexual excitement" means the condition of human genitals, or the breasts of a female, when in a State of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity; and "sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained. Adult entertainment center includes an adult bookstore.

AFFORESTATION - The creation, in an area that is not presently in forest cover, of a biological community dominated by trees and other woody plants at a density of at least 100 trees per acre with at least 50% of the trees having the capability of growing to a DBH of 2 inches or more within 7 years.

AGRICULTURAL PROCESSED PRODUCT - An agricultural product that is treated in order to increase its market value, including but not limited to such processes as canning, milling, grinding, freezing, heating and fermenting.

AGRICULTURAL PRODUCT - Products grown or raised on a farm, intended for direct human or animal use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, jelly, jam, hay, bedding plants, and wool.

AGRICULTURAL PUBLIC EVENTS - Events related to agricultural vocations, other than temporary uses already permitted in this Article, including farm tours, animal rodeos, corn mazes, fee fishing and hunting, cross country skiing, sledding, pond ice skating and equestrian trail rentals.

AGRICULTURAL RESOURCE CENTER - An agriculturally oriented park which includes uses such as equine competitions and events, livestock sales and auctions, farm fairs, farmer's markets, trail riding and support services.

AGRICULTURAL RETAIL - The sale of agricultural products.

AGRICULTURAL SERVICES - Uses that serve or support agriculture, including farm equipment service, auction sales of animals, feed and grain mills, farmer's co-ops and agricultural products processing, animal hospitals and veterinary clinics.

AGRICULTURE - All methods of production and management of livestock, crops, vegetation and soil. This includes the related activities of tillage, fertilization, pest control, harvesting and marketing. It also includes the activities of feeding, housing and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses and poultry and handling their by-products.

AIRPORT - An area on land or water that is used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any.

ALLEY - A serviceway providing a secondary means of access to abutting property and not primarily intended for public access.

ALTERATION - Any interior or exterior change that would affect the architectural features of a site or structure.

ALTERATION, HISTORIC - Any exterior change that would affect the historic, archeological, or architectural significance of any portion of a designated site or structure, including construction, reconstruction, moving, or demolition.

ALTERNATE LIVING UNITS - Residential units for no more than 3 individuals organized to project a distinct family and home-like atmosphere.

ANADROMOUS FISH PROPAGATION WATERS - Streams that are tributary to the Chesapeake Bay, where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) occurs or has occurred. The geographic location of such streams has been identified by the Tidewater Administration, Maryland Department of Natural Resources.

ANIMAL, DOMESTIC - A species of mammal that is accustomed to living in or about the habitation of man and is dependent on man for food or shelter.

ANIMAL RODEO - A public performance featuring jousting, fox hunting, polo, horse shows, horse pulling, bronco riding, calf roping, steer wrestling, bull riding, point-to-point races and steeplechases.

APPLICANT - A property owner or their designee applying for permits or other approvals required by this Chapter.

AQUIFER - A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

ARCADE - A structure housing 3 or more commercial mechanical or electronic devices used for amusement.

AS-BUILT - Scaled and dimensioned drawing done by a licensed surveyor or engineer that accurately depicts the location of all improvements on the property.

ASSEMBLY HALL - See "community center."

ASSISTED LIVING FACILITY - A facility to provide supervision, monitoring or assistance with the activities of daily living for more than 25 elderly or disabled persons in a residential setting.

AVERAGE CONTACT GRADE - The mean elevation of the highest and lowest points of contact of the structure.

BASE FLOOD - The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT - A story having ½ or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

BEST MANAGEMENT PRACTICES (BMP'S) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment.

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARDING HOME FOR SHELTERED CARE - A nonprofit home for the sheltered care of more than 8 unrelated persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

BOARD OF APPEALS OR BOARD - The administrative body of the County vested and charged with the power set forth in this Part 1.

BUFFER - Land area left in its natural state or which is vegetated and managed to protect significant and/or sensitive special natural features from the adverse impacts of adjacent land uses or development.

BUFFER EXEMPT AREA - Those areas as of December 1, 1985 where it can be demonstrated that the existing pattern of residential, commercial, industrial or recreational development in the Critical Area prevents the buffer from fulfilling the functions set forth in COMAR 27.01.09.01.b for water quality and wildlife habitat and which are mapped buffer exempt by the Department of Planning and Zoning.

BUFFER YARD - A portion of a lot that may be included within setbacks, improved with plantings, earth berms or fences that acts to soften or mitigate the effects of one land use upon another.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING COVERAGE - That portion of a lot that is covered by buildings.

BUILDING HEIGHT - The vertical distance of a building or structure measured from the average contact grade to the highest point of the roof.

BUILDING LINE - The line that is located at the front yard setback of a lot and at which the required lot width for the district is met.

BUILDING, PRINCIPAL - Any building which serves a principal permitted use. Any buildings or structures attached to the "principal building," either directly or by a breezeway, shall be considered part of the "principal building."

BUSINESS SERVICES - Establishments primarily engaged in rendering services to businesses on a fee or contract basis, including actuarial services, advertising services, blueprinting and photocopying, catering, credit reporting and collection services, data processing, detective and protection services, direct-mail advertising, disinfecting and exterminating, duplicating and publishing, employment agencies and services, janitorial services, motion-picture distribution services, office or business equipment rental and leasing, photofinishing, secretarial or stenographic, tag and title service, telecommunications and window cleaning.

CALIPER - The diameter of a tree measured:

A. At 6 inches above grade for trees with a caliper of 4 inches or less; and

B. At 12 inches above grade for trees with a caliper of more than 4 inches.

CAMPGROUND - An area used for a range of overnight accommodation, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis.

CANOPY - A detachable roof like structure supported from the ground, deck, floor, wall or building for the purpose of protection from the sun or weather.

CERTIFICATE OF APPROPRIATENESS - A certificate issued by the Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, moving, or demolition of an individually designated Landmark, site or structure or of a site or structure within a designated Preservation District.

CHANGE OF USE - Any use that differs substantially from the previous use of a building or land.

CLEAR AND CLEARING - Cutting or removing trees, ground cover, stumps, and roots, including the movement of topsoil prior to grading.

CLEARCUTTING - The removal of the entire stand of trees in 1 cutting with subsequent reforestation obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

CLINIC - A place for the treatment of outpatients by 3 or more health professionals in group practice.

CLUSTER DEVELOPMENT - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, forest preservation, agricultural preservation, or other permanent open space uses on the remainder.

COLLECTOR SYSTEM - Sewer pipelines, smaller than 24 inches in diameter, which collect sanitary wastewater from a drainage area and conveys it to the interceptor.

CO-LOCATION - Placement of an antenna on an existing communications tower, building, light, utility pole or water tower where the antenna and all supports are located on the existing structure.

COLONIAL NESTING WATER BIRDS - Herons, egrets, terns and/or glossy ibis, which, for purposes of nesting, congregate (that is, "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

COMMERCIAL AMUSEMENT AND RECREATION - Establishments providing commercial amusement, entertainment or recreation, including arcades, bowling alleys, martial arts clubs and schools, miniature golf courses, pool halls, skating rinks, tennis and racquetball clubs.

COMMERCIAL HARVESTING - The cutting and removal of trees by companies or private individuals for economic gain.

COMMERCIAL VEHICLE - Any self-propelled or towed vehicle used on public roadways to transport passengers or property when:

A. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

B. The vehicle is designed to transport more than 15 passengers, including the driver; or

C. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the hazardous materials regulations of the United States Department of Transportation; or

D. A single, full or semi-trailer with a manufacturer's gross vehicle weight rating over 6,000 lbs.

COMMUNICATIONS ANTENNA - Any structure or device deployed by or on behalf of any government-licensed or government-permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. Communications antenna does not include a radio operator antenna operated by an amateur radio operator who is licensed by the federal communications Commission and whose domicile is on the lot where the antenna and related equipment is placed.

COMMUNICATIONS TOWER - A structure erected to support communications antennas. Communications towers include, and are limited to:

A. A lattice tower is a structure that consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may be freestanding or supported by guy wires. (see guyed tower.)

B. A monopole is a structure that consists of a single freestanding pole structure to support antennas and connecting appurtenances.

C. A guyed tower is any communications tower using guy wires connecting above grade portions of a communications tower diagonally with the ground to provide support for tower, antennas and connecting appurtenances.

COMMUNICATIONS TOWER HEIGHT - The measurement from the lowest point of the base at ground level on which the tower is mounted to the top of the tower or the top of the highest point, whichever is greater.

COMMUNITY CENTER - A building, which has a permitted capacity in excess of 150 people, is used for recreational, social, educational, cultural or religious activities and is owned and operated by a public or nonprofit organization.

COMMUNITY GREEN - A primary internal landscaped open space designed and intended for the use and enjoyment of the community.

COMMUNITY PLAN - Sub area planning document that further defines the intentional land use and long-range planning objectives adopted by the County Council.

COMMUNITY WATER SYSTEM - A public water system that uses an average of 10,000 gallons per day and services at least 15 service connections used by year-round residents, or regularly serves at least 25 residents throughout the year.

CONSERVATION DEVELOPMENT - A residential development in which single-family dwelling lots are concentrated in a selected area or selected areas of the parcel.

CONSTRUCTION SERVICES AND SUPPLIERS - The performance of work by or furnishing of supplies to members of the building trades, including building contractors; carpentry and wood flooring services; electrical services; energy systems service and products; general contracting; masonry, stonework, tile setting and plastering services; plumbing, heating and air-conditioning services; roofing and sheet metal services; and septic tanks sales, service and installation.

CONTAINMENT DEVICE - A device that is designed to contain an unauthorized release, retain it for cleanup and prevent released materials from penetrating into the ground.

CONTIGUOUS - Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet the standards of Article 70B, Continuing Care Contracts, of the Annotated Code of Maryland.

CONTRIBUTING AREA - The entire area around a well or wellfield that is recharging or contributing water to the well or wellfield.

CONVENIENCE GOODS STORES - Retail establishments of less than 7,500 gross square feet which accommodate neighborhood needs, including retail bakeries, candy, nut and confection shops, dairy products stores, delicatessens, doughnut shops, drugstores, fruit and vegetable stores, meat and fish stores and grocery and food stores.

COPY - The wording, logo or other representation on a sign surface.

CORPORATE OFFICES - Facilities where administrative or clerical operations are performed as the principal use for corporations, businesses, companies, partnerships and associations. The term "corporate offices" does not include professional services as defined in this Subsection unless such professional services are providing assistance solely for the use of the corporate offices and not the general public.

COTTAGE HOUSE - A temporary second dwelling on a single residential lot.

COUNTRY INN - An historic building used for the lodging of 3 or more transients and managed by an owner or resident.

COURT - A fully or partially enclosed area which admits unobstructed light and air, bounded on 2 or more sides by buildings.

CREAMERY - An establishment in which dairy products are processed and produced, including incidental retail sales.

CRITICAL AREA - All lands and waters designated on the overlay maps to the Official Zoning Map of Harford County as Intensely Developed Areas, Limited Development Areas or Resource Conservation Areas, pursuant to the Maryland Annotated Code, Natural Resources Article, §8-1802. Defined terms set forth in COMAR 27.01.01.01.01, as the same is amended from time to time, shall apply to Harford County's Critical Area and, if not specifically defined herein, shall have the meanings set forth in COMAR 27.01.01.01.01.

CRITICAL AREA BUFFER –

A. An area that:

(1) Based on conditions present at the time of development, is immediately landward from mean high water of tidal waters, the edge of bank of a tributary stream or the edge of a tidal wetland; and

(2) Exists or may be established in natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environment from human disturbance.

B. "Buffer" includes an area of:

(1) At least 100 feet, even if that area was previously disturbed by human activity; and

(2) Expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland or a nontidal wetland of special State concern as defined in COMAR 26.23.01.01.

CRITICAL HABITAT AREA - A habitat that:

A. Is occupied by an endangered species, as determined or listed under the Natural Resources Article, §4-2A-04 or 10-2A-04 of the Annotated Code of Maryland.

B. Is likely to contribute to the long-term survival of the species;

C. Is likely to be occupied by the species for the foreseeable future; and

D. Constitutes habitat deemed critical under the Natural Resources Article, §10-2A-06 of the Annotated Code of Maryland.

CUSTOM MADE WOOD HOUSEHOLD FURNITURE - An establishment engaged in on-site production of individually crafted wood furniture commonly used in dwellings, excluding upholstered furniture.

CUT –

A. Removing trees without removing stumps and roots; or

B. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated surface.

DATA PROCESSING CENTER - A facility equipped with, or connected to, one or more computers, used for processing or transmitting data.

DAY-CARE CENTER - A facility operated for the purpose of providing nonresidential group care as defined by State law for a specific number of unrelated minor or dependent persons.

DAY-CARE HOME, FAMILY - A residence that is registered by the State in which family day care is provided pursuant to State regulations.

DENSITY - The number of dwelling units per acre of land.

DEPARTMENT - The Department of Planning and Zoning.

DESIGN GUIDELINES/STANDARDS - A set of guidelines defining parameters to be followed in site and/or building design and development.

DEVELOPABLE AREA - The maximum portion of a parcel that may be developed with residential uses under the Conservation Development Standards.

DEVELOPMENT - The construction, reconstruction, conversion, erection, alteration, relocation, or enlargement of any building or structure; any mining, excavation or landfill; and any land disturbance in preparation for any of the above. For the purposes of this section, development does not include the construction, reconstruction, conversion, erection, alteration, relocation, enlargement, or installation of poles, wires, cables, conduits, transformers, and similar equipment by a:

A. Gas and electric company regulated by the Maryland Public Service Commission; or

B. Cable television company operating under a franchise granted by the County Council.

DEVELOPMENT ACTIVITIES - The construction or substantial alteration of residential, commercial, industrial, institutional, transportation or utility facilities or structures. In the Critical Area, means human activity that results in disturbance to land, natural vegetation or a structure.

DEVELOPMENTAL DISABILITY - A severe, chronic disability that:

A. Is attributed to a mental or physical impairment or combination of mental and physical impairments;

B. Is manifested before the person attains the age of 21;

C. Is likely to continue indefinitely;

D. Results in substantial functional limitations in 3 or more of the following major life activity areas: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self sufficiency; and

E. Reflects the person's need for a combination and sequence of special and interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.

DIAMETER AT BREAST HEIGHT (DBH) - The diameter of a tree measured at 4½ feet above grade.

DISABILITY - A disabling physical or mental condition.

DISTRICT - A zoning district.

DRIPLINE - An imaginary vertical line that extends down from the outermost branches of a tree to the ground.

DRIVEWAY - A private drive providing access to a street or highway.

DWELLING - A building or portion thereof used primarily for human habitation or, where applicable, a single dwelling unit within such building.

DWELLING, ATTACHED - A dwelling unit attached to 1 or more dwelling units by walls or roof.

DWELLING, CARRIAGE COURT - A building containing 4 or more dwelling units, each with a separate entrance.

DWELLING, CLUSTER TOWNHOUSE - A building containing 4 or more attached dwelling units, not more than 2 stories, sharing common walls and designed to orient the building units around a central court.

DWELLING, DETACHED - A dwelling unit that is not attached to any other dwelling by any means.

DWELLING, DUPLEX - A building on a single lot containing 2 dwelling units, which do not share a common entry.

Figure 1 duplex dwelling

DWELLING, GARDEN APARTMENT - A building containing 4 or more dwelling units off a common entry and not more than 3 stories.

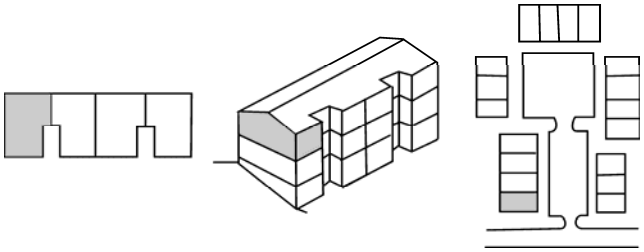

Figure 2 garden apartment

DWELLING, HIGH-RISE APARTMENT - A building containing 8 or more dwelling units, containing 6 stories, with a common entry.

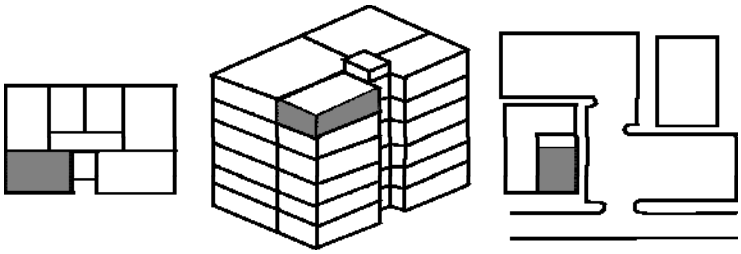

Figure 3 high-rise apartment

DWELLING, LOT-LINE - A building on a single lot containing 1 dwelling unit, located with 1 side on or near 1 side lot line and designed to orient interior living space to the other 3 yards.

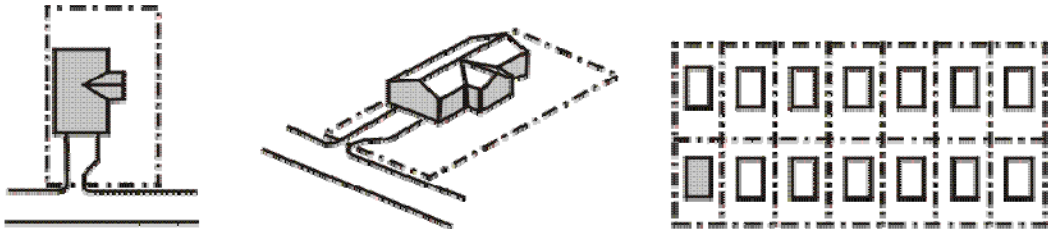

Figure 4 lot line dwelling

DWELLING, MID-RISE APARTMENT - A building containing 8 or more dwelling units off a common entry with either 4 or 5 stories.

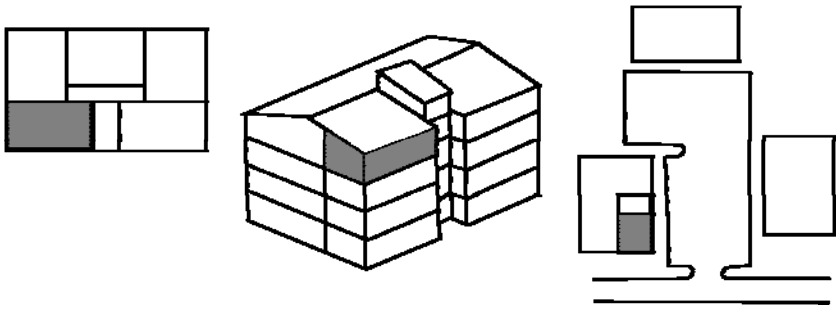

Figure 5 mid-rise apartment

DWELLING, MOBILE HOME - A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and if built after 1974, was constructed to the federal mobile home construction and safety standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development.

DWELLING, MULTI-FAMILY - Three or more dwelling units constructed on a permanent foundation, designed for 3 or more families and located on a single lot or parcel.

DWELLING, MULTIPLEX - A building containing 3 or more attached dwelling units having common walls and/or roof and a separate entry for each unit. For buildings containing more than 4 units, interior units access from the front and rear of the dwelling. End units are oriented to the area away from the interior units.

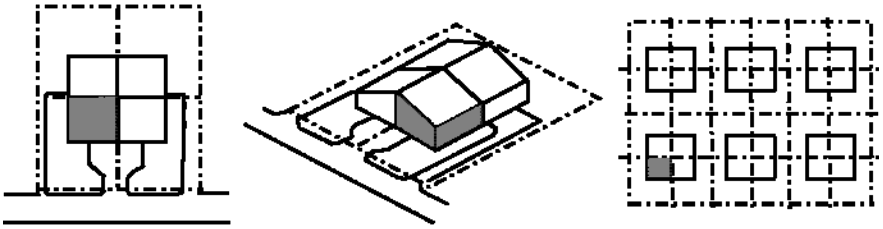

Figure 6 multiplex dwelling

DWELLING, PATIO, ATRIUM OR COURT - A building containing 2 or more attached dwelling units, not more than 1½ stories in height, sharing common walls, and designed to orient interior living space to a court or private open space.

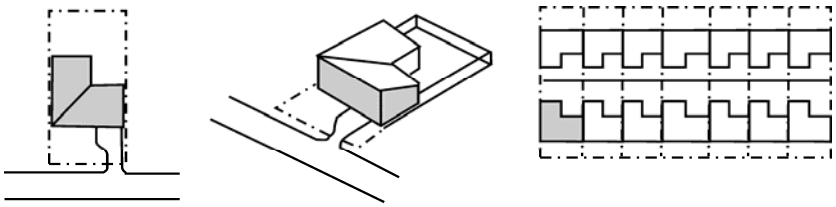

Figure 7 patio, atrium or court dwelling

DWELLING, ROW DUPLEX - A duplex dwelling that shares 1 or more common walls with other duplex or townhouse dwellings.

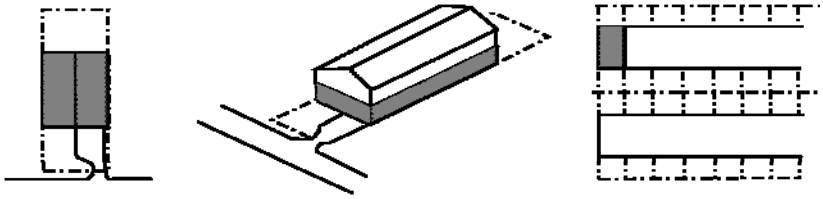

Figure 8 row duplex dwelling

DWELLING, SEMIDETACHED - A building containing 2 attached dwelling units which share a common wall at the lot line and which are on separate lots.

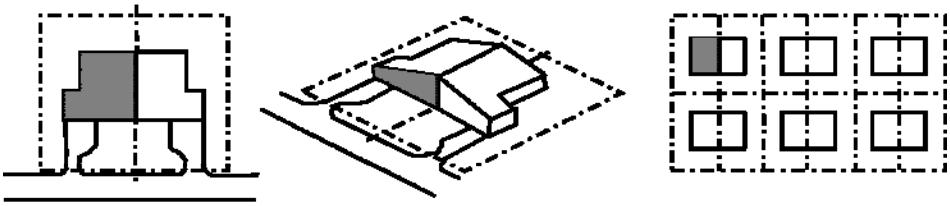

Figure 9 semi-detached dwelling

DWELLING, SINGLE-FAMILY DETACHED - A building containing 1 dwelling unit on 1 lot and detached from any other dwelling. This does not include a mobile home.

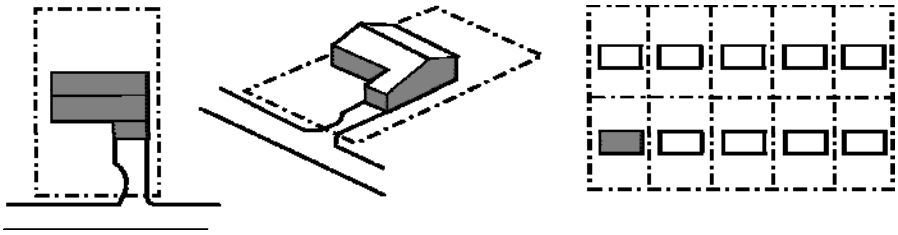

Figure 10 single-family detached dwelling

DWELLING, TOWNHOUSE - A building containing 3 or more attached dwelling units in a row having access from the front and rear of the dwelling.

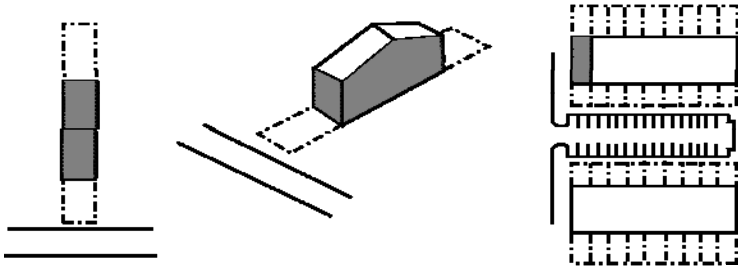

Figure 11 townhouse dwelling

DWELLING UNIT - A dwelling designed for 1 or more individuals who function as a single household unit or family.

DWELLING UNIT, EFFICIENCY - A dwelling unit consisting of not more than 1 habitable room, together with kitchen or kitchenette and sanitary facilities.

EASEMENT - A grant of 1 or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity for a specific purpose.

EGRESS - An exit.

ENFORCEMENT OFFICER - The Director of the Department of Planning and Zoning or the Director's designee.

EPA - United States Environmental Protection Agency.

EPA STORMWATER NPDES PERMIT - A permit meeting the requirements of the National Pollution Discharge Elimination System Permit Applications Regulations for Stormwater Discharges issued by the EPA on November 16, 1990.

EQUIPMENT BUILDING - Any structure, cabinet or box, accessory to a communications tower or communications antenna which houses equipment related to the wireless transmission of voice, data or other signal.

EXPECTED PEAK GRAVITY FLOW - The projected average flow peaked in accordance with the Maryland Department of the Environment Design Guidelines for Sewerage Facilities Peaking Curve.

EXTERIOR FEATURES, HISTORIC - The architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs or similar items found on or related to the exterior of an historic structure.

EXTRACTION - Removal or recovery of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface of either, whether exposed or submerged.

FAMILY - A social unit living together.

FARM - As defined for purposes of the census of agriculture since 1978, any place that has, or has the potential to produce, $1,000 or more in annual gross sales of agricultural products.

FARM MARKET, PRIVATE - A market held on private property by multiple vendors selling agricultural and agricultural processed products on a limited basis, not exceeding 1 event per crop season.

FARMERS CO-OP - An enterprise that is collectively owned by a group of farmers, is operated for their mutual benefit and provides goods or services in support of agricultural activities.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose or buffer areas of land.

FIRE STATION ASSEMBLY HALL - A building that is owned by a fire company and that under the State Fire Prevention Code has a permitted capacity of more than 150 persons.

FLOODPLAIN - The channel and a contiguous area of a stream, river or other water body that has been or may reasonably expect to be flooded by the 1% annual storm.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating 2 buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than 6 feet.

FOREST - A biological community dominated by trees and other woody plants, excluding orchards, covering a land area of 10,000 or more square feet including:

A. An area having at least 100 trees per acre, if at least 50% of the trees have a DBH of 2 inches or more; and

B. That has been cut, but not cleared.

FORESTED AREA - A biological community dominated by trees and other woody plants covering a land area of 1 acre or more. This also includes areas that have been cut, but not cleared. It also includes areas of 1 acre or more in size that have been designated as developed woodlands not only because they predominantly contain trees and natural vegetation, but also contain residential, commercial or industrial structures and uses. Such areas can further be characterized by the

presence of at least 400 seedlings per acre, which are vigorous, well-distributed throughout and free to grow to at least 25% tree canopy cover.

FOREST INTERIOR DWELLING BIRDS - The species of birds identified by the Maryland Department of Natural Resources, that require relatively large forested tracts in order to breed successfully, such as various species of flycatchers, hawks, owls, warblers, vireos and woodpeckers.

FORESTRY - The clearing or harvesting of forested or wooded areas, including temporary logging and milling operations, and selective cutting or clearing for commercial purposes.

FRONTAGE - That portion of a lot that abuts a road or road right-of-way.

GARAGE - A building or part thereof used or intended to be used for the parking and storage of motor vehicles.

GAS STATION - Any business whose primary function is the dispensation of gasoline for vehicles.

GENERAL MERCHANDISE - Any use characterized by the sale of bulky items and/or outside display/storage of merchandise or equipment, such as lumber and building materials, farm and garden supplies, marine equipment sales and service and stone monument sales.

GREENHOUSES AND NURSERIES, COMMERCIAL - A retail business for the cultivation and sale of plants grown on the premises in greenhouses or as nursery stock and accessory items directly related to their care and maintenance, such as pots, soil, mulch, fertilizer, insecticides, rakes or shovels. This use includes the storage and sale of mulch incidental to the nursery operation, but does not include the processing or grinding of mulch.

GROUNDWATER - The water contained within the earth's surface that has penetrated from precipitation and from infiltration by streams, ponds and lakes.

GROUNDWATER CONTAMINATION - Presence of any substance, designated by the U.S. EPA or the State of Maryland as a primary or secondary water quality parameter, in excess of the maximum allowable contaminant level (MCL).

GROUNDWATER TRAVEL TIME - The distance groundwater will travel in a given time.

GROUP HOME FOR SHELTERED CARE - A home for the sheltered care of more than 8 unrelated persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.

GROUP PARKING - A hard-surfaced area designed to provide parking for 3 or more dwelling units, for business uses requiring more than 10 parking spaces or any other parking area designed for 20 or more motor vehicles.

GROWTH ALLOCATION - A finite amount of acreage that may be used by a local jurisdiction to reclassify a less intense Critical Area designation to a more intense Critical Area designation.

HABITAT AREAS OF LOCAL SIGNIFICANCE - Areas whose geographic location has been mapped by the Harford County Department of Planning and Zoning that have been determined to be important to the County because they contain species uncommon or of limited occurrence in the County or because the species are found in unusually high concentration or because they contain an unusual diversity of species.

HABITAT PROTECTION AREA – An area that is designated for protection:

A. Under the Maryland Annotated Code, Natural Resources Article, §8-1806, regulations adopted under that authority or a local program; or

B. By the Secretary of the Department of Natural Resources. It includes any existing area of open water, tidal or nontidal wetland, stream or river channel, stream or river bank or upland area of any type and size, including a reasonable protective area, within Harford County's Chesapeake Bay Critical Area which has been determined to be of significant natural value because it contains at least 1 of the following:

(1) A buffer area adjacent to tidal waters, tidal wetlands or tributary streams.

(2) Nontidal wetlands.

(3) The habitat of a species of plant or animal listed by State or Federal authorities as endangered, threatened or in need of conservation or a designated natural heritage area.

(4) A plant or wildlife habitat which is determined to be of local significance.

(5) A forest interior dwelling bird habitat.

(6) A colonial water bird nesting habitat.

(7) A habitat for the feeding, resting or grouping of wintering and migrating waterfowl species.

(8) Anadromous fish propagation waters.

HAWKER AND PEDDLER - Any person engaged in the business of selling goods, wares or merchandise, who must be licensed by the State as a "hawker" or "peddler."

HAZARDOUS MATERIAL - Any substance that:

A. Conveys toxic, lethal, or other injurious effects or which causes sublethal alterations to plant, animal or aquatic life; or

B. May be injurious to human beings. Hazardous materials include any matter identified as a "hazardous waste" by the Environmental Protection Agency or a "controlled hazardous substance" by the Maryland Department of the Environment.

HEALTH SERVICES - Establishments providing support to the medical profession and patients, including medical and dental labs, blood banks, oxygen and miscellaneous types of medical supplies and services.

HIGH-DENSITY RESIDENTIAL USE - Land zoned for densities of more than 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service.

HIGHLY ERODIBLE SOILS - Soils with a slope greater than 15% or soils with a K factor greater than .35 and with slopes greater than 5%.

HISTORIC AREA WORK PERMIT - A permit, issued by Harford County, upon receiving a Certificate of Appropriateness from the Commission for all projects that Harford County conducts, assists, licenses or permits that affect properties within a designated district or individually designated sites or Landmarks.

HISTORIC LANDMARK - Any designated site, properties or structure as listed in §267-112 (Historic Landmarks).

HISTORIC PRESERVATION COMMISSION - The Commission as set forth in Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended.

HISTORIC SITE - A parcel of land of historical or cultural significance, which is eligible for designation on the National or State Register of Historic Places or as a Harford County Landmark.

HISTORIC STRUCTURE OR BUILDING - A structure of historical, cultural or architectural significance which is eligible for designation on the National or State Register of Historic Places or as a Harford County Landmark.

HOME OCCUPATION - Any business activity regularly conducted by a resident as an accessory use within the dwelling or an accessory building which meets the standards specified in this Part 1 for such use.

HOMEOWNERS' ASSOCIATION - An association or other legal entity comprised of owners of land or dwellings, organized to own, operate or maintain open space or facilities used in common by such owners.

HOSPITAL - An institution providing inpatient health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related activities, such as laboratories or training facilities.

HOTEL - A building offering transient lodging accommodations to the general public which may provide as accessory uses, restaurants, meeting rooms and recreation facilities.

HOUSING FOR THE ELDERLY - A building which is designed for the needs of elderly persons and which is subject to management or other legal restrictions that require that the project shall be occupied by households wherein at least one person is aged 55 or over.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils, as identified by the United States Department of Agriculture Soil Conservation Service.

HYDROPHYTIC VEGETATION - Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson and Burke 1985), which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

IMPACT FEE - A fee imposed to help finance the cost of improvements or services.

IMPERVIOUS SURFACE - Any surface or material that does not absorb water or substantially reduces the infiltration of stormwater. Impervious surfaces include roofs, streets, sidewalks and parking areas paved with asphalt, concrete, compacted sand, compacted gravel or clay.

INDIRECT RECHARGE AREA - The area contributing water to surface watercourses up gradient of the aquifer or wellfield area of contribution.

INGRESS - An entry.

INTENSELY DEVELOPED AREAS - Those areas within the Chesapeake Bay Critical Area (CBCA) where residential, commercial, institutional and/or industrial developed land uses predominate and where relatively little natural habitat occurs. Such areas are to be at least 20 acres in size and have at least 1 of the following features:

A. Housing density is equal to or greater than 4 dwelling units per acre.

B. Industrial, institutional or commercial uses are concentrated in the area.

C. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than 3 dwelling units per acre.

INTERCEPTOR - Sewer pipe lines 24 inches or larger in diameter.

INTERMITTENT STREAM - Surface waters, contained within a defined channel or bed that flow at least once per year. A stream that has been confirmed to be an intermittent stream through field verification, for purposes of these guidelines, includes 2 or more of the following characteristics:

A. Defined or distinct channel;

B. Hydric soils or wetlands within or adjacent to channel;

C. Hydraulically sorted sediments;

D. Removal of vegetative litter; or

E. Loosely rooted vegetation by the action of moving water.

INTERSECTION - The crossing of 2 or more roads at grade.

JUNK - Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

JUNK- OR SALVAGE YARD - Any land or structure used for the storage and/or sale of junk or the collection, dismantlement, storage or salvage of 3 or more untagged or inoperative motor vehicles, including a salvaging operation, but excluding wrecked motor vehicles stored for a period of not more than 90 calendar days.

KENNEL - Any establishment, not part of an agricultural use, in which 6 or more domestic animals, such as cats, dogs and other pets, more than 6 months old are kept, groomed, bred, boarded, trained or sold.

LANDSCAPING - The improvement of property with lawns, trees, plants and other natural or decorative features.

LEACHABLE MATERIAL - Material, including salt and certain components of concrete, asphalt, tar, coal, etc., which is readily soluble in water and thus easily removed and transported in solution by meteoric and/or groundwater.

LIMITED DEVELOPMENT AREAS - Those areas within the Chesapeake Bay Critical Area that are currently developed in low- or moderate-intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least 1 of the following features:

A. Housing density ranging from 1 dwelling unit per 5 acres up to 4 dwelling units per acre.

B. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space.

C. Areas having public sewer or public water, or both.

D. Areas meeting the definition of intensely developed areas except for being less than 20 acres in size.

LIVE/WORK UNITS - Structures that have professional offices or retail services on the first floor with residential uses on the second floor. The property owner or business operator must occupy the residence.

LIVESTOCK - Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) Not to include cats, dogs and other domestic house pets.

LODGING HOUSE - A building offering transient dwelling accommodations where the facilities are multifaceted with a distinguished style, including marked upgrades in the quality of physical attributes, amenities and Level of Service and comfort provided.

LOFT - An intermediate level located between the floor and ceiling of a story, open on at least 1 side to the room in which it is located.

LOT - A designated area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT, ADJACENT RESIDENTIAL - A lot that abuts another lot or parcel of land and is either within a residential district or is a lot of 2 acres or less intended for residential use.

LOT, AGRICULTURAL - A lot that is zoned agricultural and is 2 acres or more.

LOT AREA - The total area within the lot lines of a lot, excluding any road right-of-way or reservation.

LOT, CORNER - A lot abutting upon 2 or more roads at their intersection or upon 2 parts of the same road forming an interior angle of less than 135°.

LOT COVERAGE – The percent of a total lot or parcel that is:

A. Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway;

B. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement or any manmade material; or

C. Covered or occupied by a stairway or impermeable deck.

Lot coverage does not include:

A. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

B. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

C. A wood mulch pathway; or

D. A deck with gaps to allow water to pass.

LOT FRONTAGE - The length of the frontage.

LOT LINE - A line of record bounding a lot which divides 1 lot from another lot or from any road right-of-way or from any other public space.

LOT LINE, FRONT - The lot line separating a lot from a road right-of-way.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; in the case of triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF - The smallest area established by this Part 1 on which a use, structure or building may be located in a particular district.

LOT, PANHANDLE - A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

LOT, RESIDENTIAL - A lot which is zoned RR, R1, R2, R3, or R4 or is less than 2 acres and is intended for residential use.

LOT, THROUGH - A lot which fronts upon 2 parallel roads or which fronts upon 2 roads which do not intersect at the boundary of the lot and which has no rear lot line.

LOT WIDTH - The horizontal distance between the lot lines along a straight line parallel to the front lot line at the minimum required building setback line.

LOW- AND MODERATE-INCOME HOUSING - Housing which is categorized as for low- or moderate-income families by the United States Department of Housing and Urban Development or an appropriate State agency.

LOW-DENSITY RESIDENTIAL USE - Undeveloped land zoned for densities of less than or equal to 1 dwelling unit per 5 acres.

MAIN STREET DISTRICT - Area designated in a Community Plan that has identified commercial uses within walkable distances and allows a mix of office, retail and residential uses.

MARINA - Any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

MARQUEE - Any covering of permanent construction projecting from the wall of a building above an entrance.

MASTER PLAN - The Master Plan of the County adopted in accordance with Sections 701 and 702 of the Charter, including the most recently adopted Master Plan and associated Element Plans.

MEAN HIGH WATER LINE - The average level of high tides at a given location along the shoreline.

MEDIUM-DENSITY RESIDENTIAL USE – Land zoned for density of more than 1 dwelling unit per 5 acres, and less than or equal to 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service.

METEROLOGICAL TOWER (MET TOWER) – Includes the tower; base plate; anchors; guy wires and hardware; anemometers (wind speed indicators); wind direction vanes; booms to hold equipment, anemometers and vanes; data logger; instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MINI-WAREHOUSING - A building or group of buildings that contains varying sizes of individual compartmentalized and controlled access stalls for the storage of customers' goods or wares.

MIXED USE CENTER - A mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, but physically and functionally integrated.

MOBILE HOME PARK - A parcel of land used, designed, developed and maintained to accommodate 2 or more mobile homes for long-term residential occupancy by rental of space or condominium ownership.

MOBILE HOME SUBDIVISION - A parcel of land subdivided into 2 or more lots to accommodate 2 or more mobile homes for residential occupancy.

MOTEL - See "hotel."

MOTOR VEHICLE - A self-propelled, free-moving vehicle with 2 or more wheels primarily for conveyance on a road.

MOTOR VEHICLE RECREATION - The use of land for vehicle competition involving automobiles, motorcycles, tractors, trucks or other self-propelled vehicles.

MULCH STORAGE AND SALES - An operation for the storage of natural wood mulch for landscaping and other uses and for sale of the product, either wholesale or retail. Mulch storage and sales includes composting, but does not include the processing or grinding of mulch.

NATIVE VEGETATION - Trees, shrubs and herbaceous plants that naturally occur in the State of Maryland.

NATURAL HERITAGE AREA - An area that has been designated by the Secretary of the Department of Natural Resources in accordance with COMAR 08.03.08 as a Natural Community which meets the following criteria:

A. Contains 1 or more threatened or endangered species or wildlife species in need of conservation;

B. Is a unique blend of geological, hydrological, climatological or biological features; and

C. Is considered to be among the best statewide examples of its kind.

NATURAL REGENERATION - The natural establishment of trees and other vegetation of a density of at least 400 woody, free-to-grow seedlings per acre which are capable of growing to a height of at least 20 feet at maturity.

NEIGHBORHOOD MARKET - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption such as prepackaged food and beverages and limited household supplies and hardware. Typical uses include country stores and shall not include fuel pumps or selling of fuel for motor vehicles.

NET TRACT AREA -

A. In the AG zoning district, the portion of the parcel for which land use will be changed or that will no longer be used primarily for agriculture, and in all other zoning districts, the total area of the parcel, to the nearest 1/10 acre.

B. "Net tract area" does not include the following areas:

(1) Any unforested area within the floodplain district established under Chapter 131 of the Harford County Code, as amended;

(2) Any right-of-way for:

(a) An overhead transmission line of a public utility if the line is designed to carry a voltage in excess of 69,000 volts; or

(b) An underground pipeline used to transport natural gas or petroleum products, if the right-of-way averages at least 50 feet in width; or

(3) Any area within the Chesapeake Bay Critical Area Overlay District established pursuant to §267-63 (Chesapeake Bay Critical Area Overlay District).

NONCOMPETITIVE RECREATIONAL AMUSEMENT CAR - A miniature amusement car that is electronically controlled from a central location and is designed and used to carry 1 or 2 persons on a track at a recreational amusement facility and is not designed for use on a road.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure the size, dimension or location of which was lawful prior to the adoption or amendment of this Part 1, but which fails, by reason of adoption or amendment of this Part 1, to conform to the present requirements of the district.

NONCONFORMING LOT - A lot which was legally subdivided and recorded among the County Land Records prior to adoption or amendment of this Part 1 and which, after adoption or amendment of this Part 1, fails to comply with the dimensional requirements of this Part 1.

NONCONFORMING USE - A use which was lawful prior to adoption or amendment of this Part 1, but which fails, by reason of such adoption or amendment, to conform to the present requirements of the district in which it is located.

NONTIDAL WETLANDS - All palustrine aquatic bed, palustrine emergent, palustrine forested and palustrine scrub-shrub wetlands as defined by the United States Fish and Wildlife Service, except tidal wetlands regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland. These nontidal wetlands are lands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The technical guidelines for determining the 3 parameters of nontidal wetlands (vegetation, soils and hydrology) shall be followed in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual.

NONTRANSIENT NONCOMMUNITY WATER SYSTEM - A public water system that uses an average of 10,000 gallons per day and regularly serves at least 25 of the same individuals over 6 months per year.

NURSING HOME OR SKILLED CARE FACILITY - A facility devoted primarily to the long-term treatment and care of the aged or elderly or persons suffering from illnesses, diseases, deformities or injuries which do not require extensive or intensive care such as normally provided in a general or other specialized hospital.

ONE PERCENT ANNUAL FLOOD - A flood that has a 1% chance of being equaled or exceeded in any given year. This is also referred to as the 100 year flood or the base flood.

OPEN SPACE - Any area of land or water set aside, dedicated, designed or reserved for:

A. Public or private use or enjoyment; or

B. The use and enjoyment of owners and occupants of land adjoining or neighboring such open space; or

C. The preservation of significant/special natural features.

OVERBURDEN STORAGE OR DISPOSAL - Any residual soil, rock, mineral, scrap or other material displaced by the extraction use.

OVERLAY DISTRICT OR OVERLAY ZONE - Any specially mapped district that is subject to supplementary regulations or requirements.

PAD SITE - A separate lot or leased site that is located within a shopping center site. The pad site is subject to any conditions established by the Zoning Code or the Board of Appeals.

PALUSTRINE WETLANDS - All nontidal wetlands dominated by trees, shrubs, persistent emergent plants or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below ½ part per 1,000 parts of water.

PARAPET - A low wall protecting the edge of a roof.

PARCEL - Any contiguous area, site or portion of land under common ownership.

PARKING AREA - An area, other than sales lots, designed for the parking of 3 or more motor vehicles and available to the public, either for a fee or as an accommodation to clients or customers.

PASSIVE RECREATION - Outdoor recreation that does not require significant maintenance or facilities, such as walking, picnicking, viewing and environmental education activities.

PERCOLATION RATE - The rate at which water flows or trickles through porous soils as determined by a percolation test.

PERENNIAL STREAM - A stream containing water throughout a year of average rainfall that has been confirmed to be a perennial stream through field verification.

PERMANENT FOUNDATION - A foundation as required by the Harford County Building Code or the manufacturer's specifications, in the case of manufactured homes, to provide for complete enclosure with a material which is compatible with the structure.

PERSONAL CARE BOARDING HOME - Any premises which provides personal care to adults, for consideration, and provides these services to a minimum of 3 adults not related to the provider or owner.

PERSONAL SERVICES - Services rendered to an individual, including beauty and barber shops, clothing alterations, dance and music studios, interior decorating, laundromats, general dry cleaning, linen supply, photography studios, rug cleaning and repair services (in-home cleaning), shoe repair services and watch and jewelry repair services.

PERVIOUS SURFACE - Any surface that allows for the infiltration of water.

PIER - A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

PIER, COMMUNITY - A noncommercial boat docking or mooring facility that is owned by and operated for the benefit of the residents of a platted riparian subdivision or condominium, apartment or other multiple-family dwelling unit; the term does not include an individual private pier maintained by a riparian landowner.

PLANNED EMPLOYMENT CENTER - Development option designed to permit and promote major economic development opportunities such as corporate offices, educational/training facilities, research and development facilities or other uses that create significant job opportunities and investment benefits.

POLLUTANT TRAVEL TIME - The time required by pollutants to travel from one point to another.

PRIVATE HARVESTING - The cutting and removal of trees for personal, noncommercial use.

PROFESSIONAL SERVICES - Service by members of any profession, including accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, optometrists, osteopaths or social workers.

PROJECT APPROVAL - The approval of development activities, other than developments undertaken by a State or local government agency, in the Chesapeake Bay Critical Area by the Harford County Department of Planning and Zoning or other approving agency of Harford County. The term includes approval of subdivision plans, plats and site plans; mapping of areas under floating zone or overlay zone provisions; the issuance of variances, special exceptions; and the issuance of other zoning-related approvals. Project approval does not include building permits.

PROVIDER - Any person or persons who have primary responsibility for and who receive consideration for the operation of the home.

PUBLIC EVENT - A temporary event, conducted by a private or public entity, including carnivals, circus, festivals, craft shows and concerts.

PUBLIC UTILITY - A gas and electric company regulated by the Maryland Public Service Commission or a cable television company operating under a franchise granted by the County Council.

PUBLIC UTILITY FACILITY - A utility facility owned by a governmental agency or private organization, maintained and operated for benefit of the general public, but excluding highway maintenance facilities, sewage treatment plants, sewage pumping stations and solid waste transfer stations.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

RECHARGE AREA - An area where water flows into the ground to re-supply a water body or aquifer.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, which provides protection to the natural resources found on or adjacent to the site, including water bodies.

RECREATIONAL BUFFER - An area where a path is created for recreational use.

RECREATIONAL VEHICLE - A vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven and which is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECYCLING - The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products.

RECYCLING CENTER - A building in which only recyclable material is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

REDEVELOPMENT - Construction activities in previously developed areas, which include the demolition of existing structures and building new structures or the substantial renovation of existing structures, often changing form and function. Redevelopment may involve existing property owners and businesses or new owners and tenants.

REFORESTATION - The creation of a biological community dominated by trees and other woody plants at a density of at least 100 trees per acre with at least 50% of the trees having the capability of growing to a DBH of 2 inches or more within 7 years.

RELATIVE - A grandparent, grandchild, parent, child, brother, sister, aunt or uncle.

REPAIR SHOP, AUTOMOTIVE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

REPAIR SHOP, SMALL ENGINE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing or repair of engines for equipment such as lawnmowers, go-carts, weed trimmers, chainsaws or electric motors is rendered.

RESORT - A facility for 3 or more transients, which provides special recreational amenities or is designed for access to a unique natural amenity for the recreation or relaxation of the users and not primarily oriented to single-night lodging.

RESOURCE CONSERVATION AREAS - Those areas in the Chesapeake Bay Critical Area that are characterized by nature-dominated environments (that is, wetlands, forests and abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities or aquaculture). Such areas shall have at least 1 of the following features:

A. Density is less than 1 dwelling unit per 5 acres.

B. Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

RESTAURANT - An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RESTAURANT, TAKE-OUT - An establishment where food and drink are sold in a form ready for consumption, where the consumption is designed to take place outside the confines of the restaurant.

RETAINING WALL - A wall that is constructed to hold a mass of earth in place or prevent erosion of an embankment.

REVITALIZATION - Efforts to improve residential and business areas, which include the physical enhancement of existing streetscapes and structures, marketing or other efforts to fill vacancies and boost business. Revitalization generally focuses on current property owners and businesses.

RIGHT-OF-WAY - A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

ROAD - A right-of-way which has been improved and is intended for motor vehicle traffic and provides the principal means of access to property.

ROAD, ARTERIAL - A road which serves as a major traffic way and is identified in the Transportation Element Plan as an urban or rural principal or minor arterial road.

ROAD, BUSINESS DISTRICT - Usually wider than most County roads and built to support heavy truck traffic that performs the following:

A. Provides interconnection between highly developed commercial or industrial property to arterial roads.

B. Provides access to individual properties comprising a commercial complex.

C. Carries heavy volumes of truck traffic within or adjacent to any land which has been approved for any class of commercial or industrial use.

ROAD, COLLECTOR - A road which serves to carry traffic to or from local streets and connects them to other collector streets or to arterial highways and is identified in the Transportation Element Plan as either an urban collector road or rural major or minor collector road.

ROAD, LOCAL - A road which collects and distributes traffic within subdivisions and provides direct access to individual land uses. "Local road" may include primary and minor residential roads, as well as business/industrial roads as defined by the Harford County Road Code.

ROAD, MINOR RESIDENTIAL - A local road distributing and collecting traffic within residential sub-divisions or neighborhoods, and performing the following:

A. Provides direct driveway access to abutting properties.

B. Distributes traffic generated within a neighborhood to primary residential roads.

C. Carries little or no through traffic.

ROAD, PARKWAY - A road which acts as a major corridor between several communities and employment centers mostly in the urbanized areas. The appearance of a parkway is intended to be very scenic and environmentally sensitive, with formal landscaping, and it is not intended to provide direct access to individual properties or businesses. A parkway could include pedestrian and bicycle accommodations, an exclusive right-of-way, and skywalk facilities are often provided. A substantial right-of-way is required.

ROAD, PRIMARY RESIDENTIAL - A major local road distributing and collecting traffic within larger residential subdivisions or neighborhoods, and performing the following:

A. Provides direct access between minor residential roads and collectors and minimal direct driveway access to abutting properties.

B. Distributes traffic generated within a neighborhood to collector roads.

C. Carries a limited amount of through traffic.

ROAD, PRIVATE - Any road that has not been accepted by the County or other government entity, and is not owned and/or maintained by the County or other government entity.

ROAD, STUB - Those roads projecting from a development road, to the property line of an adjacent property, typically ending in a T-turnaround.

ROOFLINE - The part of the roof or parapet which covers the major area of the building.

RUBBLE LANDFILL - A sanitary landfill required to be permitted as a rubble landfill under Title 26 of the Code of Maryland regulations.

SANITARY LANDFILL - A sanitary landfill, as defined in Chapter 109 of the Harford County Code, as amended, that is in the County Solid Waste Management Plan. "Sanitary landfill" includes a rubble landfill.

SEEDLING - An unbranched woody plant of less than 24 inches in height and less than ½ inch in diameter at a point 2 inches above the root collar.

SELECTIVE CLEARING - The planned removal of trees, shrubs and plants using specific standards and protection measures under an approved Forest Conservation Plan.

SELECTIVE CUTTING - The removal of single, scattered, mature trees or other trees from forested areas by periodic cutting operations.

SETBACK - Unless otherwise provided, the line which is the required minimum distance from the road right-of-way or any lot line that establishes the area within which principal buildings or structures must be erected or placed.

SHOPPERS' MERCHANDISE - Commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics and reupholstery, floor coverings, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall coverings, party supplies, photographic equipment sales and service, radios, compact discs, digital video discs secondhand merchandise, sporting goods, television and stereo sales and service and toy and game shops. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," "variety stores" and "supermarkets" shall be regulated as "shoppers' merchandise."

SHOPPING CENTER - A concentrated grouping of retail uses or retail and services uses designed, developed and managed as an integral entity, providing common vehicle access and group parking.

SHOPPING CENTER, INTEGRATED COMMUNITY - A shopping center that contains a gross floor area of more than 75,000 square feet.

SIGN - A permanent or temporary device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN, AGRICULTURAL SEASONAL - A sign which advertises, on a seasonal, temporary basis, an agricultural product as defined in this section.

SIGN AREA - The area surfaces, including the outer extremities of all letters, figures, characters and delineations or surface area making contact with the outer extremities of the framework or background of the sign, whichever is greater. The support for the sign background, such as columns, pylons or buildings or part thereof, shall not be included in the "sign area" unless used for advertising purposes.

SIGN, BILLBOARD - Any outdoor advertising sign which promotes or advertises products, services, activities or businesses not related to the site or building or use on which it is located and is not a tenant identification sign.

SIGN, CANOPY - A wall sign that is affixed or displayed on a canopy.

SIGN, DIRECTIONAL - Any sign on a site for the purpose of directing traffic to another use, service or area.

SIGN, DIRECTORY - Informational sign utilized to identify name, address and occupants of a building or nonresidential development.

SIGN, ELECTRONIC MESSAGE Board - A sign with a fixed or changing display, or message composed of a series of lights that may be changed through electronic means.

SIGN, FACE OR SURFACE - The surface of a sign upon, against or through which a message is displayed or illustrated.

SIGN, FREESTANDING - A sign supported by uprights or braces placed upon the ground and not attached to any building.

SIGN, IDENTIFICATION - Any sign identifying or advertising a business, person, activity, product or service located on the premises where the sign is located.

SIGN, ILLUMINATED - Any sign which has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, MARQUEE - A wall sign that is affixed or displayed on a marquee.

SIGN, PROJECT DEVELOPMENT - A temporary sign erected on the premises on which a development project is taking place, during the period of such construction, indicating the type of development, space and/or price of units and contact information.

SIGN, PROJECTING - Any sign which is attached to a building and extends beyond the line of said building or beyond the surface of that portion of the building to which it is attached.

SIGN, ROOF - Any sign erected, constructed and maintained upon or over the roof of any building with the principal support on the roof structure.

SIGN, TEMPORARY - Temporary signs include any portable sign or any other sign, banner, pennant, valance or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

SIGN, TENANT IDENTIFICATION - A sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.

SIGN, VARIABLE MESSAGE Board - A sign with a display, that changes by electronic or mechanical means, other than electronic message Boards.

SIGN, WALL - All flat signs which are attached to the exterior of the building or other structure.

SIGNIFICANT/SPECIAL NATURAL FEATURES - Sensitive environmental areas to be left undisturbed, including water bodies, tidal and nontidal wetlands, forested areas to be retained and plant or wildlife habitat identified as of State or County importance.

SIGNIFICANTLY ERODING AREAS - Those shoreline areas eroding 2 feet or more per year.

SITE - Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in 1 ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

SITE PLAN - A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

SMALL WIND ENERGY SYSTEM – Equipment, including any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire or other component used in the system, that converts and then stores or transfers energy from the wind into usable forms of energy and that:

A. Is used to generate electricity;

B. Has a rated nameplate capacity of 50 kilowatts or less; and

C. Has a total height of 150 feet or less.

SOILS WITH SIGNIFICANT DEVELOPMENT CONSTRAINTS - Highly erodible soils, hydric soils less than 40,000 square feet in extent, soils with hydric inclusions and soils with severe septic constraints. See Table 63-1, Soil Types in Harford County Critical Area with Development Constraints, §267-63 (Chesapeake Bay Critical Area Overlay District).

SOLID WASTE TRANSFER STATION - An intermediate destination for solid waste. Transfer stations may include separation of different types of waste and aggregation of smaller shipments with large ones. It may also include compaction to reduce the bulk of the waste.

SPECIAL DEVELOPMENTS - Projects that utilize innovations in design by permitting a variety of type, use and layout of buildings.

SPECIAL EXCEPTION - A use which may be permitted by the Board in a particular district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Part 1.

SPECIALTY SHOP - A retail store which carries only 1 type of interrelated goods, including bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, key shops, newspaper and magazine shops, novelty shops, pet shops, photographic shops, souvenir shops, stationery shops, tack shops, tobacco shops and wine and cheese shops.

STABILIZED SURFACE - Any material that can be compacted in such a manner that will provide a suitable dustless surface for vehicular movement and storage and not result in erosion or create the potential for flooding.

STABLE, COMMERCIAL RIDING - Any facility used primarily for the commercial hiring out of horses or ponies or instruction in riding where 5 or more horses are kept for these purposes.

STABLE, PRIVATE - An accessory structure to the principal residential use that shelters horses for the exclusive use of the residents of the premises.

STORY - That portion of a building between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between the floor and the ceiling next above it, excluding basements.

STREET - See "road."

STREETSCAPE - An area that may either abut or be contained within a public or private street right-of-way or access way that may contain sidewalks, street furniture or landscaping and similar features.

STRUCTURE - Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, swimming pools, tennis courts, gazebos, decks and boathouses. In the Critical Area, structure means building materials that are purposely joined together on or over land or water, including those that do not result in lot coverage, per COMAR 27.01.09.01.01B(17).

STRUCTURED PERVIOUS SURFACE - Any approved porous pavement or modular pavers that allow the infiltration of water and resist compaction due to associated vehicular activities. Such structured surfaces may include porous asphalt on concrete, modular block systems and grass or gravel pavers.

SUBDIVIDER - An individual, partnership or corporation (or their legal designee) that undertakes the activities covered by these regulations.

SUBDIVISION - The term "subdivision" shall have the following meaning:

A. Any division or redivision of a tract, parcel or lot of land into 2 or more parts by means of mapping, platting, conveyancing, change or rearrangement of boundaries;

B. All subdivisions are also developments;

C. Subdivision includes resubdivision or replat.

SUBDIVISION AGREEMENT - An agreement between a subdivider and Harford County to be executed and recorded in the office of the Clerk of the Circuit Court of Harford County, for the purpose of permitting the recordation of a final plat prior to completion and/or acceptance of a performance bond or other guarantee.

SUNROOM - A 1-story addition added to an existing dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof.

TEMPORARY USE - A use permitted for a fixed period of time as specified in this Part 1 with the intent to discontinue such use upon the expiration of a period of time, or a use that occurs on a periodic basis and is not continuous.

TENANT FARMER/TENANT OPERATOR - An individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being

farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

TENANT HOUSE - A dwelling unit located on agricultural property that is used either for occupancy by immediate members of the family owning or operating the agricultural use or by employees engaged in agricultural activities on the property.

THREATENED OR ENDANGERED SPECIES OR SPECIES IN NEED OF CONSERVATION - A plant or wildlife species designated by the State Department of Natural Resources in accordance with COMAR 08.03.08 as worthy of protection because of its rare or unusual occurrence in the State of Maryland.

TIDAL WETLANDS - Any land bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth, including lands identified as "tidal wetlands" on the most current Department of Natural Resources Tidal Wetlands Boundaries Maps.

TOURIST HOME - A building in which lodging or meals are provided for compensation to 3 or more guests on a temporary basis.

TRAIL - A pedestrian linkage between uses.

TRANSFER OF DEVELOPMENT RIGHTS - A transaction involving the removal of the right to develop or build from one lot or parcel and placing it with another lot or parcel.

TRANSPORTATION ELEMENT PLAN - An Element of the Harford County Master Plan which identifies future roads, major road improvements, designates arterial collector and local roads and identifies possible public transportation enhancements, the feasibility of a public airpark and bicycle routes.

TREE - A large, woody plant with at least 1 self-supporting trunk and numerous branches capable of growing to a height of at least 20 feet at maturity.

TREE, CHAMPION - The largest tree of its species in the United States, Maryland or Harford County, as appropriate.

TREE, SIGNIFICANT INDIVIDUAL - Tree with a DBH greater than 36 inches, or which has been identified as a State Champion Tree.

TRIBUTARY STREAMS - Those perennial and intermittent streams as mapped on the most recent United States Geological Survey 7½ Minute Topographic Quadrangle Maps [scale: 1:24,000], the Harford County Soil Survey or as may be identified through site inspection.

ULTIMATE PEAK GRAVITY FLOW - The average flow of the entire drainage area, assuming complete build-out of the Development Envelope using existing zoning densities, peaked in accordance with the Maryland Department of the Environment Design Guidelines for Sewerage Facilities Peaking Curve, or using actual measured peak flow factors, whichever is higher.

URBAN FORESTRY - A specialized branch of forestry concerned with the management, protection and conservation of forest, trees and other woody vegetation in urban and semi-urban areas.

USE - The purpose or activity for which land, buildings or structures are designed, arranged or intended or for which land, buildings or structures are occupied or maintained.

USE, AGRICULTURAL - The use of any tract of land for the production of animal or vegetable life. The uses include the pasturing, grazing and watering of livestock, and the cropping, cultivation and harvesting of plants.

USE, BUSINESS - Any use listed on the Principal Permitted Use Charts under the categories of Amusements, Motor Vehicle and Related Services, Retail Trade, Services or Transportation, Communications and Utilities (TCU).

USE, EXISTING - The lawful use of a building, lot or structure at the time of the enactment of this Part 1.

USE, INDUSTRIAL - Any use listed on the Principal Permitted Use Charts, under the categories of Industrial uses or Warehousing, Wholesaling and Processing.

USE, INSTITUTIONAL - Any use listed on the Principal Permitted Use Charts, under the category of Institutional uses.

USE, NONRESIDENTIAL - Any dwelling unit or use listed on the Principal Permitted Use Charts, under the category of Business, Industrial, Institutional, Transient Housing or Natural Resources uses with the exception of agriculture, forestry or wildlife refuge uses.

USE, PRINCIPAL - The primary or predominate use of any lot or parcel.

USE, RESIDENTIAL - Any dwelling unit or use listed on the Principal Permitted Use Charts, under the category of Residential uses.

UTILITY TRANSMISSION FACILITIES - Fixed structures that convey or distribute resources, wastes or both, including electric lines, water conduits and sewer lines.

VARIANCE - A departure from the terms of this Part 1 authorized pursuant to the provisions of this Part 1.

VETERINARY PRACTICE, LARGE ANIMALS - A facility wherein a doctor of veterinary medicine treats animals that are not domestic animals and of a general matured weight in excess of 50 pounds.

WASH PLANT - A facility where sand and gravel is washed during processing.

WATERBODY - The part of the earth's surface covered with water (such as a river, lake or ocean).

WATERFOWL STAGING AND CONCENTRATION AREA - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season.

WATERSOURCE PROTECTION DISTRICT - The surface and subsurface area surrounding a well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield.

WELL - A hole or shaft sunk into the earth to tap an underground supply of water.

WELL, PRIVATE - A well that provides a water supply for an individual residence or a single industrial, agricultural or commercial operation and that is not designed or used for general public consumption.

WHIP - An unbranched woody plant with a height of 24 inches or more and a diameter of less than 1 inch at a point 2 inches above the root collar.

WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and a safe passageway for wildlife across a site.

WIND ENERGY SYSTEM OWNER – The person that owns, or intends to own, the property upon which a Small Wind Energy System will be operated in accordance with §267-27C(9) of the Harford County Code, as amended.

WIND GENERATOR – Blades and associated mechanical and electrical conversion components mounted on top of the wind tower.

WIND TOWER – The monopole, freestanding or guyed structure that supports a wind generator.

YARD - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Part 1. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT - A yard extending the full width of the lot, which includes the area between the front building setback line and the road right-of-way.

YARD, REAR - A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

YARD, SIDE - A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

ZONING CASE - Any matter brought before the Board under the provisions of this Part 1.

ZONING CERTIFICATE - An approval issued by the Director of Planning pursuant to §267-8 (Zoning Certificates) of this Part 1.

ZONING DISTRICT OR DISTRICT - An area within the County within which certain zoning regulations apply.

§ 267-5. Applicability.

This Part 1 shall apply to all lands, structures, buildings, properties and their uses within the territorial limits of the County, including land owned or leased by the County, and outside the incorporated towns or municipalities therein and to all owners of land and the tenants or occupants thereof, including land owned by municipal corporations, counties and state and local governments.

§ 267-6. Construal of Provisions; Word Usage.

A. The terms and provisions of this Part 1 shall be liberally construed to effectuate the general purposes of this Chapter.

B. In addition to rules generally applicable to the construction of zoning ordinances and codes and the interpretation requirements of the Harford County Code, the following rules of construction shall apply to the text of this Part 1:

(1) The particular shall control the general.

(2) In case of conflict between the text of this Part 1 and any caption, illustration, summary table or illustrative table, the text shall control.

(3) The phrase "used for" includes arranged for, designed for, intended for, maintained for or occupied for.

(4) The word "person" includes an individual, sole proprietorship, corporation, partnership or incorporated association and any recognized legal entity.

(5) Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves 2 or more items, conditions, provisions or events connected by the conjunction "and ... or" or "either ... or," the use of the conjunction is defined as follows:

(a) "And" means that all the connected items, conditions, provisions and events apply together and not separately.

(b) "Or" means that the connected items, conditions, provisions or events shall apply separately or in any combination.

(c) "Either ... or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.

(6) The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.

(7) When a term is defined in the County Subdivision Regulations or the County Building Code, as noted in this Part 1, it shall have the meanings specified in the Subdivision Regulations or Building Code unless specifically defined in this Part 1.

(8) The word "County" means Harford County, Maryland. The word "State" means the State of Maryland. The term "Charter" refers to the Harford County Charter, approved by the voters of the County, and all amendments thereto.

(9) The terms "County Council," "Board of Appeals," "Director of Planning," "Planning Advisory Board," "County Attorney," "Health Officer" and "Sediment Control Inspector" mean the respective Council, Boards, Officers and Department heads of the County.

(10) Throughout this Part 1, all words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this Part 1 and their commonly accepted definitions.

C. The provisions of this Part 1 shall be held to be minimum requirements. Where this Part 1 imposed a greater restriction than is imposed or required by other provisions of law or other rules, regulations, ordinances or by private restrictions, the provisions of this Part 1 shall control.

D. Notwithstanding the provisions of this Part 1, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.

E. The purpose clauses noted herein are for guidance only. In the event that any purpose clause conflicts with the specific provisions of this Part 1, the specific provisions shall control.

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ARTICLE II. Administration and Enforcement

§ 267-7. Director of Planning.

A. The Director of Planning or a duly authorized designee shall be vested and charged with the power and duty to:

(1) Perform such duties as are necessary for the proper enforcement and administration of the Harford County Zoning Code.

(2) Receive and review complete applications under the provisions of this Part 1 for transmittal and recommendation to the Board.

(3) Issue zoning certificates pursuant to the provisions of this Part 1 and suspend or revoke any zoning certificate upon violation of any of the provisions of this Part 1 or any approvals granted hereunder subject to the requirements of this Part 1.

(4) Conduct inspections and surveys to determine whether a violation of this Part 1 exists.

(5) Seek criminal or civil enforcement for any provision of this Part 1 and take any action on behalf of the County, either at law or in equity, to prevent or abate any violation or potential violation of this Part 1.

(6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.

(7) Design and distribute applications and forms required by this Part 1, requesting information that is pertinent to the requested approval.

B. The Director of Planning and any duly authorized agents shall have the right to enter and inspect, with the permission of the owner or occupant, any structure or land in order to verify that the structure or land complies with the provisions of this Part 1. Should the owner or occupant deny such entry, the Director of Planning may seek relief from a court of competent jurisdiction to permit such right.

C. Any person may file a complaint with the Director of Planning or a duly authorized designee alleging a violation of this Part 1. The Director of Planning shall investigate and determine as a matter of fact whether a violation has occurred.

§ 267-8. Zoning Certificates.

A. It shall be unlawful for any owner, tenant, licensee or occupant to initiate development of, change the use of or commence a new use of any lot or structure, except agricultural uses or structures, in whole or in part, without first obtaining a zoning certificate issued by the Director of Planning or a duly authorized designee in accordance with the provisions of this Part 1. Zoning certificates shall be required for such accessory and temporary uses

as are enumerated in this Part 1. All applications for zoning certificates shall be made in writing by the owner or his agent or the contract purchaser of the property for which the certificate is sought. Zoning certificates shall not be required for uses lawfully in existence as of the effective date of this Part 1.

B. An approved and duly issued zoning certificate shall indicate that the building or premises or part thereof and the proposed use or modification thereof described in the zoning certificate are in conformity with the provisions of this Part 1.

C. Upon written request from an owner, tenant or contract purchaser, the Director of Planning shall issue a zoning certificate for any building or lot lawfully existing at the time of the enactment of this Part 1, certifying the extent and nature of the use made of the lot or building and whether such use conforms to the provisions of this Part 1.

D. Every application for a zoning certificate shall:

(1) Be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.

(2) Indicate the exact location, size and height of any building or structure to be erected or altered.

(3) Indicate the existing and intended use of each building or structure or part thereof.

(4) Indicate the number of families or housekeeping units the building is designed to accommodate and, when no buildings are involved, the location of the present use.

(5) Indicate the proposed use of the lot.

(6) Provide such other information as may be reasonably required by the Director of Planning.

E. The Director of Planning also has the authority to require that detailed Site Plans for nonresidential or multi-family residential developments be submitted for review and approval prior to zoning certificate application. Such approval may require review through the Development Advisory Committee (DAC).

F. Any zoning certificate shall be revocable upon written order of the Director of Planning in the event of a failure to comply with the requirements and conditions of this Part 1 or the specific grant, order or approval applicable thereto. Such revocation shall not be effective until after:

(1) Notice, by certified mail, of such proposed revocation and hearing have been provided to the holder of the certificate.

(2) The Director of Planning has held a hearing not less than 10 or more than 30 calendar days from the date of the forwarding of such notice.

(3) A final decision has been rendered within 10 calendar days of the completion of the hearing.

G. Any certificate issued on the basis of fraud, mistake or misrepresentation shall be subject to revocation.

H. Zoning certificates issued on the basis of approved Site Plans and applications authorize only the use, arrangement and development set forth in such applications and plans and no other use, arrangement or development. Use, arrangement or development substantially differing from that authorized is a violation of this Part 1 and shall be a basis for revocation of the zoning certificate.

I. The Director of Planning shall accept no application until it has been completed and until all fees established by the County for processing the same have been paid in full.

§ 267-9. Board of Appeals. [Amended by Bill 09-31, As Amended]

A. Establishment. In compliance with the provisions of the Charter, the Board of Appeals is continued. The County Council is hereby designated as the Board of Appeals. The President of the County Council or, in his absence, the Vice President shall act as Chairman of the Board. Hearings before the Board shall be open to the public and quasi-judicial in nature.

B. Powers and duties. The Board shall be vested and charged with all the powers and duties created by this Part 1, including the power and duty to:

(1) Hear and decide any zoning case brought before the Board and to impose such conditions or limitations as may be necessary to protect the public health, safety and welfare.

(2) Adopt rules and regulations governing procedure before the Board consistent with the Charter and this Part 1.

(3) Perform any act, issue any order or adopt any procedure consistent with law applicable to administrative agencies in general and the provisions of this Part 1.

C. Hearing Examiners. The Board may employ Hearing Examiners to hear zoning cases within the jurisdiction of the Board pursuant to procedural rules adopted by the Board. The Hearing Examiner shall have the authority, duty and responsibility to render recommendations in all cases, subject to final approval of the Board. Such recommendations shall be consistent with the requirements of Subsection H, Decision of the Board.

D. Filings. Applications for variances, special exceptions, special developments and reclassification shall be filed with the Director of Planning by the property owner, property owner's authorized agent or contract purchaser. Applications for final determinations may be filed with the Director of Planning by any person. Filed applications are forwarded to the Board of Appeals for hearings.

E. Hearings. Proceedings before the Hearing Examiner and the Board shall be quasi-judicial in nature and conducted in accordance with the rules of procedure of the Board in such a manner as to afford the parties due process of law.

F. Recommendation of the Hearing Examiner. The recommendation of the Hearing Examiner shall be deemed to be adopted by the Board, unless final argument is requested within 20 days from the date of the written recommendation.

G. Request for final argument. A request for final argument before the Board may be filed by any Board member, the applicant, the People's Counsel or a person aggrieved who registered as a party to the proceedings before the Hearing Examiner. Upon filing a request for final argument, the Board shall notify all parties to the proceeding.

H. Decision of the Board. The decision of the Board shall be in writing and shall specify findings of fact and conclusions of law. The Board may affirm, reverse, modify or remand the Hearing Examiner's recommendation. In reviewing the recommendation of the Hearing Examiner, the Board shall give consideration to the opportunity of the Hearing Examiner to see and hear the witnesses and to judge their credibility. The Board may specify the circumstances under which additional evidence can be accepted by the Hearing Examiner and may remand the case for determination of limited issues. Decisions of the Board shall be subject to appeal in accordance with the Charter.

I. Limitations, guidelines and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood, Natural Resource District, Chesapeake Bay Critical Area or is protected by a permanent easement. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:

(1) The number of persons living or working in the immediate area.

(2) Traffic conditions, including facilities for pedestrians and cyclists, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

(3) The orderly growth of the neighborhood and community and the fiscal impact on the County.

(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

(5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.

(6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.

(7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.

(8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.

(9) The environmental impact, the effect on sensitive features and opportunities for recreation and open space.

(10) The preservation of cultural and Historic Landmarks.

J. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning certifies to the Board that, by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order of the Board or a court of competent jurisdiction, on application after notice to the Director of Planning and on good cause shown.

K. Application disapproved.

(1) Failure to pay costs.

(a) Except as provided in Subsection K(2) of this section, and except as provided in §267-11C (Variances), if the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval or dismissal or any final decision by a Court of competent jurisdiction, whichever shall last occur.

(b) Dismissal for failure to pay costs shall be without prejudice.

(c) If an appeal to the Board is perfected and the public hearing date set by the posting of the property and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same relief for 6 months from date of withdrawal.

(2) Subsection K(1)(a) of this section does not apply to an application that is denied pursuant to §A274-5B(3)(c) of the Board's Rules of Procedure for Zoning Applications. An application denied pursuant to that section is denied without prejudice and may be refiled at any time.

L. Any person, firm or corporation who fails to comply with the requirements or conditions imposed by the Board of Appeals shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

§ 267-10. Interpretation of Zoning Map.

The Board, upon application thereof, after notice to the owners of the properties affected and public hearing, may render interpretation of the boundaries of a zoning district by:

A. Determination of location: determining the location of a road or lot layout actually on the ground or as recorded in comparison to the road and lot lines as shown on the zoning maps.

B. Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.

§ 267-11. Variances.

A. Except as provided in §267-63H (Chesapeake Bay Critical Area Overlay District, variances), variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the State applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval.

D. In the event that the development or use is not commenced within 3 years from the date of the final decision after all appeals have been exhausted, the approval for the variance shall be void. In the event of delays, unforeseen at the time of the application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof.

§ 267-12. Zoning Reclassifications.

A. Application initiated by property owner.

(1) Any application for a zoning reclassification by a property owner shall be submitted to the Director of Planning and shall include:

(a) The location and size of the property.

(b) A title reference or a description by metes and bounds, courses and distance.

(c) The present zoning classification and the classification proposed by the applicant.

(d) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(e) A statement of the grounds for the application, including:

[1] A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation.

[2] A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change.

(f) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(2) Concept Plan. A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the proposed general nature and distribution of land uses but need not include engineered drawings.

§ 267-13. Comprehensive Zoning Review.

A. Periodic review required.

(1) Commencing with the first legislative session in September 1987 and every 8 years thereafter, the Director of Planning shall submit to the County Council a written report and recommendations to initiate a comprehensive zoning review for all or part of the County.

(2) A comprehensive zoning review may be initiated at any other time by order of the County Executive or by legislative act of the County Council.

B. Preparation.

(1) At least 21 calendar days prior to beginning a comprehensive zoning review under this section, the Director of Planning shall give public notice that the Department is initiating a comprehensive zoning review of all property within the County. The notice shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County.

(2) The Director of Planning shall prepare revisions to the zoning maps and regulations in a comprehensive manner for consideration and adoption by the Council. The proposed revisions shall be compatible with all Elements of the Master Plan as adopted by the Council.

(3) After preparing the revisions, the Director of Planning shall submit them to the Planning Advisory Board for review and comment prior to submission to the County Council.

C. Application. An owner of property may request a zoning change for the property during comprehensive zoning review by applying to the Department of Planning and Zoning at a time and in a form to be designated by the Director of Planning. The Department shall assess the applicant a comprehensive rezoning review fee as designated in §157-25 (Zoning Fees) of the Harford County Code, as amended, and a posting fee of $100 to be paid at time of application. The Department shall not accept any additional requests after the deadline established by the Director of Planning. Each application shall be considered by the Director of Planning in the comprehensive zoning review process. If the Department recommends a change in the zoning for a property when the property owner has not requested a change, the Department shall give written notice of the recommendation to the owner and to each owner of property that abuts the property for which the change has been requested. The notice shall be mailed at least 30 calendar days before the public hearing conducted on the Planning Director's final report by the Council.

D. Council action.

(1) Within 365 calendar days of the date the Department began accepting applications, the County Executive shall submit to the Council the comprehensive revisions and amendments to the zoning maps and regulations contained in the final report of the Director of Planning. The Council shall conduct a public hearing, giving public notice, which shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County. During the period of Council review, the final report of the Director of Planning, containing the provisions and amendments to the zoning maps and regulations, together with the comments of the Planning Advisory Board, shall be on public display in the Department of Planning and Zoning and in a public facility located in each Council district.

(2) At least 21 calendar days before the public hearing conducted by the Council, the Director of Planning shall ensure that each property for which the property owner has requested a zoning change is posted with a notice stating the date, time and location of the hearing and the telephone number of the Department. The notice shall be on a sign measuring at least 22 inches by 28 inches, with black lettering, and shall be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. Following the posting, the property owner shall use reasonable efforts to maintain the notice in a condition visible to the public until the hearing date.

(3) Any changes to the report of the Director of Planning shall be voted upon by the Council as individual issues. A property owner shall submit justification for any request made to the Council for a change in zoning for a property that has not been submitted to the Department on or before the deadline established under Subsection C of this section.

E. Suspension of zoning reclassification.

(1) Notwithstanding any provisions of this Code, during the period of preparation and review of proposed comprehensive revisions or amendments to the zoning maps, no applications for zoning reclassification shall be accepted by the County, except as provided in Subsection C of this section, and such a request shall be

considered in the preparation or modification of the proposed comprehensive revisions or amendments to the zoning maps.

(2) The Hearing Examiner shall complete public hearings and issue a decision for each existing zoning reclassification application as soon as practicable. The Director of Planning shall review each such application as a part of the comprehensive zoning review process as if the application had been filed pursuant to Subsection C of this section.

F. Suspension of procedural requirements. In the event that the comprehensive zoning review and subsequent bill submitted to the Council, pursuant to this section, fails for any reason, the County Executive may recommend for introduction, or the County Council may introduce, within 120 calendar days of said failure, a subsequent comprehensive zoning bill without complying with any of the provisions set forth in this section. This subsequent bill shall include only those issues previously considered in the prior bill that failed and shall, if enacted, be considered the comprehensive zoning bill by this section until a new comprehensive zoning review bill is subsequently enacted. At least 14 calendar days prior to the public hearing on the comprehensive zoning bill, the Department of Planning and Zoning shall ensure that each property for which a zoning change had been requested is posted with a notice to be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The sign shall contain the date, time and location of the hearing and telephone number of the Department. The Council shall ensure that the issues and maps related to the new comprehensive review shall be available in the Department of Planning and Zoning and posted on the Department's web site.

G. No zoning reclassification of property shall, for a period of 1 year after the adoption, by bill, of the comprehensive zoning maps applicable thereto, be granted by the County Council, sitting as the Board of Appeals, on the grounds that the character of the neighborhood has changed.

H. Any property, or portion of a property reclassified from AG to RR or AG to VR, approved by the County Council, after the effective date of this document, must be located in the Rural Residential or Rural Village area designation, on the most recently adopted Land Use Map. In no case shall property be rezoned to a residential classification in Priority Preservation Areas as designated on the most recently adopted Priority Preservation Area Plan. In order to utilize density and design standards, development rights must be transferred in accordance with §267-53D(4) (AG Agricultural District, Specific Regulations).

§ 267-14. Violations and Penalties.

A. Whenever the provisions of this Part 1 have been violated, the Director of Planning shall give notice, by first class mail, to the owner, tenant or occupant of the property alleged to be in violation, stating the nature of the violation and ordering that any unlawful activity be abated.

B. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall be guilty of a misdemeanor and shall be fined not more than $500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

C. The County may recover damages in a civil action for violation of this Part 1 and shall adopt legislation for the imposition of civil penalties as authorized by State law.

D. In the event of a violation of any of the provisions of this Part 1 or any amendment or supplement thereto, the Director of Planning, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may institute a suit for injunction, mandamus, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

ARTICLE III. Districts Established; Boundaries

§ 267-15. Establishment of Zoning Districts.

The zoning districts enumerated in this Part 1 are hereby established for the County.

§ 267-16. Official Zoning Maps.

Zoning districts established by this Part 1 are bounded and defined as designated on the Official Zoning Maps and subsequent modifications thereto. Said zoning maps, properly attested, and maps indicating the effects of zoning cases conducted hereunder shall be and remain on file in the office of the Director of Planning and in the office of the Clerk of the Circuit Court of the County. The Director of Planning shall maintain maps showing the result of any zoning case approved pursuant to this Part 1.

§ 267-17. Interpretation of Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary:

A. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

B. Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.

C. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the tax maps shall be construed as following such lines.

D. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

E. Boundaries shown as following or approximately following shorelines of any water body shall be construed to follow the mean high-water lines of such water body and, in the event of change in the mean high-water line, shall be construed as moving with the actual mean high-water line.

F. Boundaries shown as following or approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers or other watercourses, the boundaries shall be construed as moving with the channel center line.

G. Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsections A through F above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.

H. Boundaries shown as following or approximately following the edges of watersheds as identified by the U.S. Natural Resource Conservation Services shall be construed as following such edges of the watershed.

I. Whenever any road, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such right-of-way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

ARTICLE IV. Nonconforming Lots, Buildings, Structures and Uses

§ 267-18. General Provisions.

If, within the zoning districts established by this Part 1 or amendments subsequently adopted, there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this Part 1 or subsequent amendments and which would not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto or which could not be built or used under this Part 1, such nonconformities may continue to exist subject to the regulations contained in this Article.

§ 267-19. Nonconforming Lots.

A. In any district, principal uses and customary accessory buildings, where permitted, may be erected on any nonconforming lot, provided that all of the following conditions are met:

(1) The front, side and rear yards shall conform to the regulations applicable at the time the lot was recorded, unless otherwise specified.

(2) If the lot lacks the required road frontage as set forth in this Part 1, then the lot shall have an unrestricted right of access to a public road.

B. Any lot reduced in area or yard dimension failing to conform to the requirements of this Part 1, by reason of a realignment or dedication of any public road or by reason of a condemnation proceeding, shall be a nonconforming lot. This provision shall not apply to roads created as part of a subdivision.

C. For lots existing as of December 5, 1957, the following shall apply: in any district where dwellings are permitted, a single-family dwelling may be located on any nonconforming lot or plot of official record as of December 5, 1957, irrespective of its area or width or the width of the road on which it fronts, subject to the following requirements:

(1) The sum of the side yard widths of any such lot or plot shall be 30% of the width of the lot, but in no case shall any 1 side yard be less than 10% of the width of the lot.

(2) The depth of the rear yard of any such lot shall be 20% of the depth of the lot, but in no case shall it be less than 10 feet.

D. In case the right-of-way of the road on which the lot fronts is less than 50 feet wide, the depth of the front yard shall be the setback requirement for the district plus 25 feet and shall be measured from the center line of the road.

§ 267-20. Nonconforming Buildings, Structures and Uses. [Amended by Bill 09-31, As Amended]

Nonconforming buildings, structures or uses may be continued, subject to the following provisions:

A. No nonconforming use shall be changed to a use not permitted by this Part 1 in the particular district in which the building or structure is located, except:

(1) If no structural alterations are made, a nonconforming use of a building may be changed to a similar use of the same or lesser intensity.

(2) Whenever a nonconforming use has been changed to a less intensive use, such use shall not thereafter revert to a more intensive use.

(3) When authorized by the Board, 1 nonconforming use may be substituted for another nonconforming use.

B. Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.

C. Residential uses, when located in an industrial district may be enlarged or replaced, provided that at no time is the square footage of the residential use at the time of the creation of the nonconformity increased by more than 50%. Expansion is permitted, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions set out in the R4 design standards, whichever is less.

D. In the event that a nonconforming use ceases for a period of 1 year or more, then the nonconforming use shall be deemed abandoned, and compliance with this Part 1 shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

E. Any nonconforming building or structure is subject to the following regulations in the event of damage:

(1) Any nonresidential nonconforming building or structure that is damaged by less than 50% of its market value may be reconstructed to its former dimensions on the same lot and with the same nonconforming use.

(2) Any residential nonconforming building or structure that is damaged or destroyed may be reconstructed to its former dimension on the same lot and with the same nonconforming use.

(3) In the event that the nonconforming residential unit is located on a leased lot, or if the residential unit creates a nonconforming density on the lot, replacing the residential unit with any dwelling unit, including another mobile home, is prohibited, with the exception of tenant housing.

(4) Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.

F. An accessory structure located on a residential lot or agricultural parcel shall be considered a nonconforming structure subject to the provisions of this Article if it meets the following conditions:

(1) The accessory structure was located prior to September 1, 1982.

(2) An approved zoning certificate was not obtained for the location of such structure.

(3) The accessory structure otherwise conforms to the requirements of Ordinance No. 6 of 1957.

§ 267-21. Enlargement Or Extension of Nonconforming, Nonresidential Buildings, Structures or Uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.

B. The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.

C. The enlargement or extension does not violate the height or coverage regulations for the district.

D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.

E. The limitations, guidelines and standards set forth in §267-9I (Board of Appeals, Limitations, Guides and Standards) are considered by the Board.

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ARTICLE V. Supplementary Regulations

§ 267-22. Lots. [Amended by Bill 09-31, As Amended]

A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than 1 principal building used for dwelling purposes shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as Continuing Care Retirement Community on a single lot shall not violate this requirement.

B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots that do not comply with the requirements of this Part 1.

C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.

D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.

E. Minimum residential lot area with septic systems. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or County law or regulation.

(1) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system outside the 10-year sewer service area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 40,000 square feet and a minimum lot width at the building line of 100 feet.

(2) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system within the 10-year sewer area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 20,000 square feet and a minimum lot width at the building line of 100 feet.

F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:

(1) Except in agricultural and rural residential districts, with regard to any parcel, as it existed on September 1, 1982, not more than 1 lot or 10% of the lots intended for detached dwellings may be panhandle lots.

(2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject to approval from the Director of Public Works that adequate water and sewer may be provided on the lots.

(3) Panhandles shall be a maximum of 700 feet in length. A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive. The Director of Planning may waive the length of a panhandle to a maximum of 1,000 feet if the property contains unusual accessibility, topographic, environmental, or other physical constraints.

(4) The minimum width of a panhandle lot shall meet the following criteria:

(a) Single panhandles: 25 feet.

(b) Multiple panhandles: 12½ feet each.

(5) Where a common drive is required, the following shall apply:

(a) Prior to, or at the time of, recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.

(b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.

(c) The County shall bear no responsibility for the installation or maintenance of the common drive.

(d) In all cases public water service shall end at the edge of public right-of-way. Public sewer service shall also end at the edge of public right-of-way, except in those cases where the panhandle lots must be served by a public main as determined by the Division of Water & Sewer.

G. Sanitary facilities shall comply with all State and County regulations for development on septic systems.

§ 267-23. Yards. [Amended by Bill 09-31, As Amended]

A. Front yard depth.

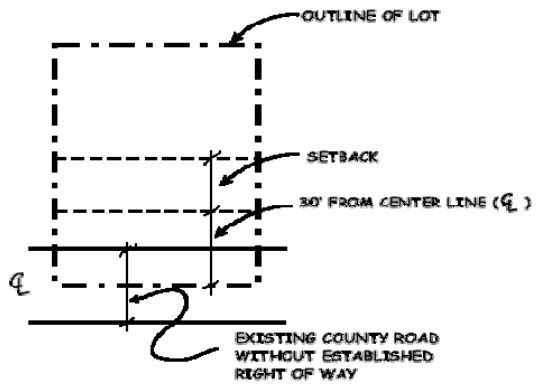
(1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:

(a) From the proposed or established public road right-of-way line;

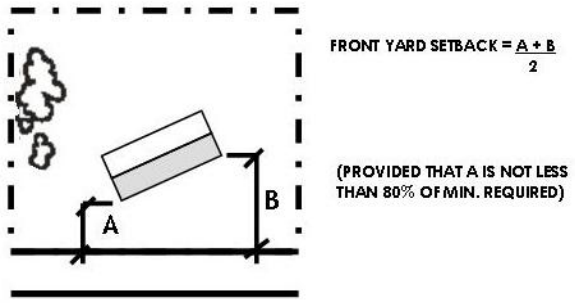
(b) From any other right-of-way on a line 10 feet from and parallel to the edge of the hard-surfaced area or a line established as a private road right-of-way, whichever is greater; or

(c) In the case of a panhandle lot, from the end of the handle which is the greatest distance from the road right-of-way.

(2) For the purpose of establishing a setback line on existing County roads without established right-of-way lines, the setback shall be measured 30 feet from the center line.



(3) Average front yard. Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than 80% of the minimum yard required by this Part 1, not including the reductions permitted by this section.



(4) Corner and through lots.

(a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.

(b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted in this Part 1.

(5) Yards along collector and arterial roads. In the event that residential lots abut 1 or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be 40 feet from a collector road and 60 feet from an arterial road.

B. Side and rear yard depth.

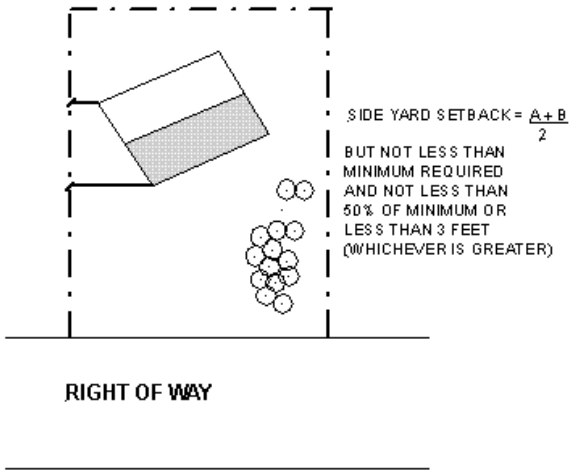
(1) The minimum side and rear yard depths, as specified in this Part 1, shall be measured in the following manner:

(a) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.

(b) When measured from an alley, ½ of the alley width may be included as a portion of the rear or side yard.

(c) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.

(2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than ½ the otherwise-required minimum width or narrower than 3 feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures may encroach into the minimum yard requirements, not to exceed the following dimensions:

[1] Awnings, canopies, cornices, eaves or other architectural features: 3 feet.

[2] Bay windows, balconies, chimneys or porches: 3 feet.

[3] Open fire escapes: 5 feet.

[4] Uncovered stairs or necessary landings: 6 feet.

[5] Fences and walls: in accordance with §267-23 (Yards).

[6] Unenclosed patios, sunrooms and decks: up to, but not to exceed, 35% of the side or rear yard requirement for the district.

[7] Attached storage sheds may encroach 10 feet into the rear yard only. Such storage sheds shall not have internal access to the dwelling unit.

(2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:

(a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced up to 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.

(b) Group parking. When off-street group parking is provided for 3 or more dwelling units, and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced up to 15 feet for single-family detached and up to 10 feet for all other dwelling units.

(c) Side garage or rear garage. When dwelling units are designed with a garage that completely faces the side or rear lot line, the front yard setback may be reduced up to 10 feet.

(3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this Part 1 may be reduced not more than 30% when sidewalls of adjoining single-family attached or semidetached dwellings are offset by 50% or more.

(4) Utility distribution lines and facilities.

(a) The minimum yard and area requirements shall not apply to construction, reconstruction, conversion, erection, alteration, relocation, enlargement or installation of poles, wires, cables, conduits, transformers, Controlled Environmental Vaults (CEV) and similar equipment by a:

[1] Gas and/or electric company regulated by the Maryland Public Service Commission; or

[2] Cable television company operating under a franchise granted by the County Council; or

[3] Water or sewer utility provider.

(b) A zoning certificate is not required for these uses.

§ 267-24. Exceptions and Modifications to Height Requirements.

A. General exceptions. The building height limitations of this Part 1 shall not apply to the following:

(1) County buildings and structures, schools, houses of worship, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than 1 foot for each 2 feet, by which said structure exceeds the height limitation established for the district, in which said structure is located.

(2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas, public utility structures and silos.

(3) Bulkheads, fireplace chimneys, roof structures, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any structure exceeds 50% of the corresponding road lot line frontage, or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be set back at least 50 feet from every lot line which is not a road right-of-way line.

B. Fences and walls. A zoning certificate is required for all fences and walls. Fences and walls may be located in required yards in accordance with the following:

(1) Front yards. For all residential units, walls and fences shall not exceed 4 feet in height above ground elevation. Where fences and walls are an integral part of the unit design or are applied in a consistent manner throughout the project, fences and walls may be constructed to a maximum of 6 feet above ground elevation. For Continuing Care Retirement Communities, consistent and coordinated fencing or walls may be constructed to a maximum of 8 feet above ground elevation provided strategically located gates are provided for emergency access.

(2) Rear and side yards. Except as otherwise provided in this Part 1, walls and fences shall not exceed 8 feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.

(3) Security fences. Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with buffer yard requirements.

§ 267-25. Requirements for Deck Accesses.

No residential unit shall be originally constructed with an aboveground level door that provides access to a rear yard deck or porch unless:

A. A deck or porch is constructed at the time the dwelling is constructed; or

B. The builder signs and submits, with the building permit application, a statement that the lot on which the dwelling is located has sufficient footage to permit, without the granting of a variance, construction of a deck or porch that has a minimum depth into the rear yard of 14 feet.

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§ 267-26. Off-street Parking and Loading.

A. Generally.

(1) No structure shall be erected, substantially altered or have its use changed unless permanent off-street parking and loading spaces have been provided and maintained in accordance with the provisions of this section. The Board may authorize a modification of the parking space requirements if it should find that, in the particular case, the peculiar nature of the use or the exceptional shape or size of the property or other exceptional situation or condition would justify such modification.

(2) Parking and loading requirements based on floor area shall be determined by the total gross floor area of the use, excluding incidental storage, mechanical preparation areas and additional common areas such as corridors, stairwells and elevators.

(3) Parking and loading requirements per seat shall be determined by the number of individual seats, except as otherwise required. For purposes of bench-type seating, 20 inches shall be the equivalent of 1 seat.

(4) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot. On residential lots, each required parking space shall have direct and unobstructed access to a road.

(5) Each required parking space shall measure 9x18 feet for a standard-sized vehicle. For calculating the minimum gross area for the required parking, driving aisle, general circulating and landscaping, 325 square feet per parking space shall be used.

(6) Business uses shall provide a minimum of 3 parking spaces.

(7) Accessory parking areas, driveways and private roads may be granted by the Board of Appeals in any district to serve a use located in another district, whether or not the use is permitted in the subject district, in accordance with the following conditions:

(a) The parking area, driveway or private road shall be accessory to, and for the use of, 1 or more agricultural, residential, business or industrial use located in an adjoining district.

(b) No charge shall be made for the parking or storage of vehicles on any parking lot approved pursuant to this provision.

(c) Any private road or driveway shall provide access to an approved private, County or State road.

(d) The number of parking spaces and total parking area approved in the subject district under this section shall not exceed 30% of the parking spaces and area required by this Part 1 for the permitted use.

B. Group parking requirements. When group parking is provided, the facility shall be designed as follows:

(1) Parking areas for business uses requiring more than 10 parking spaces, and all other uses requiring more than 20 parking spaces, shall be provided with a structured impervious surface and shall be so graded and drained as to dispose of surface water, and so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of motor vehicles.

(2) Parking areas shall be landscaped pursuant to §267-29 (Landscaping).

(3) The parking area shall be set back a minimum of 10 feet from arterial road rights-of-way and 5 feet from other public road rights-of-way.

(4) Parking areas in excess of 10,000 square feet for business, industrial or institutional uses located less than 100 feet from any residential district shall require a type "B" buffer yard pursuant to §267-30 (Buffer Yards).

(5) Any lighting used to illuminate a parking area shall be so designed to direct the light away from adjoining residential premises.

C. Parking space requirements.

(1) Minimum parking spaces. Except as otherwise provided in this Part 1, the following off-street parking space requirements shall apply. In the case of any building, structure or use not specifically mentioned herein, the use that is most similar to the following enumerated uses shall provide the requirement.

Type of Use	Off-street Parking Spaces Required
Natural resources	As required
Residential:	
Single-family detached, semidetached, duplex, lot-line, patio/court/atrium, row duplex, multiplex, townhouses and mobile homes	2 per dwelling unit
Garden, mid- and high-rise apartments:	
Efficiency	1.25 per dwelling unit
1-bedroom	1.50 per dwelling unit
2-bedrooms or more	2 per dwelling unit
Home occupations, except medical professions	Additional parking, as needed shall be accommodated on site

Type of Use	Off-street Parking Spaces Required
Continuing Care Retirement Community	1 per independent living unit plus 1 per 4 beds in assisted living and skilled care facilities plus 1 per employee (full-time equivalent) on largest shift
Transient housing:	
Boarding- and tourist houses	1 per sleeping room
Hotels and motels	1 per sleeping room, and 1 per 2 persons permitted in banquet room and accessory use (bars, lounge, etc.) As determined by maximum capacity requirements set forth in the State Fire Code
Camps, retreats and RV parks	1.5 per campsite
Nursing homes, assisted living facilities and personal care boarding homes	1 per 4 patient beds plus 1 per employee (full-time equivalent) on largest shift
Boarding home for sheltered care and group home for sheltered care	1 per 2 beds plus 1 per employee (full-time equivalent) on largest shift
Business:	
Banks and financial institutions	1 per 300 square feet of gross floor area, and 5 waiting spaces per drive-in lane
Beauty and barber shops	1 per 100 square feet of gross floor area
Convenience stores	1 per 150 square feet of gross floor space
Nightclubs, lounges, bars and taverns	1 per 50 square feet of gross floor area, excluding food preparation and storage areas
Funeral parlors and mortuaries	1 per 100 square feet of viewing area
Grocery stores and supermarkets	1 per 200 square feet of gross floor area, excluding storage area
Medical clinics and veterinary offices	6 per doctor
Medical and dental offices	4 per doctor or dentist
Motor vehicle sales and service	1 per 300 square feet of gross floor area, excluding storage area
Professional offices, except medical and dental offices	1 per 300 square feet of gross floor area
Personal services, except beauty and barber shops	1 per 200 square feet of gross floor area
Retail stores	1 per 200 square feet of gross floor area
Agricultural sales at roadside stands	1 per 250 square feet of sales area

Type of Use	Off-street Parking Spaces Required
Shopping centers	1 per 250 square feet of gross leasable floor area
Recreation:	
Arenas and stadiums	1 per every 3 seats
Bowling alleys	4 per lane, plus 1 per 150 square feet of gross floor area for accessory uses (lounge, snack bar, etc.)
Community centers	1 per 250 square feet of gross floor area, plus 1 per each 4 assembly seats
Golf driving ranges and miniature golf	1.25 per tee
Golf courses	3 per hole
Indoor/outdoor public swimming pools	1 per 75 square feet of gross water
Indoor/outdoor shooting ranges (archery, trap, etc.)	1 per each booth or firing position
Marinas	1.5 per berth, and 10% of the spaces shall be large enough for car with trailer if launching ramp is provided
Noncompetitive recreational amusement cars	1.25 spaces per recreational car
Private clubs	1 per 3 persons permitted under the State Fire Code
Racquet- and handball courts	4 per court, plus 1 per 150 square feet of gross floor area for accessory uses
Restaurants	1 per 3 patrons' seats or 1 per 200 square feet of gross floor area, excluding food preparation area, whichever is greater
Skating rinks	1 per 300 square feet of gross floor area
Theaters	1 per 3 patron seats
Institutional:	
Houses of worship and religious assemblies (indoor/outdoor)	1 per 3 seats. Up to 50% of the parking area can be pervious surface. Required parking spaces for schools and daycare facilities that are accessory to a house of worship are computed separately.
Hospitals	1 per bed
Libraries, museums, art galleries and observatories	1 per 250 square feet of gross floor area or 1 per 4 seats, whichever is greater

Type of Use	Off-street Parking Spaces Required
Schools, elementary or intermediate	2 per classroom, plus 1 per 8 seats in assembly hall
Schools, high	5 per classroom, plus 1 per 8 seats in assembly hall
Colleges, universities and business trade or technical schools	1 per 3 students
Day-care and nursery facilities	1 per 6 students, and 1 loading space
Industrial	On-site parking as necessary to accommodate traffic generated by the use and the largest employee shift

(2) Maximum parking spaces. The maximum number of off-street parking spaces permitted shall not exceed 130% of the minimum number of spaces required. This restriction does not apply to:

(a) Spaces that are composed of a structured pervious surface; or

(b) Spaces above this limit where the Director of Planning finds that the additional spaces are required by unique site conditions or use.

D. Parking standard modifications. The off-street parking requirements for any given use shall be established as per §267-26C (Parking Space Requirements) of the Harford County Zoning Code, as amended. The Director of Planning, with concurrence from the Director of the Department of Public Works, may:

(1) Authorize a modification of the parking space requirements if the Director determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property or other exceptional situations or conditions warrant such a modification. Such a modification shall not reduce the number of parking spaces to less than 80% of the required spaces.

(2) If pedestrian access, bicycle access and parking or linkages to mass transit are provided on site from the public right-of-way to the primary building, the required parking standards may be reduced by up to 10%. This reduction may be taken with the authorization of the Director of Planning. If nonresidential joint parking is provided in accordance with provisions established per §267-26C (Parking Space Requirements), the required parking standards may be reduced up to 20%. This reduction may be utilized in addition to:

(a) Any parking reduction authorized through §267-26D(1) (Parking Standard Modifications); and

(b) In the Chesapeake Science and Security Corridor, any parking reduction authorized through §267-64 (Chesapeake Science and Security Corridor).

E. Shared parking provisions. A portion of the required parking may be provided on an adjacent property provided that:

(1) The underlying zoning of the adjacent property permits parking for the principal use of the site being developed.

(2) There is adequate parking to meet the parking requirements for all uses served by the parking.

(3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.

(4) The shared 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.

(5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.

(6) The required parking area shall be paved with an impervious surface.

(7) Parking for residential uses shall be clearly designated.

F. Joint parking areas for nonresidential uses that do not conform to Subsection C are permitted, subject to the following:

(1) The operations sharing the joint use of parking areas shall not be opened or used during the same principal operating hours.

(2) The parties concerned with such joint use are subject to a written joint-use agreement.

G. Off-street loading.

(1) Any use which regularly receives deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified below.

(2) Retail uses, industrial uses, warehouses, freight terminals and hospitals.

(a) Every retail establishment, industrial use, warehouse, freight terminal or hospital having a gross floor area of 6,000 square feet or more shall provide minimum off-street loading facilities as follows:

Gross Floor Area (square feet)	Number of Berths
6,000 to 24,999	1
25,000 to 79,999	2
80,000 to 127,999	3
128,000 to 197,999	4
198,000 to 255,999	5
256,000 to 319,999	6

Gross Floor Area (square feet)	Number of Berths
320,000 to 391,999	7

(b) For each additional 72,000 square feet, or fraction thereof, of gross floor area, 1 additional berth shall be provided.

(3) Public assembly uses.

(a) Every public assembly use, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, office buildings, welfare institutions, funeral homes, restaurants and hotels with a gross floor area of greater than 30,000 square feet shall provide off-street berths as follows:

Gross Floor Area (square feet)	Number of Berths
30,000 to 119,999	1
120,000 to 197,999	2
198,000 to 290,999	3
291,000 to 389,999	4
390,000 to 488,999	5
489,000 to 587,999	6
588,000 to 689,999	7

(b) For each additional 105,000 square feet, or fraction thereof, of gross floor area, 1 additional berth shall be provided.

(4) The minimum area for each off-street loading space, excluding area for maneuvering, shall be 250 square feet, measuring 10x25 feet with a vertical clearance of 14 feet.

(5) Loading spaces shall be designed so that no part of the vehicle shall extend into the right-of-way of a public road during the process of loading and unloading.

(6) Loading spaces shall be located at least 50 feet from any residential district, unless the loading space is totally enclosed within a building or buffered by a hedge, wall or solid board fence at least 6 feet in height.

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§ 267-27. Accessory Uses and Structures. [Amended by Bill 09-19, as amended]

A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use.

B. Zoning certificate required. All accessory uses and structures, whether or not specified in this section, require the issuance of a zoning certificate.

C. Use limitations. In addition to the other requirements of this Part 1, an accessory use or structure shall not be permitted unless it strictly complies with the following:

(1) In the AG, RR, R1, R2, R3, R4 and VR districts, an accessory structure shall neither exceed 50% of the square footage of habitable space or 1,000 square feet, whichever is greater. The height of the accessory structure shall not exceed the height of the principal structure.

(2) No accessory structure shall be used for living quarters, the storage of contractors' equipment or the conducting of any business unless otherwise provided in this Part 1.

(3) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.

(4) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.

(5) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in §267-23 (Yards), and modifications to minimum yard requirements.

(6) Uses and structures.

(a) For agricultural lots, detached accessory structures must be located:

[1] A minimum of 10 feet from the side or rear lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded easement or 10 feet, whichever is greater.

(b) For residential lots, accessory structures will be considered attached if they are within 3 feet of the principal structure and must meet the principal structure setback requirements. For residential lots, detached accessory structures shall be located:

[1] A minimum of 3 feet from side or rear yard lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8);

otherwise, the setback shall be equal to the width of the recorded easement or 3 feet, whichever is greater.

(c) For townhouses and zero-lot-line dwellings, detached accessory structures shall be located:

[1] Zero feet from side or rear yard lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded easement.

(d) The front, side and rear yard setback for accessory uses and structures for business, industrial and Continuing Care Retirement Community uses shall be equal to the same setbacks required for the principal structure.

(e) For institutional uses, the front, side and rear yard setback for accessory uses and structures shall be equal to the same setbacks required for the principal structure. This requirement may be reduced up to 50% for accessory structures less than 300 square feet, located in the side and rear yard.

(f) Retaining walls, 4 feet or greater in height, shall require a zoning certificate.

(7) Septic reserve areas may be permitted in any district to serve a use permitted and located in another district if the property is split-zoned and under the same ownership. These uses may also be permitted in a use setback. Stormwater management facilities may be permitted in any district to serve a use permitted and located in another district.

(8) Fences shall be permitted in any recorded drainage and utility easement. The placement of all other accessory uses shall be allowed in any recorded drainage and utility easement, pursuant to the following:

(a) The accessory use or structure shall meet the setback and square footage requirements contained in §267-27C (Use Limitations);

(b) The Department of Public Works shall approve the location;

(c) The accessory structure shall meet the applicable requirements of this section; and

(d) The applicant shall sign a hold harmless form, provided by the County.

(9) Small Wind Energy Systems. In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in §267-4 (Definitions), and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that Small Wind Energy Systems are subject to the regulations as set forth herein. The purpose of this subsection is to oversee the permitting of Small Wind Energy Systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System. These provisions shall apply to all Small Wind Energy Systems located in Harford County.

(a) Standards. A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:

[1] Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 40 feet from:

[a] Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;

[b] Any duly recorded right-of-way, utility or stormwater management easement;

[c] Any overhead utility lines;

[d] All property lines; and

[e] Any existing guy wire, anchor or Small Wind Energy Tower on the property.

[2] Access.

[a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

[b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

[3] Electrical wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located underground.

[4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.

[5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished the color grey.

[6] Signs. The only signage permitted on any Small Wind Energy System shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states "Danger – High Voltage – Keep Off" and identifies the system owner and the telephone number for the person to contact in the event of an emergency.

[7] Code Compliance. A Small Wind Energy System, including wind tower, shall comply with all applicable construction and electrical codes.

[8] Small Wind Energy Systems shall not be attached to any building, including guy wires.

[9] Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a Small Wind Energy System.

[10] Total height shall be the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Abandonment.

[1] Every 2 years the owner of a Small Wind Energy System shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.

[2] A Small Wind Energy System that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

[3] If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the system at the owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.

[4] The owner shall ensure removal of the system by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Director. 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 for the removal of the system, plus a 15% contingency.

[c] Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, §7-207.1, any property owner seeking to construct a Small Wind Energy System shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.

[d] Variances. Variances to the setback requirements in this subsection are not permitted.

[e] Noise. All Small Wind Energy Systems shall comply with the State-regulated noise ordinance.

[f] Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this subsection C [9].

[g] Maximum number. One Small Wind Energy System shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 20 acres thereafter up to a maximum of 5 Small Wind Energy Systems per parcel.

[h] Rated nameplate capacity. A Small Wind Energy System that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with subsections (9)[a][1], (9)[b][1], (9)[b][2] and 9[b][3].

D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

(1) Pens or runs for animals shall not be located within 50 feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions.

(2) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants, or guests of the principal use, and no admission or membership fees are charged, provided that the edge of the facility, including all mechanical equipment, shall be located at least 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line.

(3) Storage in any structure on a residential lot.

(4) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:

(a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the principal building.

(b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.

(c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.

(d) Not more than 1 person, or 2 persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed 3. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.

(e) No home occupation shall generate greater traffic volumes, or increased traffic hazards, than would normally be expected in a residential district.

(f) No retail sales, other than for goods produced on the premises, shall be conducted on the premises.

(g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be buffered from adjacent public roads and residential lots.

(h) No goods, materials or supplies shall be delivered by commercial vehicles, either to or from the premises, in connection with the home occupation, except by the United States Postal Service or a delivery service.

(i) Notwithstanding the above, home occupations shall not include automobile repair; selling of bait, crabs or fish; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; printing businesses; private clubs; radio stations; restaurants; or variety or gift stores.

(5) Agricultural tenant house, including mobile homes, for bonafide farm workers when not more than 1 such structure is provided on parcels of 11 to 50 acres, and not more than 1 additional tenant house per 50 acres thereafter.

(6) Private horse stables, provided that any stables, corrals, feeding and bedding areas for horses shall be located at least 50 feet from any public road or lot lines.

(7) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent or temporary structure shall meet the minimum front, rear and side yard requirements for a single-family home in the district. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(8) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely buffered from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than 7 calendar days within any 90 day period unless the location has been approved for such use. No zoning certificate is required.

(9) A commercial vehicle having a gross vehicle weight or a gross combination weight of 10,000 pounds or less and that is 22 feet or less in length may be allowed in residential and agricultural districts on the basis of 1 vehicle for each lot. No zoning certificate is required.

(10) One inoperative or untagged motor vehicle may be parked or stored for a continuous period of no more than 6 months on any lot of less than 2 acres. Two inoperative or untagged motor vehicles may be parked or stored for a continuous period of no more than 6 months on any lot of 2 acres or more. This requirement does not apply to bonafide agricultural equipment or vehicles stored within a completely enclosed building.

(11) A day-care center operated in a church, private school or public school.

(12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG district, provided that:

(a) A separate zoning certificate is not required;

(b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;

(c) Outdoor storage of mulch is limited to:

[1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and

[2] A maximum height of 10 feet;

(d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;

(e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and

(f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (12), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

(1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.

(2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:

(a) Not more than 1 dwelling unit is provided for security or protection of the principal use.

(b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.

(3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.

(4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI districts, provided that:

(a) A separate zoning certificate is not required;

(b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;

(c) Outdoor storage of mulch is limited to:

[1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and

[2] A maximum height of 10 feet;

(d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;

(e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and

(f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (4), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

F. Exemptions. Day-care homes, family are exempt from the provisions of this section and shall not require a zoning certificate.

§ 267-28. Temporary Uses.

Temporary uses shall be permitted, subject to the following:

A. Zoning certificate. Temporary uses in this section require the issuance of a zoning certificate unless otherwise specified.

B. Specific temporary uses. The temporary uses described below shall be subject to the following:

(1) A carnival, circus or individual public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of 30 consecutive calendar days, provided that no structure or equipment shall be located within 200 feet of any residential district. When a carnival, circus or public event, excluding religious activities, accommodates more than 300 people, it shall be subject to the following additional requirements:

(a) The zoning certificate shall specify the use, dates and hours of operation of the event.

(b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.

(c) No permanent or temporary lighting shall be installed without an electrical permit.

(d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of $500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.

(e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.

(f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.

(2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of 45 calendar days.

(3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.

(4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.

(5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home, located on the lot during rehabilitation of the original residence, or construction of a new residence, is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Director of Planning may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.

(7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI districts, subject to the following additional requirements:

(a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of 1 year, at which time, the

applicant may apply for another zoning certificate upon complying with the provisions of this section.

(b) Only temporary lighting shall be permitted.

(c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.

(d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.

(e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.

(f) The proposed use shall not:

[1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.

[2] Be detrimental to the use or development of adjacent properties or neighborhoods.

(g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.

(h) Issuance of certificates.

[1] At the time the applicant applies for a zoning certificate, the applicant shall provide the Director of Planning with the following information:

[a] The location of the parcel or parcels where the sale or sales are to be located.

[b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.

[c] A copy of the license issued by the State.

[2] A zoning certificate issued by the Director of Planning shall cover all parcels where the sale or sales are to be located.

(i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.

(j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 1 ton.

(k) The provisions of this Subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.

(8) Cottage houses.

(a) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:

[1] On a lot of 2 acres or less, the cottage house is located within a dwelling currently on the lot;

[2] On a lot of more than 2 acres, the cottage house may be located within a dwelling currently on the lot or may be a mobile home;

[3] If the cottage house is a mobile home, the cottage house must meet the setback requirements for transient housing uses, except that in the AG district, the minimum rear yard setback for a mobile home cottage house is 40 feet;

[4] When the cottage house is a mobile home, skirting of a compatible material is substituted for a foundation;

[5] The lot owner submits a letter of approval from the health Department, stating that the water and sewer facilities for the cottage house meet Health Department requirements;

[6] The lot owner submits a copy of the property deed and any homeowners' association agreement to which the lot is subject;

[7] The lot owner lives in 1 of the 2 dwellings on the lot;

[8] A relative of the lot owner lives in the other dwelling; and

[9] Either the lot owner or the relative:

[a] Is more than 62 years old; or

[b] Has a disability.

(b) If an application for a cottage house permit is based upon a disability of the lot owner, or a disability of a relative of the lot owner:

[1] The application shall include a physician's statement documenting the disability; and

[2] Every 2 years the lot owner shall submit an additional statement from a physician that documents the lot owner's or relative's continuing disability; and

[3] At least 60 calendar days before the additional statement is due, the Department shall notify the lot owner of the date by which the statement is due.

(c) If the temporary cottage house is visible from a residence on an adjacent parcel, the Department may require the property owner to plant a type "A" buffer yard, pursuant to §267-30 (Buffer Yards).

(d) The zoning certificate for a cottage house shall be deemed null and void if:

[1] The parcel is transferred or assigned;

[2] Any of the requirements of this section are not met by the applicable due date; or

[3] The need for the cottage house ends.

(e) When a zoning certificate is nullified, the lot owner shall remove the mobile home or incorporate the cottage house into the principal dwelling within 60 calendar days.

(f) Use of a cottage house under this Subsection B(8) is not grounds for or evidence of hardship for a variance under §267-11 (Variances).

(g) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:

[1] Issue a zoning certificate to the lot owner 21 calendar days after the lot owner satisfies the requirements;

[2] Within 7 calendar days after the lot owner satisfies the requirements, post the property, which is the subject of the application, with a notice that the lot owner has applied for a cottage house zoning certificate and has satisfied the requirements; and

[3] Within 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent to the lot:

[a] That the property owner has applied for a cottage house zoning certificate and has satisfied the requirements;

[b] That the zoning certificate is temporary;

[c] That the cottage house must be removed or incorporated into the principal dwelling when the zoning certificate is nullified under Subsection B(8)(e);

[d] Of the requirements imposed on the property owner; and

[e] Of any other information the Department deems relevant.

§ 267-29. Landscaping. [Amended by Bill 09-31, As Amended]

A. Purpose. The purpose of the landscaping regulations are to:

(1) Enhance the physical environment of Harford County for the enjoyment and economic benefit of its citizens.

(2) Provide guidelines which allow functional, aesthetically pleasing and cost effective landscape design solutions.

(3) Improve environmental quality through landscape standards that preserve and renew vegetation resources and are in accordance with the Forest and Tree Conservation Regulations in Article VI.

(4) Preserve and protect existing vegetation by conserving native plant communities and retaining healthy vegetation when practical and possible.

(5) Enhance community design by using landscaping to tie communities together, buffer incompatible uses, creating seasonal interest through a variety of landscaping materials and using public and private spaces, walkway embellishments and open spaces.

(6) Enhance gateways into the County.

(7) Avoid conflicts with utilities and intersection sight lines and provide consistency with the Maryland Roadside Tree Law.

(8) Provide landscaping that is consistent with the standards for crime prevention through environmental design.

B. Applicability.

(1) This section applies to any of the following, except where exempted below.

(a) The construction or erection of any new nonresidential building or structure for which a building permit or zoning certificate is required.

(b) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit or zoning certificate is required.

(c) Any construction of a new parking lot or expansion of an existing parking lot by more than 10,000 square feet or 20% in area, whichever is greater.

(d) The subdivision of any property that creates more than 5 residential units from the original parcel.

(2) Exemptions.

(a) Buildings associated with an agricultural operation, located on property assessed agricultural, including farmhouses, barns and silos.

(b) Residential accessory structures except as required in §267-63 (Chesapeake Bay Critical Area Overlay District).

C. General requirements. The following shall apply to all provisions of the landscaping regulations.

(1) Type. Plant materials shall be selected from the Harford County Plant List, which is maintained by the Department of Planning and Zoning. The plant list is hereby incorporated by reference, as if set forth in its entirety herein. All modifications shall be approved by the Director of Planning.

(2) Condition.

(a) Plants shall be healthy, vigorous, well rooted and free of defects, decay, disease or infestations. After implementation, all required plant material shall be maintained by the property owner. All dead, dying or diseased plant material shall be replaced by the property owner.

(b) Unless other requirements of this section are greater, all trees shall be mulched according to industry standards.

D. Protection standards for existing vegetation.

(1) Existing and proposed vegetation shall be protected during construction, pursuant to the specifications stated in the Harford County Forest Cover Conservation and Replacement Manual, which is hereby incorporated by reference as if set forth in its entirety herein.

(2) Existing vegetation shall be preserved to the maximum extent practical and possible. Preserved plants shall count on a 1:1 basis for required plants, if they meet applicable size and location requirements. Alternatives, including transplanting existing vegetation, are permissible to the extent that they comply with these landscaping regulations. Applicants may receive credit for preserving vegetation if the following requirements are met:

(a) No grade modification or root disturbance is allowed within the dripline of the trees to be maintained;

(b) The landscape plan shall identify the protection area and method of protection for retained trees. The minimum radius of protection area shall be determined by multiplying the tree diameter at breast height in inches by 1 foot or by delineation of the dripline of the tree, whichever is greater.

(3) Trees shall be preserved as groups or blocks unless they have already grown and developed as individuals. Trees saved in compliance with these landscaping regulations shall be open grown with well-developed crowns. Preservation of individual trees from a community of plants shall not be permitted if these trees are unlikely to survive in the long run.

(4) Prior to landscape plan approval, the applicant shall sign a statement stating protective measures to be taken, and an agreement to replace trees, should any

removal or death occur during and/or after construction. Any vegetation removed before, during or after construction shall be replaced with newly planted vegetation which meets the minimum requirements outlined in this section.

E. Minimum standards for landscaping design and development.

(1) All landscaped areas shall be finished with a natural groundcover or other material, approved by the Director of Planning.

(2) Building foundations, fences and walls shall be landscaped in appropriate locations to provide visual relief, as determined by the Director of Planning.

(3) Landscaping within easements for public water, sewer or stormdrains is not permitted unless approved by the Director of Public Works.

(4) No trees shall be planted under overhead service wires if their mature height will interfere with the wires.

F. Minimum plant and ground cover specifications.

(1) Required new tree plantings shall conform to the following minimum standards with caliper measurements at time of planting:

(a) Large street trees shall measure a minimum of 1½ to 2 inch caliper;

(b) Medium street trees shall measure a minimum of 1 to 1½ inch caliper;

(c) Trees in the buffer yard shall be a minimum of 4½ to 6 feet in height.

(2) Required new streetscape shrubs shall be container grown in not less than 3 gallon containers, and shall not be pruned to less than 24 inches in height.

(3) Shrubs shall be container grown in not less than 3 gallon containers, and shall not be pruned to less than 5 feet in height.

(4) Organic ground covers shall be a minimum 1 gallon size upon installation.

(5) All plant material shall meet the minimum standards contained in the most recent edition of the Harford County Plant List as to size, condition and appearance.

(6) Trees and shrubs shall be adequately supported when planted.

G. Street trees.

(1) Street trees are required upon road frontages in new residential and nonresidential developments, pursuant to the following requirements:

(a) One large street tree for every 40 linear feet (measured on the centerline) of interior road or 1 medium street tree for every 30 linear feet of interior road.

(b) In general, trees shall be spaced at regular intervals, without regard to property lines, in order to present a balanced appearance. In lieu of the requirements above, the Director of Planning may authorize a clustering of trees to accommodate scenic vistas, existing character and access drives. The number of trees shall be the same as would be necessary to accommodate an evenly spaced pattern.

(2) Street trees shall be located pursuant to the following requirements:

(a) Street trees shall be located to minimize adverse impacts on safety and visibility requirements. Street trees shall not restrict sight lines at intersections, nor restrict the approach view of any traffic or road sign or device. The Director of Planning may waive requirements for street trees if their placement would have an adverse impact on safety requirements. Street trees may be permitted in the right-of-way if approved by the Director of Planning with concurrence from the Director of Public Works.

(b) Trees are not permitted within 10 feet of public utilities.

(c) Where maintenance easements are established, the homeowner or homeowner's association shall be required to provide for the maintenance of the street trees.

H. Parking lots shall be landscaped pursuant to the following requirements.

(1) General requirements.

(a) Landscape areas shall divide the parking spaces so as to relieve the monotony of large expanses of paving and contribute to the efficient circulation of traffic.

(b) Expansions of existing parking lots that do not meet landscaping requirements shall provide landscaping consistent with the requirements of this section for the expansion area only.

(c) There shall be 1 shade tree per 10 surface parking spaces.

(d) Trees for parking lots shall be species selections identified in the Harford County Plant List. Trees that drip sap or drop large seeds or blossoms onto parked vehicles shall not be used.

(e) Corner clearance and sightlines shall be observed regarding all landscaping or buffers.

(f) Wherever practical, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(g) Crime prevention through environmental design techniques must be utilized in parking lot designs.

(2) Perimeter landscaping.

(a) A minimum 5 foot buffer strip abutting a public right-of-way shall be landscaped within a project.

(b) In all zoning districts, landscaping shall be required along all sides of a parking lot or paved drive that abuts adjoining property or a public right-of-way as follows:

[1] The perimeter landscape buffer along a street shall consist of planting materials or planting materials and man-made features to create at a minimum 3 foot high visual relief in the form of a hedge, fence, planter box, berm, dividers, shrubbery or trees, or a combination thereof. All landscaping to form such visual relief shall be a minimum of 2 feet tall at planting.

[2] There shall be a 6 foot-high vegetated barrier, buffering the view from any abutting residential zoning district.

[3] A landscaped strip at least 5 feet in width shall be located between the paved area and the abutting property lines or public right-of-way. This requirement does not apply to areas within a required driveway or other access points.

(3) Interior landscaping. A parking lot containing more than 32 spaces, or 10,000 square feet, shall comply with the following requirements.

(a) Parking aisles shall have 1 tree per 10 parking spaces. This requirement does not mean that an island with a tree must occur every 10 spaces. The requirement is a means of calculating the planting requirements.

(b) Required islands and medians shall be evenly distributed throughout such parking areas. The distribution and location of landscaped areas may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas and medians for the respective parking area is satisfied.

I. Landscaping standards by zoning district or development type.

(1) General requirements. The landscaping shall preserve unique features and mature vegetation, especially large trees. These should be incorporated into the landscaping and site design to the maximum extent possible. When possible, plants shall be used that attract and help sustain healthy bee population due to the importance of pollination.

(2) Residential Office district (RO). Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with this section.

(3) Mixed Office district (MO). The following landscaping regulations apply to the MO district, in addition to the other standards established in this section:

(a) Every effort shall be made to avoid formality in plantings, except as it may be integral to an architectural concept. Emphasis shall be placed on the natural grouping of groves of trees, and every opportunity shall be taken to emphasize, or take advantage of, natural terrain features.

(b) 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) Edgewood Neighborhood Overlay District (ENOD), Chesapeake Science and Security Corridor and rural villages. The following landscaping regulations apply to the ENOD, Chesapeake Science and Security Corridor and rural villages in addition to the other standards established in this section:

(a) All development shall include a minimum of 20% of the parcel area preserved as vegetated open space. The landscaped buffer yards, parking islands, building and perimeter landscaping and streetscape shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.

(b) Any redevelopment project, currently exceeding 80% impervious surface area, may maintain the existing percentage of impervious surface.

(5) Mixed Use Centers (see §267-76 (Mixed Use Centers)). Each mixed use center shall provide a landscaping and buffer yard plan identifying the following:

(a) All parking lots, loading areas and outdoor storage areas shall be separated with a type "D" buffer yard, pursuant to §267-30 (Buffer Yards), from any adjacent roads and residential districts.

(b) Relocation of existing trees and shrubs from alternative sites is encouraged.

(c) Landscape amenities and materials shall be of high quality.

(d) Island and other landscaping alternatives, such as planting trees, shall be incorporated into parking areas to add visual interest. The use of islands and perimeter gardens, designed and landscaped to serve as bioretention facilities, is encouraged.

(e) For individual lots subdivided within a mixed use center, the buffer yard and buffering requirements shall apply only to the perimeter of the center and shall not be applicable internally between uses on adjacent lots developed within the center. Where individual lots are established within a mixed use center, the onsite landscaping shall be consistent with the materials and themes established for the overall center.

(6) Integrated Community Shopping Center (ICSC) (see §267-79 (Integrated Community Shopping Center)). Each ICSC shall provide a landscaping and buffer yard plan identifying the following:

(a) Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained, pursuant to this section.

(b) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent roads and residential districts with a type "C" buffer yard, pursuant to §267-30 (Buffer Yards).

(7) Perryman Wellfield Protection District and Community Water System Districts. The following landscaping regulations apply to these districts in addition to the other standards established in this section:

(a) Landscaping shall be designed so that it occurs in large blocks. Narrow strips and isolated patches shall be avoided if at all possible.

(b) Landscaped areas shall be designed to minimize the need for watering and the use of fertilizers and pesticides.

(c) Native ground cover, shrubs and trees that are adapted to the climatic conditions of the area shall be used. Native wildflowers are also suitable landscaping plants.

(d) Different species of plants shall be planted together to provide natural insect control.

J. Submission requirements. At a minimum, the landscaping plan shall include all items as specified in the most recent checklist provided by the Department of Planning and Zoning, which is incorporated by reference and made a part hereof as though it were fully stated herein.

K. Bonding.

(1) Prior to the issuance of grading permits, the applicant shall provide a performance guarantee in a form acceptable to the County. The performance guarantee shall be in the amount of the estimated cost of the landscaping as provided on the approved landscaping plan.

(2) All landscaping as shown on the approved landscaping plan shall be completed in accordance with the plan prior to release of the surety.

L. Modification.

(1) Any property owner, or authorized agent thereof, seeking a modification shall submit to the Department of Planning and Zoning a written request for any modification, a written justification and any supporting graphics.

(2) The Director of Planning shall respond in writing to the request within 30 calendar days of receipt of the request.

(3) The Director of Planning may modify any portion of the landscape requirements upon a finding that the requirements of such section(s) will not enhance the purposes of the applicable provisions, or otherwise serve the public good. Modifications shall be reviewed under the following circumstances:

(a) Such modification shall be comparable in quality, effectiveness and durability. The Director of Planning shall review the request and base a decision in comparison with the minimum vegetation standards of the applicable provision; and

(b) The landscape plan shall be substantially in compliance with the provisions of this ordinance and any conditions imposed by the Director of Planning; and

(c) Such modification shall have no adverse visual effect on adjacent properties.

§ 267-30. Buffer Yards. [Amended by Bill 10-32 As Amended]

A. General requirements.

(1) Buffers are required between districts pursuant to Table 30-1 below. The buffer yard is intended to be landscaped in a manner that provides an effective visual buffering on a year–round basis. The buffer yard is intended to increase the visual appeal within a district and to minimize the impact of noise between districts. The buffer yard is intended to provide for a transition between uses.

(2) Buffer yards shall consist of existing vegetation, nursery stock or both as well as fences, walls, earthberms or grade changes.

(3) Structures shall not be permitted to encroach on any buffer yard. Pavement, utility construction, signage and similar hardscape improvements are permitted in the required buffer yard of mixed use centers and Integrated Community Shopping Centers which separates the use from any adjacent road that is not within the project. Pavement, utility construction, signage and similar hardscape improvements are not permitted on any other buffer yard. All public utilities, including water and sewer facilities, shall be allowed to cross a buffer yard subject to approval of the Director of Planning and the Director of Public Works.

(4) Buffer yards shall be established on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to another agriculturally zoned property that has not been converted to residential use.

(5) Buffer yards required between property zoned for business, commercial, industrial or mixed office uses and property zoned agricultural or residential shall not be located on the agriculturally or residentially zoned lands.

(6) Buffer yard requirements may be reduced if a buffer yard exists on an adjoining property, provided the buffer yard is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum buffer yard requirement for this section. The recreational buffer requirement may be reduced or eliminated provided that a trail exists on an adjoining property which is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum recreational buffer requirement for this section.

(7) Where possible, the Director of Planning shall permit the use of trails within ICSC, PEC and COP developments.

(8) Buffer yards shall not be required on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to a residentially zoned property.

(9) Notwithstanding Table 30-1, buffer yards shall not be required between residential lots as defined in this chapter.

(10) No portion of the buffer yard shall be allowed on privately-owned urban residential district lots.

B. Applicability. Buffer yards are required for:

(1) The construction or erection of any new nonresidential building or structure for which a building permit is required.

(2) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit is required.

C. Exemptions. This section does not apply to the following situations:

(1) The reconstruction of an existing building of which 50% or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.

(2) Interior finish work or remodeling within a portion of a building, unless the work results in an increase in land use intensity.

(3) Any use, building or structure for which only a change of use is requested, and which use does not increase the existing intensity or building square footage, nor requires structural modifications which would increase its volume or scale.

(4) Contiguous commercial parcels or land areas under common ownership, within 1 development project.

D. Buffer yard landscape and improvement standards.

Table 30-1 Required Buffers Between Districts

Adjacent parcel buffer requirement	Zoning District	Subject Parcel Zoning District															
		AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
	AG	E*	E	E	E	E	E	C	E	B	B	B	B	B	B	B	D
	RR	E**	-	-	-	-	-	-	-	B	B	C	C	D	D	D	D
	R1	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	D	D
	R2	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	D	D
	R3	E**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
	R4	E**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
	RO	C**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
	VR	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	E	C
	VB	B	B	B	B	A	A	A	-	-	-	-	A	C	C	C	C
	B1	B	B	B	B	A	A	A	B	-	-	-	-	C	C	C	C
	B2	B	B	B	B	A	A	A	C	A	-	-	-	B	B	B	B
	B3	B	B	B	B	A	A	A	C	B	-	-	-	B	B	B	B
	CI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
	LI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
	GI	B	D	D	D	D	D	D	E	C	C	B	B	-	-	-	-
	MO	D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-

* Buffer yard required per §267-30A(4)
** Buffer yard requirements per §267-30A(8)

E. Types of buffer yards. There are 5 types of buffer yards. Table 30-2 shows the minimum width and minimum number of plantings, trees and shrubs or fence, wall or berm, where applicable, required for each 100 linear feet for each buffer yard.

Table 30-2 Types of Buffer Yards

Buffer Type	Minimum Width (feet)	Trees		Shrubs	Fence (F), Berm (B), or Wall (W)
		Large	Medium/Small		
A	10	2	2	20	
B	15	4	3	20	F or W
C	20	6	5	25	F, W or B
D	30	8	6	30	F, W or B
E	50	8	6	35	F, W or B

F. Recreational Buffer.

(1) The primary purpose of a recreational buffer is to use the buffer yard where appropriate to create walkable communities and to incorporate areas for recreation adjacent to residential communities.

(2) In addition to Subsections D and E of this section, the development of an ICSC or the development of a parcel under B1, B2, B3, CI, LI, GI, MO, PEC or COP standards that is adjacent to an R1, R2, R3 or R4 zoned parcel must include a 10 foot recreational buffer in addition to the standard buffer yard.

G. Plant materials and uses. Plant materials shall be selected from the species listed in the Harford County Plant List on file with the Department of Planning and Zoning. The Director of Planning may permit substitutions if a listed species is being invaded, or infested by fungi, disease or pests. Plant materials shall show a variety of texture, color, shape and other characteristics.

(1) Shrubs.

(a) The mixture of evergreen and deciduous shrubs shall be such that no more than 40% of the shrubs are deciduous, no less than 60% of the shrubs are evergreens and there is 1 shrub for every 40 square feet of required buffer yard.

(b) Shrubs shall be container grown in not less than 3 gallon containers, and all shrubs shall be of a species that will attain a mature height of at least 6 feet and width of at least 4 feet, within 5 years of the time of planting.

(c) Shrubs shall be planted between 3 feet and 5 feet apart, in straight or staggered rows, such that a dense visual buffer will be established by the mature shrubs.

(2) If there is an increase in grade of at least 4 feet above existing grade on the adjacent edge district or lot boundary, and the change in grade shall occur within the width of the buffer, then shrubs shall be provided in accordance with the requirements of this section, except that the required height of the shrubs may be reduced so that the height of the berm plus the height of the shrubs is

equal to 6 feet, provided that no shrub may be less than 1½ feet in height. For change in grade that is at least 6 feet above grade, no shrubs are required.

G. The Director of Planning may grant a waiver for an alternative buffer yard arrangement when certain specific requirements of this section cannot be met, as follows:

(1) When the location of existing buildings precludes compliance with the buffer yard width and yard setback standards, the Planning Director may allow a buffer yard that provides the maximum separation and buffering possible, given the location of such buildings. In granting an alternative buffer yard, the Planning Director may require the buffer yard to be wider, when not obstructed by buildings, additional fencing or walls, or require additional or larger landscape materials; and,

(2) When the land for a required buffer yard is currently encumbered, or will be required to be encumbered, by an easement, covenant or other recorded legal instrument that prohibits or disallows the planting and maintaining of trees and shrubs, or limits tree growth to less than 20 feet in height, such land shall not be deemed to fulfill the requirements of this section. The Director of Planning may grant a waiver that will allow an alternate buffer yard location which will provide the maximum buffering possible taking into consideration any use of the easement that is incompatible with the intent of this section. In granting a waiver, the Director of Planning may require additional fencing or walls, or require additional or larger landscape materials.

H. Buffering of service or storage areas.

(1) This section applies to refuse storage areas, storage areas, service entrances, service yards, stockpiled materials, garbage receptacles, fuel tanks, electric and gas meters utility or service equipment, and other materials and objects used for service, utilities or storage and situated on any nonresidential or multi-family residential site. These items shall be located:

(a) So as not to be visible from improvements on abutting properties; and

(b) So as not to be visible from public streets (except alleys), or placed in a location abutting an alley.

When such positioning is not practical or feasible, those items shall be buffered from view at the right-of-way line or the property line of any abutting residential zoning district. Buffering may include landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be buffered.

(2) All appurtenant mechanical equipment including heating, ventilating and air conditioning equipment, as well as exhaust fans and vents, shall be visually buffered from adjacent residential lots and the public right-of-way. Noise and odors emanating from the equipment, fans and vents shall be directed away from residential district boundaries, by means of location of the equipment on the building, or through the installation of baffles or deflectors.

I. Additional buffering requirements.

(1) Additional buffering requirements for industrial and business uses abutting residential land uses, community facilities or along public streets.

(2) The Director of Planning may require additional buffering in the following situations:

(a) When a proposed industrial or business use adjoins property with an existing residential structure which is unlikely to be converted to industrial or business use in the immediate future. In such cases, the Director of Planning may require a fence of an appropriate height.

(b) When an industrial or business use adjoins a community facility such as a school, playground or park or a historic site.

(3) Protection of Scenic Byways.

(a) Development along a State Designated Scenic Byway shall be landscaped to preserve the scenic character of the view from the road and the features of the road right-of-way that contribute to the road's scenic character. When developing along a Designated Scenic Byway, the guidelines developed by the State Highway Administration shall be implemented to the greatest extent possible.

(b) The removal of existing vegetation shall be minimized to protect mature trees and hedgerows visible from the road.

§ 267-31. Open Space.

A. Purpose and use. In developments utilizing the Conventional with Open Space (COS) or Planned Residential Development (PRD) option, open space shall be used for recreation, protection of natural resource areas, passive greenway amenity or agriculture, be accessible to all residents of the development and be accessible to the general public, if accepted by a public agency. Open space shall not be occupied by nonrecreational buildings or nonrecreational parking and shall not include required lot areas of dwelling units.

B. Open space requirements. Open space shall be provided, subject to the following:

(1) A minimum of 50% of the required open space shall be usable for active recreation, such as swimming pools, community centers, tennis courts, tot-lots, ball fields, trails and other similar activities. The area defined as active open space must be a minimum of 10,000 contiguous square feet. Water bodies shall not exceed 15% of the required active open space area.

Trails shall be a minimum of 6 feet wide and must be constructed of materials which are compatible with its proposed use. Construction plans must be approved by the Department of Planning and Zoning with the concurrence of the Director of the Department of Parks and Recreation. All trails must be inspected for compliance to the approved recreation plan prior to the developer

conveyance/dedication of the land containing the trail to the Homeowner's Association. No bond or monies guaranteeing the completion of the project shall be returned to the developer until the trail is completed to the satisfaction and approval of the Department of Planning and Zoning and the Department of Parks and Recreation.

(2) Open space may be owned, preserved and maintained by any of the following:

(a) Dedication of open space to the County or other appropriate public nonprofit agency, upon written acceptance of such dedication. The County shall not accept designation of open space less than 500 square feet unless it is adjacent to another open space area of greater or equal square footage.

(b) Common ownership by a homeowners' association which assumes responsibility for its maintenance.

(c) Private ownership in which restrictive covenants in the deeds prevent development of the open space and provide for maintenance responsibilities.

C. Fee in lieu option. If the County and developer or property owner mutually agree that the active open space requirements cannot be placed in the parcel, in whole or in part, the developer or property owner shall deposit, with the County, a fee in lieu of the dedication. This fee will be based on 110% of the average cost of raw land within the Development Envelope and acreage which would otherwise be required to be designated as active open space. Such funds shall be utilized for capital improvements at a site within the general vicinity and/or recreation service area of the planned development. Alternatively, if the County and developer agree, the developer shall provide to the County, in-kind services and/or products which are deemed to be commensurate in dollar value to the established fee in lieu, at a mutually agreed upon site within the recreation service area of the planned development. Any dollar difference in the fee in lieu and the agreed upon value of the in-kind service, or product, shall be deposited with the County.

§ 267-32. Starter Home Housing Bonus.

A. Purpose. To encourage the production of housing units and neighborhoods whose floor plans maximize usable space and where the size, scale and design are conducive to energy efficiency and maintainability, thus affordable to low- and moderate-income households. The maximum number of dwelling units permitted in the area to be developed may be increased by 20%, subject to the following:

(1) At least 10% of the total dwelling units of the qualifying project must be rented or sold to low- and moderate-income households, of which 50% must be households consisting of more than 3 people.

(2) For projects of more than 20 dwelling units, not more than 20% of the units within the project shall be developed as low- and moderate-income housing.

(3) The applicant shall guarantee that the minimum number of dwelling units proposed for eligibility will be made available for rent or sale pursuant to income,

rental and sales price guidelines certified by the County Housing Agency. The applicant shall cooperate with the County Housing Agency Director to identify qualifying households for the low- and moderate-income units.

(4) The project is not otherwise subsidized by Federal or State programs used to finance development of low- and moderate-income units.

B. Design requirements. When dwelling units are developed under this section, the following design requirements shall apply:

(1) Dwelling units for low- and moderate-income households shall be subject to all other applicable requirements of this Part 1.

(2) All subsidized units shall be integrated into the overall design of the development and shall be intermixed throughout the development with exterior materials and appointments not differing from those of the other units in the project.

C. Management requirements. When dwelling units are constructed under this section, the following management requirements shall apply:

(1) All governmentally assisted units shall be managed in accordance with applicable regulations of the County Housing Agency.

(2) Developers of low- and moderate-income housing shall be required to ensure that the dwelling units will continue to be available for rental or sale to persons of low- or moderate-income levels for such minimum period of time as is set forth in any applicable program or as may be required by the County. Acceptable forms of assurance include provisions for acquisition of the units by the County Housing Agency, restriction on the resale of units, use of management agreements or other means acceptable to the County.

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§ 267-33. Signs.

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. Temporary signs may be displayed for periods not exceeding 30 consecutive calendar days and not exceeding 60 calendar days in any 1 year. Temporary signs shall be set back not less than 10 feet from the property line, shall have a maximum sign area of 32 square feet and shall not exceed a height of 6 feet.

(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.

(8) Permanent residential entrance, and Continuing Care Retirement Community (CCRC) signs. Residential entrance, development project identification and CCRC signs, with letters or advertising area not to exceed a total area of 48 square feet, shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has a multiple frontage of at least 50 feet, additional signs with letters or advertising area, not to exceed a total of 48 square feet, shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed 48 square feet.

C. Exemptions. The following types of signs are exempt from all the provisions of this section, except for construction and safety regulations and the following standards:

(1) Public signs. Public signs, erected by, or on the order of, a public official in the performance of duty, such as directional signs, regulatory signs, warning signs, informational signs and legal notices.

(2) Integral signs. Integral signs that are carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure, as well as signs forming an integral part of or attached to pumps dispersing fuels, vending machines and service appliances.

(3) Political campaign and public issue signs, except for billboards, signs announcing candidates seeking public office and advocating the support or defeat of public issues shall be permitted, provided that the total area of the signs does not exceed 16 square feet for each premises in a residential district and 32 square feet in an agricultural, business or industrial district. These signs shall be confined to private property. No sign shall be placed within 60 feet of the center of a road intersection or in such a manner as to impede vision.

(4) Agricultural identification signs. Agricultural identification signs not to exceed 32 square feet in area and not to be located less than 35 feet from the center line of the road or 10 feet from the road right-of-way, whichever is greater.

(5) Directional signs. Directional signs for any public, charitable, educational or religious function to be set back 10 feet from road right-of-way. These signs shall not exceed 2 square feet in sign area and shall not exceed 4 feet in height above the road grade.

(6) Private traffic control. Signs directing traffic movement onto a premises or within a premises, not exceeding 4 square feet in area for each sign. Illumination of these signs shall conform to the provisions of this section.

(7) Real estate signs. Real estate signs not exceeding 6 square feet in area and located on the subject property tract. They shall be removed within 7 calendar days after execution of a lease or transfer of the property.

(8) Noncommercial flags. On-site flags of a nation, state, political subdivision, educational institution or noncommercial organization, provided that any flagpole utilized to display such flag is not more than 30 feet in height above the ground.

(9) Ballpark signs. Signs installed on public property, with the permission of the Department of parks and recreation, at ball fields owned or operated by the County Department of Parks and Recreation. Said signs shall not exceed 6 square feet in size and shall be erected for no longer than 4 months.

(10) Project development sign. Temporary signs for undeveloped parcels to be set back at least 10 feet from the road right-of-way and not to exceed 10 feet in height above the road grade. One sign shall be permitted for each road frontage of at least 50 feet. The maximum sign area shall not exceed 32 square feet.

D. Calculation of advertising or sign area.

(1) Double-faced signs. One face of a sign having obverse and reverse faces shall be considered in calculating the advertising area. In the event that the faces of a sign are of a different area, the face having the larger area shall determine the advertising area of the sign.

(2) Multi-faced or curved surface signs. The advertising area of a multi-faced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.

(3) Modular signs. The advertising area of signs consisting of 2 or more individual letters, characters, numbers or figures shall be determined by the area of a described rectangle completely enclosing the extremities of all of the individual letters, characters, numbers or figures, provided, however, that if individual modules are mounted on a background, other than an integral structure component of a building, the entire area of such a background shall be calculated as advertising area.

(4) Cylindrical signs. The advertising area of cylindrical signs shall be computed by multiplying ½ of the circumference by the height of the sign.

E. Illumination.

(1) The light from any illuminated sign, including those on the interior of a building, shall be so shaded, shielded or directed so that the light intensity or brightness shall not interfere with the vision of motor vehicle operators or directly reflect onto adjacent residential lots or buildings.

(2) No sign shall have blinking or flashing lights. With the exception of electronic message boards, as defined in §267-4 (Definitions), no sign shall have illumination devices which have a changing light intensity, brightness or color or which are so constructed and operated so as to create an appearance or illusion of writing. Nothing contained in this section shall be construed as preventing the use of lights or decorations commemorating religious and patriotic holidays.

(3) No exposed reflective type bulbs, and no strobe lights or incandescent lamps exceeding 15 watts, shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to a public street or adjacent property.

F. Prohibited signs. The following signs are prohibited in all districts and shall be removed in accordance with this section.

(1) Signs containing statements, words or pictures of an obscene, indecent or immoral character that offend public morals or decency of the community.

(2) Signs of a size, location, movement, content, coloration or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection.

(3) Unless authorized by the utility, signs posted on any building, fence, pole or other property owned, leased or controlled by a public utility.

(4) Except as provided in this section, signs that are placed within the County or State right-of-way.

(5) Freestanding signs advertising business uses in Planned Residential Development projects.

(6) Variable message boards.

G. Inspection, maintenance and removal.

(1) All signs and supporting structures shall be kept in good repair and in a safe and attractive condition. Signs for which a zoning certificate is required may be inspected periodically by the Director of Planning for compliance with this section.

(2) In the event that a billboard ceases to be used for advertising or falls into disrepair for a period of 3 months, the billboard will be deemed abandoned. Solicitation for advertising to be displayed on a billboard does not constitute advertising. Once a billboard has been abandoned, the Director of Planning shall notify the owner of the property and the owner of the billboard that the billboard has been abandoned and must be removed. The owners shall be responsible for taking all necessary steps to dismantle the billboard and remove and dispose of all visible remnants and materials from the subject parcel 90 calendar days after notification by the Director of Planning that the billboard has been abandoned.

(3) The Director of Planning may order the removal of any sign, erected or maintained, in violation of this section. Written notice shall be given to the owner of such sign, building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this section within 10 calendar days from the date of the notice. Upon failure to remove the sign or to comply with this notice, or if it appears that the condition of the sign is such as to present an immediate threat to the safety of the public, the Department may remove the sign immediately without any additional notice. Any cost of removal incurred by the Department shall be assessed to the owner of the property on which such

sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.

(4) Where the Director of Planning determines appropriate, signs within the AG, VB and VR Districts constructed along Scenic Byways shall be designed using the guidelines developed by the State Highway Administration to the greatest extent possible.

(5) Any freestanding sign, permanent institutional sign, or permanent residential entrance sign and Continuing Care Retirement Community (CCRC) sign in the RR, R1, R2, R3, R4, RO, B1, Chesapeake Science and Security Corridor and ICSC Development shall have appropriate landscaping.

(6) Billboards shall be landscaped with height appropriate plantings.

H. Nonconforming signs.

(1) All signs or other advertising structures which were lawful prior to the enactment of this Part 1 or subsequent amendments, and which do not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto, shall constitute nonconforming signs. Unless otherwise provided herein, nonconforming signs shall be replaced to conform to the requirements of this section when a sign is replaced or a site is redeveloped as defined in this Part 1.

(2) All other signs or other advertising structures which were erected in violation of the law, or which are erected in violation of the provisions hereof, shall be removed, altered or replaced so as to comply with this section within 6 months of the effective date of this Part 1.

I. Sign standards by zoning district and development type.

(1) Agricultural district. In addition to the requirements set forth in this section, signs in the Agricultural (AG) district must comply with the following standards:

(a) Commercial signs (including agricultural public events, agricultural retail, agricultural seasonal and any sign in connection with an approved special development or permitted nonresidential use). One externally lighted sign, not exceeding 16 square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than 20 feet from the road right-of-way. Freestanding signs may not exceed 6 feet in height.

(b) 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 40 square feet in area and shall not exceed 8 feet in height.

(c) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).

(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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 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.

(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.

(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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 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 n 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.

(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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 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.

(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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 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.

(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 or industrial buildings. The total area of all signs erected on and attached to commercial or industrial 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.

[5] Temporary 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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall not be located less than 1/3 of the setback requirements of the zoning district where the use is permitted.

(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).

(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 or industrial buildings. The total area of all signs erected on and attached to commercial or industrial 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 or industrial buildings. The total area of all signs erected on and attached to commercial or industrial 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.

(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) For permitted temporary uses (see §267-28 (Temporary Uses)), 1 temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall not be located less than 1/3 of the setback requirements of the zoning district where the use is permitted.

(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 or industrial buildings. The total area of all signs erected on and attached to commercial or industrial 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 or industrial buildings. The total area of all signs erected on and attached to commercial or industrial 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.

ARTICLE VI. Forest and Tree Conservation

§ 267-34. Applicability.

A. Except as provided in Subsection B, this Article applies to any person, including the County, who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more.

B. This Article does not apply to:

(1) Cutting or clearing conducted in accordance with a forest harvest permit issued under Chapter 214 of the Harford County Code, as amended, if the cutting or clearing:

(a) Is completed before July 1, 1991; or

(b) Is completed on or after July 1, 1991, and the property on which the cutting or clearing is conducted is not the subject of an application for a grading permit within 5 years after the cutting or clearing.

(2) Cutting or clearing in the Chesapeake Bay Critical Area Overlay District established under §267-63 (Chesapeake Bay Critical Area Overlay District).

(3) Cutting or clearing to further agriculture, if the land on which the cutting or clearing is conducted is not the site of development within 5 years after the clearing or cutting.

(4) Forest management activities conducted in accordance with a Federal, State or local forestry or woodland incentives program.

(5) If conducted so as to minimize the loss of forest, cutting or clearing of:

(a) Public utility rights-of-way; and

(b) Land for an electrical generating station approved by the Public Service Commission under Title 7, Public Utility Companies, of the Annotated Code of Maryland.

(6) Routine maintenance of public utility rights-of-way.

(7) Any development conducted on a single residential parcel described in the Land Records as of January 1, 1992, of any size, if the development:

(a) Does not result in the cutting, clearing or grading of more than 40,000 square feet of forest; and

(b) Does not result in the cutting, clearing or grading of any forest that is subject to a previous Forest Conservation Plan prepared under this Article; and

(c) if land on which cutting or clearing has been conducted in accordance with an exemption under Subsections B(1)(b) or B(3) is developed:

[1] Within 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that existed before the cutting or clearing; and

[2] More than 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that exists after the cutting or clearing.

§ 267-35. General Requirements.

A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:

(1) Shall submit, to the Department, in accordance with the forest cover conservation and replacement manual, which is incorporated herein by reference:

(a) A forest stand delineation for the lot or parcel on which the development is located; and

(b) A Forest Conservation Plan for the lot or parcel on which the development is located;

(2) Shall not, unless granted an exemption by the Department, perform any construction activity in the dripline of a tree that is to be retained; and

(3) Shall use methods approved by the Department to protect retained trees during construction.

B. Notwithstanding any other provision of this Article, the Department of Public Works shall plant at least 1 tree for every 2 trees of a DBH of 8 inches or more that it cuts or clears as part of a project to widen a County road.

C. When planting trees in accordance with Subsection B of this section, the Department of Public Works shall meet the following criteria:

(1) The trees planted shall:

(a) Have at maturity approximately the same area of canopy as the trees that were cut or cleared; and

(b) Have a caliper of at least 1½ inches.

(2) The trees shall be planted:

(a) If feasible, on the site or in the right-of-way used for the project; or

(b) If the owner of the abutting property requests, on property that abuts the site or the right-of-way used for the project.

(3) The trees shall be of the same species as those cut or cleared if:

(a) The owner of the abutting property so requests; and

(b) They are planted on abutting property.

(4) If the owner of the abutting property requests, the Department of Public Works shall pay the owner a fee in an amount equal to the cost of the trees that would have been planted on the abutting property under this section, and payment of the fee relieves the Department of Public Works of the duty to plant the trees.

§ 267-36. Forest Stand Delineation.

A. A forest stand delineation shall be submitted before a Preliminary Subdivision Plan, a grading permit application or a building permit application is submitted for the lot or parcel being developed.

B. The delineation shall be prepared and signed by a licensed forester, licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.

C. The delineation shall include:

(1) A topographic map delineating intermittent and perennial streams and steep slopes over 25%;

(2) A soils map delineating soils with structural limitations, hydric soils and soils with a soil k value greater than 0.35 on slopes of 15% or more;

(3) Forest stand maps indicating species, location and size of trees and showing dominant and codominant forest types;

(4) Limit of nontidal wetlands and required buffers;

(5) Limit of 100 year floodplain; and

(6) Any other information required by the Department.

D. Action by Department.

(1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.

(2) If the Department fails to notify the applicant within 30 calendar days, the delineation shall be treated as complete and correct.

(3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

§ 267-37. Forest Conservation Plan.

A. A Forest Conservation Plan shall be prepared and signed by a licensed forester, a licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.

B. A Forest Conservation Plan shall:

(1) Be submitted with the first of the following submitted for the site:

(a) A Preliminary Subdivision Plan;

(b) An application for a grading permit; or

(c) An application for a building permit;

(2) Include a map of the site drawn at the same scale as the grading or subdivision plan;

(3) Include a table that lists, in square feet:

(a) The net tract area;

(b) The total area of forest conservation required; and

(c) The total area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;

(4) Include a clear graphic indication of the forest conservation provided on the site showing areas where retention of existing forest or afforestation is planned;

(5) Include a construction timetable, indicating the phasing of the project and showing the sequence for tree conservation procedures;

(6) Include an afforestation and reforestation plan with a proposed schedule and description of needed site and soil preparation, species, size and spacing to be utilized;

(7) Show locations and types of protective devices to be used during construction activities to protect trees and areas of forest designated for conservation;

(8) Show the planned limits of disturbance;

(9) Show planned stockpile areas;

(10) Incorporate a commitment to complete all required afforestation and reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan;

(11) Incorporate a binding 2-year management agreement that details how the areas designated for afforestation or reforestation will be maintained to ensure protection or satisfactory establishment, including:

(a) Watering; and

(b) Reinforcement planting provisions if survival rates fall below required standards;

(12) Include any plan for individual tree plantings proposed under §267-43 (Individual Tree Plantings) of this Article;

(13) Record a declaration of covenants and restrictions for forest retention as provided in Article VI, Forest and Tree Conservation. The said declaration is to be reviewed and approved by the Department of Planning and Zoning with concurrence of the Department of Law; and

(14) Any other information the Department requires.

C. Action by Department.

(1) Within 45 calendar days after receipt of the Forest Conservation Plan, the Department shall notify the applicant whether the Forest Conservation Plan is complete and approved.

(2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.

(3) The Department may require further information or extend the deadline for an addition 15 calendar days under extenuating circumstances.

(4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.

D. The Department's review of a Forest Conservation Plan shall be concurrent with the review of the subdivision plan, grading permit application or building permit application associated with the project.

E. The Department may revoke an approved Forest Conservation Plan if it finds that:

(1) Any provision of the plan has been violated;

(2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement or omission of a relevant or material fact; or

(3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

F. In revoking an approved Forest Conservation Plan under Subsection e, the Department shall follow the procedure for revocation of zoning certificates that is set forth in §267-8F (Zoning Certificates) of this Chapter.

G. If a Forest Conservation Plan is required by this Article, a person may not cut, clear or grade on the development site:

(1) Until the Department has approved the plan; or

(2) In violation of the approved plan.

§ 267-38. Abbreviated Process.

A. In this section, "parcel" means a parcel described in the Land Records as of the effective date of County Council Bill No. 93-11, June 14, 1993.

B. This section applies only to the first 5 lots created from a parcel.

C. A person is not required to submit a forest stand delineation or a Forest Conservation Plan for a subdivision of 5 or fewer residential lots if:

(1) Development will not result in the cutting, clearing or grading of:

(a) A cumulative total of more than 40,000 square feet of forest on the parcel; and

(b) Forest that is subject to an approved Forest Conservation Plan;

(2) The person files with the Preliminary Subdivision Plan a declaration of intent stating that development will be conducted in accordance with paragraph (1) of this Subsection; and

(3) The forest to be retained on the parcel is designated as such on the Preliminary Subdivision Plan and the final subdivision plat.

D. A person may file an abbreviated forest stand delineation for a subdivision of 5 or fewer residential lots if:

(1) Development will result in the cutting, clearing or grading of a cumulative total of more than 40,000 square feet of forest on the parcel;

(2) Development will not result in the cutting, clearing or grading of forest that is subject to an approved Forest Conservation Plan;

(3) The abbreviated forest stand delineation is prepared in accordance with the standards for such delineations in the Department's Forest Conservation Manual; and

(4) A Forest Conservation Plan is also submitted for the site.

E. A person who files an abbreviated forest stand delineation may file the delineation and the Forest Conservation Plan for the site at the same time.

F. Within 60 calendar days after receipt of the abbreviated forest stand delineation and the Forest Conservation Plan, the Department shall notify the applicant as to whether the delineation and plan are complete and approved.

G. If the abbreviated forest stand delineation and the Forest Conservation Plan are submitted separately, the period of 60 calendar days established by Subsection F starts from the later date of submission.

H. If the Department fails to notify the applicant within 60 calendar days, the delineation and the plan shall be treated as complete and approved.

I. The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

§ 267-39. Retention and Afforestation.

A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:

(1) Shall conduct afforestation on the lot or parcel in accordance with the following:

(a) For the following land use categories, a site with less than 20% of its net tract area in forest cover shall be afforested up to at least 20% of the net tract area:

[1] Natural resources;

[2] Medium-density residential uses; and

[3] Low-density residential uses; and

(b) For the following land use categories, a site with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area:

[1] Business uses;

[2] Industrial uses;

[3] Institutional uses; and

[4] High-density residential uses; and

(2) Shall retain at least the following minimum percentages of the existing forest on the lot or parcel outside of the Development Envelope, as shown on the most recently adopted Land Use Plan Map:

Type of Use	Minimum Percentage of Forest to be Preserved
Natural resources uses & low-density residential uses	50%
Medium-density residential uses	40%
Institutional uses	30%
Business and industrial uses	15%

B. Subsection A(2) does not apply to the development of a water line, a sewer line or a sanitary landfill.

C. The following trees, shrubs, plants and specific areas shall be considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:

(1) Trees, shrubs and plants located in sensitive areas, including the floodplain district established under Chapter 131 of the Harford County Code, as amended, intermittent and perennial streams and their buffers, steep slopes and critical habitat areas;

(2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;

(3) Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the United States fish and wildlife service or the State Department of Natural Resources;

(4) Trees that:

(a) Are part of a historic site;

(b) Are associated with a historic structure; or

(c) Have been designated by the State or the Department as a National, State or County Champion Tree; and

(5) Trees having a DBH of:

(a) Thirty inches or more; or

(b) Seventy-five percent of the DBH of the current State Champion Tree of that species.

D. Subsection C of this section does not require retention of:

(1) A tree that is dead or diseased;

(2) A tree that has been substantially damaged through natural causes and is not expected to survive; or

(3) Unless it is located in an area of forest to be retained, a non-Champion Tree with a DBH of 30 inches or more.

E. No forest retention area easements shall be permitted on residential lots with a net tract of less than 20,000 square feet. No more than 25% of any lot with a net lot area between 20,000 square feet and 60,000 square feet shall be encumbered by a forest retention area easement.

§ 267-40. Reforestation. [Amended by Bill 11-04, as amended]

A. There is a forest conservation threshold established for each land use category, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of ¼ acre planted for every acre removed to a ratio of 2 acres planted for every acre removed.

B. After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan, and grading and sediment control activities and implementation of the Forest Conservation Plan, the Forest Conservation Plan shall provide for reforestation according to the formula set forth in Subsection C and consistent with the following forest conservation threshold for the applicable land use category:

Category of Use	Threshold Percentage
Natural resources uses	50%
Low-density and medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

C. Subject to Subsection D, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the threshold established by this section, the area of forest removed shall be reforested at a ratio of ¼ acre planted for every acre removed.

D. Each acre of forest retained on the net tract area, above the threshold, shall be credited against the total number of acres required to be reforested under Subsection C.

E. For all existing forest cover measured to the nearest 1/10 acre, cleared on the net tract area, below the threshold established by this section, the area of forest removed shall be reforested at a ratio of 2 acres planted for every acre removed.

F. No afforestation or reforestation shall be permitted on any residential lot with a net lot area of less than 20,000 square feet. No more than 25% of any lot with a net tract area between 20,000 square feet and 60,000 square feet shall be permitted for reforestation or afforestation planting.

§ 267-41. Priorities and Time Requirements for Afforestation and Reforestation.

A. The required sequence for forest conservation, after techniques for retaining existing forest on the site have been exhausted, is as follows:

(1) Selective clearing and supplemental planting on site;

(2) On-site afforestation, if economically feasible, using transplanted or nursery stock that is greater than 1½ inches DBH;

(3) On-site afforestation using whip and seedling stock with protective tree tubes (shelters);

(4) On-site individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article;

(5) Landscaping of areas under a landscaping plan that establishes a forest that is at least 35 feet wide and covers at least 2,500 square feet of area;

(6) Off-site afforestation using transplanted or nursery stock that is greater than 1½ inches DBH;

(7) Off-site afforestation using whip and seedling stock with protective tree tubes (shelters);

(8) Natural regeneration on-site; and

(9) Natural regeneration off-site.

B. A sequence other than the one described in Subsection A may be used for a specific project if necessary to achieve the objectives of the County Land Use Plan or County Land Use Policies or to take advantage of opportunities to consolidate forest conservation efforts.

C. The following are priorities for reestablishment:

(1) Forest buffers adjacent to intermittent and perennial streams, to widths of at least 50 feet;

(2) Forest corridors, connecting existing forests within or adjacent to the site, to widths of at least 300 feet where possible;

(3) Forest buffers adjacent to critical habitat areas;

(4) Plantings in the Natural Resource District established under §267-62 (Natural Resource District);

(5) Plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35, including the slopes of ravines or other natural depressions;

(6) Buffers adjacent to areas of differing land use, where appropriate, or adjacent to highways or utility rights-of-way; and

(7) Forested areas adjacent to existing forests so as to increase the overall area of contiguous forest cover, when appropriate.

D. A person required to conduct afforestation or reforestation under this Article shall accomplish the afforestation or reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan. The Department shall ensure that the schedule is structured to:

(1) Require completion of the afforestation or reforestation within 2 years;

(2) Provide an optimum opportunity for successful afforestation;

(3) Avoid delay to development and construction activities; and

(4) Take into consideration the phasing of the development project.

§ 267-42. (Reserved).

§ 267-43. Individual Tree Plantings.

A. Individual tree plantings conducted in accordance with §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article shall be credited towards the remaining forest conservation requirement in an amount equal to 500 square feet for each individual tree planted.

B. To qualify for a credit under this section, the plantings shall:

(1) Be conducted in accordance with a landscaping plan submitted with the Forest Conservation Plan;

(2) Be conducted in areas protected in accordance with §267-37 (Forest Conservation Plan) of this Article; and

(3) Include trees of a caliper of at least 1½ inches.

C. The landscaping plan shall include:

(1) A list of the proposed tree species to be utilized;

(2) The number of trees to be planted;

(3) A calculation of the square footage for all individual trees planted; and

(4) An overlay showing the location of the trees on the Preliminary Subdivision Plan or the Concept Plan.

D. The location, spacing and species of trees planted in accordance with this section shall be as approved by the Department in the Forest Conservation Plan, and the Department shall encourage plantings along streets, between buildings, in parking lots and in other common-area sites where the plantings may provide buffering, energy conservation and other environmental benefits.

E. Planting under this section shall be conducted in accordance with urban forestry standards recognized by the forestry division of the Maryland Department of Natural Resources.

§ 267-44. Required Tree Species.

A. Tree species used for afforestation and reforestation shall be native to the County and selected from a list of approved species established by the Department.

B. Tree species for individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article shall be selected from a list of approved species established in the Forest Cover Conservation and Replacement Manual.

C. The Department may approve a request for permission to use a species that is not on the list of approved species if the request:

(1) Is in writing;

(2) Describes the circumstances that make use of the species appropriate; and

(3) Is not based solely in economic factors.

§ 267-45. Surety for Forest Conservation.

A. Before receiving a grading permit or a building permit, a person required to conduct afforestation, reforestation or individual tree plantings under this Article, shall furnish surety in the form of a bond, an irrevocable letter of credit or other security approved by the Department. The surety shall:

(1) Assure that the afforestation, reforestation and individual tree plantings are conducted and maintained in accordance with the approved Forest Conservation Plan;

(2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation, reforestation and individual tree plantings;

(3) If the development is scheduled to be constructed in phases, cover the portion of the development within the limits of disturbance delineated in the grading permit application; and

(4) Be in a form and of a content approved by the County Attorney.

B. If after 1 growing season the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, 2/3 of the amount of any cash bond that has been posted shall be returned. If the surety has been given in the form of a letter of credit, a surety bond or another form of surety, the County shall notify the appropriate entity that liability has been reduced by 2/3.

C. If after 2 growing seasons, the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, the remaining amount of the cash bond, letter of credit, surety bond or other surety shall be returned or released.

§ 267-46. Standards for Protecting Trees From Construction Activities.

A. Before cutting, clearing, grading or construction begins on a site for which a Forest Conservation Plan is required by this Article:

(1) All forest that is to be retained shall be clearly marked with flags, signs or other materials approved by the Department;

(2) Protection devices approved by the Department shall be installed; and

(3) The Department shall inspect the site to ensure that the marking and protection devices are in place.

B. Unless approved within the Forest Conservation Plan, the following activities are prohibited within the dripline of a tree that is to be retained:

(1) Grading;

(2) Filling;

(3) Trenching;

(4) Tunneling;

(5) Storage of construction materials or equipment;

(6) Placement or operation of vehicles, equipment or construction trailers;

(7) Sediment and erosion control devices; and

(8) Any other activity that may result in soil compaction or damage to a tree.

C. When granting approval for an activity listed in Subsection B, the Department shall require that appropriate actions to mitigate tree damage be undertaken, including such actions as root aeration, tree wells and pruning.

§ 267-47. Variances.

A. The Board of Appeals may grant a variance to this Article in accordance with this section and §267-11 (Variances) of this Chapter.

B. In granting a variance to this Article, the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.

§ 267-48. Violations and Penalties.

A. A person who violates any provision of this Article, or any regulation or order adopted or issued under this Article, is liable for a penalty not exceeding $1,000.00, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.

B. A person who violates any provision of a Forest Conservation Plan or an associated management plan, approved under this Article, is liable for a penalty of $1.20 per square foot of the area found to be in violation of the plan or agreement, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.

C. Money collected under Subsection B shall be deposited in the Forest Conservation Account required by §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article and may be used by the Department for purposes related to implementing this Article.

ARTICLE VII. District Regulations.

[The Permitted Use Charts have been Amended by Bill 09-31, as amended and Bill 11-06]

§ 267-49. General Provisions.

A. The principal uses permitted in each district are set forth in the Permitted Use Charts and §267-50 (Principal Permitted Uses by District). Uses permitted by right, temporary uses, special developments or special exceptions are set forth in each of the zoning districts. The minimum design standards and specific regulations for each district are set forth in §267-51 (Requirements for Specific Districts) and in Tables 53-1 through 61-1. Any use not listed is prohibited, unless the Director of Planning determines that it falls within the same class as a listed use as set forth in §267-52 (Materially Similar Uses).

B. Uses permitted by right, temporary uses, special developments or special exceptions shall be subject, in addition to zoning district regulations, to all other provisions of this Chapter.

§ 267-50. Principal Permitted Uses by District.

The Permitted Use Charts specify the principal permitted uses in each district. Only those uses with a letter designation are permitted, subject to other requirements of this Part 1. Uses designated as "P" are permitted uses. Uses designated as "SD" are permitted pursuant to the special development regulations in Article VIII of this Part 1. Uses designated as "SE" are special exception uses subject to approval of the Board pursuant to §267-9 (Board of Appeals). Uses designated as "T" are permitted pursuant to §267-28 (Temporary Uses). A blank cell indicates that the use is not permitted.

§ 267-51. Requirements for Specific Districts.

This Article sets forth the requirements for specific districts and includes the minimum lot area, area per dwelling or family unit, parcel area, lot width, yards, setbacks and maximum building height allowed for uses permitted for each district. Uses permitted under the Special Development Regulations shall also comply with the requirements contained in Article VIII.

§ 267-52. Materially Similar Uses.

Uses not listed as a permitted use, temporary use, special development or special exception are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed as a permitted use, temporary use, special development or special exception, the Director of Planning shall determine whether a materially similar use exists in this Chapter. Should the Director of Planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Director of Planning shall issue a zoning certificate pursuant to §267-8 (Zoning Certificates). Should the Director of Planning determine that a materially similar use does not exist, then the proposed use shall be deemed prohibited in the district.

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USE CLASSIFICATION	ZONING DISTRICTS															
AMUSEMENTS	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Adult book stores, adult entertainment centers												P				
Agricultural public events	P															
Agricultural resource center	SE															
Arenas and stadiums												SE	SE	SE	SE	
Carnivals, circuses, concerts & public events (excluding religious activities)	T							T	T	T	T	T	T	T	T	
Commercial amusement and recreation									P		P	P	P			
Country clubs, golf clubs, tennis and swim clubs	SE	SE	SE	SE	SE	SE					P	P	P		SE	
Fairgrounds, racetracks, and theme parks	SE												SE	SE	SE	
Golf driving ranges and miniature golf courses	SE								SE			P	P			
Gymnasiums and health clubs									P	P	P	P	P	P	P	P
Marinas, boat launching, storage and repair	SE	SE	SE	SE	SE	SE				SE	SE	P	P	SE	P	
Motor vehicle recreation, ATV and go-cart tracks	SE														SE	
Nightclubs, lounges, bars and taverns									P			P	P			
Noncompetitive recreational amusement cars													P			
Private parties and receptions	SD															
Riding stables, commercial or club (except accessory uses)	SD/SE											P	P			
Shooting ranges, indoor	SE											P	P			
Theaters, indoor	SE								P		P	P	P			
Theaters, outdoor	SE								P			P	P			
Trap, skeet, rifle and archery ranges, outdoor	SE												SE		SE	

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.
(2) RO - maximum of 4 units.
(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE*"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

USE CLASSIFICATION	ZONING DISTRICTS															
INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Ammunition (SIC-3482 and 3483)														SE	SE	
Apparel and other textile products (SIC-23)													P		P	
Asbestos products (SIC-3292)															SE	
Bakery products (SIC-205)	P											P	P	P	P	
Biological products (SIC-2831)													SE	SE	SE	P
Biomedical laboratories													P	P	P	P
Blast furnace (SIC-3312)															P	
Boat building and repairing (SIC-3732)													P		P	
Bottled and canned soft drinks (SIC-2086)													P	P	P	
Chemicals and allied products (SIC-28), unless otherwise listed															P	
Communication equipment (SIC-366)													P	P	P	P
Concrete and asphalt manufacturing															P	
Construction and related equipment (SIC-353)															P	
Custom made wood household furniture	SD												P		P	
Dairy products (SIC-202)	P												P	P	P	
Electric and electronic equip. (SIC-36), unless otherwise listed													P	P	P	P
Electrometallurgical products (SIC-3313)													P	P	P	
Electronic components and accessories (SIC-367)													P	P	P	P
Engines and turbines (SIC-351)															P	

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INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Fabricated metal products (SIC-34), unless otherwise listed													P	P	P	
Fabricated plate work (SIC-3443)															P	
Fabricated structural metal (SIC-3441)													P	P	P	
Farm machinery and equipment (SIC-352)	SD														P	
Fertilizers, mixing only (SIC-2875)	SD												P		P	
Flat glass (SIC-321)													P	P	P	
Flavoring extracts and syrups (SIC-2087)													P	P	P	
Food and kindred products (SIC-20), unless otherwise listed														P	P	
Furniture and fixtures (SIC-24), unless otherwise listed	SD												P		P	
Glass and glassware, pressed or blown (SIC-322)	SD												P	P	P	
Glass products of purchased glass (SIC-323)													P	P	P	
Instruments and related products (SIC-38)													P	P	P	
Laboratory research experimental or testing (SIC-873)	SE											P	P	P	P	P
Leather and leather products (SIC-31), unless otherwise listed	SD												P		P	
Leather tanning and finishing (SIC-3111)	SD														P	
Lubricating oils and greases (SIC-2992)															SE	

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INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Lumber and wood products (SIC-24), unless otherwise listed	SD														P	
Machinery, except electrical (SIC-35), unless otherwise listed													P		P	
Manufactured ice (SIC-2097)												P	P	P	P	
Medical chemicals & botanical products (SIC-2832)													P	P	P	P
Metal forgings and stampings (SIC-346)															P	
Metal stampings, unless otherwise listed (SIC-3469)													P	P	P	
Millwork															P	
Miscellaneous chemical plants (SIC-2899)													P		P	
Miscellaneous converted paper products (SIC-264)													P	P	P	
Miscellaneous electrical machinery (SIC-369)													P	P	P	
Miscellaneous fabricated metal products (SIC-349)													P		P	
Miscellaneous manufacturing (SIC-39)													P	P	P	
Newspapers (printing shop in excess of 5,000 s.f. (SIC-271)													P	P	P	
Non-metallic mineral products (SIC-3299)													P		P	
Offal or dead animal disposal or processing	SE														SE	
Office, computing and accounting machines (SIC-357)													P	P	P	P

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INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Ordnance and accessories (SIC-348)														SE	P	
Paper and allied products (SIC-26), unless otherwise listed															SE	
Paper bond containers and boxes (SIC-265)													P	P	P	
Perfumes, cosmetics and other toilet preparations (SIC-2844)													P	P	P	
Petroleum and coal products (SIC-29), unless otherwise listed													P		P	
Petroleum refining (SIC-291)															SE	
Pharmaceutical preparation (SIC-2834)													P	P	P	P
Preserved fruits and vegetables (SIC-203)	P												P	P	P	
Primary metal industries (SIC-33), unless otherwise listed													P		P	
Primary smelting and refining (SIC-333)															P	
Printing and publishing (SIC-27), unless otherwise listed												P	P	P	P	
Reclaimed rubber (SIC-3031)															P	
Recycling Center															P	
Rubber & misc. plastic products (SIC-30), unless otherwise listed													P	P	P	
Secondary smelting and refining (SIC-334)															P	
Stone, clay and glass products (SIC-32), unless otherwise listed	SD													P	P	

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INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Textile mill products (SIC-22)													P		P	
Tires and inner tubes (SIC-301)															P	
Tobacco manufacturers (SIC-21)													P		P	
Transportation equipment (SIC-37)															P	
Wood containers (SIC-244)	SD												P		P	
Wood kitchen cabinets (SIC-2434)	SD												P		P	
Wood products (SIC-2499)	SD												P		P	

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USE CLASSIFICATION	ZONING DISTRICTS															
INSTITUTIONAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Cemeteries, memorial gardens and crematories	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE		
Civic service clubs and fraternal organizations	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P	P		P
Community centers or assembly halls	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P	P		P
Day-care centers	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	SE	SE	SE	P
Fire stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fire stations with fire station assembly hall	P	SE	SE	SE	SE	SE		SE	P	P	P	P	P	P		P
Hospitals				SE	SE	SE				P	P	P	P	P		P
Houses of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Mixed Use Centers						SD				SD	SD	SD	SD	SD	SD	
Parks; recreation areas, centers and facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Planned Employment Centers						SD(1)						SD(1)	SD(1)	SD(1)	SD(1)	
Prisons												P	P			
Schools, colleges, and universities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P		

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USE CLASSIFICATION	ZONING DISTRICTS															
MOTOR VEHICLE AND RELATED SERVICES	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Car wash											P	P	P			
Commercial vehicle and equipment (storage)	SE											P	P		P	
Commercial vehicle construction and industrial equipment sales and service												P	P		P	
Commercial or construction vehicle and equipment storage	SD															
Farm vehicles and equipment sales and service	SE								P			P	P		P	
Farm vehicles and equipment storage, service, and repair	SD															
Motor vehicle filling and service stations									P		P	P	P			P
Motor vehicle repair shops	SE								P	SE	P	P	P		P	
Motor vehicle rental and leasing									P			P	P			P
Motor vehicle sales and service									P			P	P			
Salvage and junk yards															SE	
School buses, storage	SD											P	P		P	
Towing business and storage facility												P	P			

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(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

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USE CLASSIFICATION	ZONING DISTRICTS															
NATURAL RESOURCES	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture product processing or agricultural research laboratories	P												P	P	P	
Firewood processing and distribution	SE											SE	P		P	
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouses and nurseries, commercial	P								P		P	P	P		P	
Mineral extraction and processing	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	P		P	
Mulch processing, storage and sales	SE												P		P	
Sawmills	SE											SE	P		P	
Wildlife refuge	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Conservation Development	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single family detached dwellings	SD															

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Conventional Development	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Duplex dwellings						P	P	P	P	P	P	P				
Garden apartment dwellings						SD	P(2)					SD				
High-rise apartment dwellings												SE				
Lot-line dwellings						P		P				P(3)				
Mid-rise apartment dwellings						SD						SD				
Mixed Use Centers						SD				SD	SD	SD	SD	SD	SD	
Mobile home parks																
Mobile home subdivisions					SD	SD										
Mobile homes	P				SE	SE		SE	SE	SE	SE	SE				
Multiplex dwellings												P(3)				
Patio/court/atrium dwellings						P						P(3)				
Row duplex dwellings												P(3)				
Semi-detached dwellings						P	P	P	P	P	P	P				
Single Family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P				
Townhouse dwellings						P						P(3)				
Traditional Neighborhood Developments			SD(1)	SD(1)	SD(1)	SD(1)										

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(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Conventional with Open Space	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Carriage court units					SD	SD										
Cluster townhouse dwellings				SD	SD	SD										
Duplex dwellings				SD	SD	SD										
Garden apartment dwellings					SD	SD										
High-rise apartment dwellings						SE										
Lot-line dwellings				SD	SD	SD										
Mid-rise apartment dwellings						SD										
Mobile home subdivisions					SD	SD										
Mobile homes					SE	SE										
Multiplex dwellings				SD	SD	SD										
Patio/court/atrium dwellings				SD	SD	SD										
Row duplex dwellings					SD	SD										
Semi-detached dwellings				SD	SD	SD										
Single family detached dwellings			SD	SD	SD	SD										
Townhouse dwellings				SD	SD	SD										

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(2) RO - maximum of 4 units.
(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Planned Residential Development	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Carriage court units					SD	SD										
Cluster townhouse dwellings					SD	SD										
Continuing Care Retirement Community			SD	SD	SD	SD							SD			
Duplex dwellings					SD	SD										
Garden apartment dwellings					SD	SD										
High-rise apartment dwellings						SE										
Housing for the elderly				SD	SD	SD					SD	SD	SD			
Lot-line dwellings					SD	SD										
Mid-rise apartment dwellings					SD	SD										
Mobile home subdivisions					SD	SD										
Mobile home parks					SD	SD										
Mobile homes					SE	SE										
Multiplex dwellings					SD	SD										
Patio/court/atrium dwellings					SD	SD										
Row duplex dwellings					SD	SD										
Semi-detached dwellings					SD	SD										
Single Family detached dwellings					SD	SD										
Townhouse dwellings					SD	SD										

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(2) RO - maximum of 4 units.
(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Transient Housing	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Boarding home for sheltered care												P	P		P	
Camps, retreats, recreation vehicle parks	SE											P				
Cottage houses	T	T	T	T	T	T	T	T								
Country inns, tourist homes and resorts	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P				P
Group home for sheltered care	SE	SE	SE	SE	SE	SE	SE	SE				P	P		P	
Hotels and motels											P	P	P	P	P	
Lodging houses, or Lodging houses with Conference centers									P		P	P	P	P	P	P
Nursing homes and Assisted living facilities	SE	SE	SE	SE SD(3)	P	P	P	SE	SE	SE	P	P	SD(3)			
Personal-care boarding homes	SE	SE	SE	SE	SE	SE	SE	SE	SE							
Mixed Use Center						SD				SD	SD	SD	SD	SD	SD	
Traditional Neighborhood Development			SD(1)	SD(1)	SD(1)	SD(1)										

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USE CLASSIFICATION	ZONING DISTRICTS															
RETAIL TRADE	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Agricultural retail	P						SE		P	P	P	P	P			
Antique shops, art galleries and museums	SE						SD		P	P	P	P	P			P
Auction houses, animal and agricultural related products	SE								SE			SE	P		P	
Auction houses, non agricultural related									P		P	P	P		P	
Christmas tree sales	T	T	T	T	T	T		T	T	T	T	T	T		T	
Convenience goods stores						SD			P	P	P	P	P			P
Farm Market, Private	SD															
Farmers co-ops	P								P	P	P	P	P		P	
Feed and grain mills	P								P				P		P	
Feed and grain - storage and sales	SD								P							
General merchandise stores												P	P			
Hawkers and peddlers									T		T	T	T			
Integrated Community Shopping Centers (ICSC)											SD	SD	SD			
Liquor stores									P		P	P	P			P
Mixed Use Center						SD				SD	SD	SD	SD	SD	SD	
Shopping centers										P	P	P	P			
Shoppers merchandise stores							SD(4)		P		P	P	P			P(5)
Specialty shop							SD		P	P	P	P	P			P

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(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.
(5) indicates that only apparel and accessories and communication equipment sales and service are permitted as shoppers merchandise stores within the MO district.

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USE CLASSIFICATION	ZONING DISTRICTS															
SERVICES	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Blacksmiths	P								P			P	P		P	
Business services, including commercial schools							SD		P	P	P	P	P	P		
Carpet and rug cleaning service									P		P	P	P	P	P	
Construction services and suppliers	SE								SE			P	P	P	P	
Corporate offices												P	P	P	P	P
Corporate Office Parks (COPS)													SD	SD		
Financial, insurance and real estate services							SD		P	P	P	P	P	P		P
Fortune telling											P	P				
Funeral homes and mortuaries	SE								P		P	P	P			
Health services and medical clinics							SE		P	P	P	P	P	P		P
Kennels	SE										P	P	P			
Lawn and landscaping services	SE								SE		P	P	P			
Mixed Use Center						SD				SD	SD	SD	SD	SD	SD	
Personal services, excluding tattoo parlors						SD	SD	SE	P	P	P	P	P			P
Pet grooming	SE								P	P	P	P	P			
Planned Employment Center						SD(1)						SD(1)	SD(1)	SD(1)	SD(1)	
Professional services						SD	SD	SE	P	P	P	P	P		P	P
Restaurants	SD					SD			SE	SE	P	P	P			P
Restaurants, take-out									P	P	P	P	P			P
Small engine repair	SE								P		P	P	P			
Tattoo parlors											P	P				
Veterinary clinics or hospitals	SE								P		P	P	P			
Veterinary practice, large animals	SD/SE															

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USE CLASSIFICATION	ZONING DISTRICTS															
TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Aircraft landing and storage, private	SE												SE	SE	SE	
Airports, general aviation													SE	SE	SE	
Ambulance services, commercial									P			P	P		P	
Bus depots												P	P			
Communication and broadcasting stations	SE								P		P	P	P	P		P
Communication and broadcasting towers	SE*	SE*	SE*	SE*				SE*	SE*	SE*	SE*	P	P	P	P	P
Freight terminals												P	P		P	
Helistops	P												P	P	P	
Highway maintenance facilities	P								P			P	P	P	P	
Limousine Services									P		P	P	P			
Power and regeneration plants															P	
Public utility facilities, sanitary landfills and sewage treatment plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rubble Landfills	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste transfer stations	P											P	P		P	
Taxi stands									P			P	P			
Train stations											P	P	P	P	P	
Truck stops or terminals												P	P		P	

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USE CLASSIFICATION	ZONING DISTRICTS															
WAREHOUSING, WHOLESALING & PROCESSING	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Abattoirs, slaughterhouses	SE												P		P	
Bottling plants												P	P	P	P	
Creamery, cold storage	P								P		P	P	P		P	
Industrial laundries and dry cleaning												P	P		P	
Petroleum and gas products, sales or underground storage not to exceed 25,000 gallons' capacity												SE	P		P	
Petroleum and gas products, storage above ground and underground in excess of 25,000 gallons' capacity															SE	
Warehousing and wholesaling, processing and distribution									P			P	P	P	P	
Mini-warehousing									P			P	P			

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§ 267-53. AG Agricultural District. [Amended by Bill 11-04, as amended]

A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain, and promote, the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses.

B. Agricultural use. An agricultural operation, facility or any of its appurtenances receiving an agricultural use assessment, pursuant to Maryland Code, Tax - Property § 8-209, shall not be considered a public or private nuisance as a result of changed land uses in or around the locality of the agricultural operation or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aquacultural and other agricultural standards does not constitute a nuisance.

C. General regulations.

(1) Minimum lot area, maximum lot area, maximum average lot area per dwelling unit or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building stories, as displayed in Table 53-1, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

D. Specific regulations. Except as restricted by the conservation development standards in §267-72 (Conservation Development Standards), the following uses are permitted, subject to the additional requirements below:

(1) Agriculture. The operation of machinery, when used for agricultural activities, shall be permitted at any time.

(2) Agricultural retail sales, provided that the property receives an agricultural assessment and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products. Agricultural retail sales includes agricultural processed products, provided that the original agricultural product was grown or raised on the premises.

(3) Residential development, on parcels as described in the Land Records as of February 8, 1977, as provided below:

(a) Residential development rights shall be calculated pursuant to the following guidelines:

[1] One lot shall be permitted on any parcel of land that is more than 20,000 square feet and less than 11 acres.

[2] Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.

[3] An additional lot shall be permitted for each additional 10 acres in excess of 20.

[4] An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.

(b) Any new lot created pursuant to Subsection D(3)(a)[1-4] shall be a minimum of 2 acres unless the lot is located in an agriculture preservation district established pursuant to §2-501 *et seq*. of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state.

(c) Except for residential lots located on the property on which the agricultural operation occurs, private wells on residential lots shall be set back a minimum of 100 feet from any agricultural operation, facility or any of its appurtenances that has received an agricultural use assessment.

(4) Development rights established in §267-53 (AG Agricultural District) may be transferred from any parcel with an AG zoning located in the agriculture designation on the most recently adopted Land Use Map as provided below:

(a) All development rights, including family conveyances, are transferable, except 1 right for each existing dwelling unit. In no event shall less than 1 right be retained with the parcel.

(b) Adjacent parcels under common ownership shall be considered 1 parcel.

(c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.

(d) The document transferring the development rights, as required under Subsection (4)(c) above, shall limit future development of, or transfer of, additional development rights where transferred. The document shall also identify, by metes and bounds, illustrated by map, the exact area from which the development rights are being transferred.

(e) The parcel receiving the development rights, to achieve the density, in conformance with §267-13H (Comprehensive Zoning Review), must be located in a rural residential or rural village designation as defined in the most recently adopted Land Use Element Plan. The number of

development rights that may be transferred to the receiving property/parcel may be equal to the permitted density of rural residential (RR) or village residential (VR) zoning densities at a 1:2 ratio.

(f) Development rights transferred under this Subsection may only be transferred once.

(g) The Department of Planning and Zoning shall maintain a database of all documents transferring development rights pursuant to Subsection (4)(d) above.

(h) The Director of Planning shall submit to the County Council, on an annual basis, a report detailing the number of development rights transferred, the parcels from which the rights were transferred, the parcels receiving the development rights and the total acreage of agricultural land preserved under the program.

(5) Notwithstanding the provisions contained in §267-53D(4), development rights may be transferred from any parcel with an AG zoning to any other parcel with an AG zoning which is located within one-half mile of the parcel from which the development rights are being transferred, as provided below:

(a) Up to 20% of the development rights available based on the total number of development rights as were permitted on the parcel as of February 8, 1977, shall be transferable except 1 right for each existing dwelling unit, provided that in no event shall less than 1 right be retained with the parcel. The right to a family conveyance shall not be transferable.

(b) Contiguous parcels under common ownership may be considered one parcel.

(c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.

(d) The document transferring the development rights which is recorded in the Land Records of Harford County as required under Subsection (5)(c) above, shall limit future development on the parcel from which the development rights were transferred in accordance with the number of rights transferred.

(e) The parcel receiving the development rights shall only be permitted to increase in development rights by up to 50% of the development rights as were permitted on the parcel as of February 8, 1977, excluding family conveyances.

(f) Development rights transferred under this Subsection shall only be permitted to be transferred once.

(g) A parcel from which development rights have been transferred pursuant to this Subsection, shall not be permitted to receive development rights pursuant to this Subsection.

(6) Rubble landfills are permitted pursuant to §267-90 (Rubble Landfills).

(7) Fire stations with fire station assembly halls shall be permitted in accordance with the following:

(a) Access to the fire station and the fire station assembly hall shall be from a collector or higher functional classification road as designated in the most recent version of the Transportation Element Plan; and

(b) Only 1 fire station with a fire station assembly hall is permitted in the AG district for each fire company.

(8) Agricultural public events. These activities are permitted, provided the following criteria are met:

(a) Minimum parcel area of 10 acres with an agricultural assessment.

(b) The following setbacks shall apply unless otherwise specified:

[1] Minimum of 100 feet from all property lines, except road frontage and 200 feet from any off-site residence. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the use and any public road, and any off-site residence.

[2] Corn maze. Minimum of 25 feet from property lines and 200 feet from any off-site residence.

[3] Farm tours. No setback for the use. The parking area shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence. This area shall be landscaped and buffered pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).

(c) Must be owner or tenant operated.

(d) No operation between the hours of 10:00 p.m. and 7:00 a.m.

(e) Any lighting shall be shielded and directed away from any off-site residence and may be used only during the permitted hours of operation.

(f) Safe and adequate access shall be provided for vehicular traffic. Such access shall be determined by the State Highway Administration or Harford County.

(g) Adequate arrangements for temporary sanitary facilities must be in accordance with Health Department regulations.

Table 53-1 Design Requirements for Specific Uses - AG Agricultural District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements / Industrial / Institutional / Motor Vehicles	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Lots recorded prior to 2-8-77	20,000					100	40	20	50	3
Lots recorded on or after 2-8-77	2 acres					175	50	40	60	3
RESIDENTIAL: CONSERVATION	.75 acre	2 acres	1.5 acres			100*	25	15	50	3
Transient Housing	2 acres			3,000		100	50	40	80	3
Retail Trade/Services	2 acres				50	100	50	40	80	3
Transportation, Communications and Utilities / Warehousing	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									see §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

* Minimum lot width requirements shall be subject to COMAR, § 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

Table 53-1 Design Requirements for Specific Uses - AG Agricultural District

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§ 267-54. RR Rural Residential District.

A. Purpose. This district is intended to acknowledge and protect existing concentrations of residential development, provide limited opportunities for low-density residential uses where not in conflict with agricultural activities, protect the open character of the land and restrict piecemeal development in areas where public services are not reasonably anticipated.

B. General regulations.

(1) Properties re-zoned to RR after the effective date of this Part 1 must meet requirements of §267-13H (Comprehensive Zoning Review) to achieve density of the RR zoning district.

(2) Minimum lot area, maximum lot area, maximum average lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table 54-1, shall apply, subject to other requirements of this Part 1.

(3) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(4) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(5) Signage shall comply with requirements set forth in §267-33 (Signs).

C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Residential development, at a density of 1 dwelling unit per 2 acres.

(3) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 54-1 Design Requirements for Specific Uses - RR Rural Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	50	50	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Lots recorded prior to 2-8-77	20,000					100	40	15 (total of 35)	50	3
Lots recorded on or after 2-8-77	60,000					125	40	20	50	3
Transient Housing	15,000			3,000		100	50	20	50	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions

* Minimum lot width requirements shall be subject to COMAR, § 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

Table 54-1 Design Requirements for Specific Uses - RR Rural Residential District

§267-55. R1, R2, R3 and R4 Urban Residential Districts.

A. Purpose. These districts are intended to accommodate urban residential needs by providing for a wide range of densities and building types where public water and sewer are available. Conventional with Open Space (COS) and Planned Residential Development (PRD) are permitted where open space and environmental features are provided or preserved.

B. General regulations.

(1) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 55-1 through 55-4.3, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Urban residential uses. The permitted density of development, the permitted dwelling unit types and design requirements shall depend upon whether the development is designed as a conventional development, Conventional with Open Space (COS), Planned Residential Development (PRD), housing for the elderly or Continuing Care Retirement Community (CCRC).

(a) Conventional development. Conventional residential development shall be permitted, as of right, in all urban residential districts.

(b) Conventional with Open Space (COS) development and minimum parcel area. Conventional with Open Space shall be developed in accordance with the provisions of Article VIII. The Conventional with Open Space development shall be permitted in urban residential districts R1, R2, R3 and R4. The minimum parcel area (MPA) required shall be 5 acres.

(c) Planned Residential Development (PRD). The Planned Residential Development shall be developed in accordance with the provisions of Article VIII. The Planned Residential Development shall be permitted only in R3 and R4 districts.

(d) Housing for the elderly. The housing for the elderly shall be developed in accordance with the provisions of Article VIII. Housing for the elderly shall

be permitted in the R2, R3 and R4 districts and minimum lot size shall be 4 acres.

(e) Continuing Care Retirement Community (CCRC). The Continuing Care Retirement Community shall be developed in accordance with the provisions of Article VIII. The CCRC shall be permitted in R1, R2, R3 and R4 districts. The minimum lot size is 20 acres.

(f) Maximum density by district and type of development. The maximum density permitted shall be as follows:

District	Conventional (du/ga)	COS (du/ga)	PRD (du/ga)	Housing for the Elderly (du/go)	CCRC (du/ga)
R1	1.8	2.0	N/A	N/A	25
R2	3.5	4.5	N/A	7	25
R3	5.0	7.0	10.0	14	30
R4	8.0	10.0	14.0*	14	30

*Note: The maximum density permitted for a high-rise apartment dwelling shall be 30 dwelling units per gross acre.

(g) Dwelling units per building block. A building block shall be a series of attached dwellings. The number of dwelling units per building block shall be as follows:

	Number of Dwelling Units Per Building Block	
Dwelling type	**Minimum**	**Maximum**
Semidetached dwelling	2	2
Patio/court/atrium dwelling	2	6
Multiplex dwelling	3	8
Townhouse dwelling, R2	3	4
Townhouse dwelling, R3/R4	3	8
Duplex dwelling	2	2
Row duplex dwelling	2	12
Garden apartment dwelling	4	36*
Mid-rise apartment dwelling	8	60*
High-rise apartment dwelling	8	80, except as special exception
Cluster townhouse	4	7
Carriage court unit	4	16

*In housing for the elderly and CCRC special developments, there is no maximum.

(h) Building block length.

[1] The maximum length of a building block shall not exceed the following:

Building Block Type	Maximum Length without Offset (feet)	Maximum Length with Offset (feet)
Townhouse dwelling	100	160
Row duplex dwelling	100	160
Multiplex dwelling	100	160
Carriage court unit	100	300
Garden apartment dwelling	150	300
Mid-rise apartment dwelling	120	200
High-rise apartment dwelling	120	200
Cluster townhouse	120	150

[2] Enclosed pedestrian bridges or walks between buildings shall not be construed as part of the building for building block length calculations.

(i) Maximum building coverage. The maximum building coverage shall be as follows:

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

(j) Impervious surface ratio. The maximum impervious surface for any urban residential project shall not exceed 65% of the total parcel area.

(k) Variation in townhouse or multiplex width.

[1] In the R3 and R4 districts, the permitted width of a townhouse or multiple dwelling may be reduced by a maximum of 4 feet, for not more than 50% of the townhouse or multiplex units, in any development. In the R2 district, the permitted width of a townhouse or multiplex dwelling may be reduced by a maximum of 4 feet, for not more than 25% of the townhouse or multiplex units, in any development.

[2] Where narrower units are provided, lot sizes, not yard sizes or setbacks, may be reduced proportionally. Such units shall be integrated into the overall design of the townhouse or multiplex development and shall be intermixed with other townhouses or multiplex units throughout the development.

(l) Variation in patio/court/atrium yard requirements. The front and rear yards required for the patio/court/atrium building block may be waived when the following have been provided:

[1] An area for utility services in the road right-of-way.

[2] Private atriums or courts surrounded by buildings or enclosed walls totaling 25% of the minimum lot requirement.

[3] All living spaces face the atriums or courts.

(m) Permitted dwelling units by lot. Types of dwelling units, for example, townhouse, lot line, single-family detached, shall be permitted only on lots for which specific approval is granted during subdivision review. Where no dwelling unit type is specified, only single-family detached units shall be permitted.

(n) Multiplex dwellings and cluster townhouse. No detached accessory structures will be permitted in side or rear yards. Exterior storage shall be integrated in the design of the overall structure. Fencing shall be harmonious with the multiplex dwelling and shall be uniform in type and height. Said fencing shall be constructed in conjunction with the construction of the multiplex or cluster townhouse dwelling.

(o) Carriage court unit. Not more than 50% of carriage court unit building blocks, proposed for a development, shall contain the maximum number of dwelling units permitted for each building block.

[1] The following structures are permitted in accordance with the stated requirements:

[a] Detached accessory storage only as specified in the Site Plan approval; and

[b] Attached exterior storage, provided that the structure is integrated in the design of the overall dwelling and does not permit a direct means of access to the dwelling.

[2] All units shall be accessible to emergency vehicles by means of either a paved surface or alternative load-bearing way. The Director of Planning shall establish standards and specifications for the paved surface or load-bearing way.

(3) Dwelling units, when on a permanent foundation.

(4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 55-1 Design Requirements for Specific Uses - R1 Urban Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Single Family Detached	20,000					80	25	6 (total of 20)	50	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)										
Single Family Detached	15,000					75	25	6 (total of 20)	40	3
Transient Housing	15,000			3,000		100	40	15 (total of 35)	50	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									see §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-1 Design Requirements for Specific Uses - R1 Urban Residential District

Table 55-2.1 Design Requirements for Specific Uses - R2 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					60	25	6 (total of 20)	22	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)										3
Single Family Detached	7,500					55	25	6 (total of 20)	22	3
Lot Line	7,000					60	25	0 to 5 total of 20	22	3
Semi-Detached	6,500					55	25	0 and 15	22	3
Duplex	12,000			6,000		80	25	15	22	1 1/2
Multiplex	2,400					50	25	24	0	3
Patio/ Court/ Atrium	6,000					55	25	0	22	1 1/2
Cluster Townhouse	2,400					24	0	10	22	3
Townhouse*	2,400					24	25	0	22	3

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

* Maximum of 4 dwelling units per buiding block

Table 55-2.1 Design Requirements for Specific Uses - R2 Urban Residential District (Part 1)

Table 55-2.2 Design Requirements for Specific Uses - R2 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Transient Housing	15,000			3,000		100	35	10 (total of 30)	40	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

* Maximum of 4 dwelling units per buiding block

Table 55-2.2 Design Requirements for Specific Uses - R2 Urban Residential District (Part 2)

Table 55-3.1 Design Requirements for Specific Uses - R3 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500					50	25	6 (total of 20)	22	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD)										
Single Family Detached	6,000					45	25	6 (total of 20)	22	3
Lot Line	5,000					50	25	0 to 5 total of 15	22	3
Semi-Detached	5,000					50	25	0 and 15	22	3
Duplex	9,000			4,500		70	25	15	22	3
Multiplex (interior units)	1,800					18	25	0	25	3
Multiplex (end units)	1,800					45	20	25	0	3
Patio/Court/Atrium	4,000					40	25	0	22	1 1/2

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-3.1 Design Requirements for Specific Uses - R3 Urban Residential District (Part 1)

Table 55-3.2 Design Requirements for Specific Uses - R3 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD) continued										
Cluster Townhouse Dwelling	1,800					18	0	10	22	3
Townhouse	1,800					18	25	0	22	3
Row Duplex	6,000			3,000		22	25	0	22	3
Garden Apartment	9,600			2,400		120	30	20	40	3 w/loft
Mid-Rise Apartments (PRD only)	16,000			2,000		120	30	20	40	5
Mobile Home Park	10 acres			5,000	50	200	20	10 (total of 20)	20	1
Transient Housing	15,000			3,000		100	30	10	30	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-3.2 Design Requirements for Specific Uses - R3 Urban Residential District (Part 2)

Table 55-4.1 Design Requirements for Specific Uses - R4 Urban Residential District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Single Family Detached	7,500					50	25	6 (total of 20)	22	3
Lot Line	7,000					55	25	0 to 5 total of 20	22	3
Semi-detached	6,000					50	25	0 and 15	22	3
Duplex	10,000			5,000		70	25	15	22	3
Patio/ Court/ Atrium	4,500					20	25	0	22	1 1/2
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD)										
Single Family Detached	6,000					45	25	6 (total of 20)	22	3
Lot Line	4,000					45	25	0 to 3 total of 10	22	2
Semi-detached	4,000					45	25	0 and 10	22	3

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-4.1 Design Requirements for Specific Uses - R4 Urban Residential District (Part 1)

Table 55-4.2 Design Requirements for Specific Uses - R4 Urban Residential District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD) continued										
Duplex	8,000			4,000		70	25	15	22	3
Duplex (PRD)	6,000			3,000		70	25	15	22	3
Multiplex (interior units)	1,800					18	25	0	25	3
Multiplex (end units)	1,800					45	20	25	0	3
Patio/ Court/ Atrium	3,000					40	25	0	22	1 1/2
Townhouse	1,800					18	25	0	22	3
Cluster Townhouse Dwelling	1,800					18	0	10	25	3
Row Duplex	5,000			2,500		20	25	0	22	4
Garden Apartment	7,200			1,800		110	30	20	30	3 w/loft
Mid-Rise Apartment	12,800			1,600		120	30	20	30	5
High-Rise Apartment	12,800			1,200		100	35	30	35	6

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-4.2 Design Requirements for Specific Uses - R4 Urban Residential District (Part 2)

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Table 55-4.3 Design Requirements for Specific Uses - R4 Urban Residential District (Part 3)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Mobile Home Park	10 acres			4,500	50	200	20	10 (total of 20)	20	1
Transient Housing	15,000			3,000		100	30	10	30	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 55-4.3 Design Requirements for Specific Uses - R4 Urban Residential District (Part 3)

§ 267-56. RO Residential/Office District.

A. Purpose. This district provides for the conversion of residential structures to other uses and construction of small retail, service and office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, are no longer suitable for only those uses allowable in residential districts. The district regulations ensure that the buildings and uses are compatible with, provide a transition from and are in harmony with the present or prospective uses of nearby residential property.

B. General regulations.

(1) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table 56-1, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

(5) 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 onto residential lots or buildings.

C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Residential development, subject to the standards in Table 56-1.

(3) Conversion of an existing single-family detached dwelling to accommodate not more than 4 dwelling units, subject to a minimum lot area of 5,000 square feet per dwelling unit. Parking on site shall be provided at a minimum of 2 spaces per dwelling unit.

(4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

(5) The following uses are permitted in accordance with Article VIII of this Chapter, provided that a minimum parcel area of 30,000 square feet is established:

(a) Business and office equipment rental or leasing;

(b) Business equipment sales;

(c) Party supply shops;

(d) Photography equipment and supply shops; and

(e) Medical equipment rental and sales.

(6) Retail/service/office uses shall be developed in accordance with Article VIII.

Table 56-1.1 Design Requirements for Specific Uses - RO Residential Office District (Part 1)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Semi-detached	10,000			5,000		70	25	6 (total of 20)	22	3
Duplex	10,000			5,000		70	25	6 (total of 20)	22	3
Garden Apartment*	10,000			5,000		70	35	10	40	3
RESIDENTIAL: CONVENTIONAL WITH OPEN SPACE (COS)										
Single Family Detached	7,500					65	25	6 (total of 20)	22	3
Lot Line	7,000					60	25	0 to 5	22	3
Semi-detached	6,500					55	25	0 and 15	22	3
Duplex	12,000			6,000		80	25	15	22	3
Multiplex	2,400					50	24	24	0	3

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

* Maximum of 4 units

** The following uses - business and office equipment rental and leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, require a minimum lot area of 30,000 square feet

Table 56-1.1 Design Requirements for Specific Uses - RO Residential Office District (Part 1)

Table 56-1.2 Design Requirements for Specific Uses - RO Residential Office District (Part 2)

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) continued										
Patio/ Court/ Atrium	6,000					55	25	0	22	1 1/2
Townhouse	2,400			3,000		24	25	0	22	3
Retail Trade/Services**	10,000				15	70	35	10	40	3
Transient Housing	15,000			3,000		100	35	10 (total of 30)	40	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

* Maximum of 4 units

** The following uses - business and office equipment rental and leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, require a minimum lot area of 30,000 square feet

Table 56-1.2 Design Requirements for Specific Uses - RO Residential Office District (Part 2)

§ 267-57. VR Village Residential District.

A. Purpose. This district is intended to preserve and enhance the character and function of established rural settlements. This district allows residential uses on small lots as well as certain business uses. The Rural Village Study shall be used as a guide for achieving architectural compatibility.

B. General regulations.

(1) Properties re-zoned to VR after the effective date of this Part 1 must meet requirements of §267-13H (Comprehensive Zoning Review) to achieve density of the VR zoning district.

(2) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table 57-1, shall apply, subject to other requirements of this Part 1.

(3) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(4) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(5) Signage shall comply with requirements set forth in §267-33 (Signs).

(6) 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 onto residential lots or buildings. Lighting shall be consistent with the village character.

(7) 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 village relative to architectural design, scale, building height and the materials used in construction.

(8) Development of new buildings. New buildings shall be designed to be compatible and in harmony with the village 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.

(9) The Rural Village Study shall be used as a guide for achieving architectural compatibility as determined by the Director of Planning.

C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Residential development, at a density of 3 dwelling units per acre where public sewer service is available.

(3) Retail trades and service uses, when in buildings existing at the time of enactment of this Part 1, provided that any alteration of the building shall not exceed 25% of the gross floor area of the building and the residential character of the building shall be maintained.

(4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 57-1 Design Requirements for Specific Uses - VR Village Residential District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Institutional	20,000					70	35	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Lot Line	7,500					60	25	0 to 5 (total of 20)	22	3
Semi-detached	7,200					60	25	0 to 15	22	3
Duplex	10,000			5,000		70	25	6 (total of 20)	22	3
Transient Housing	15,000			3,000		100	30	10	30	3
Retail Trade / Services	10,000					70	25	10	40	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 57-1 Design Requirements for Specific Uses - VR Village Residential District

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§ 267-58. VB Village Business District.

A. Purpose. This district is intended to provide business services to rural areas and to preserve and enhance the character and function of long-established rural settlements. This district compliments the VR district by providing a mix of business and residential uses at an appropriate scale. The Rural Village Study shall be used as a guide for achieving architectural compatibility.

B. General regulations.

(1) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Table 58-1, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

(5) 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 onto residential lots or buildings. Lighting shall be consistent with the village character.

(6) 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 village relative to architectural design, scale, building height and the materials used in construction.

(7) Development of new buildings. New buildings shall be designed to be compatible and in harmony with the village 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.

(8) The Rural Village Study shall be used as a guide for achieving architectural compatibility as determined by the Director of Planning.

C. Specific regulations. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Dwellings accessory to any business use, provided that there is not more than 1 dwelling unit for every 2,000 square feet of nonresidential space and subject to a maximum of 4 dwelling units, each with a minimum of 600 square feet of interior space per unit.

(3) Use limitations. All business uses in this district shall be subject to the following:

(a) The maximum area for any business use shall be not more than 2 acres, except shopping centers, agricultural services, construction equipment sales and service, golf driving ranges and miniature golf courses.

(b) The maximum building coverage and impervious surface standards shall be as follows:

[1] Maximum building coverage: 40% of lot.

[2] Maximum impervious surface: 85% of lot.

(c) Shopping centers, when containing less than 6 business uses and a gross area of less than 15,000 square feet.

(d) Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display or as otherwise permitted.

(e) Storage restriction. Outside storage of material or equipment shall be permitted, provided that such storage does not cover more than 35% of the lot area and shall not be within the required front yard.

(4) Motor vehicle filling or service stations and repair shops, provided that:

(a) Pumps shall be at least 35 feet from all road rights-of-way.

(b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

(d) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 calendar days.

(e) Motor vehicle filling or service stations shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

(5) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 58-1 Design Requirements for Specific Uses - VB Village Business District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements	10,000					70	25	10	40	3
Institutional/Motor Vehicle	20,000					70	35	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Semi-detached	7,200					60	25	0 and 15	22	3
Duplex	10,000			5,000		70	25	6 (total of 20)	22	3
Transient Housing	15,000			3,000		100	25	10	30	3
Retail Trade / Services	10,000					50	25	10	40	3
Transportation, Communications and Utilities	10,000					50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Highway Maintenance Facilities	5 acres				200	200	100	80	80	3
Warehousing	20,000				50	70	40	20	40	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 58-1 Design Requirements for Specific Uses - VB Village Business District

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§ 267-59. B1, B2 and B3 Business Districts. [Amended by Bill 09-31, As Amended]

A. Purpose. The B1, B2 and B3 districts are intended to provide sufficient and convenient locations for business uses that serve the needs of local neighborhoods and communities and the traveling public.

(1) B1 Neighborhood Business District. This district is intended to provide limited retail and service facilities convenient to residential neighborhoods. Uses are limited primarily to convenience of goods and services satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.

(2) B2 Community Business District. This district is intended to provide a wider range and scale of retail, business and service uses than are permitted in the B1 district and is oriented to serve several neighborhoods. The intensity of development as well as the concentration of vehicular traffic is greater than the B1 district.

(3) B3 General Business District. The purpose of this district is to provide a wide range of retail, service and business uses serving local and Countywide areas. Such activities are generally located along arterial roads.

B. General regulations.

(1) Minimum lot area, area per family, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 59-1 through 59-3, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

(5) 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 onto residential lots or buildings.

C. Specific regulations. The following uses are permitted in each business district, subject to the additional requirements below:

(1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Residential uses as accessory uses, in accordance with the following:

(a) Not more than 1 dwelling unit for any business lot, provided that said lot is a minimum of 20,000 square feet.

(b) The dwelling unit shall conform to the setback requirements of the principal use.

(3) Shopping center, provided that it contains less than 75,000 square feet. Shopping centers over 75,000 square feet shall be developed as an Integrated Community Shopping Center (ICSC) in accordance with §267-79 (Integrated Community Shopping Center (ICSC)).

(4) Lot coverage. The building coverage and impervious surface standards shall be as follows:

Maximum Building Coverage (percent of total lot)			
District	**Individual Uses or Shopping Center**	**Integrated Community Shopping Center**	**Maximum Impervious Surface for All Uses (percent of total lot)**
B1	25%	N/A	80%
B2	30%	40%	85%
B3	35%	45%	85%

Note: the maximum building coverage and impervious surface shall be reduced where required by the Chesapeake Bay Critical Area or Water Source Protection Districts.

(5) Modification of height requirement. Maximum building height may be exceeded if side and rear yards are increased in width and depth by 1 additional foot for every 1 foot of excess height.

(6) Use limitations. The permitted uses in the business districts shall comply with the following:

(a) Enclosed building. All uses permitted, except secondhand merchandise shops in a B3 district, shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display or as otherwise permitted. Secondhand merchandise shops in a B3 district shall be permitted to conduct such uses outside of the building between the hours of 8:00 a.m. and 5:00 p.m.

(b) Storage restriction. Outside storage of material or equipment shall not be permitted in the B1 and B2 districts. Outside storage shall be permitted in the B3 district, provided that such storage does not cover more than 35% of the lot area and shall not be within the required front yard. Outside storage for the following uses may exceed 35% of the lot area when located not less than 200 feet from any residential district.

[1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for

vehicles of a delivery or draying service; and public utility yards for construction, maintenance or storage.

[2] Carnivals, circuses, concerts or public events.

[3] Flammable liquids, underground storage only, not to exceed 25,000 gallons.

[4] Liquefied petroleum products, provided that said products are stored in tanks which meet the American Society of Mechanical Engineers Code design approval and said storage shall comply with the rules and regulations of the latest edition of the NFPA No. 58 standard for the storage and handling of liquefied petroleum gases, including any revisions thereof, and that the extent of such installation shall not exceed 30,000 gallons water capacity.

[5] Secondhand merchandise shops in a B3 district, provided that such products shall not be stored outside after 5:00 p.m.

[6] All outside storage shall be fully buffered from view of adjacent residential lots and public roads.

(7) Motor vehicle filling or service stations and repair shops, in the B2 and B3 districts, provided that:

(a) Pumps shall be at least 25 feet from all road rights-of-way.

(b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

(d) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 calendar days.

(e) Motor vehicle filling or service stations shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

(8) Housing for the elderly in the B2 and B3 districts when developed in accordance with Article VIII.

(9) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

(10) Adult bookstores and/or entertainment centers. These uses are limited to the B3 district upon the condition that:

(a) No lot on which such establishment is located shall be located within 1,000 feet of any institutional or residential use as listed on the appropriate use tables.

(b) The merchandise shall be arranged to ensure that no merchandise depicting, describing, showing or relating to sexual conduct, sexual excitement, sadomasochistic abuse or human genitalia is visible from the outside of the establishment.

(c) No use shall be located within 1,000 feet of an existing adult bookstore/adult entertainment center.

(d) The hours of operation shall not include any time periods between midnight and 6:00 a.m.

Table 59-1 Design Requirements for Specific Uses - B1 Neighborhood Business District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements/Institutional	20,000					70	30	20	40	3
Motor Vehicle	10,000				25	70	30	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Semi-detached	6,500					55	25	0 and 15	22	3
Duplex	12,000			6,000		80	25	15	22	3
Transient Housing	10,000			3,000		70	35	20	40	3
Retail Trade/Services	10,000				15	50	25	5	40	3
Transportation, Communications and Utilities	10,000					50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	5 acres				200	200	100	80	80	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 59-1 Design Requirements for Specific Uses - B1 Neighborhood Business District

Table 59-2 Design Requirements for Specific Uses - B2 Community Business District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements						50	25	10	35	3
Institutional/Motor Vehicle	15,000				25	50	30	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500					60	25	6 (total of 20)	22	3
Semi-detached	5,000					50	25	0 and 15	22	3
Duplex	9,000			4,500		70	25	15	22	3
Transient Housing	10,000			3,000		70	30	10	40	3
Hotel/Motel	40,000			1,000	20	100	30	20	40	3
Retail Trade/Services					20	50	25	5	35	3
Transportation, Communications and Utilities	10,000				50	50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	2 acres				200	100	80	50	50	3
Warehousing, Wholesaling and Processing	40,000				50	100	30	20	40	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IV Nonconforming Lots, Buildings, Structures and Uses and Article IX Special Exceptions.

Table 59-2 Design Requirements for Specific Uses - B2 Community Business District

Table 59-3 Design Requirements for Specific Uses - B3 General Business District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements						50	25	10	35	3
Institutional/Motor Vehicle	20,000				25	70	30	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500					60	25	6 (total of 20)	22	3
Semi-detached	4,000					45	25	0 and 10	22	3
Duplex	8,000			4,000		70	25	15	22	3
Apartments	5 acres			1,245		110	30	30	35	6
Multiplex (interior units)*	1,800					18	25	0	25	3
Multiplex (end units)*	1,800					15	20	25	0	3
Lot line dwellings*	4,000					45	25	0 to 3 Total of 10	22	2
Patio/court/atrium*	3,000					40	25	0	22	1 1/2
Townhouse*	1,800					18	25	0	22	3
Row duplex*	5,000			2,500		20	25	0	22	4
Transient Housing	10,000			2,000		70	30	10	40	3
Hotel/Motel	40,000			1,000	25	100	30	20	40	3
Industrial	10,000			4,500	50	50	25	10	40	3
Retail Trade/Services					25	50	25	5	35	3
Transportation, Communications and Utilities	10,000				50	50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	2 acres				200	100	80	50	50	3
Warehousing, Wholesaling and Processing	40,000				50	100	30	20	40	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Section 2 of Bill 84-37 provided that said act "shall not apply to a prior conditional use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received 3 or more building permits for the location of mobile homes by the effective date of said act".

*Only in the Chesapeake Science and Security Corridor.

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§ 267-60. CI, LI and GI Industrial Districts.

A. Purpose.

(1) CI Commercial Industrial District. This district is intended for industrial, office and business uses of a moderate scale and intensity.

(2) LI Light Industrial District. This district is intended to permit a mix of light manufacturing, warehousing and service uses. Retail sales are permitted as accessory to a manufacturing or distribution operation where the product is produced or warehoused on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

(3) GI General Industrial District. This district is intended for industrial uses of a larger scale or more intensive processing with large areas of unenclosed storage, which may generate substantially more impact on surrounding properties. Retail sales are permitted as accessory to a manufacturing operation where the product is produced or warehoused on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

B. General regulations.

(1) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 60-1 through 60-3, shall apply, subject to other requirements of this Part 1.

(2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

(5) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect onto residential lots or buildings.

C. Specific regulations applicable to industrial districts. The following uses are permitted, subject to the additional requirements below:

(1) Agriculture. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

(2) Motor vehicle filling or service stations and towing businesses with storage facilities, in the CI, and motor vehicle repair shops in the CI and GI district, provided that:

(a) Pumps shall be at least 25 feet from all road rights-of-way.

(b) All portions of the lot used for storage or service of motor vehicles shall be paved with a structured pervious surface, including travelways.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

(d) Vehicles, except those vehicles used in the operation of the business or stored pending insurance settlement, may not be stored on the property for more than 90 calendar days, except for towing and storage facilities.

(e) A motor vehicle filling or service station shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

(3) Extraction activities in the CI and GI districts, provided that:

(a) Upon filing an application with the Maryland Department of the Environment, the applicant shall file a copy of the application with the Department of Planning and Zoning.

(b) Extraction activities shall be buffered from adjacent residential lots and public roads pursuant to §267-30 (Buffer Yards) or by a landscaped earth berm not less than 6 feet in height and 15 feet in width.

(c) In addition to §267-30 (Buffer Yards), extraction activities shall maintain a minimum of a 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.

(d) 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.

(e) Blasting activities shall not be permitted within 2,000 feet of any residentially zoned parcel or designated historic landmark.

(4) Design requirements. The following design requirements shall apply in the CI, LI or GI districts:

(a) Lot coverage. The maximum building coverage and maximum impervious surface standards shall be as follows:

District	Maximum Building Coverage (percent of total lot)	Maximum Impervious Surface (percent of total lot)
CI	50%	85%
LI	55%	85%
GI	60%	90%

(b) Parking. All parking or loading facilities shall be accommodated on the lot. All roads shall be paved with a hard surface such as asphalt or concrete. Parking areas shall be designed and maintained in accordance with §267-26 (Off-street Parking and Loading).

(5) Modification of height requirements. Maximum building height may be exceeded if side and rear yards are increased in width and depth by 1 additional foot for every 1 foot of excess height.

(6) Use limitations within the Commercial Industrial (CI) district. Any use permitted within the CI district shall be subject to the following:

(a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display or as otherwise permitted.

(b) Outside storage restriction. Outside storage of materials or equipment not enclosed within a building or structure shall not cover more than 50% of the area and shall not be within the required front yard. Outside storage for the following uses may exceed 50% of the lot area when located not less than 200 feet from any residential district.

[1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles of a delivery service; and public utility yards for construction, maintenance or storage.

[2] Carnivals, circuses, concerts or public events.

[3] Flammable liquids, underground storage only, not to exceed 25,000 gallons.

[4] Liquefied petroleum products, provided that said products are stored in tanks which meet the American Society of Mechanical Engineers Code design approval and said storage shall comply with the rules and regulations of the latest edition of the NFPA No. 58 standard for the storage and handling of liquefied petroleum gases, including any revisions thereof, and that the extent of such installation shall not exceed 30,000 gallons water capacity.

(7) Use limitations within the Light Industrial (LI) district. Any use permitted within the LI district shall be subject to the following:

(a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display or as otherwise permitted.

(b) Outside storage restriction. Outside storage of materials or equipment not enclosed within a building or structure shall not cover more than 50% of the gross area and shall not be within the required front yard. Outside storage for the following uses may exceed 50% of the lot area when located not less than 200 feet from any residential district.

[1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sales of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles or a delivery service; and public utility yards for construction, maintenance or storage.

[2] Carnivals, circuses, concerts or public events.

(8) Use limitations within the General Industrial (GI) district. Any use permitted in the GI district shall be subject to the following:

(a) Outside storage restrictions. Outside storage of materials or equipment shall not exceed 70% of the gross lot area.

(b) Industrial developments with overall development plan approval from the Department of Planning and Zoning prior to September 1, 1982 may include office, retail and service uses. Service uses, except personal services, may occupy up to 10% of the parcel area; retail trade and personal service uses up to 5%.

(9) Housing for the elderly in the CI district when developed in accordance with Article VIII.

(10) Continuing Care Retirement Community (CCRC). The CCRC shall be developed in accordance with the provisions of Article VIII. The CCRC shall be permitted in the CI district. The minimum lot size is 20 acres.

(11) Noncompetitive recreational amusement cars in the CI district, provided that:

(a) The minimum lot size shall be 5 acres.

(b) The project shall be directly accessible by 1 or more existing or planned arterial or collector roads.

(c) A minimum 100 foot setback shall be maintained from any adjoining residentially zoned properties.

(d) A type "C" buffer shall be established pursuant to §267-30 (Buffer Yards).

(e) The operation of the cars shall not occur between the hours of 11:00 p.m. and 8:00 a.m.

(12) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

(13) Integrated Community Shopping Centers (ICSC) shall be permitted in the CI District in accordance with §267-79 (Integrated Community Shopping Centers (ICSC)).

Table 60-1 Design Requirements for Specific Uses - CI Commercial Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					50	60	25	15	25	40
Institutional	40,000					100	30	20	40	36
Motor Vehicles	20,000				25	70	30	20	40	36
Natural Resources	2 acres				50 (bldg.)					36
Retail Trade/Services	10,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Sanitary Landfills	2 acres				200	100	80	50	80	36
Warehousing, Wholesaling and Processing	20,000				50	70	30	20	40	36
Residential (Transient Housing)	40,000			1,000	25	100	30	20	40	3 stories
Rubble Landfills	100 acres									See §267-90
Mineral Extraction and Processing	2 acres				See §267-61					36

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Section 2 of Bill 84-37 provided that said act "shall not apply to a prior conditional use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received 3 or more building permits for the location of mobile homes by the effective date of said act".

Table 60-1 Design Requirements for Specific Uses - CI Commercial Industrial District

Table 60-2 Design Requirements for Specific Uses - LI Light Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					50	60	25	15	25	40
Institutional	40,000				50	100	30	20	40	36
Motor Vehicles	20,000				25	100	30	20	40	36
Natural Resources	2 acres				50 (bldg.)					36
Services	10,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Warehousing, Wholesaling and Processing	20,000				50	50	25	15	25	40
Residential (Transient Housing)	20,000				25	100	25	10	25	3 stories
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 60-2 Design Requirements for Specific Uses - LI Light Industrial District

Table 60-3 Design Requirements for Specific Uses - GI General Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					100	60	25	15	25	40
Institutional/Motor Vehicles	40,000				25	100	30	20	40	36
Natural Resources	2 acres				50 (bldg.)					36
Retail Trade/Services	20,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Sanitary Landfills	2 acres				200	100	80	50	80	36
Warehousing, Wholesaling and Processing					50	50	25	10	25	40
Residential (Transient Housing)	40,000			1,000	25	100	30	20	40	3 stories
Rubble Landfills	100 acres									See §267-90
Mineral Extraction and Processing	2 acres				See §267-61					36

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 60-3 Design Requirements for Specific Uses - GI General Industrial District

§ 267-61. MO Mixed Office District.

A. Purpose. The MO district is designed to promote major economic development opportunities, including corporate offices, research and development facilities and high-tech services which create significant job opportunities and investment benefits. Due to the excellent access and high visibility of the MO district, the intention of the MO district legislation is to promote high quality uses with high quality amenities. This area may also include retail uses to service the employment center. Designated at strategic I-95 interchanges, development will be subject to specific performance, architectural and site design standards. Enactment of this legislation shall not serve to open the Development Envelope beyond those areas designated "MO" on the 2004 Harford County Master Land Use Plan.

B. Objectives.

(1) To promote a mix of corporate offices, defense contractors and support services, science facilities, security contractors, research and development facilities, high-tech services and retail and service uses in desirable areas in the County which have a positive affect on the County's economic tax base and employment.

(2) To provide retail uses within the MO district that are primarily intended to serve those individuals employed within the district.

(3) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.

(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 encourage pedestrian access to uses and to reduce traffic congestion by encouraging the clustering of buildings near internal streets.

(6) To maintain and enhance the visual character of the area and to preserve the viewshed of the I-95 interchanges.

C. General regulations.

(1) Minimum lot or parcel area for the project shall be 20 acres.

(2) Landscaping. Landscaping should provide for a transition from the surrounding agricultural uses and rural landscape to the employment, retail and service uses on the site. All other requirements set forth in §267-29 (Landscaping) must be met.

(3) Buffer yards. A type "D" buffer yard shall be provided along any adjacent public road. All other requirements set forth in §267-30 (Buffer Yards) must be met.

(4) Signage shall comply with requirements set forth in §267-33 (Signs).

(5) 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. The lighting fixtures shall be designed to assure compatibility with the building style.

(6) The project shall have direct access to one or more collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.

(7) The project must be served by public water and sewer service.

D. Specific requirements. The following uses are permitted, subject to the additional requirements below:

(1) Except for shoppers merchandise stores, the principal permitted uses in the MO Mixed Office district shall be those uses shown on the Permitted Use Charts. Under shoppers merchandise stores, only apparel and accessories and communication equipment sales and service shall be permitted.

(2) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 61-1, shall apply, subject to other requirements of this Part 1.

(3) For purposes of the MO Mixed Office zoning district, only the following transient residential uses shall be permitted:

(a) Country inns, tourist homes and resorts; and

(b) Lodging houses, or lodging houses with conference centers.

(4) Design requirements. Development in the MO district shall comply with the following regulations:

(a) Vehicular circulation.

[1] 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. Loading and service areas shall be effectively buffered from adjoining properties and roadways.

[2] The internal vehicular circulation system must follow a pattern of intersection streets that provide alternative routes.

[3] 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.

[4] 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.

(b) Parking standards.

[1] A parking and pedestrian circulation plan shall be submitted as part of the Site Plan approval process.

[2] All parking areas must be effectively landscaped and buffered from adjacent roadways and adjoining residential districts pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).

[3] Parking areas should be broken up into lots of no more than 150 cars; the lots should be separated by landscaped islands.

[4] 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). To encourage Leadership in Energy and Environmental Design (LEED) and green building initiatives for mixed use developments zoned MO, reductions of parking through the use of shared parking within the development are permitted. The reduction of parking spaces should be justified with shared parking data from recognized industry groups such as the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), the Transportation Research Board (TRB) or other documented studies.

[5] 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.

[6] All access points from a parcel in the MO district shall be consolidated wherever feasible.

(c) Building design standards.

[1] 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.

[2] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the MO district. The building materials, colors, textures and treatments shall be harmonious within the project. All sides of the building are to be built with finish materials, including brick, natural stone and ornamental block. In no event, however, shall wood, vinyl or aluminum siding be used.

[3] 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 buffered from view by means fully compatible with the architecture. Mechanical equipment must be buffered from view from all sides.

[4] Outdoor storage is prohibited.

(d) Retail/service uses.

[1] Retail and service other than professional services and corporate office uses may be incorporated into the overall project for up to 25%.

[2] Retail and service uses shall not have direct access on a collector or higher functionally classified roadway.

[3] Any retail or service use may be incorporated as part of the office park buildings.

[4] Professional services and corporate office uses shall not be limited to 25% of the overall project.

(e) Open space. The MO district shall include a minimum of 15% of the parcel area preserved as vegetated open space. The buffer yards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall not be included in the calculation of open space.

(f) Impervious surface. The MO district shall contain a maximum impervious surface of 85%.

(g) Utility facilities. Water towers or other similar utility facilities should, to the greatest extent possible, be located and designed to minimize the visibility of the structure from adjoining properties and roadways.

Table 61-1 Design Requirements for Specific Uses - MO Mixed Office District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Institutional/Motor Vehicles	20,000				25	70	30	20	40	36
Natural Resources	2 acres				50 (bldg.)					36
RESIDENTIAL (TRANSIENT HOUSING)										
Country Inns, Tourist Homes and Resorts	10,000			2,000		70	30	10	40	45 or 3 stories
Lodging Houses, or Lodging Houses with Conference Centers	40,000			1,000	25	50	10	5	35	85
Industrial	10,000				50	50	25	10	40	30
Retail Trade/Services					25	50	10	5	35	65
Transportation, Communications and Utilities	10,000				50	50	25	10	40	30
Sewage Pumping Stations					200		25	25	25	30

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in 267-18 thru 267-88.

Table 61-1 Design Requirements for Specific Uses - MO Mixed Office District

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§ 267-62. NRD Natural Resource District. [Amended by Bill 09-31, as amended and Bill 11-04, as amended]

A. Purpose. The intent of this district is to preserve significant/special environmental features identified herein and to:

(1) Provide uniform guidelines for use of land within the Natural Resource District to protect the ecology of the area.

(2) Protect steep terrain.

(3) Protect water quality and quantity in streams, rivers and water courses.

(4) Minimize erosion/siltation and protect native/noninvasive vegetation.

(5) Protect nontidal wetlands.

(6) Protect persons and property from environmental hazards such as erosion, siltation and floodwaters.

B. Application. The Natural Resource District shall apply to the following environmental features:

(1) Steep slopes: any land area exceeding 40,000 square feet with a slope in excess of 25%.

(2) Nontidal wetlands: nontidal wetlands shall not be disturbed by development. A buffer of at least 75 feet shall be maintained in areas adjacent to wetlands.

(3) Streams: the Natural Resource District for all perennial and intermittent streams shall be a minimum of 75 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. For all streams that have a drainage area of more than 400 acres, as depicted on the Harford County Hydrology/Drainage Area Map, which is incorporated herein by reference, the Natural Resource District shall be expanded to a minimum distance of 150 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. The Natural Resource District boundaries under this provision shall include the buffer requirements of Subsection B(2).

C. Permitted uses. The following land uses shall be permitted, provided that the conditions described herein are met:

(1) Agriculture. Agriculture shall be permitted, provided that accepted soil conservation practices of the soil conservation district are approved and implemented along watercourses or a forested buffer or 25 foot-wide grass filter strip, along the edge of cropland bordering streams, is provided to reduce surface runoff and associated pollutants from entering waterways.

(2) Forestry. Commercial timber operations shall be permitted, provided that a site-specific Buffer Management Plan is prepared and approved. The Buffer Management Plan shall address potential water quality impacts and shall include

a minimum undisturbed buffer designed according to site characteristics. Trees within the buffer may also be harvested to remove diseased, insect-damaged or fire-damaged trees in order to salvage the same or reduce potential stream blockage due to fallen timber. Landowners are exempted from the Buffer Management Plan requirement when timber is harvested for personal use only. Forestry operations within the urban residential districts (R1, R2, R3 or R4) shall be required to meet the conservation requirements.

(3) The NRD shall not be disturbed, with the following exceptions:

(a) Basic maintenance, including native plantings and invasive species removal.

(b) Passive recreation and foot and walking trails. Alteration of the natural environment and removal of surface vegetation in these areas shall be prohibited with the exception of selective clearing to accommodate passive recreation and foot and walking trails which are constructed with environmentally friendly materials.

(c) Utility transmission facility.

(d) Road and driveway crossings. The number of road and driveway crossings shall be minimized. If a road or driveway crossing is necessary, it shall cross the stream at a 90-degree angle whenever possible. The best possible methods shall be used to reduce stormwater drainage into the stream and to remove sediment from unavoidable drainage into the stream.

(e) Stormwater management facilities.

D. Conservation requirements. The following conservation measures are required within this district:

(1) All permitted uses shall minimize soil disturbance during development and shall reduce soil erosion and sedimentation. When developing Site Plans, consideration shall be given to maintaining the existing drainageways within the Natural Resource District.

(2) Clearing or removal of natural ground cover and vegetation in preparation for development of permitted uses shall be minimized. Site development shall be clustered or designed in such a manner to preserve large contiguous tracts of woodland. Clearing of woodlands shall not reduce the area coverage of trees below 70%. Trees within the buffer may be harvested to remove diseased, insect-damaged or fire-damaged trees to salvage the same or reduce potential stream blockage due to fallen timber.

(3) Sensitive environmental areas, including significant/special natural features, and significant wildlife habitats shall not be disturbed during any development.

E. Variances. The Board may grant a variance to Subsections C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resource District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.

F. Development adjustment. If more than 30% of a parcel zoned residential is within this district, or is included as a habitat protection area within the Chesapeake Bay Critical Area, the housing types and design requirements, excluding gross density, of the next most dense residential district shall apply, provided that sensitive environmental features on the site are protected. In the R1 district, if townhouses are part of the project, townhouses shall not exceed 50% of the total number of units proposed, the total open space shall not be less than 50% of the site, a minimum of 10% of the required open space shall be active open space notwithstanding the requirements contained in §267-31B(1) with respect to the percentage of active open space, and the variation in townhouse and multiplex width as provided in §267-55C(2)(K) shall not apply.

G. No portion of the Natural Resource District shall be allowed within privately-owned urban residential district lots, except for the panhandle portion of any residential lot and except on lots greater than 20,000 square feet, in a minor subdivision. In lots adjacent to the Natural Resource District, rear yard setbacks may be reduced up to 50% but in no case shall be less than 20 feet.

H. The requirements of this section shall not apply to developments with approved Preliminary Plans prior to September 1, 1982.

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§ 267-63. Chesapeake Bay Critical Area Overlay District. [Amended by Bill 09-31, as amended and Bill 11-05, as amended]

A. Purpose and intent. The State of Maryland has recognized the Chesapeake Bay as an estuarine system of great importance to the State and to the nation as a whole. As such, it has enacted the Chesapeake Bay Critical Area Act (Chapter 794, Laws of 1984, as amended) and the Chesapeake Bay Critical Area Program Development Criteria pursuant to that Act, which require that local jurisdictions implement a management and resource protection program for those areas within 1,000 feet of tidal waters and tidal wetlands and any additional areas that a local jurisdiction deems important to carry out the purpose of the Act. Harford County also recognizes the importance of protecting the resources of the Chesapeake Bay and hereby establishes that the goals of this management program are to:

(1) Minimize adverse impacts on water quality resulting from sedimentation and stormwater runoff from development in the coastal areas of the County.

(2) Conserve fish, wildlife and plant habitat.

(3) Maintain and, if possible, increase the amount of forested area in the County's coastal areas because of its benefits to water quality and plant and wildlife habitat.

(4) Minimize the adverse secondary impacts of development occurring in the coastal areas of the County.

(5) Monitor and control development in the County's Critical Area so that the natural resources of the Chesapeake Bay, its tidal tributaries and their shoreline areas will be protected and preserved for future generations.

B. Creation. In order to carry out the provisions of this resource protection and management program, a Critical Area Overlay District is hereby established, in conjunction with existing zoning regulations and districts, which shall apply to all development and redevelopment within the County's Critical Area. The regulations of the Overlay District are intended to foster environmentally sensitive development within the County's Critical Area by setting forth standards requiring the minimization of adverse impacts on water quality and protection of the natural plant, fish and wildlife habitats in the County's Chesapeake Bay Critical Area. The management program developed for land areas lying within the overlay district shall be the County's Master Plan for such areas.

C. Application. The requirements of the Critical Area Overlay District shall apply to all areas shown on each zoning map overlay, to include, at a minimum, all areas within 1,000 feet of tidal waters and State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, and such additional areas as designated to meet the purpose of the district. The overlay district as shown on each zoning map overlay is further divided into 3 separate land use management categories for the purposes of planning, regulating and monitoring the type and intensity of land use development and redevelopment activities occurring within the County's Critical Area. The 3 land use management categories are as follows:

(1) Intensely Developed Areas (IDA).

(2) Limited Development Areas (LDA).

(3) Resource Conservation Areas (RCA).

D. Soil types. Soil types in Harford County's Critical Area with development constraints are set forth in Table 63-1.

E. Prohibited uses.

(1) The following uses shall be prohibited within this Overlay District:

(a) New or expanded sanitary landfills and rubble landfills.

(b) New or expanded solid or hazardous waste collection or disposal facilities.

(c) New storage tanks for vehicle fuels on residential lots.

(2) Certain new development, or redevelopment activities or facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except in Intensely Developed Areas and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:

(a) Nonmaritime heavy industrial;

(b) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or

(c) Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100-foot buffer.

(3) All existing facilities of these types shall be operated in conformance with all applicable County, State and Federal regulations.

F. Regulation of uses in the Critical Area Overlay District.

(1) Existing zoning. Unless otherwise specified in this section, the rights and limitations pertaining to the use of the land as specified in this Zoning Code shall remain in effect, subject to compliance with any additional requirements of this section.

(2) This section supplements existing County zoning and other regulations governing development in the Critical Area and is superimposed upon all existing zones and land use activity specified in this section. All development or redevelopment

activity must conform to the existing zoning regulations, to the development regulations specified in the Subdivision Regulations and to the special conditions and regulations set forth in this section. In the event of conflicts between existing zoning regulations, Subdivision Regulations and other overlay district regulations and this section, the more restrictive provision shall apply.

(3) Development activities. Permitted development activities are regulated in accordance with §267-63 (Chesapeake Bay Critical Area Overlay District) and the following standards for the specific management area categories within which such activities are proposed:

(a) Intensely Developed Areas (IDA).

[1] Pollutant loadings associated with new development or redevelopment in an IDA shall be reduced by a minimum of 10% from predevelopment levels through the use of on-site stormwater management/best management practices or similar measures located off site within the same watershed and within the Critical Area. Stormwater management/best management practice sites will only be considered outside of the Critical Area and outside of the same watershed if the County Department of Planning and Zoning determines that no feasible alternative within the Critical Area can be provided. The procedures contained in the technical report entitled "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix B of the Harford County Chesapeake Bay Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet this requirement. Except where environmental site design practices as permitted under stormwater management laws and regulations provide for greater water quality protection.

[2] Pollutant loadings associated with residential construction outside of the Critical Area Buffer, including accessory structures and minor additions that disturb greater than 250 square feet and result in the permanent construction of an impervious surface area greater than 250 square feet in the IDA shall be mitigated by the use of stormwater management/best management practices (BMPs) as specified in Appendix B of the Harford County Chesapeake Bay Critical Area Management Program, as amended, and/or through the use of additional landscaping plantings on that lot or parcel. If the cumulative total square footage exceeds 250 square feet, then mitigation must be provided for that area above 250 square feet.

[a] BMPs are specified in the "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix B of the Harford County Chesapeake Bay Critical Area Management Program, as amended). However, environmental site design practices as specified under stormwater management laws and regulations should be used as well, when environmental

site design practices provide greater water quality protection.

[b] Mitigative plantings shall be located on permeable areas equal to or greater in area than the increase of impervious surfaces, shall be planted with at least one 1-inch calilper tree per 100 square feet and/or one 3-5 gallon containerized shrub per 50 square feet of impervious surface added to the lot and shall be established and maintained in accordance with a landscaping plan and covenant as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new construction and surface waters. Tree and shrub plantings shall be of native species.

[c] If mitigative landscaping and/or BMPs are not feasible as determined by the Director of Planning, the applicant is required to pay a fee in lieu of $1.20 per square foot of additional impervious surfaces. Monies contributed under this section shall be deposited in a separate account, shall be used according to Subsection G(4)(a)[11][a](ix)E of this section and shall not revert to the general fund.

[d] Construction of accessory structures which disturb less than 250 square feet are exempt from mitigative planting requirements.

[3] Unless determined to be technically infeasible by the Director of Planning, permeable areas shall be established and maintained in vegetation in accordance with a landscaping plan approved by the Department of Planning and Zoning.

[4] Development shall be designed and constructed so as to minimize the destruction of existing forest vegetation. Any forest removed must meet the replacement standards set forth in §267-63F(3)(b)[7][b]-[f] and be mitigated on a 1:1 square-footage basis.

[5] Low impact development techniques are encouraged to be utilized in the IDA to maintain predevelopment hydrological conditions.

[6] Existing areas of public access to the shoreline shall be maintained. If possible, the establishment of new areas of public access to the shoreline shall be included in the plans for development or redevelopment of shoreline areas.

[7] Cluster development shall be used in developing in the IDA as a means of minimizing the amount of impervious surface area and the destruction of existing natural vegetation unless it is determined by the Director of Planning to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of §267-70 pertaining to Conventional

with Open Space (COS) and Planned Residential Development (PRD).

(b) Limited Development Areas (LDA).

[1] For new subdivisions in the LDA, pollutant loadings associated with development in the LDA are to be maintained at predevelopment levels through the use of stormwater management/best management practices specified in "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix B of the Harford County Chesapeake Bay Critical Area Management Program, as amended).

[2] Lot coverage on a parcel is limited in accordance with the following maximums:

[a] When a site is mapped entirely as a LDA, 15% of the total site;

[b] When a portion of a lot or parcel is mapped as a LDA, 15% of that portion of the lot or parcel; and

[c] In the case of a growth allocation award:

(i) 15% of the growth allocation development envelope; or

(ii) 15% of the acreage proposed for growth allocation deduction.

[3] If a lot or parcel has 2 non-contiguous areas of LDA, the lot coverage of one LDA area may be transferred to the other LDA area on the same lot or parcel subject to the following conditions:

[a] The development is clustered in the LDA area receiving the lot coverage;

[b] The LDA area receiving the additional lot coverage must provide a 10% improvement in water quality; and

[c] The LDA area from which the lot coverage was taken must be limited to a corresponding lesser amount of lot coverage, such that the overall lot or parcel inside the Critical Area maintains a 15% lot coverage limitation.

[4] Lot coverage may exceed 15% for the following:

[a] If a parcel or lot ½ acre or less in size existed on or before December 1, 1985, then lot coverage may not exceed 25% of the portion of the parcel or lot within the Critical Area.

[b] If a parcel or lot greater than ½ acre and less than 1 acre in size existed on or before December 1, 1985, then lot coverage is limited to 15% of the portion of the parcel or lot within the Critical Area.

[c] Lot coverage in a subdivision approved after December 1, 1985 in the Critical Area may not exceed 15%. However, the total lot coverage on an individual lot 1 acre or less in size may exceed 15%.

[d] Subsection F(3)(b)[2]-[4] does not apply to a mobile home park in residential use on or before December 1, 1985.

[e] Limitations on lot coverage provided in Subsection F(3)(b)[4][a] and [b] of this section may be exceeded if the following conditions exist:

(i) For a lot or parcel ½ acre or less in size, total lot coverage does not exceed lot coverage limits in Subsection F(3)(b)[4][a] of this section by more than 25% of the lot coverage limitation or 500 square feet, whichever is greater.

(ii) For a lot or parcel greater than ½ acre and less than 1 acre in size, total lot coverage does not exceed lot coverage limits in Subsection F(3)(b)[4][b] of this section or 5,445 square feet, whichever is greater.

(iii) Water quality impacts associated with runoff from new development activities that contribute to lot coverage can be and have been minimized through mitigative plantings or use of best management practices listed in Appendix B of the Harford County Chesapeake Bay Critical Area Management Program, as amended.

(iv) Mitigative plantings shall be located in permeable areas equal to or greater in area than the increase of lot coverage. These areas shall be planted with at least one 1-inch caliper tree per 100 square feet or one 3-5 gallon containerized shrub per 50 square feet of lot coverage added to the lot or parcel and established and maintained in accordance with a landscaping plan as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new development contributing to lot coverage and surface waters. Mitigative plantings shall be of native species.

(v) If mitigative plantings and/or BMPs are not feasible as determined by the Director of Planning, the applicant is required to pay a fee in lieu of $1.20 per square foot of additional impervious surfaces. Monies contributed under this section shall be deposited in a separate account and shall be used according to Subsection G(4)(a)[11][a](ix)E of this section. These monies shall not revert to the general fund.

[5] No development shall be permitted on slopes 15% or greater.

[6] Development on soils with development constraints, i.e., highly erodible soils, hydric soils, soils with severe septic constraints and soils with hydric inclusions as listed in Table 63-1 of this section, shall be restricted. The Director of Planning may permit development on such soils if adequate mitigation measures are applied to address the identified constraints and to avoid significant adverse impacts on water quality or fish, plant and wildlife habitats.

[7] The removal and replacement of existing forest cover and developed woodlands for development in an LDA area shall meet the following conditions:

[a] Area to be cleared. On a wooded development site, no more than 20% of the forest or developed woodland cover may be cleared provided that the remaining 80% is maintained through recorded restrictive covenants or similar instruments. This cover must be replaced on a 1:1 square-footage basis, rounded to the nearest 100 square feet. An additional 10% of the forest or developed woodland cover may be cleared, provided that replacement of the total forested or developed woodland area disturbed is made on 1:1.5 square-footage basis. Unless no forest will be disturbed by the development, a forest stand delineation is required for any development within the Critical Area in which forest covers an area greater than 40,000 square feet. The forest stand delineation shall be prepared according to the standards presented in Chapter 4 of the Harford County Forest Cover Conservation and Replacement Manual.

[b] Replacement of forest and developed woodland cover. The forest cover removed shall be replaced elsewhere on the same site or on another parcel within the Critical Area. If the replacement is not practical at the time of removal, the Director of Planning may approve the payment of a forest replacement fee of $0.40 per square foot area of forest or developed woodland cleared and not otherwise mitigated in lieu of the actual planting. Monies contributed under this section shall be deposited in a separate account, shall be used according to Subsection

G(4)(a)[11][a][ix]E of this section and shall not revert to the general fund.

[c] Forest Conservation Plan. The removal and replacement of forest and developed woodland cover for development must be undertaken as specified in an approved Forest Conservation Plan developed in accordance with procedures specified in the Forest Management Guide (Appendix C of the Harford County Chesapeake Bay Critical Area Management Program, as amended). For properties requiring subdivision approval, Forest Conservation Plans shall be submitted along with the Preliminary Plan. For all other projects, Forest Conservation Plans shall be submitted to the Department of Planning and Zoning for review and approval prior to application for a grading permit.

[d] Performance guarantee required. To ensure that all afforested or reforested areas required by this section are completed in accordance with approved Forest Conservation Plans and are adequately preserved and maintained after installation, a surety shall be deposited and a covenant recorded with Harford County. Grading permits will not be issued until the covenant and surety have been accepted by the County. The covenant shall be established between the County and the owner of the property which shall establish and protect the afforested or reforested areas from future development activities. The amount of the surety shall be equal to 110% of the value of $0.40 per square foot of planting required. The surety will be held until the forested area established meets or exceeds standards specified in the forest management guide. If more than 25% of the plantings in the afforested or reforested area die within the first 2 growing seasons after planting, these must be replaced with new stock. If after 2 complete growing seasons from the time of planting, all components of the project meet or exceed the standards as determined by an inspection by the Department of Planning and Zoning and at least 75% of the planted trees have survived, 2/3 of the surety will be returned. The remainder will be released if, after the third growing season, all standards are met. If however, additional plantings are required to replace more than 25% of the original plantings which did not survive, the surety shall be held an additional 3 years from the time of the last planting.

[e] Timing of payment. The forest replacement fees shall be paid prior to any clearing of the forest or developed woodland cover on a development site. If not paid previously, the forest replacement fee shall be due and

payable at the time of issuance of a grading permit for a site.

[f] Trust fund. Forest replacement fees shall be paid to the Harford County Department of the Treasury and maintained in a separate account, which shall be administered by the Harford County Department of Planning and Zoning. Expenditure of such funds shall be solely for the purpose of afforestation and reforestation of areas in the Critical Area, whether on public or private lands.

[8] If a development site is unforested, a minimum of 15% of the site shall be afforested. If the afforestation comprises an area of 1 acre or greater, a Forest Conservation Plan, financial surety and covenant as specified in Subsection F(3)(b)[7][c] and [d] of this section shall be required. For afforestation of areas less than 1 acre in size, plantings shall be installed according to the guidelines contained in the Forest Management Guide (Appendix C).

[9] All development plans shall incorporate a wildlife corridor system that connects the largest, most undeveloped or most vegetated tracts of land within and adjacent to the site, thereby providing a continuity of existing on-site and off-Site Plant and wildlife habitats.

[10] Cluster development shall be used for developing in the LDA as a means of minimizing the amount of lot coverage and the destruction of existing natural vegetation, unless it is determined by the Director of Planning to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of §267-70 pertaining to Conventional with Open Space (COS) and Planned Residential Development (PRD).

(c) Resource Conservation Areas (RCA).

[1] Agriculture, forestry and areas of natural habitat shall be considered preferred land uses within this area.

[2] New industrial, commercial and institutional, except for County-owned parks and recreation facilities, development shall be prohibited.

[3] New residential development shall be permitted at a maximum density of 1 dwelling unit per 20 acres. One residential structure shall be permitted on any existing undeveloped parcel or lot of record as of December 1, 1985, regardless of the density requirement, provided that all other provisions of this section are met. For purposes of this Subsection, "dwelling unit" means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping and other activities routinely associated with daily life. Dwelling unit includes living quarters for a domestic,

other employee, tenant or in-law, or an accessory apartment, a guest house or a caretaker residence.

[4] The requirements and standards for development activities in the RCA designation shall be the same as for developments in the LDA designation.

[5] Limitations on lot coverage on a parcel shall be in accordance with the following maximums:

[a] When a site is mapped entirely as a RCA, 15% of the total site; and

[b] When a portion of a lot or parcel is mapped as a RCA, 15% of that portion of the lot or parcel.

[c] Lot coverage may exceed 15% in accordance with §267-63F(3)(b)[4].

[6] Certain uses may be permitted in the RCA if it is determined by the Director of Planning, with the concurrence of the Critical Area Commission, that the impacts of the proposed use on plant and wildlife habitat and water quality would be minimized and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program.

(d) Forest clearing violation. Clearing of forested areas anywhere within the Critical Area, other than as set forth in this section, and in the buffer as specified in §267-63 (Chesapeake Bay Critical Area Overlay District) prior to issuance of a grading permit, or of areas exceeding the maximum amount allowed by this section, constitutes a violation of this section in addition to any other applicable County regulations. Afforestation/ reforestation of an area 3 times the extent of the area cleared in violation will be required as mitigation for such clearing. All standards and requirements of §267-63 (Chesapeake Bay Critical Area Overlay District) must be met, including the preparation of Forest Conservation Plans and the posting of the required surety and covenant.

(e) Routine vegetative maintenance/emergency repairs. Routine vegetative maintenance and/or emergency repairs may occur in existing public utility rights-of-way in the Critical Area provided:

[1] The minimum disturbance necessary occurs;

[2] Mechanical methods are used whenever feasible as opposed to chemical means; and

[3] Notification and coordination with the Department of Planning and Zoning occurs prior to commencement of activity.

(4) Agriculture. Agricultural activities as otherwise permitted by the Zoning Code shall meet the following additional requirements:

(a) Each agricultural operation in the Critical Area shall have and be implementing a soil and water conservation plan, approved by the Harford Soil Conservation District Office, to protect the productivity of the land base, preserve or enhance water quality and conserve fish, wildlife and plant habitat, by incorporating best management practices which protect areas identified as habitat protection areas and adequately address the control of nutrients, animal wastes, pesticides and sediment runoff. Best Management Practices shall include a requirement for the implementation of a grassland and manure management program, where appropriate.

(b) Prior to the development of soil and water conservation plans as required in Subsection F(4)(a), a 25-foot vegetated filter strip comprised of trees with a dense ground cover or a thick sod grass shall be maintained adjacent to tidal waters, tidal wetlands or tributary streams so as to provide water quality benefits and habitat protection. The width of this strip shall be increased by a distance of 4 feet for every 1% increase in slope over 6%. Measures approved by the Harford County Soil Conservation District may be used within this filter strip and elsewhere in the Critical Area to control noxious weeds and invasive plants and animals.

(c) The feeding or watering of livestock is not permitted within 50 feet of tidal waters, tidal wetlands or tributary streams.

(d) Agricultural activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines or other habitat protection areas.

(e) Agricultural activities shall not be expanded in the Critical Area by:

[1] The destruction of nontidal wetlands by diking, dredging or filling operations.

[2] Clearing of forest or woodland on soils with a slope greater than 15% or on highly erodible soils.

[3] Clearing of lands identified as habitat protection areas, including the clearing of natural vegetation within the Buffer.

(f) Timber harvesting operations on agricultural lands shall be done in accordance with the requirement of this section.

(5) Forestry operations. Forests are to be considered a protective land use in the Critical Area and, thus, should be managed to protect their value for plant and wildlife habitat and water quality protection.

(a) Timber harvesting affecting 1 acre or more of forested area in the Critical Area, including timber harvesting on agricultural land and that described above in Subsection F(3)(b)[7] of this section, shall be undertaken in

accordance with a forest management or Forest Conservation Plan prepared by a Forester registered in the State of Maryland and approved by the Department of Natural Resources based upon recommendations of the Harford County Forestry Board and the Department of Planning and Zoning.

[1] Plans in accordance with the provisions in Appendix C of the Harford County Chesapeake Bay Critical Area Management Program, as amended, which do not involve cutting in the Buffer or other identified habitat protection areas may be conditionally approved by the project forester. Copies of such conditionally approved plans shall be sent to the Forestry Board and the Department of Planning and Zoning. If no adverse comments are received within 2 weeks after submittal of the plans to the Board and the Department, such plans are formally approved.

[2] For plans involving disturbance to the Buffer or other habitat protection areas, a pre-harvest meeting must be held with the landowner and/or his designee, the Department of Planning and Zoning and the Department of Natural Resources before approval of the timber harvest may be granted. Forest Management Plans must be approved by the Harford County Department of Planning and Zoning, the Harford County Forestry Board and the Department of Natural Resources before an applicant may proceed with a timber harvest involving disturbance to a habitat protection area.

[3] Separate copies of Forest Management Plans shall be submitted to the Department of Natural Resources, the Department of Planning and Zoning and the Forestry Board for their review and approval. Plans approved by the Department of Planning and Zoning and the Forestry Board shall be submitted by these agencies to the Department of Natural Resources. If any of the 3 reviewing agencies find the Forest Management Plan to be inadequate, that agency must contact the applicant in writing as to what additional information is required. The Department of Natural Resources shall notify the applicant that the timber harvest has been approved, and the applicant may proceed with the harvest.

[4] Forest Management Plans shall include measures to protect surface and ground water quality, identified habitat protection areas and the continuity of plant and wildlife habitat and shall include a copy of the Timber Harvest Plan, which is the plan describing a proposed timber harvest that is required to be submitted to the Department of Natural Resources for a harvest of timber within the State of Maryland. Forest Management Plans shall show all buffers and other habitat protection areas. Forest Management Plans shall also show all proposed: stream crossings, culverts, landing areas, log decks, stockpile areas, skidder trails and haul roads to the nearest public road, and the limits of disturbance.

(b) Sediment Control Plans shall be developed for all timber harvesting in the Critical Area involving 5,000 square feet or more, including those undertaken on agricultural land. Such plans shall be approved by the Harford County Soil Conservation District based upon recommendations of the Department of Natural Resources and the Department of Planning and Zoning. Plans shall be submitted according to the procedures contained in the Forest Management Guide. The timber harvesting operation covered by such plans shall be implemented in accordance with the specifications contained in the document, Standard Erosion and Sediment Control Plan for Forest Harvest Operations, and any additional specifications established by the Department of Natural Resources.

(c) Timber harvesting within the Critical Area Buffer shall be subject to the requirements set forth in Subsection G(4)(a)[9] of this section. Timber harvesting within the Critical Area Buffer requires that a Buffer Management Plan be included in the Forest Management Plan.

(6) Water-dependent facilities. Those structures associated with industrial, maritime, recreational, educational or fishery activities requiring a location at or near the shoreline shall be considered water-dependent facilities and, thus, may be allowed within the Critical Area Buffer, subject to the additional conditions of this Subsection. An activity is water dependent if it cannot exist outside the Buffer and is dependent on the water by the intrinsic nature of its operation.

(a) Except as otherwise provided in this regulation, new or expanded water-dependent activities may not be permitted in those portions of the Buffer which occur in the RCA. Except as otherwise provided below, development activities or uses may be permitted in the Critical Area Buffer in IDA and LDA provided that it can be shown:

[1] That they are water dependent;

[2] That the project meets a recognized private right or public need;

[3] That adverse effects on water quality and fish, plant and wildlife habitat are minimized; and

[4] That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside of the Buffer.

(b) Except for a designated Buffer Exemption Area or for a variance granted in accordance with Section H, lot coverage in the Buffer may not exceed the minimum amount necessary for water-dependent facilities, regardless of the Critical Area classification or the size of the parcel or lot.

(c) Expansion of an existing water-dependent facility includes: expansion of services, extension or construction of additional slips or piers, construction of new buildings, expansion of existing impervious surfaces or installation of new or additional boat storage facilities. Expansion does not include

maintenance or repair or replacement of existing bulkheads, piers or buildings, or maintenance dredging. All new or expanded water-dependent facilities shall be located and operated in accordance with the following conditions:

[1] The activities shall not significantly alter existing water circulation patterns or salinity regimes.

[2] The water body upon which the facility and associated activities are proposed must have adequate flushing characteristics in the area for natural dispersal of and removal of pollution.

[3] Disturbance to wetlands, submerged aquatic vegetation or other areas identified as important aquatic habitats shall be minimized.

[4] Adverse impacts to water quality occurring as a result of the facility and associated activities, such as nonpoint source runoff, sewage discharge from land activities or vessels or pollutant runoff from boat cleaning and maintenance operations, shall be minimized.

[5] Shellfish beds shall not be disturbed or made subject to discharge which would render them unsuitable for harvesting.

[6] Dredging associated with the facility and associated activities shall utilize the method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the immediate vicinity of the dredging operation or within the Critical Area.

[7] Dredged material shall not be placed within the Critical Area Buffer or elsewhere in designated Habitat Protection Areas except in previously approved channel maintenance disposal areas, shore erosion protection measures or beach nourishment.

[8] Interference with the natural transport of sand shall be minimized.

[9] Location of such facilities in or adjacent to waterfowl staging and concentration areas shall be avoided to the maximum extent possible. The use of new or existing water-dependent facilities in waterfowl staging and concentration areas shall be minimized during the period of November through March to avoid disturbance to waterfowl wintering there or using the areas as migratory staging areas.

[10] A building permit for any construction in or over tidal waters is not valid without a concurrent State Wetlands License or Permit and Sections 404/10 Permits (as appropriate) from the Army Corps of Engineers.

[11] Construction of a non-water-dependent structure on new or existing pilings or pier over State or private wetlands in the Critical Area shall not be permitted. New boathouses located over State

or private wetlands in the Critical Area shall not be permitted. "Boathouse" means a structure with a roof or cover, or similar device, placed over open water to protect a boat or other vessel.

(d) All applications for new or expanded water-dependent facilities shall be required to submit such pertinent information and materials as are listed in the technical document, Program Requirements for Water-dependent Facilities (Appendix E of the Harford County Chesapeake Bay Critical Area Management Program, as amended), and as determined necessary by the Director of Planning. Based on the project size and scope, environmental sensitivity of the project site and potential adverse impacts to water quality, aquatic habitats or terrestrial habitats, the Director of Planning may require a comprehensive water-dependent facility plan as detailed in Appendix E of the Harford County Chesapeake Bay Critical Area Management Program, as amended. This plan must be approved by the Director of Planning. It is recommended that an applicant consult with the Department of Planning and Zoning before developing and submitting this information.

(e) Conditions relating to specific types of water-dependent uses. The development of the following water-dependent uses shall be subject to the following conditions:

[1] Commercial marinas, community marinas and piers, private piers, industrial water-dependent facilities and other associated maritime uses, including boating, docking and storage facilities.

[a] New commercial marinas and related maritime facilities shall not be permitted in resource conservation areas. Expansion of existing commercial marinas located in the RCA is allowed only if it is determined by the Director of Planning that the expansion will result in an overall net improvement in water quality at or leaving the marina site or a reduction in the pollutant loading from the marina.

[b] New or expanded commercial marinas and related maritime facilities in areas designated as limited or intensely developed areas must meet the following conditions:

(i) The best management practices cited in the technical report, Program Requirements for Water-dependent Facilities in the Critical Area (Appendix E of the Harford County Chesapeake Bay Critical Area Management Program, as amended), shall be applied to the location and operation of new or expanded marinas and related maritime facilities, where applicable.

(ii) State sanitary requirements for such facilities are complied with.

[c] New or expanded community marinas and other noncommercial boating, docking and storage facilities may be located in the Critical Area Buffer in the RCA, LDA and IDA if they meet the following conditions:

(i) The facilities do not offer food, fuel or other goods and services for sale and adequate sanitary facilities shall be provided.

(ii) The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded subdivision.

(iii) The facilities are associated with a residential development approved by the County for the Critical Area and are consistent with all the standards and regulations for the Critical Area as set forth in this section.

(iv) Any disturbance of the Critical Area Buffer is the minimum necessary to provide a single point of access to the proposed facilities.

(v) If community piers or slips are provided as part of a development built or constructed after June 24, 1988, private piers in the development shall not be permitted.

(vi) The number of slips or piers permitted at the facility shall be the lesser of a. and b. below:

a. One slip for each 50 feet of shoreline in a subdivision in the intensely and limited development areas and 1 slip for each 300 feet of shoreline in a subdivision in the resource conservation area; or

b. A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips and Dwellings
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

[d] No structure connected to the shoreline, such as a dock, pier or boathouse, shall extend outward from the mean high water line more than 25% of the distance to the mean high water line on the opposite shore or more than 250 feet, whichever is less, nor shall it extend into an existing navigational channel.

[e] New or expanded private water-dependent facilities for residential lots must meet the following conditions:

(i) New or expanded private water-dependent facilities will accommodate no more than 4 boats.

(ii) Non-water-dependent facilities shall not be constructed on piers.

[f] New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of IDA exempted from the Critical Area Buffer and are subject to the provisions of Subsection F(6)(a).

[2] Public beaches or other public water-oriented recreation or education areas. Public beaches or other public water-oriented recreation or education areas, including publicly owned boat launching and docking facilities and fishing piers, are allowed in the Critical Area Buffer in the RCA, LDA and IDA, provided that the following conditions are met:

[a] Adequate sanitary facilities shall be provided.

[b] Service facilities shall be located outside the Buffer.

[c] Permeable surfaces shall be used as the primary surfacing material if no degradation of groundwater would result.

[d] Disturbance to natural vegetation shall be minimized.

[e] Habitat protection areas shall be protected as consistent with provisions in Subsection G below.

[f] Areas for passive recreation such as nature study, hunting and fishing, and for education may be permitted in the Buffer if non-water-dependent structures or facilities associated with these projects are located outside of the Buffer.

[3] Water-dependent scientific research and fishery-related facilities. Water-dependent scientific research facilities operated by governmental agencies or educational institutions and commercial water-dependent fishery facilities, such as structures for crab-shedding, fish off-loading, docks and shore-based

facilities necessary for fishery activities, can be located in the Critical Area Buffer, provided that associated non-water-dependent structures or facilities are located outside the Buffer. Commercial water-dependent fishery activities and shore-based facilities necessary for aquaculture operations may be located in the Buffer in RCA, LDA and IDA.

(7) Surface mining.

(a) The establishment of new surface mining operations within the Critical Area shall be prohibited.

(b) Existing operations, including roads, accessory improvements, equipment and storage areas, may be continued within the Critical Area, provided that all such operations shall be conducted in a manner which:

[1] Does not adversely impact water quality, identified habitat protection areas or contiguous properties.

[2] Permits the rapid reclamation of the site, including any wash pond, when the operation has terminated.

[3] Retains the Critical Area Buffer of natural vegetation between the operation and tidal waters, tidal wetlands and tributary streams.

(c) The expansion of existing surface mining operations in the Critical Area shall be reviewed and may be permitted as a special exception. Prior to accepting any application for Board of Appeals review, the Director of Planning shall review the application and shall forward the application to the Board only upon making findings that such expansion shall have met the following conditions.

[1] The operation shall not have an adverse impact on identified habitat protection areas.

[2] The operation shall not be located on lands which are within 100 feet of the mean high water line of tidal waters, tidal wetlands or the edge of streams.

[3] The operation shall not be located on land with highly erodible soils.

[4] The operation shall not be permitted if the mining activity would prevent the use of the site for agricultural or forestry purposes for more than 25 years.

[5] Wash plants, including ponds, spoil piles, related equipment, roads, parking areas and other impervious surfaces, shall not be located within the Critical Area Buffer.

[6] An adequate reclamation plan has been developed.

(8) Shore erosion control measures. All development activities conducted on lands immediately adjacent to tidal waters or where existing developments are experiencing shoreline erosion problems shall be required to meet the following standards regarding the control of shoreline erosion:

(a) Other than in areas designated by MDE as appropriate for structural shoreline stabilization measures, improvements to protect a property against erosion shall consist of nonstructural shoreline stabilization measures that preserve the natural environment, such as marsh creation, except in areas where it can be demonstrated to the satisfaction of MDE that these measures are not feasible, including areas of excessive erosion, areas subject to heavy tides and areas too narrow for effective use of nonstructural shoreline stabilization measures.

(b) Where nonstructural measures are ineffective or impractical, as demonstrated to the satisfaction of MDE, stone revetments or riprap shall be used whenever possible to conserve fish and plant habitat. Bulkheads and other structural measures shall be used only where the use of revetments is infeasible or where their use is needed as part of a water-dependent facility.

(c) Erosion control plan. Where structural measures must be used, these must be established as specified in an erosion control plan approved by the Department of Planning and Zoning. The approved plan must be kept on the project site and be available for inspection upon request of the Zoning Inspector during the construction of the erosion control measures. An approved plan is not valid without all State and Federal permits and licenses and an approved Buffer Management Plan required to conduct such erosion control measures. The erosion control plan contains a site sketch of the existing shoreline and a site sketch of the proposed control measures. The erosion control plan also contains a brief description of the proposed methods and materials. The information required by the Army Corps of Engineers and Maryland Department of the Environment/ Nontidal Wetlands Division for a 404 Joint Permit Application is sufficient for submission as an erosion control plan.

(d) Slope stabilization. Where erosion of the slope in the Buffer is occurring above mean high water, stabilization of the slope may only occur in accordance with an approved Buffer Management Plan and in consultation with the Soil Conservation District and Critical Area Commission.

(9) Natural parks. The development and use of areas designated as natural parks shall recognize the limited ability of the natural systems to handle human impacts. The following standards shall apply to the development and use of such areas:

(a) The ability of a specific site to accommodate human disturbance on a daily or seasonal basis shall be considered in the design of visitor use facilities for natural parks areas.

(b) The Critical Area Buffer shall be maintained in the development of any natural park site. Trees or other suitable vegetation shall be planted within areas of the Buffer which are presently unvegetated.

(c) All areas listed as identified habitat protection areas in §267-4 (Definitions) shall be protected on a natural park site.

(d) Forest cover on the site shall be maintained to the maximum extent feasible.

(e) All publicly owned lands leased for agricultural activities shall have current soil and water conservation plans.

G. Habitat protection areas.

(1) The purpose of this Subsection is to ensure protection for the following types of areas with significant resource value, called "habitat protection areas," no matter where they are located within the Critical Area.

(2) The following areas of significant natural value are classified "habitat protection areas" and are so designated on each zoning map overlay or herein defined:

(a) Critical Area Buffer. An area a minimum 100 feet in width as measured from the mean high water line of tidal waters, edge of tidal wetlands and edge of bank of tributary streams shall be established and maintained in a natural condition. The Critical Area Buffer shall be expanded beyond 100 feet to include the following contiguous sensitive areas:

[1] Hydric soils, highly erodible soils, wetlands or other aquatic habitats and steep slopes.

[2] Steep slopes are defined as slopes which equal or exceed 15% slope. In the case of steep slopes within or contiguous to the Critical Area Buffer, the Buffer is additionally expanded beyond the expansions for the above-listed sensitive areas 4 feet for every 1% of slope as averaged over the contiguous steeply sloped area or to the top of the contiguous steeply sloped area, whichever is greater. Topographic information contained in Harford County's GIS will be used to determine the presence of steep slopes unless field verifications are provided to detail the locations of these slopes.

[3] Within the Resource Conservation Area, any application for subdivision or site plan approval, not involving the use of growth allocation, shall have a minimum buffer of 200 feet from tidal waters or a tidal wetland unless subdivision of the property at a density of one dwelling unit per 20 acres would be precluded and all other State and local requirements will be satisfied.

(b) Nontidal wetlands. Those areas which meet the definition of nontidal wetlands as set forth in §267-4 (Definitions), both mapped and located by field survey.

(c) Habitats of State-designated threatened or endangered species or species in need of conservation, natural heritage areas and habitats of local significance.

(d) Colonial waterbird nesting sites.

(e) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species.

(f) Anadromous fish propagation waters.

(g) Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands.

(3) General provisions.

(a) Development activities or other land disturbances, including commercial tree harvesting and agricultural activities, are prohibited within the boundaries of an identified habitat protection area unless permitted in Subsection G(4) below.

(b) The location of roads, bridges or utilities shall be prohibited within the boundaries of a habitat protection area unless there is no feasible alternative, as determined by the Director of Planning in consultation with the Director of the Department of Public Works, in which case they shall be located, designed, constructed and maintained to provide maximum erosion protection, to minimize adverse effects on wildlife, aquatic life and their habitats and to maintain hydrologic processes and water quality.

(c) All development activities that must cross or otherwise affect streams shall be designed to:

[1] Retain tree canopy so as to maintain stream water temperatures within normal variation;

[2] Provide a natural substrate for streambeds; and

[3] Minimize adverse water quality and quantity impacts of stormwater.

(4) Specific provisions. Activities affecting particular habitat protection areas shall comply with the following requirements:

(a) Critical Area Buffer.

[1] Any activity occurring on a lot or parcel that includes the Buffer must comply with COMAR 27.01.09.01.01-7 as amended, included as Appendix K and incorporated herein by reference.

[2] The Buffer shall be maintained in natural vegetation and may include planted native vegetation where necessary to protect, stabilize or enhance the shoreline.

[a] The Buffer shall be expanded to include contiguous sensitive areas such as steep slopes, hydric soils, highly erodible soils and nontidal wetlands in accordance with the expansion provisions in Appendix K.

[b] In the case of development or redevelopment that occurs on a lot or parcel that includes a buffer to tidal waters, a tidal wetland or a tributary stream, or the approval of a subdivision that includes a buffer to tidal waters, a tidal wetland or a tributary stream, the Buffer shall be established in accordance with the requirements set forth in Appendix K.

[3] New development activities, including redevelopment activities, may not be permitted in the Buffer, except for:

[a] Those necessarily associated with water-dependent facilities as approved in accordance with Subsection F(6) of this section;

[b] Shore erosion control or slope stabilization measures in accordance with Subsection F(8) of this section;

[c] Those occurring within an approved Buffer Exempt Area in accordance with Subsection G(4) of this section; and

[d] Those occurring on a lot or parcel created before January 1, 2010, where the Buffer has been expanded due to a highly erodible soil on a slope less than 15% or a hydric soil, if:

(i) The location of the development activity is in the expanded portion of the Buffer for a highly erodible soil on a slope less than 15% or a hydric soil but not in the 100-foot Buffer;

(ii) The buffer for a highly erodible soil on a slope less than 15% or a hydric soil occupies at least 75% of the lot or parcel; and

(iii) Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.

[4] The cutting or removal of natural vegetation in the Buffer is prohibited with the exception of disturbance necessary for:

[a] Access to private piers;

[b] Construction of an approved water-dependent facility;

[c] Installation of an approved shore erosion protection device or slope erosion control measure;

[d] Removal of a dead, diseased or dying tree; or

[e] Removal of a tree in danger of falling and causing damage to a dwelling or other structure, causing blockage of a stream or causing accelerated shore erosion.

[5] Mitigation. Any disturbance to the Buffer shall be mitigated per the requirements specified in Appendix K.

[6] Buffer Management Plan. Prior to any clearing of vegetation or removal of trees within the Buffer for activities permitted under Subsection (4)(a)[3] and [4] of this section, a Buffer Management Plan must be submitted and approved by the Department of Planning and Zoning prior to any clearing or removal per the specifications contained in Appendix K.

[7] Any violation of this Section shall require mitigation at a ratio of 4:1.

[8] Fee-in-lieu. If the mitigation requirements of Subsection (4)(a)[5] cannot be met, a fee-in-lieu of buffer mitigation may be paid at the rate of $1.50 per square foot of mitigation required. Appendix K specifies reporting requirements for the fee-in-lieu.

[9] For any commercial timber harvesting of trees by selection, a Buffer Management Plan shall be prepared by a Registered Forester and approved by the Maryland Department of Natural Resources based upon recommendations of the Harford County Forestry Board and the Harford County Department of Planning and Zoning. Cutting or clearing operations specified in such plans shall be conducted in accordance with the following requirements:

[a] Selective cutting may be permitted to within 50 feet of the mean high water line of tidal waters, perennial tributary streams and the edge of tidal wetlands. Commercial harvesting of trees by any method is permitted to the edge of intermittent streams provided that the requirements of this section are met.

[b] Nontidal wetlands and other identified Habitat Protection Areas shall not be disturbed.

[c] Disturbance to stream banks and shorelines shall be avoided.

[d] The area disturbed or cut shall be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the Buffer.

[e] The cutting shall not create logging roads and skid trails within the Buffer.

[10] The requirements of this Buffer Section are not applicable to:

[a] An in-kind replacement of a principal structure; or

[b] Land that remains in agricultural use after subdivision in accordance with a Buffer Management Plan per Appendix K.

[11] Buffer Exempt Areas. The following provisions apply to shoreline areas that have been identified as Buffer Exempt Areas in the Harford County Critical Area program as shown on the Buffer Exempt Area Maps attached hereto and incorporated herein by reference. Buffer exempt areas are those lots of record as of December 1, 1985 where the pattern of residential, industrial, commercial or recreational development prevents the Buffer from fulfilling its intended purposes as stated in COMAR 27.01.09.01.c. For purposes of this Buffer Exempt Area section, development refers to sites with less than 15% existing impervious surface and redevelopment pertains to sites with 15% or greater existing impervious surface.

[a] For single-family, detached residential areas designated as Buffer Exempt Areas, construction or placement of new or accessory structures, minor additions and associated new impervious surfaces on developed lots or parcels is permitted in the Buffer provided that:

(i) The applicant can demonstrate that there is no feasible alternative for the location of the new development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems.

(ii) New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the local setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 25 feet from the water (or the edge of tidal wetlands).

(iii) Existing principal or accessory structures in the Buffer may be replaced in the same location. Any increase in impervious area within the Buffer shall comply fully with the requirements of this section.

(iv) New accessory structures may be permitted in the Buffer in accordance with the following setback requirements:

A. New accessory structures may be located closer to the water or edge of tidal wetlands than the dwelling only if there are no other locations for the accessory structures;

B. The area of the accessory structures within the Buffer shall be minimized and the cumulative total area of all new and existing accessory structures within the Buffer shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total; and

C. In no case shall new accessory structures be located less than 25 feet from the water or edge of tidal wetlands.

(v) Variances to other setback requirements have been considered before additional development within 100 feet of mean high tide is approved.

(vi) No natural vegetation may be removed in the Buffer except that required by proposed construction. The applicant will be required to maintain any other existing natural vegetation in the Buffer.

(vii) Development does not impact any other habitat protection areas other than the Buffer, including nontidal wetlands, other State and Federal permits notwithstanding.

(viii) Buffer exempt area designations shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer to create additional buildable land for new development or redevelopment.

(ix) Any development in the Buffer Exempt Area requires mitigation in the form of plantings, offsets or fees in lieu.

A. Natural vegetation of an area twice the extent of the footprint of the development

activity within the 100-foot Buffer shall be planted on site in the Buffer or other location as may be determined by the Director of Planning. If it is not possible to carry out offsets or other mitigation within the Critical Area, any planting or other habitat/water quality improvements should occur within the affected watershed.

B. Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measures approved by the Director of Planning that improve water quality or habitat.

C. Applicants who cannot comply with either the planting or offset requirements above on site or off site within the Critical Area shall pay a fee in lieu of $1.20 per square foot for the area to be planted.

D. Any required reforestation, mitigation or offset areas must be designated under a development agreement or other instrument and recorded among the Land Records.

E. The County may establish regional areas for plantings and/or stormwater management facilities to fulfill the water quality and wildlife habitat functions of the Critical Area Buffer for those areas which have been exempted from the Buffer Exempt Area provisions using the fee in lieu paid. Monies contributed under this section shall be deposited in a separate account and shall be used for site identification, acquisition, design, preparation, planting and monitoring of vegetation at selected regional water quality and wildlife improvement areas and shall not revert to the general fund.

[b] For commercial, industrial, institutional, recreational and multi-family residential areas designated as Buffer Exempt Areas, construction or placement of new structures and

associated new impervious surfaces on developed parcels in the Buffer is permitted provided that:

(i) The applicant can demonstrate that there is no feasible alternative for the location of the new developed or redeveloped activity, including structures, roads, parking areas and other impervious surfaces or septic systems.

(ii) The applicant can demonstrate that efforts have been made to minimize Buffer impacts by locating activities as far as possible from mean high tide, the landward edge of tidal wetlands or the edge of tributary streams, and variances to other local setback requirements have been considered before additional intrusion into the Buffer. Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the Buffer.

(iii) New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the zoning district setback or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 50-foot setback shall be maintained for all subsequent development or redevelopment of the property.

(iv) Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the zoning district setback or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Existing structures located within the 25-foot setback may remain. A new structure may be constructed on the footprint of an existing structure or impervious surface if it complies with all of the setbacks of this section and other applicable district regulations. Opportunities to establish a 25-foot setback should be maximized.

(v) Development and redevelopment may not impact any habitat protection areas other than the Buffer, including nontidal wetlands, other State or Federal permits notwithstanding.

(vi) No natural vegetation may be removed in the Buffer except that required by the proposed construction. The applicant will be required to

maintain any other existing natural vegetation in the Buffer.

(vii) Buffer Exempt Area designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.

(viii) Any development or redevelopment in the Buffer exempt area requires mitigation in the form of plantings, offsets or fees in lieu.

A. A forested or landscaped buffer yard, 25 feet wide, shall be established on the project site between the development and the water. This buffer yard shall be densely planted with trees and shrubs.

B. On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then appropriate modifications to the width of the planted buffer yard may be made on a case-by-case basis as approved by the Director of Planning.

C. In addition to the 25-foot buffer yard, natural forest vegetation of an area twice the extent of the footprint of the development activity shall be planted within the 100-foot Buffer on site or at another location, preferably on site.

D. Applicants who cannot comply with the planting requirements in Subsection C above may use offsets to meet mitigation requirements, such as removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measure approved by the Director of Planning that improve water quality or habitat. If it is not possible to carry out offsets or other mitigation within the Critical Area, any planting or other habitat/water quality improvements should occur within the affected watershed.

E. Applicants who cannot comply with either the planting or offset requirements shall pay

a fee in lieu of $1.20 per square foot for the area to be planted.

F. Any required reforestation/ mitigation offset areas must be designated under a development agreement or other instrument and recorded among the Land Records.

G. The County may establish regional areas for plantings and/or stormwater management facilities to fulfill the water quality and wildlife habitat functions of the Critical Area Buffer for those areas which have been exempted from the Buffer Exempt Area planting provisions and use the fee in lieu alterative. Monies contributed under this section shall be deposited in a separate account and shall be used for site identification, acquisition, design, preparation, planting and monitoring of vegetation at selected regional water quality and wildlife improvement areas and shall not revert to the general fund.

(b) Nontidal wetlands.

[1] A 75-foot buffer shall be established adjacent to nontidal wetlands.

[2] Development activities shall not be permitted in nontidal wetlands or the 75-foot nontidal wetland buffer, except for permitted development associated with water-dependent facilities as listed in Subsection F(6) of this section.

[3] Existing farm ponds and other existing man-made bodies of water for the purpose of impounding water for agriculture, water supply, recreation or waterfowl habitat are specifically excluded from coverage by the provisions of this district.

[4] Development activities in the drainage areas to nontidal wetlands shall not adversely affect the quality or quantity of surface or subsurface flow to the nontidal wetland so as to adversely affect its water quality and protection of fish, plant or wildlife habitat value.

[5] The location of stormwater management measures is not allowed in nontidal wetlands and the 75-foot nontidal wetland buffer unless it is demonstrated, and only if the Director of Planning concurs, that there is no other technically feasible location and that the water quality benefits of the measures outweigh the adverse impacts on water quality and plant and wildlife habitat values of

the nontidal wetlands affected. In determining the adverse impacts of the location of such facilities, consideration can be given to the compensatory value of mitigation measures proposed to replace the lost water quality and habitat value of the affected nontidal wetlands. All Federal and State wetland permits must be obtained.

(c) Habitats of State-designated threatened or endangered species or species in need of conservation, designated natural heritage areas and habitats of local significance.

[1] Development activity and other land disturbances shall be prohibited in State-designated natural heritage areas, State-designated habitats of threatened and endangered species and species in need of conservation or identified habitats of local significance. Subject to the review of a site-specific study prepared in consultation with the Department of Natural Resources, the Director of Planning may approve development activities or disturbances if it can be shown that the proposed activities will not have or cause adverse impacts on the identified habitats.

[2] Forest Management Plans and soil and water conservation plans developed for forestry or agricultural operations within such protection areas shall include measures to protect the integrity of these habitats.

[3] The process for the designation of new habitats shall be in accordance with COMAR 27.01.09.04C(2)(C).

(d) Colonial waterbird nesting sites.

[1] A minimum 1/4 mile protection area buffer shall be established around any identified colonial waterbird nesting sites unless, subject to the review of a site-specific study prepared in conjunction with the Department of Natural Resources, it can be shown that development activity or disturbances will not have or cause adverse impacts on the identified habitats. Any development activities or other disturbances which are allowed should not occur during the nest-building and incubation periods, approximately February through April.

[2] Noise from construction or development activities should be minimized during the breeding season of February through April in areas adjacent to the 1/4 mile protection area buffer in order to avoid adverse impacts on nesting colonial waterbirds. The applicant is required to contact the Department of Natural Resources for information on the specific breeding seasons.

(e) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species. The following management practices shall be followed in the case of development, forest operations or other

activities in areas identified as breeding habitat for forest interior dwelling species in accordance with the procedures specified in the technical report, a guide to the conservation of forest interior dwelling birds in the Critical Area (Appendix J of the Harford County Chesapeake Bay Critical Area Management Program):

[1] Minimize disturbance during the may-august breeding season.

[2] Locate development or other activities that would cause disturbance to the forested areas such as roads, utility line corridors, structures and intensive timber harvesting on the periphery of the site.

[3] To the maximum extent feasible, retain the forest canopy and trees and shrubs underneath the canopy.

[4] Timber harvesting shall be undertaken utilizing techniques which help to maintain or improve habitat for forest interior dwelling species. The Department of Natural Resources shall be consulted for advice on the use of proper techniques prior to any timber harvesting operations.

(f) Anadromous fish propagation waters. The following management measures shall apply to any streams identified as anadromous fish propagation waters:

[1] The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.

[2] Channelization or other physical alterations which may change the course or circulation of a stream shall be prohibited.

[3] Construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited.

[4] The construction, repair or maintenance activities associated with bridges or other stream crossings or with utilities and roads which involve disturbance within the Critical Area Buffer or which occur in streams shall be prohibited between March 1 and June 15.

[5] All proposed in-stream construction projects shall maintain the natural stream channel bottom and predevelopment conditions.

H. Variances.

(1) Variances from the provisions of this section may only be granted if, due to special features of a site or other circumstances, implementation of this section or a literal enforcement of its provisions would result in unwarranted hardship (see Subsection H(5) below) to an applicant.

(2) All applications for variances shall be reviewed by the Director of Planning for conformance with applicable provisions of this section, and a written report shall be provided to the Board of Appeals.

(3) An application for a variance to legalize a violation of this section, including any unpermitted structure or development activity, may not be accepted unless the Department of Planning and Zoning first issues a notice of violation for the violation, per Subsection P.

(4) In granting a variance, the Board shall issue written findings demonstrating that the requested approval complies with each of the following conditions:

(a) That special conditions or circumstances exist that are peculiar to the land or structure within the County's Critical Area, and a literal enforcement of the Critical Area program would result in an unwarranted hardship.

(b) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area.

(c) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the Critical Area.

(d) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.

(e) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area, and the granting of the variance will be in harmony with the spirit and intent of this section.

(f) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.

(g) That the variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

(5) For purposes of this Subsection, "unwarranted hardship" means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. In considering whether unwarranted hardship exists, the County must consider the following:

(a) The County shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of the

Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the County's Critical Area Program.

(b) If the variance request is based on conditions or circumstances that are the result of actions by the applicant, the County shall consider that fact.

(c) An applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in Subsection H(5)(a) above.

(d) Based on competent and substantial evidence, the County shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established above.

(e) With due regard for the person's experience, technical competence and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

[1] The applicant;

[2] The County or any other government agency; or

[3] Any other person deemed appropriate by the County.

(6) If an activity or structure for which a variance is requested commenced without permits or approvals, and does not meet each of the variance criteria under this subsection, the variance request shall be denied and the structure must be removed or relocated and the affected resources restored.

(7) All applications for variance requests shall be filed in writing in accordance with §267-9D (Board of Appeals, Filings) of the Zoning Code, as amended. Notice of all variance requests and copies of applications filed in accordance with this section shall be sent to the Chesapeake Bay Critical Area Commission within 10 calendar days of filing with the Department of Planning and Zoning. A copy of the recommendation of the Hearing Examiner or of the Board in acting on the variance shall be sent to the Commission within 10 days.

(8) A permit for the activity that was the subject of the variance application may not be issued until the applicable 30-day appeal period has elapsed.

I. Special exceptions. All projects requiring approval as special exceptions within the Critical Area must meet the standards of this section. The Director of Planning may require such additional information, studies or documentation deemed necessary to ensure that applicable requirements of this district are met. Applications will not be considered complete for processing until all information as required by the Director of Planning has been received.

J. Nonconforming uses and structures. Subject to those requirements governing nonconforming uses or structures contained in §267-20 (Nonconforming Buildings, Structures and Uses) of the Harford County Code, as amended, any use or structure in existence, as of the date of the enactment of this section, shall be allowed to continue as originally built and utilized. Any intensification or expansion of such existing

nonconforming uses or structures shall only be allowed subject to the approval of a variance along with all necessary findings, as described in Subsection H of this section.

K. Grandfathering provisions. Notwithstanding the density provisions of Subsection F(3)(c) of this section, the following development activities shall be allowed in the Critical Area, provided that the development activity conforms to all applicable provisions for the protection of identified habitat protection areas, for the development of water-dependent facilities and for adequate stormwater management measures, including the limitation of lot coverage in LDA and RCA in accordance with F(3)(b) and F(3)(c)of this section, and that the development activity conforms to the remaining provisions of this section to the maximum extent possible:

(1) Construction of a single-family dwelling on an undeveloped, legal parcel of land or lot of record that existed as of December 1, 1985.

(2) Construction of subdivisions that received final approval prior to June 1, 1984, provided that lots not individually owned are consolidated or reconfigured to comply with the provisions of Subsection L below.

(3) Construction of subdivisions which received final approval between June 1, 1984, and December 1, 1985.

(4) Construction of subdivisions which received final approval after December 1, 1985, and prior to the date of approval of this section. Such subdivisions shall be consistent with the provisions of this section, or the development of these areas must utilize a portion of the County's growth allocation.

(5) The expansion by no more than 50% of commercial uses on parcels designated as limited development areas because they did not meet the minimum 20-acre size required for IDA designation.

L. Lot consolidation and reconfiguration. Consolidation or reconfiguration of grandfathered lots, as identified in Subsection K, must comply with the following:

(1) An application for the consolidation or reconfiguration of lots shall contain at least the following information:

(a) The date of recordation of each legal parcel of land or recorded, legally buildable lot to be consolidated or reconfigured;

(b) A plan drawn to scale and showing all existing and proposed parcel or lot boundaries;

(c) A table that lists the number of all legal parcels of land or recorded, legally buildable lots and the number of proposed parcels or lots to be derived; and

(d) Information sufficient to make findings set forth in Subsection (2) below.

(2) An application for lot consolidation or reconfiguration may not be approved unless the following written findings can be made:

(a) The proposal will not result in a greater number of lots, parcels or dwelling units in the Critical Area than the configuration in existence at the time of application would allow;

(b) In the Limited Development Area or Resource Conservation Area, the proposal:

[1] Will not result in greater lot coverage than development activities within the configuration in existence at the time of application would allow; and

[2] Will not result in greater impact to a steep slope than development activities within the lot configuration in existence at the time of application would allow, if that steep slope is located outside the Buffer or expanded Buffer;

(c) The proposal will not:

[1] Create an additional riparian parcel or lot, waterfront lot or any other parcel or lot deeded with water access; or

[2] Intensify or increase impacts associated with riparian access;

(d) The proposal will not create:

[1] A parcel, lot or portion of a parcel or lot that will serve development activities outside the Critical Area; or

[2] A Resource Conservation Area parcel or lot that will serve development activities in the Intensely Developed Area or Limited Development Area;

(e) The proposal identifies each Habitat Protection Area on site, and, if the proposal impacts a Habitat Protection Area, the proposed protective and restoration measures provide for the least possible adverse impact;

(f) The proposal:

[1] Will not result in a greater impact to a Habitat Protection Area than the impact that would result from development activities within the configuration in existence at the time of application; and

[2] Will minimize adverse impacts to the Habitat Protection Area;

(g) The proposal provides:

[1] Stormwater management for all proposed development activities; and

[2] Benefits to fish, wildlife and plant habitat that are clearly identified; and

(h) The proposal fully complies with the afforestation and reforestation requirements in this section, unless clearing is necessary to avoid a Habitat Protection Area.

(3) Final written decision or order.

(a) The Department of Planning and Zoning shall issue a final written decision or order granting or denying an application for a consolidation, reconfiguration, a modification or a reconsideration of a proposal.

(b) A copy of the final written decision, and a copy of the approved development plan, shall be sent by U.S. mail to the Critical Area Commission within 10 business days of the final decision.

(c) A permit or approval of any type may not be issued by the Department of Planning and Zoning on a property affected by the final written decision or order until after a 30-day appeal period afforded the Critical Area Commission in accordance with COMAR 27.01.02.08G.

(4) Minor lot line adjustments of 10 feet or less between 2 nonconforming lots of record are exempt from submittal to the Critical Area Commission.

(5) The provisions of this section do not apply to a conforming parcel or lot.

M. Amendments to management area boundaries and general program amendments. As defined in this section, the boundaries shown on the Critical Area maps depicting the Critical Area land use management areas (IDA, LDA, RCA), and provisions in the Critical Area program, may require amendment from time to time. All such amendments or changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this Subsection:

(1) For purposes of this section, the following definitions apply:

(a) "Program amendment" means any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a program refinement.

(b) "Program refinement" means any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted program or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

[1] A change to an adopted program that results from State law;

[2] A change to an adopted program that affects local processes and procedures;

[3] A change to a local ordinance or Code that clarifies an existing provision; and

[4] A minor change to an element of an adopted program that is clearly consistent with the provisions of State Critical Area law and all the criteria of the Commission.

(2) General procedures.

(a) The County Council may propose changes or amendments to the boundaries as shown on the Critical Area maps. The basis for approval of such amendments shall be due to:

[1] A mistake in the original designation of a management area; or

[2] The periodic review of the overall management program; or

[3] A request for a growth allocation.

(b) All proposed amendments shall be reviewed in accordance with the procedures and standards of this Subsection. In addition, all proposed amendments to the County's Critical Area program, including, but not limited to, the Zoning Code, Subdivision Regulations and Critical Area maps, shall be consistent with the purposes, policies, goals and provisions of the Critical Area law and all criteria of the Critical Area Commission.

(c) Application submittal. All applications for amendments shall be reviewed in the following manner:

[1] Amendments involving a growth allocation or other amendment request shall be submitted to the Department of Planning and Zoning. The Department of Planning and Zoning shall hold a pre-application meeting with the applicant and shall notify the applicant in writing of the sufficiency of their application within 30 calendar days of receipt of the application. The Department of Planning and Zoning shall present a report with a recommendation on the proposed amendment to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) within 90 calendar days of the determination of a complete application. The PAB and EAB shall transmit their recommendations on the proposed amendment to the County Council within 90 calendar days of receipt of the Planning and Zoning staff report. The Department of Planning and Zoning shall present a staff report with a recommendation on the amendment to the County Council concurrent with the PAB recommendation.

[2] If the Department of Planning and Zoning determines that an application is insufficient, the applicant shall submit whatever additional information the Department requires within 30 calendar days from the time of notification of insufficiency. If the required information is not submitted within 30 calendar days, the application shall be considered void.

[3] The County Council shall hold a public hearing on the proposed amendment. The Department of Planning and Zoning shall publish notice of the date, time and place of the hearing at least once in at least 2 newspapers published in the County at least 2 weeks prior to the hearing date and shall send notice of the hearing a minimum of 2 weeks prior to the hearing to all property owners whose land is immediately adjacent to or lies wholly or in part within the proposed amendment area. At any time after the hearing, the Council may approve or deny these proposed amendments.

[4] All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No amendment shall be considered final pending action by the State of Maryland Critical Area Commission.

[5] The Chairman, and as appropriate, the Commission, shall determine if the requests for program changes are consistent with the purposes, policies, goals and provisions of the Critical Area law and all criteria of the Commission.

[6] In accordance with the determination of consistency as outlined in Subsection M(2)(c)[5] above, the Chairman of the Critical Area Commission, or as appropriate, the Commission, shall approve the proposed program refinement or amendment and notify the County, deny the proposed program refinement or amendment, approve the proposed program refinement or amendment subject to one or more conditions or return the proposed program refinement or amendment to the County with a list of changes to be made.

(d) Information required. At a minimum, all applications for amendments shall include the following information:

[1] The proposed boundaries of the amendment request showing the existing and proposed boundaries of the management area.

[2] A written justification describing how the proposed amendment conforms to the objectives of the County's Critical Area Management Program and addresses the required findings for the management area where the project is to be located as specified below.

[a] The Director of Planning shall require additional materials as may be necessary for the review of the proposed amendments. For those amendments involving a growth allocation request, submittal requirements can be found in COMAR 27.01.02.05-1 and COMAR 27.01.02.05-2, including factors listed in Subsection N of this section. For amendments involving the correction of a mistake in the original designation, the applicant shall also provide a

statement specifying the mistake in the original designation of a land use management area that makes the proposed amendment necessary.

[b] All relevant information necessary for the Chairman of the Commission, and as appropriate, the Commission, to evaluate the changes.

(3) Fees. The following fee schedule shall apply to all applications for amendments to management area boundaries:

(a) Publication and posting fee...$200.00.

(b) Filing fee (all projects)...$500.00.

(c) Plus $15.00 per acre or portion of an acre within the Critical Area of Harford County.

(4) If the Council takes action to deny a growth allocation or boundary mistake argument, the applicant may not submit an application for the same request for 2 years following the decision unless a significant change has been made in the ownership or site conditions.

N. Expansion of intensely developed and limited development management areas.

(1) General requirements. The boundaries of the intensely developed and limited development management area, as shown on each zoning map overlay, may be expanded in accordance with the following procedures for use of a portion of the County's growth allocation:

(a) Acreage. The total area of expansion shall not exceed an area equal to 5% of that portion of the total land in the County's resource conservation management area that is not designated tidal wetlands. No more than ½ of the allocated expansion shall occur in areas shown in the resource conservation management area.

(b) Location. Expansion of the intensely developed or limited development management areas may be approved subject to the following locational criteria:

[1] New LDA shall be located adjacent to an existing limited development area or intensely developed management area. New intensely developed areas shall be located in a LDA or adjacent to an existing IDA or are an existing grandfathered commercial, industrial or institutional use that existed as of the date of the original local program approval.

[2] Such areas shall be located at least 300 feet from tidal waters or tidal wetlands if the land was originally designated in the original resource conservation management area, unless the Director of Planning proposes, and the Critical Area Commission approves,

alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.

[3] Such areas shall incorporate measures to protect water quality and identified habitat protection areas located on or adjacent to the proposed expansion areas.

[4] Such areas shall minimize impacts to habitat protection areas and lands in resource conservation management areas in proximity to such an expanded limited development or intensely developed area.

(2) Additional requirements. All projects granted a growth allocation shall conform to the following additional standards:

(a) All forested area removed shall be replaced on a square-footage basis in accordance with the procedures specified in §267-63 (Chesapeake Bay Critical Area Overlay District) of the Zoning Code, as amended, and the Forest Management Guide. If such replacement is not feasible, fee in lieu must be paid to the County in accordance with the procedures specified in this section.

(b) Pollutant loadings associated with developments granted growth allocations shall be managed according to the levels required for the land use management area amendment. In the case of a new intensely developed area, such loadings shall be reduced 10% from predevelopment levels. The procedures contained in the technical report entitled "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix B of the Harford County Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet these requirements.

(c) Development on slopes greater than 15% as measured prior to development shall be prohibited.

(d) Development on soils with development constraints, i.e., highly erodible soils, soils with severe septic constraints, hydric soils and soils with hydric inclusions as listed in Table 63-1, shall be restricted. The Director of Planning may permit development on such soils if adequate mitigation measures are applied to address the identified constraints and to avoid significant adverse impacts on water quality or fish, plant or wildlife habitats.

(3) Standards for review of expansion projects.

(a) Project review criteria. In addition to the requirements listed in Subsections N(1) and (2) above, all projects requesting an expansion of the IDA and LDA as a growth allocation shall be reviewed and evaluated for their conformance with the following factors:

[1] Consistency with the Harford County Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the Plan;

[2] For new IDA areas, whether the development is:

[a] To be served by a public wastewater system;

[b] To have an allowed average density of at least 3.5 units per acre;

[c] To be located in a Priority Funding Area if the IDA is greater than 20 acres; and

[d] To have a demonstrable economic benefit;

[3] For new LDA areas, whether the development is:

[a] To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;

[b] A completion of an existing subdivision;

[c] An expansion of an existing business;

[d] To be clustered;

[4] The use of existing public infrastructure, where practicable;

[5] Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on or off-site;

[6] Impacts on a Priority Preservation Area, as defined under §2-518 of the Agriculture Article;

[7] Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal water, tidal wetlands and tributary streams;

[8] Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development;

[9] The amount of forested area and other vegetative cover that is left undisturbed and in a natural state on the site;

[10] Additional public improvements and the specific nature of such improvements that will be provided with the proposed development (examples of these would include public access facilities to waterfront areas, acceleration of the provision of public water and sewer service to areas with existing health problems, dedication of lands for public park purposes, etc.); and

[11] Use of innovative site design and construction design features to minimize the disturbance of natural areas and reduce potential impacts on habitat protection areas and adjacent communities and RCA areas. These features could include, but are not limited to:

[a] The use of cluster development;

[b] The use of shallow-marsh creation stormwater management measures;

[c] The use of buffer areas to minimize impacts on existing habitats and wildlife corridors and protect adjacent natural and developed areas from impacts of the proposed development;

[d] The use of appropriate landscaping plans and materials to enhance the establishment of vegetated buffer areas on the project site;

[e] The use of conservation easements to permanently protect natural areas; and

[f] The use of Low-Impact Development (LID) practices. LID practices are described in the following documents, which are hereby incorporated by reference: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, The Practice of Low Impact Development (July 2003); Prince George's County, Maryland Department of Environmental Resources, Low-Impact Development Design Strategies: An Integrated Design Approach (June 1999); and Prince George's County, Maryland Department of Environmental Resources, Low-Impact Development Hydrologic Analysis (July 1999). Low-Impact Development techniques are encouraged as environmentally sensitive development credits in the 2000 Maryland Stormwater Management Design Manual, Volumes I and II.

(b) Annexation areas. Any area proposed for annexation by a municipality where the proposed use on the parcel requires a change in the land use management area (i.e., RCA to LDA or IDA, etc.) Shall be subject to all the procedures for growth allocation as specified in this section.

(4) Submittal requirements for growth allocation projects – refer to §267-63M(2)(d).

O. Comprehensive review of the Critical Area program.

(1) The Critical Area program shall be reviewed at least every 6 years, and the County Council shall propose any necessary amendments to the program or its adopted maps. The basis for approval of such amendments shall be due to:

(a) Updated resource inventory.

(b) Refinement of program for better consistency with the State Critical Area criteria.

(c) Refinement of program for more effective protection of natural resources within the Critical Area.

(2) General procedures. All such amendments or changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this Subsection:

(a) The Department of Planning and Zoning shall submit program amendments to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) together with a summary of the reasoning for the amendments.

(b) Within 60 calendar days the PAB and the EAB shall transmit their recommendations on the proposed amendment to the County Council.

(c) The County Council shall hold a public hearing on the proposed amendment. Notice of the date, time and place of the hearing shall be published at least 1 time in at least 2 newspapers published in the County at least 2 weeks prior to the hearing date. In addition, notice shall also be sent a minimum of 2 weeks prior to the hearing to all property owners whose land lies wholly or in part within the proposed amendment area for map amendments. At any time after the hearing, the Council must approve or deny these proposed amendments.

(d) All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No amendment shall be considered final until approved by the State of Maryland Critical Area Commission.

P. Enforcement.

(1) Any development activity undertaken contrary to the provisions of this section or any development activity undertaken without required permits or approvals constitutes a violation of this section of the Code.

(2) Enforcement action shall be taken by the Code Enforcement Officer upon the determination of a violation of this section.

(3) The following persons may each be held jointly or severally responsible for a violation:

(a) Persons who apply for or obtain any permit or approval;

(b) Contractors;

(c) Subcontractors;

(d) Property owners;

(e) Managing agents; or

(f) Any person who has committed, assisted or participated in the violation.

(4) Each violation that occurs and each calendar day that a violation continues constitutes a separate offense.

(5) The Code Enforcement Officer shall issue a notification letter to a person believed to be committing a zoning violation. The notification letter shall contain:

(a) The name and address of the person charged;

(b) The nature of the violation, with reference to the section of the Code violated;

(c) The place where and the time that the violation occurred;

(d) Restoration order and mitigation order to abate water quality and habitat impacts resulting from the violation; and

(e) A timeframe for compliance.

(6) Failure to comply with the requirements of the notification letter will result in a formal notice of violation being sent to the owner's last known address. If the violation is not satisfied within 15 calendar days from the date of the notice, the Code Enforcement Officer may request adjudication of the case through the District Court as a criminal offense. The District Court shall schedule the case for trial and summon the defendant to appear.

(7) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23A, §3(b)(8) through (15) of the Annotated Code of Maryland. The County Attorney may prosecute the case.

(8) In addition to any other penalty applicable under State or County law, each person who violates a provision of the Maryland Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, or this section, is subject to a fine not exceeding $10,000 per violation. The Court may impose a fine of up to $10,000 for each calendar day of a violation after considering:

(a) The willfulness for the violation;

(b) The harm to the environment or the community in which the violation occurred; and

(c) The cost to the County of enforcing the violation case.

(9) Permits pursuant to a violation. The Department may not issue any permit, approval, variance or special exception, unless the person seeking the permit, approval, variance or special exception has:

(a) Prepared a restoration and/or mitigation plan, approved by the Department, to abate impacts to water quality or natural resources as a result of the violation;

(b) Performed the abatement measures in the approved plan in accordance with local Critical Area requirements; and

(c) Unless an extension of time is approved by the Department because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance or special exception for the affected property, completed any additional mitigation required as a condition of approval for the permit, approval, variance or special exception.

(10) The Code Enforcement Officer may issue a restoration order to any person violating the Critical Area Program compelling the violator to:

(a) Remove any construction materials, equipment, any structure or other construction work or development activity built or erected in violation of the Critical Area Program.

(b) Restore any property to its condition as it existed before any violation of the Critical Area Program; and

(c) Perform any condition or obligation required by the Critical Area Program or by any permit, approval, special exception or variance.

(11) The Code Enforcement Officer shall issue a mitigation order to any person who has been cited for a violation of the Critical Area Program. Mitigation is required for all violations of the County's Critical Area Program and shall be in addition to any required abatement or restoration activities.

Q. Reasonable accommodations for the needs of disabled citizens.

(1) An applicant seeking relief from the Critical Area standards contained in this Ordinance in order to accommodate the reasonable needs of disabled citizens shall have the burden of demonstrating the following:

(a) The existence of a physical disability;

(b) Literal enforcement of the provisions of this Ordinance would result in discrimination by virtue of such disability;

(c) A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this Ordinance;

(d) The accommodation requested will not substantially impair the purpose, intent or effect of the provisions of this Ordinance as applied to the property; and

(e) Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant.

(2) The Director of Planning shall determine the nature and scope of any accommodation under this Ordinance and may award different or other relief than requested after giving due regard to the purpose, intent or effect of the applicable provisions of this Ordinance. The Director of Planning may also consider the size, location and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.

(3) The Director of Planning may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this Ordinance. Appropriate bonds may be collected or liens placed in order to ensure the County's ability to restore the property should the applicant fail to do so.

R. The Chesapeake Bay Critical Area Management Program, as enacted by Bill 01-36, along with all maps and appendices, is incorporated herein by reference as though it were fully stated herein, and the Chesapeake Bay Critical Area Management Program is hereby declared to be part of the Official Harford County Master Plan.

Harford County Highly Erodible and Hydric Soils 2007

As defined by COMAR 27.01.01, 30 & 32: highly erodible soils = soils with a slope greater than 15% or with a "K" value > .35 and slope of >5%; hydric = soils wet enough to periodically produce anaerobic conditions**, thereby influencing the species composition and growth, or both, of plants on these soils.

Table 63-1

Abr	Soil name	Soil type	Soil type	K#	Description	Slopes %
AdA	Aldino		Hydric †	.43	Silt loam	0-3
AdB	Aldino	Potentially erodible	Hydric †	.43	Silt loam	3-8
AdC	Aldino	Erodible	Hydric †	.43	Silt loam	8-15
AsB	Aldino	Potentially erodible	Hydric †	.37	Very stony loam	0-8
Av	Alluvial		Hydric	.43	Flood plain	
BaA	Baile		Hydric	.43	Silt loam	0-3
BaB	Baile	Erodible	Hydric	43	Silt loam	3-8
BeA	Beltsville		Hydric †	.43	Silt loam	0-2
BeB	Beltsville		Hydric †	.43	Silt loam	2-5
BeC	Beltsville	Erodible	Hydric †	.43	Silt loam	5-10
BrC2	Brandywine			.20	Gravelly loam	8-15
BrD3	Brandywine	Erodible		.20	Gravelly loam	15-25
BrE3	Brandywine	Erodible		.20	Gravelly loam	25-45
CcC2	Chester	Erodible		.32	Silt loam	8-15
CgD2	Chester	Erodible		.28	Gravelly silt loam	15-25
ChB2	Chillum			.43	Silt loam	2-5
CkC2	Chillum-Neshaminy			.43	Silt loam	2-5
Cu	Codorus		Hydric †	.43	Silt loam	
Cv	Comus			.43	Silt loam	
Cx	Cut and fill					
DcA	Delanco		†	.37	Silt loam	0-3
DcB	Delanco	Potentially erodible	†	.37	Silt loam	3-8
En	Elkton		Hydric	.43	Silt loam	
EhC2	Elioak	Erodible		.32	Silt loam	8-15
EsA	Elsinboro			.37	Loam	0-2
EsB2	Elsinboro			.37	Loam	2-5
EsC2	Elsinboro	Erodible		.37	Loam	5-10
EvC	Evesboro			.17	Loamy sand	5-15
Fs	Fallsington		Hydric	.32	Loam	
GcB2	Glenelg			.32	Loam mod erode	3-8

May have a high water Table without anaerobic conditions. Example: Delanco has a seasonal high water Table in late winter/early spring, but little or no biological activity using oxygen. Delanco is not hydric, but may have hydric inclusions.

† Soils may contain hydric soil inclusions in depressions, low areas, drainageways and seepage areas.

Table 63-1						
Abr	**Soil name**	**Soil type**	**Soil type**	**K#**	**Description**	**Slopes %**
GcC2	Glenelg	Erodible		.32	Loam mod erode	8-15
GcC3	Glenelg	Erodible				8-15
GcD2	Glenelg	Erodible		.32	Loam mod erode	15-25
GcD3	Glenelg	Erodible		.32	Loam sev erode	15-25
GgD2	Glenelg	Erodible		.32	Gravelly loam	15-25
GgD3	Glenelg	Erodible		.32	Gravelly loam	15-25
GnA	Glenville		Hydric †	.32	Silt loam	0-3
GnB	Glenville		Hydric †	.32	Silt loam	3-8
Hb	Hatboro		Hydric	.49	Silt loam	
JpB	Joppa			.28	Gravelly sandy	2-5
JpC	Joppa			.28	Gravelly sandy	5-10
KeB	Kelly	Potentially erodible	Hydric †	.37	Silt loam	3-8
KeC2	Kelly	Erodible	Hydric †	.43	Silt loam	8-15
KfD	Kelly	Potentially erodible	†	.24	Stony silt loam	3-25
KpA	Keyport		Hydric †	.43	Silt loam	0-2
KpB	Keyport		Hydric †	.43	Silt loam	2-5
KrA	Kinkora		Hydric	.43	Silt loam	0-3
KrB	Kinkora	Erodible	Hydric	.43	Silt loam	3-8
LeD2	Legore	Erodible		.32	Silt loam	15-25
LeE	Legore	Erodible		.32	Silt loam	25-50
LfD	Legore	Erodible		.24	Very stoney silt loam	15-25
LfE	Legore	Erodible		.24	Very stoney silt loam	25-45
LgD3	Legore	Erodible		.24	Silty clay loam	15-25
Lr	Leonardtown		Hydric	.43	Silt loam	
LyB	Loamy Clayey			.17		0-5
LyD	Loamy Clayey	Potentially erodible		.17		5-15
LyE	Loamy Clayey	Erodible		.17		15-30
MbB2	Manor	Potentially erodible		.37	Loam mod erode	3-8
MbC2	Manor	Erodible		.37	Loam mod erode	8-15
MbC3	Manor	Erodible		.37	Loam sev. Erode	8-15
MbD2	Manor	Erodible		.37	Loam mod erode	15-25
MbD3	Manor	Erodible		.37	Loam sev. Erode	15-25
McB2	Manor Channery	Potentially erodible		.37	Loam mod erode	3-8
McC2	Manor Channery	Erodible		.37	Loam mod erode	8-15
McC3	Manor Channery	Erodible		.37	Loam sev. Erode	8-15

May have a high water Table without anaerobic conditions. Example: Delanco has a seasonal high water Table in late winter/early spring, but little or no biological activity using oxygen. Delanco is not hydric, but may have hydric inclusions.

† Soils may contain hydric soil inclusions in depressions, low areas, drainageways and seepage areas.

Table 63-1						
Abr	**Soil name**	**Soil type**	**Soil type**	**K#**	**Description**	**Slopes %**
McD2	Manor Channery	Erodible		.37	Loam mod erode	15-25
McD3	Manor Channery	Erodible		.37	Loam sev. Erode	15-25
MdE	Manor	Erodible		.32	Stony loam	25-45
MfE	Manor	Erodible		.37	Soils	25-45
MgC	Manor and Glenelg			.32	Very stoney	3-15
MgD	Manor and Glenelg	Erodible		.32	Stoney loam	15-25
MkA	Matapeake			.49	Silt loam	0-2
MkB	Matapeake			.49	Silt loam	2-5
MlA	Mattapex		Hydric †	.43	Silt loam	0-2
MlB	Mattapex		Hydric †	.43	Silt loam	2-5
NsD	Neshaminy and Montalto	Erodible		.24	Stony silt loam	15-25
NsE	Neshaminy and Montalto	Erodible		.24	Very stony silt loam	25-45
Ot	Othello		Hydric	.32	Silt loam	
Sa	Sand and Gravel		Hydric †	.02		
ShB2	Sassafras			.28	Sandy loam mod erode	2-5
ShC2	Sassafras			.28	Sandy loam mod erode	5-10
SlB2	Sassafras			.28	Loam mod erode	2-5
SlC2	Sassafras			.28	Loam mod erode	5-10
SsD	Sassafras and Joppa			.28	Soils	10-15
SsE	Sassafras and Joppa	Erodible		.28	Soils	15-30
Sw	Swamp		Hydric			
Tm	Tidal marsh		Hydric			
WaA	Watchung		Hydric	.43	Silt loam	0-3
WaB	Watchung	Erodible	Hydric	.43	Silt loam	3-8
WcD	Watchung	Erodible	Hydric	.43	Very stony silt loam	0-8
WhC2	Whiteford	Potentially erodible		.32	Silt loam	8-15
WoB	Woodstown		Hydric †	.32	Loam	0-5

May have a high water Table without anaerobic conditions. Example: Delanco has a seasonal high water Table in late winter/early spring, but little or no biological activity using oxygen. Delanco is not hydric, but may have hydric inclusions.

† Soils may contain hydric soil inclusions in depressions, low areas, drainageways and seepage areas.

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§ 267-64. Chesapeake Science and Security Corridor. [Amended by Bill 09-31, as amended]

A. Purpose and intent. The intent of this overlay district is to encourage revitalization and redevelopment in the U.S. Route 40 corridor with the purpose of concentrating high-tech, science and security related employment and educational opportunities.

B. Application. The Chesapeake Science and Security Corridor is hereby defined as those parcels between the CSX Railroad and U.S. Route 40, and those parcels lying along the south side of U.S. Route 40 with direct frontage on U.S. Route 40, and those parcels zoned B2 or B3 without direct frontage on U.S. Route 40 within 2,000 feet of the right-of-way on the south side of U.S. Route 40. The Chesapeake Science and Security Corridor may be expanded along the south side by the inclusion of additional parcels being developed in combination with properties directly fronting on U.S. Route 40. All properties lying within the Chesapeake Science and Security Corridor shall be entitled to the privileges associated with this overlay district and shall be subject to the standards set forth herein.

C. Existing zoning. Unless otherwise specified in this section, the permitted uses and design standards for parcels within the Chesapeake Science and Security Corridor shall be those of the underlying zoning district. All other requirements of the Zoning Code shall remain in effect. 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. Minimum yard requirements. The minimum yard requirements are as specified in the Tables designating design requirements for specific uses. The Director of Planning may authorize a modification of the minimum yard requirements if the Director determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property, or other exceptional situations or conditions, warrants such a modification. Such a modification shall not reduce the required yard by more than 50% of the otherwise required yard. In no case shall the yard requirement be smaller than any required use setback or buffer yard for that particular use.

E. Maximum height. The maximum height of a structure on property zoned CI or B3 in the Chesapeake Science and Security Corridor shall be 6 stories. Heights for structures located in zoning districts other than B3 and CI in the Chesapeake Science and Security Corridor shall be as provided in the Harford County Code, as amended.

F. Revitalization, redevelopment or expansion of shopping centers constructed prior to 1982. Shopping centers and Integrated Community Shopping Centers (ICSC) constructed under the standards of Ordinance 6 may be structurally altered, revitalized or redeveloped, wholly or in part, through administrative approval of a Site Plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

(1) The gross square footage of a building does not increase more than 20%.

(2) The gross square footage of a building may be increased by up to 40% provided that the following improvements occur on the existing and the expanded portion of the site:

(a) New signage, which is cohesive and unifying, be installed throughout the entire site, pursuant to §267-33 (Signs); and

(b) Landscaping shall meet the requirements of §267-29 (Landscaping). Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsection F(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced, or considered the most appropriate and safest conditions, as a result of the expansion, as determined by the State Highway Administration. Linkages for bicycle, pedestrian and transit access shall be provided.

(4) The new construction shall meet the setback standards of §267-79 (Integrated Community Shopping Center (ICSC)) or shall extend no closer to the property lines and public roads than the existing structures, whichever is smaller.

(5) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or no less than 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure.

(6) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.

G. Modifications, revitalization, redevelopment or expansions of ICSC's constructed after 1982. An ICSC approved under the standards of §267-79 (Integrated Community Shopping Center (ICSC)) may be modified, revitalized, redeveloped or expanded through administrative approval of a Site Plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

(1) The gross square footage of a building may be increased by up to 20% provided that:

(a) All design standards of §267-79 (Integrated Community Shopping Center (ICSC)) must be met to the fullest extent possible; and

(b) All conditions of the prior approval, except square footage, can be met.

(2) The gross square footage of a building may be increased by up to 40% provided that all the conditions of Subsection G(1) are satisfied and that the following improvements occur on the existing and the expanded portion of the ICSC:

(a) New signage which is cohesive and unifying be installed throughout the entire ICSC, consistent with §267-33 (Signs); and

(b) Landscaping shall meet the requirements of §267-29 (Landscaping). Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsections G(1) and g(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced, or considered most

appropriate and safest conditions, as a result of the expansion, as determined by the State Highway Administration. Linkages for bicycle, pedestrian and transit access shall be provided, if appropriate.

(4) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure.

(5) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.

H. Chesapeake Science and Security Corridor shopping center approvals. An ICSC shall be permitted in the B2, B3 and CI districts in the Chesapeake Science and Security Corridor. For the properties within the Chesapeake Science and Security Corridor, the approval for location of an ICSC by the Board of Appeals shall be required only when the gross floor area exceeds 100,000 square feet. The development plans for shopping centers in the Chesapeake Science and Security Corridor shall be reviewed and approved by the Director of Planning with regard to site design and architectural compatibility.

I. Mixed use centers in the Chesapeake Science and Security Corridor. Mixed use centers shall be permitted, in conformance with Article VIII, in conformance with the standards established in §267-76 (Mixed Use Center).

J. Redevelopment of existing business uses. Existing business uses located within the Chesapeake Science and Security Corridor may be structurally altered, revitalized or redeveloped, wholly or in part, provided new construction meets the minimum yard requirements or extends no closer to the property lines and public roads than the existing structures, whichever is smaller. The minimum yard requirements may be reduced as permitted by §267-64 (Chesapeake Science and Security Corridor) of these regulations. All other provisions in the Code shall be applicable unless otherwise stated.

K. Residential uses in business districts. Residential uses may be integrated into business developments located in B3 and CI districts provided that square footage of residential use does not comprise more than 75% of the total building square footage proposed for the site. Such residential uses may include residential apartments located above retail and service uses or single-family attached or multi-family units incorporated into the design of the business development. Approval of such a mixed use center by the Director of Planning shall be based on architectural and site design elements, landscaping and buffering.

L. Additional residential uses in the B3 district, notwithstanding Subsection K of this section, lot line dwellings, patio/court/atrium dwellings, townhouse dwellings, multiplex dwellings and row duplex dwellings shall be permitted within the B3 district subject to the following conditions:

(1) Residential lots which abut 1 or more collector or arterial roads, the required front yard from the right-of-way shall be 25 feet from a collector road and 25 feet from an arterial road.

(2) Density. The maximum density permitted shall be 20 units per gross acre.

(3) Dwelling units per building block. A building bock shall be a series of attached dwellings. The minimum number of dwelling units per building block shall be 2. The maximum number of dwelling units per building block shall be 12, excluding apartment units.

(4) Building block length. The maximum length of a building block shall not exceed 180 feet, excluding apartment units.

(5) Distance between building blocks. The minimum distance between building blocks shall be 20 feet.

(6) Maximum building coverage. The maximum building coverage (percent of total lot) shall be 40% of the gross site area.

M. Emergency access. The design of the project shall provide that all multi-family and nonresidential structures 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.

§ 267-65. Edgewood Neighborhood Overlay District.

A. Purpose and intent. The intent of this district is to implement the Edgewood Community Plan adopted by Harford County. This district is intended to provide incentives as well as establish standards to encourage quality redevelopment consistent with the Community Plan.

B. Existing zoning. Unless otherwise specified in this section, the permitted uses and design standards for parcels in the Edgewood Neighborhood Overlay District (ENOD) shall be those of the underlying 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.

C. Applicability. This district includes all land situated between Maryland Route 152 and Otter Point Creek, north of the Aberdeen Proving Ground and south of the Chesapeake Science and Security Corridor as defined in §267-64 (Chesapeake Science and Security Corridor).

D. Streetscape design standards. The following streetscape requirements must be reviewed and approved by the Department of Planning and Zoning, with concurrence from the Department of Public Works:

(1) Sidewalks, at least 5 feet in width (except for Main Street Districts), shall be provided and constructed of similar materials consistent with adjacent sites.

(2) Street trees of a minimum 3-inch caliper shall be planted at 30 foot staggered intervals along sidewalks. Shrubs or planters may be used when street trees are not feasible. For protection of utilities refer to §267-29 (Landscaping).

(3) Pedestrian scaled streetlights shall be provided.

(4) Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.

(5) Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.

(6) Outdoor cafes and sidewalk displays shall maintain a clean, litter free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

(7) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.

E. Parking standard modifications. Parking standards shall not be reduced by more than 30% of the required number of spaces. The off-street parking requirements for any given use shall be established per §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 as follows:

(1) If parking lots are screened from the public right-of-way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.

(2) If parking is located in the rear, the parking standards may be reduced up to 10%.

(3) If pedestrian linkages to transit stops are provided, the parking standards may be reduced up to 10%.

(4) If on-street parking is provided, the parking standards may be reduced up to 5%.

(5) If bicycle connections are provided, the parking standards may be reduced up to 10%.

F. Shared parking provisions. A portion of the required parking may be provided on an adjacent property provided that:

(1) The underlying zoning of the adjacent property permits parking for the principal use of the site being developed.

(2) There is adequate parking to meet the parking requirements for all uses served by the parking.

(3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.

(4) The shared parking area is subject to a shared parking written agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. This agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking must also contain a provision for maintenance of the parking area.

(5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.

(6) The required parking area shall be paved with a structured pervious surface.

(7) Parking for residential uses shall be clearly designated.

G. Development standards.

(1) Main Street. The standards shall be applicable to all properties fronting the Main Street designated in the adopted Community Plan and shall take precedence over conflicting requirements.

(a) Minimum standards.

[1] Shared access drives along Edgewood Road are encouraged. Required side buffer yards are waived in areas of shared drives.

[2] Landscaped parking lots are to be located in the front of the buildings. A 5 foot landscaped strip shall be located between the sidewalk and the parking area along the property frontage.

Interconnection between parking areas on adjacent properties is encouraged.

[3] Side yard setbacks are to be 1/2 of those specified for other areas in the same zoning category in the Code.

[4] 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 sidewalk to building entrance.

[5] Architecturally harmonious materials, colors, textures and treatments shall 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. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

[6] Sidewalks at least 10 feet in width shall be provided the entire length of the property fronting the main street. Connections to existing sidewalks adjacent to the property shall be provided when appropriate.

(b) Live/work units are permitted provided that no more than 50% of the gross square footage of the structure is limited to residential use.

(c) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

(d) Buffer yards shall comply with the requirements sets forth in §267-30 (Buffer Yards).

(2) Mixed use centers in the Edgewood Neighborhood Overlay District. Mixed use centers shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-76 (Mixed Use Center).

(3) Planned employment centers in the Edgewood Neighborhood Overlay District. Planned employment centers shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-77 (Planned Employment Centers).

(4) Traditional Neighborhood Developments in the Edgewood Neighborhood Overlay District. Traditional Neighborhood Developments shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-78 (Traditional Neighborhood Developments).

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§ 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;

[b] Waste oil retention facilities required by statue, 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.

(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.

[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:

[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:

[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:

[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.

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.

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.

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

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.

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) The parcel shall be zoned and assessed agricultural.

(4) Meets the specific criteria for the use.

(5) Must be owner or tenant operated.

(6) Safe and adequate access shall be provided for vehicular traffic, as determined by the State Highway Administration or Harford County.

(7) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.

(8) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.

(9) Buildings in which animals are housed shall comply with §267-53 (AG Agricultural District).

(10) 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 type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the use and any public road and any off-site residence.

(11) 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.

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%

(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).

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 Article 70B, Section 10(a) of the Annotated Code of Maryland. The project shall be developed in accordance with and regulated by Article 70B, Section 7-23 of the Annotated Code of Maryland, Continuing Care Contracts (the "state CCRC act").

(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 50 feet in the R1 and R2 zoning districts and 60 feet 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.

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; and Bill 11-04, as amended]

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, CI, LI and GI 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.

(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.

(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.

(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) Provisions of Chapter 199 of the Harford County Code, as amended, must be met.

(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:

(a) The airfield is designed in accordance with design criteria recommended in the latest Federal Aviation Administration advisory circular for utility airports, or Heliport Design Guide.

(b) The approach and landing paths are in accordance with the current Federal Aviation Administration Regulation, Part 77, Objects Affecting Navigable Airspace.

(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) The takeoff and landing flight path of the aircraft has a minimum of 250 feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.

(f) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.

(g) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.

(2) Airports, general aviation. These uses may be granted in the CI, LI and GI districts, provided that:

(a) Landing, takeoff and utility areas used by aircraft shall be provided with a hard surface.

(b) No structures or areas used for servicing aircraft shall be located less than 200 feet from any property line or less than 100 feet from any public or private institution.

(c) Airport approach and departure paths shall not be located over residential, institutional or other densely populated areas.

(d) No areas used by self-powered aircraft shall be located less than 1,000 feet from any residential lot on the approach and departure ends of the runway.

(e) Parking of vehicles shall not be permitted within 100 feet of any property line.

(f) The airport shall be surrounded by a sturdy and well-constructed fence, not less than 6 feet in height, with suitable gates effectively controlling access to such area.

(g) 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.

(h) The Director of Planning shall refer the application to the federal aviation agency and/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.

(i) The takeoff and landing flight path will be a minimum distance of 250 feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.

(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 GI 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.

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 type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road.

§ 267-92. Other County Solid Waste Processing Facilities.

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 type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road.

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;

(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, CI, GI, 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.

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 Secretary of the Interior Standards for Rehabilitation.

(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 7 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 and Bill 10-30]

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
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
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

Historic Inventory Number	Property Name	Property Address
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.

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 Historic Preservation Projects.

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 Historic Preservation Projects.

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.

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 30 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 7 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.

(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;

[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.

[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.