

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru May 10, 2021

DEPARTMENT OF PLANNING AND ZONING

Harford County, Maryland

FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

and

SUBDIVISION REGULATIONS, Chapter 268

of the Harford County Code, As Amended
are included at the end of
The Development Regulations.

ZONING CODE AMENDMENT INFORMATION:

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
09-01	4/6/09	15-23AA	1/4/16
09-11	6/15/09	15-35AA	2/8/16
09-19AA	8/17/09	15-36AA	2/16/16
09-23AA	10/13/09	15-39AA	2/16/16
09-31AA	1/22/10	16-02AA	5/17/16
09-33AA	1/22/10	16-07	7/5/16
10-03	4/20/10	16-20	8/22/16
10-30	12/13/10	16-28	2/13/17
10-32AA	12/27/10	16-29AA	2/13/17
11-04AA	5/23/11	17-02	4/24/17
11-05AA	5/23/11	17-04	6/5/17
11-03	5/31/11	17-08AA	8/14/17
11-32	12/12/11	17-15AA	12/26/17
11-44	12/19/11	17-18AA	1/16/18
11-62AA	1/13/12	18-04AA	6/18/18
12-07AA	5/14/12	18-33	12/10/18
12-14	5/21/12	18-34	12/10/18
12-44	1/26/13	18-35	12/10/18
12-48AA	2/11/13	18-36	12/10/18
13-4AA	5/6/13	19-04AA	5/13/19
13-17	7/22/13	19-15AA	8/12/19
13-35	1/21/14	19-16AA	8/20/19
13-36	1/21/14	19-29AA	1/2/20
13-50	2/18/14	19-28	1/13/20
13-51	3/18/14	19-30	2/14/20
13-52	3/18/14	20-01	4/20/20
14-01	4/22/14	20-11	8/10/20
14-09	7/11/14	21-01	5/10/21
14-26AA	8/25/14		
15-17	12/7/15		

§ 267-4. Definitions. [Amended by Bill 09-19, as amended; Bill 11-04, as amended; Bill 11-05, as amended; Bill 11-32; Bill 12-44; Bill 12-48 as amended; Bill 13-35; Bill 14-1; Bill 15-39 as amended; Bill 16-02 as amended; Bill 16-20; Bill 17-04; Bill 18-36; Bill 19-04 as amended; Bill 19-15 as amended; Bill 19-16 as amended; Bill 19-29 as amended; Bill 20-11; and Bill 21-01 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 DWELLING UNIT (ADU) – An independent, self-contained dwelling unit located within a single-family detached dwelling.

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 - An animal that is accustomed to living in or about the habitation of man and is dependent on man for food or shelter, excluding livestock.

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.

ANIMAL SHELTER - A non-profit facility, as defined by the Internal Revenue Code as Amended, established for the purpose of providing shelter and care for domestic animals and livestock that have been abandoned or placed in the shelter by the Harford County Government or members of the public for permanent or temporary care. In addition to shelter and care, the facility shall provide evaluative care to determine the adoptability of animals, educational outreach programs on animal care for the community, on-site training programs for staff and volunteers, and areas for animals to exercise and socialize.

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

CERTIFICATE OF APPROPRIATENESS - A certificate issued by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission indicating its approval of plans for construction, alteration, rehabilitation, restoration, reconstruction, moving, or demolition of a Historic Landmark or of a site or structure within a designated Historic 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.

CLUB, NON-PROFIT - A social, civic service or fraternal association or corporation which is organized as a non-profit organization and operated exclusively for educational, social, civic, fraternal, patriotic or athletic purposes.

CLUB, PRIVATE - A social, civic service or fraternal association or corporation which is organized as a for profit organization for educational, social, civic, fraternal, patriotic or athletic purposes.

CLUB, RECREATIONAL - A yacht or boat club, country club, golf club, swim club or tennis club or other similar use and may be organized as a for profit or non-profit organization. Recreational clubs shall not be open to the general public at any time.

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 7,000 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 SOLAR ENERGY GENERATING SYSTEM (CSEGS) – Any solar energy generating system that functions as a principal use that uses energy from the sun to produce electricity for delivery through distribution lines to end-users that satisfies the requirements of the Public Utilities Article of the Annotated Code of Maryland, as amended, and does not exceed 2 megawatts of capacity, as measured in alternating current.

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 current standards as set forth in the Human Services Article of the Annotated Code of Maryland, as amended.

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.

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.

DISTILLERY, FULL - The establishment and operation of a plant for distilling, rectifying and blending an unlimited amount of brandy, rum, whiskey, alcohol and neutral spirits and which possesses the appropriate license from the State of Maryland. The sale and delivery of the alcoholic beverages to a person in the state or outside the state that is authorized to acquire the beverages, the manufacturing of alcoholic beverages in the name of certain other persons, acquiring alcoholic beverages from certain persons, conducting guided tours of the premises and selling or serving limited quantities of products manufactured on the premises shall be permitted. The sale of the manufactured product for off-premises consumption to a person on a guided tour of the distillery in accordance with regulations of the State of Maryland shall be permitted.

DISTILLERY, LIMITED - The establishment and operation of a plant for distilling, rectifying and bottling brandy, rum, whiskey, alcohol and neutral spirits which shall be operated in conjunction with a restaurant or bar and which possesses the appropriate license from the State of Maryland. Said operation may also include retail sales for on-premises or off-premises consumption as permitted by the State of Maryland.

DISTRICT - A zoning district.

DRILINE - 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.

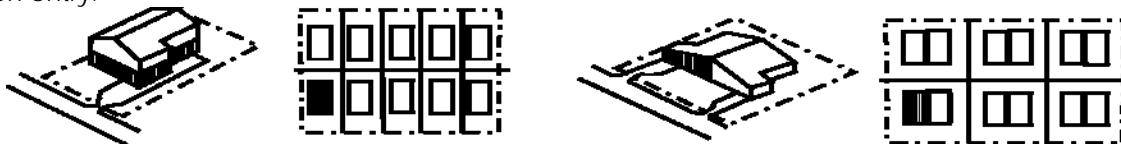


Figure 1 duplex dwelling

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

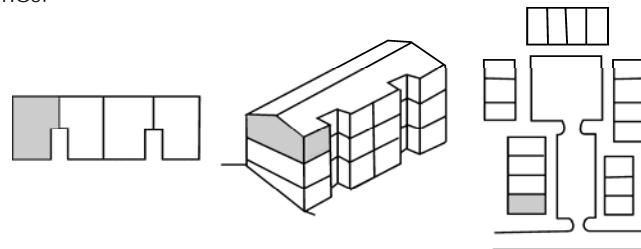


Figure 2 garden apartment

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

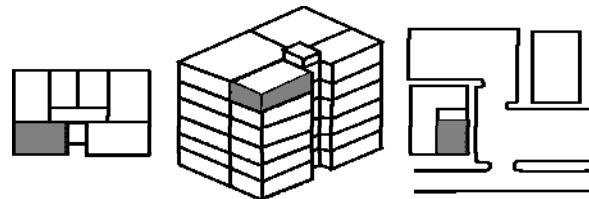


Figure 3 high-rise apartment

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.

VIEWSHED - An area of land, water or other environmental element that is visible from a fixed vantage point. In context with historic preservation, viewsheds may be described as areas of particular scenic or historic value that are deemed worthy of preservation against impacts resulting from development or other forms of change.

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.

ARTICLE VII. District Regulations.

§ 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. [Amended by Bill 09-31 as amended; Bill 11-06; Bill 12-14; Bill 12-48 as amended; Bill 13-4 as amended; Bill 15-36 as amended; Bill 15-39 as amended; Bill 17-02; Bill 17-04; Bill 17-18 as amended; Bill 19-15 as amended; Bill 19-16 as amended; Bill 19-29 as amended; Bill 20-01 as amended; Bill 20-11; and Bill 21-01 as amended]

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 TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)	ZONING DISTRICTS															
	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	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*	SE*	SE*	SE*	P	P	P	P	P
Community Solar Energy Generating System (CSEGS)			SE	SE	SE	SE			SE	SE	SE	SE	SE	P	SE	
Freight terminals												P	P		P	
Helistops	P												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	P
Rubble Landfills	P	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	P	
Truck stops or terminals											P	P		P		

(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															PERMITTED USE CHARTS
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
WAREHOUSING, WHOLESALING & PROCESSING																
Abattoirs, slaughterhouses	SE												P		P	
Bottling plants												P	P	P	P	
Creamery, cold storage	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, distribution and local delivery								P			P	P	P	P		
Mini-warehousing								P			P	P				

(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.

ARTICLE IX. Special Exceptions

§ 267-86. Purpose.

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

§ 267-87. General Regulations.

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

§ 267-88. Specific Standards. [Amended by Bill 09-31, as amended; Bill 10-03; Bill 11-04, as amended; Bill 13-04 as amended; Bill 16-07; Bill 17-04; Bill 18-35; Bill 19-15 as amended; Bill 19-16 as amended; and Bill 21-01 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) Club, recreational. 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 50 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) Club, non-profit. 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 $\frac{1}{2}$ 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 and CI 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) All applicable State and County laws and regulations are satisfied.

(7) Mobile homes. These uses may be granted in the R3, R4, VR, VB, B1, B2 and B3 districts, provided that:

- (a) The main roof of each unit shall be pitched, having at least 1 foot of rise for each 4 feet of horizontal. The roofing material shall be compatible with residential dwellings within the neighborhood in which the mobile home is to be located.
- (b) The exterior finish of the unit shall be of a color, material and scale which are harmonious with the existing residential dwellings within the neighborhood in which the mobile home is to be located. In no case shall the degree of reflectivity of exterior finishes exceed that of semi-gloss white paint. Siding, trim and features shall be compatible with other materials used in construction of the mobile home unit.

- (c) The mobile home unit shall be placed on a permanent foundation in accordance with the manufacturer's specifications. Installation shall include a positive surface water drainage away from each unit.
- (d) All wheels, axels, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
- (e) The lot size and yard requirements applicable to single-family detached dwellings in the respective zoning district shall apply to mobile homes.
- (f) In the VR and VB districts, mobile homes shall have a minimum width of 24 feet and a minimum length of 48 feet.

G. Retail trade.

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

H. Services.

- (1) Construction services and suppliers. These uses may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 5 acres in the AG district and .5 acres in the VB district is required.
 - (b) If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
 - (c) All parking and storage areas must be paved.
 - (d) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
- (2) Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.
 - (b) All parking areas must be paved.

- (c) A type "C" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
- (d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.

(3) Small engine repair. This use may be granted in the AG district, provided that:

- (a) A minimum parcel area of 2 acres is required.
- (b) All equipment must be stored within an enclosed building or fully buffered from view of adjacent residential lots and public roads.

(4) Funeral homes and mortuaries. These uses may be granted in the AG district, provided that:

- (a) The proposed use shall be located in a building which is residential in character.
- (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any residential lot or public road.
- (c) Access for such use shall be from an arterial or collector road.
- (d) A minimum parcel area of 3 acres is established.

(5) Kennels. These uses may be granted in the AG district, provided that:

- (a) A minimum parcel area of 5 acres must be provided.
- (b) All buildings for the shelter of animals and all runways shall be located at least 200 feet from any lot line.

(6) Pet grooming. This use may be granted in the AG district, provided that:

- (a) The activity takes place inside a completely enclosed building.
- (b) No animals may be kept overnight, except those owned by the proprietor.

(7) Personal services. These uses may be granted in the VR district, provided that:

- (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided between the parking area and any adjacent residential lot.
- (b) Gross floor area shall not exceed 5,000 square feet.

(8) Professional services. These uses may be granted in the VR district, provided that:

- (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided between the parking area and any adjacent residential lot.
- (b) Gross floor area shall not exceed 5,000 square feet.

(9) Restaurants and Brewery, Pub. These uses may be granted in the VB and B1 districts, provided that:

- The use is located with direct access to an arterial or collector road.
- 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 minimum parcel area of 3 acres is required.
- The use shall be located with direct access to an arterial or collector road.
- A type "A" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any adjacent residential lot.
- 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:

- The structure shall be of a size, scale and facade compatible with the surrounding residential neighborhood.
- All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses.
- 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:

- The airfield is designed in accordance with design criteria required for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- The approach and landing paths are in accordance with the requirements for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- 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.
- The length of the runway is sufficient for the aircraft to stop safely without thrust reversal after aborting takeoff at takeoff speed.

- (e) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.
- (f) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.
- (g) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.

(2) Airports, general aviation. These uses may be granted in the AG, CI, LI and GI districts, provided that:

- (a) Landing, takeoff and utility areas used by aircraft shall be provided with a hard surface.
- (b) All commercial maintenance or servicing of aircraft shall take place entirely within an enclosed structure. No structures used for the commercial maintenance or servicing of aircraft shall be located less than 200 feet from any property line.
- (c) Airport approach and landing paths are in accordance with requirements for public use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- (d) The airfield is designed in accordance with the design criteria for public use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, Subtitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- (e) A sturdy and well-constructed fence, not less than 6 feet in height, shall be constructed along any public road. All aircraft stored on the site shall be secured by locks or stored inside a locked enclosure to prevent the unauthorized use of such aircraft.
- (f) Appropriate airport accessory uses, such as restaurants, snack bars, automobile rental agencies, airline business offices and service facilities, but not other business or industrial uses, may be permitted.
- (g) The Director of Planning shall refer the application to the Maryland Aviation Administration or the appropriate regional planning bodies to determine:
 - [1] If such airport is an integral part of or will interfere with the general plan of airports for the Maryland-Washington regional district.
 - [2] If the takeoff and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of any nearby airport.

(h) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.

- (i) No more than 50% of the land area upon which the commercial operation is conducted may be located in the AG district. The commercial operation includes all buildings, pavement areas, airport approach and landing paths, aircraft parking and storage areas.
- (j) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.

(3) Communications and broadcasting stations. These uses may be granted in the AG district, provided that:

- (a) A minimum parcel area of 1 acre is established.
- (b) The building shall be architecturally compatible with adjacent buildings.
- (c) The building shall be set back at least 50 feet from any adjacent residential lot.

(4) Community Solar Energy Generating System (CSEGS). This use may be granted in the R1, R2, R3, R4, B1, B2, B3, CI, LI, and MO districts provided that:

- (a) No energy producing or service structures shall be located closer than 150 feet from any property line and no closer than 250 feet from any offsite dwelling unit. The setbacks for all other buildings and structures shall be the setbacks as set forth in the underlying zoning district.
- (b) No structures shall exceed 15 feet in height.
- (c) No CSEGS shall produce glare hazard to occupants of neighboring properties or persons traveling neighboring roads. All solar panels used in the CSEGS shall utilize glare-mitigating technology. A glare hazard analysis is required to assess the impacts of glare and if applicable, a plan to mitigate any glare hazard with additional screening shall be presented.
- (d) No CSEGS shall be constructed in any Natural Resource District or the Resource Conservation Area of the Chesapeake Bay Critical Area.
- (e) No CSEGS shall be located on or within the viewshed of a property listed on the Harford County Historic Landmark list.
- (f) The siting of any CSEGS shall avoid areas or locations that could potentially create environmental conflicts.
- (g) The siting of any CSEGS shall avoid visual corridors that are scenic viewsheds or scenic areas and shall not be located within 1 mile on either side of any designated scenic by-way on any County or State maintained roadway.
- (h) No CSEGS shall be constructed on land which is encumbered with an Agricultural Preservation or Conservation Easement; whether the easement is acquired through donation or with public funds, private funds or a combination of public and private funds.

- (i) The CSEGS shall be enclosed by a security fence that is located between the landscape buffer and the CSEGS and is a minimum height of 6 feet and suitable to prevent unauthorized access. The fence shall be constructed to meet any applicable State or Federal rule or standard addressing the physical security of power system facilities. Fencing shall be designed and installed to allow for the passage of small wildlife. The fence shall not be used to display any signage except as required by law.
- (j) A Type C landscape buffer shall be required along the perimeter of the project unless State or Federal standards provide minimum vegetation clearance distances and in such case, the landscaping requirements shall apply to the extent plantings can be installed in conformance with such standards.
- (k) In the B1, B2, B3, CI, LI and MO Districts, the landscape buffer and setbacks shall be as set forth in the underlying zoning district. Facilities in these zoning districts do not need to comply with the provisions set forth in Sections (4)(a), (4)(b), (4)(j) and the 2,000 foot setback provision in (4)(m).
- (l) The only signage permitted shall be no larger than 6 square feet, shall identify the CSEGS operator, its contact phone numbers and emergency contact information and shall be posted at each entrance and exit of the property at no less than 2 locations.
- (m) Up to 3 CSEGS may be constructed together on a parcel or on adjoining parcels and constitute a single community solar project. No single community solar project shall be closer than 2,000 feet from any other community solar project.
- (n) Decommissioning of a CSEGS
 - [1] The operator or property owner shall provide written notice by certified mail to the Department whenever the CSEGS is out of active production for more than 6 months. Any CSEGS that ceases to produce electricity for 12 months shall be considered abandoned.
 - [2] The operator or property owner shall either recommence production of electricity and schedule a site inspection with the Department of Planning and Zoning to verify that all use requirements are still intact or shall remove all equipment and systems and restore the site as near as practicable to its original predevelopment condition within 12 months of being considered abandoned.
 - [3] The operator or property owner shall notify the Department of Planning and Zoning, by certified mail, regarding plans to decommission a CSEGS facility, including the proposed date of discontinued operation.
 - [4] A decommissioned CSEGS site shall be restored to its original predevelopment condition within 12 months of notification and inspected by the Department of Planning and Zoning.

[5] Failure to comply with the requirements of this Section shall authorize, but not require, the County to remove the CSEGS and restore the site to its predevelopment condition and charge the property owner all associated costs.

[6] As a condition of Special Exception approval, the owner and/or operator agree to allow entry to remove an abandoned or decommissioned CSEGS facility.

(o) Financial assurance.

[1] Prior to the issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit or other financial assurance in a form acceptable to the Department of Planning and Zoning to secure payment of 125% of the anticipated cost of removal of all associated site improvements and restoration of the site to its predevelopment condition. The financial assurance shall remain in full force and effective while the CSEGS remains in place.

[2] The County shall review the amount of the security every 5 years and may require additional security or reduce the amount of the posted security if it determines, in its sole discretion, that the posted security no longer equals 125% of the decommissioning costs.

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.