

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru January 22, 2010

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>
09-01	4/6/09
09-11	6/15/09
09-19AA	8/17/09
09-31AA	1/22/10
09-33AA	1/22/10

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- (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.

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.

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.

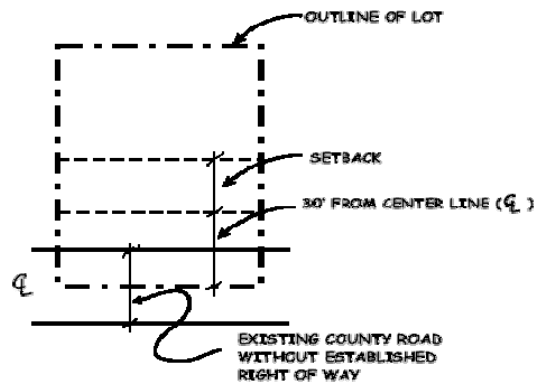
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- (2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject 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]

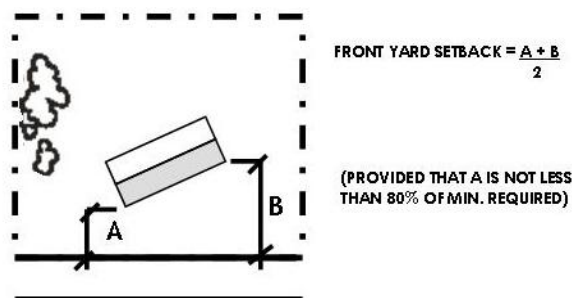
A. Front yard depth.

- (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.

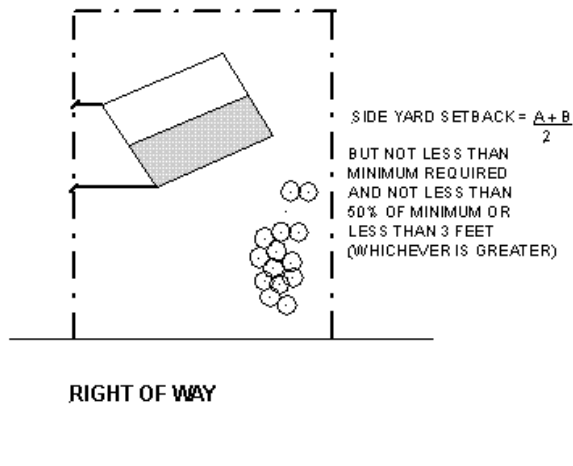


- (4) Corner and through lots.
- (a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.
- (b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted 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:
- Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
 - When measured from an alley, $\frac{1}{2}$ of the alley width may be included as a portion of the rear or side yard.
 - 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 $\frac{1}{2}$ 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.
- The following structures may encroach into the minimum yard requirements, not to exceed the following dimensions:

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- [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.

§ 267-29. 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.

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- (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

- (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.

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- (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.

ARTICLE VII. District Regulations.

[The Permitted Use Charts have been Amended by Bill 09-31, As Amended]

§ 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															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
INDUSTRIAL																
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	

(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															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
INDUSTRIAL																
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	

(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.

§ 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

§ 267-62. NRD Natural Resource District. [Amended by Bill 09-31, 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 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 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.
 - (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. 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]

- 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 shoreland 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).

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- (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) 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

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- [5] Except as specified below, any clearing of vegetation or removal of trees within the Buffer is prohibited unless a Buffer Management Plan is submitted and approved by the Department of Planning and Zoning prior to any clearing or removal. Any violation of this section shall require mitigation at a ratio of 3:1.
- [6] The cutting of trees or removal of natural vegetation may be permitted in the Critical Area Buffer where necessary to provide access to private piers, to install or construct a shore erosion protection device, an approved slope erosion control measure or a water-dependent facility, provided that the device, measure or facility has received all necessary State and Federal permits and provided that a Buffer Management Plan has been approved by the Department of Planning and Zoning.
- [7] Individual trees may be cut for personal use, provided that this cutting does not impair the water quality or existing habitat value or other functions of the Buffer and provided that the trees are replaced on an equal basis for each tree cut, as provided in a Buffer Management Plan approved by the Department of Planning and Zoning. Planting specifications for replaced trees are given in Appendix F of the Harford County Chesapeake Bay Critical Area Management Program, as amended.
- [8] Individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures or which are in danger of falling and therefore causing the blockage of streams or resulting in accelerated shore erosion. Individual trees removed must be replaced on an equal basis for each tree cut, as provided in a Buffer Management Plan and approved by the Department of Planning and Zoning.
- [9] Under the guidance of the Department of Natural Resources, horticultural practices may be used in the Buffer to maintain the health of individual trees. However, the clearing of understory may only be undertaken with a Buffer Management Plan approved by the Department of Planning and Zoning.
- [10] Other cutting techniques may be undertaken within the Buffer, under the advice and guidance of the Departments of Agriculture and Natural Resources, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire. A Buffer Management Plan approved by the Department of Planning and Zoning is required.
- [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.b. 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 greater than 15% 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

§ 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 C1 or B3 in the Chesapeake Science and Security Corridor shall be 6 stories. Heights for structures located in zoning districts other than B3 and C1 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

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- (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 block 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.

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.

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]

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

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

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

B. Industrial uses.

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

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

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

C. Institutional uses.

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

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

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

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

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

E. Natural resource uses.

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

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

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

F. Residential uses.

- (1) Apartments, high-rise. These uses may be granted in the R4 and B3 districts, provided that:
 - (a) A minimum parcel area of not less than 3 or more than 20 acres shall be established.
 - (b) The density shall not exceed 20 dwelling units per acre for mid-rise apartments and 30 dwelling units per acre for high-rise apartments, and the maximum building coverage shall be 40% of the total parcel for mid-rise apartments and 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 1 acre 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 1 acre 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 advisory circular for utility airports, AC 150/53004B, or Heliport Design Guide, AC 150/5390-1B, both by the Federal Aviation Administration.
 - (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.

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- (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 XV. Growth Management

§ 267-126. Adequate Public Facilities. [Amended by Bill 09-33, 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, 3-year, 4-year and 5-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;

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

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

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

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

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

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

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

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

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

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

(b) Sewerage.

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

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

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

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

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

(c) Water.

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

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

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

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

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

(d) Roads

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

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

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

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

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

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

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

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

(b) Water.

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

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

(c) Roads.

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

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- [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.