BILL NO. 23-005

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 23-005

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 23-005 Date: February 14, 2023

AN EMERGENCY ACT to create a six-month moratorium on the issuance of any approvals or permits for any development of any warehousing and wholesaling, processing, distribution and local delivery facilities on property zoned Village Business District - VB, General Business District - B3, Commercial Industrial District - CI, Light Industrial District - LI and General Industrial District - GI in Harford County so that Harford County Government can study and reconsider its zoning and development regulations with respect to such facilities.

By the Council, February 14, 2023

Introduced, read first time, ordered posted and public hearing scheduled:

on: March 14, 2023 at: 6:00 PM

By Order: Mylin M. Dixon, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on ______________, and concluded on_________ ____________

________________________________________, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.
WHEREAS, there is concern about the development of large warehouse facilities on the remaining undeveloped property zoned Village Business District - VB, General Business District - B3, Commercial Industrial District - CI, Light Industrial District - LI and General Industrial District - GI in Harford County; and

WHEREAS, there is concern about warehousing being combined with wholesaling, processing, distribution and local delivery in the Table of permitted uses in the Zoning Code; and

WHEREAS, large warehouse facilities ideally require connectivity with arterial roads via major collector roads to properly service such facilities without significantly and detrimentally impacting existing residential roads and community uses; and

WHEREAS, the nature and impact of modern warehousing facilities is significantly different than the Zoning Code could have anticipated for warehousing uses that are permitted by right; and

WHEREAS, large warehouse facilities provide little in the way of jobs and meaningful economic growth and development for the local communities where such facilities are located; and

WHEREAS, the owners of large warehouse facilities have been known to curtail the use of such facilities after development as such owners do not have significant economic ties to the locality where such facilities are located; and

WHEREAS, the remaining undeveloped properties zoned VB, B3, CI, LI and GI, whether located in the Interstate 95 – Route 40 corridor or elsewhere in the County are a valuable resource for meaningful economic development within Harford County; and

WHEREAS, the 2016 Master Plan calls for the development of a corridor capacity management and preservation review that coordinates land use and transportation decisions that has not been satisfactorily concluded; and

WHEREAS, there are additional public health, safety and welfare concerns with respect to large warehouse complexes located on the Perryman peninsula, which contains large parcels
of undeveloped property zoned CI and LI, including:

A. The 2016 Master Plan identifies the need for traffic safety and congestion relief studies to inform decision making and identify practical alternatives for improving conditions and the development of a corridor capacity management and preservation program, neither of which has been completed; and

B. The peninsula contains a large aquifer complex that supplies potable drinking water for the County and consideration is required as to how large expanses of impervious surface will impact the recharge of such aquifer complex; and

C. Whereas the peninsula is home to the Bush River watershed, and large expanses of impervious surface may adversely impact this Chesapeake Bay tributary watershed; and

D. The primary access road to the peninsula has insufficient transportation capacity to service existing development and the traffic associated with large warehouse development; and

WHEREAS, the citizens of Harford County have been petitioning and requesting their Harford County elected officials to reconsider its zoning and development laws with respect to large warehouse facilities;

WHEREAS, the Harford County Council introduced and unanimously adopted Bill No. 22-003, which provided for a moratorium on development of buildings for either a business or industrial use on the Perryman Peninsula, which was vetoed by County executive Glassman; and

WHEREAS, Harford County government desires to comprehensively study and reconsider how the development of warehousing and wholesaling, processing, distribution and local delivery facilities impact existing infrastructure and enhance the economic development of the County; and

WHEREAS, Harford County government desires to reconsider its zoning and development laws and regulations with respect to the development of warehouse facilities within Harford County;
WHEREAS, this moratorium does not apply to other principally permitted uses where
warehousing and wholesaling, processing, distribution and local delivery is an accessory to the
principal use of the property;

NOW THEREFORE,

Section 1. Be It Enacted by The County Council of Harford County, Maryland that there be
and hereby is a temporary moratorium on the issuance of any approvals or permits for any
development of any warehousing and wholesaling, processing, distribution and local delivery
facilities so that Harford County Government can study and reconsider its zoning and
development regulations with respect to such facilities.

Section 2. And Be It Further Enacted that this Bill is adopted as emergency legislation to meet
emergencies affecting public health, safety and/or welfare. The exigencies that support adoption as
emergency legislation include, in addition to the factors set forth in the recitals, the following:

A. The compatibility of large warehouse development projects in various phases of planning
has been a topic of intense public debate for over one year and remains unresolved. In fairness to all
stakeholders, the applicable regulatory regime should be studied and adjustments should be made so
that development, transportation, historical, environmental, economic and community needs are
balanced in a manner that bests serves the health, safety and welfare interests of the citizens of the
County.

B. Such projects will have immediate and long-term effects and impacts to transportation
safety along the existing road network impacted by such projects.

C. Such projects will have immediate and long-term quality-of-life impacts on existing
residential communities and businesses along the Interstate Route 95 and Route 40 corridor
and in other locations where there are undeveloped properties in VB, B3, CI, LI or GI
zoning districts. Additionally, such incompatible development could have economic and
quality-of-life or loss-of-welfare impacts on such communities and existing businesses.
D. Such projects in the Interstate Route 95 and Route 40 corridor will have immediate and long-term quality of life impacts on the military community and businesses on and servicing military projects on the Aberdeen Proving Ground, which has been a long-term partner with the County and has impacted economic and community development within the County for generations. Additionally, such incompatible development could have economic and quality of life loss/welfare impacts on such military community and County businesses that service military endeavors housed on the Aberdeen Proving Ground.

E. Inappropriate development of warehousing and wholesaling, processing, distribution and local delivery facilities could detrimentally impact the Chesapeake Bay watershed and have other detrimental immediate and long-term environmental impacts.

Section 3. And Be It Further Enacted that, as emergency legislation, this Act shall take effect on the date it becomes law.

Section 4. And Be It Further Enacted that in the event the emergency nature of this Act is effectually challenged, this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE:

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.

Council Administrator