

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND
BILL NO. 23-026

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

Legislative Day No. 23-022 Date September 5, 2023

AN ACT to add the definitions of “distribution and local delivery center”, “freight terminal”, and “warehousing” to Section 267-4, Definitions, of Article I, General Provisions, of Part 1, Standards; that Section 267-60, CI, LI and GI Industrial Districts, of Article VII, District Regulations by amending the purpose of the Light Industrial District and the General Industrial District in Subsection A as amended, and by adding additional general regulations in Subsection C(4)-(7) as amended; and to repeal and reenact, with amendments, Subsection B (3), Non-residential development, of Section 267-126, Adequate public facilities, of Article XV, Growth Management, of Part 2, Miscellaneous, all of Chapter 267, Zoning to clarify the public facility requirements that must be satisfied before issuance of permits and approvals; and by repealing and reenacting with amendments Permitted Uses Chart 19:20 and 19:21 by amending Permitted Uses Chart, Attachment 19:20, the “Freight terminal” row by deleting “freight terminal” as a permitted use in the B3 and LI use districts; and by amending Permitted Uses Chart Attachment 19:21 by deleting “Warehousing and wholesaling, processing and distribution and local delivery as a permitted use category, by adding a new permitted use category: “Warehousing, distribution and local delivery less than or equal to 150,000 square feet” and permitting such uses in the Village Business-VB, Business General-B3, Commercial Industrial-CI, Light Industrial LI and General Industrial GI use districts, and by adding a new permitted use category “warehousing, distribution and local delivery greater than 150,000 square feet and less than or equal to 250,000 square feet that shall be permitted only in CI, LI and GI use districts and only pursuant to the special conditions in Section 267-60C(4)(a)(4) in addition to all other applicable conditions under Chapter 267 Zoning as amended; all to read as follows and generally relating to zoning.

By the Council, September 5, 2023

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

on: October 2, 2023

at: 6:00 PM

Mylia A. Dixon
By Order: *Mylia A. 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.

AB
AS
Introduced

1 WHEREAS, there has been a moratorium on the issuance of permits for warehousing and
2 wholesaling, processing and distribution and local delivery facilities and projects while the County
3 studies the impact of existing projects and the impact of potential projects on undeveloped or
4 redeveloped land where such use is a permitted use and has considered how such uses have
5 changed and progressed since such use category was first created under the Zoning Code in 1982;
6 and

7 WHEREAS, the County has considered and reviewed existing inventory of what this Bill
8 defines as warehousing, freight terminals, and distribution and local delivery centers, and
9 occupancy vacancy rates of such facilities, particularly in the County; and

10 WHEREAS, the County has investigated residual issues associated with what this Bill
11 defines as warehousing, freight terminals, and distribution and local delivery centers and specific
12 issues with respect to the existing inventory of undeveloped property in CI, LI and GI use districts;
13 and

14 WHEREAS, County officials have met with community stakeholders and business
15 stakeholders to discuss, needs, wants and wishes with respect to what this Bill defines as
16 warehousing, freight terminals, and distribution and local delivery centers;

17 WHEREAS, the County has considered the general economic impact of what this Bill
18 defines as warehousing, freight terminals, and distribution and local delivery centers versus the
19 general economic impact of other permitted uses in the CI, LI and GI use districts in light of the
20 costs of supporting the infrastructure necessary to support such facilities;

21 NOW THEREFORE:

22 **Section 1.** Be It Enacted By the County Council of Harford County, Maryland that the
23 definitions of “distribution and local delivery center”, “freight terminal”, and “warehousing” are

1 added to Section 267-4, Definitions, of Article I, General Provisions, of Part 1, Standards; that
2 Section 267-60, CI, LI and GI Industrial Districts, of Article VII, District Regulations by amending
3 the purpose of the Light Industrial District and the General Industrial District in Subsection A as
4 amended, and by adding additional general regulations in Subsection C(4)-(7) as amended; and to
5 repeal and reenact, with amendments, Subsection B (3), Non-residential development, of Section
6 267-126, Adequate public facilities, of Article XV, Growth Management, of Part 2, Miscellaneous,
7 all of Chapter 267, Zoning to clarify the public facility requirements that must be satisfied before
8 issuance of permits and approvals; and by repealing and reenacting with amendments Permitted
9 Uses Chart 19:20 and 19:21 by amending Permitted Uses Chart, Attachment 19:20, the “Freight
10 terminal” row by deleting “freight terminal” as a permitted use in the B3 and LI use districts; and
11 by amending Permitted Uses Chart Attachment 19:21 by deleting “Warehousing and wholesaling,
12 processing and distribution and local delivery as a permitted use category, by adding a new
13 permitted use category: “Warehousing, distribution and local delivery less than or equal to 150,000
14 square feet” and permitting such uses in the Village Business-VB, Business General-B3,
15 Commercial Industrial-CI, Light Industrial LI and General Industrial GI use districts, and by
16 adding a new permitted use category “warehousing, distribution and local delivery greater than
17 150,000 square feet and less than or equal to 250,000 square feet that shall be permitted only in
18 CI, LI and GI use districts and only pursuant to the special conditions in Section 267-60C(4)(a)(4)
19 in addition to all other applicable conditions under Chapter 267 Zoning as amended; all to read as
20 follows:

21 **Chapter 267. ZONING**

22 **Article VI. General Provisions**

23 **§ 267-4 – Definitions.**

24 As used in this Part, the following terms shall have the meanings indicated:

1 DISTRIBUTION AND LOCAL DELIVERY CENTER – A CENTER WHERE RETAIL OR
2 FINISHED GOODS ARE STORED, SORTED, AND/OR PREPARED FOR FINAL DELIVERY
3 TO A RETAIL CONSUMER OR END USER.

4 FREIGHT TERMINAL - AN OUTDOOR OR INDOOR PAD, PAVED AREA OR
5 STRUCTURE, WHERE FREIGHT IN TRANSIT IS BROUGHT OR REMOVED BY MOTOR
6 TRUCK, AIRPLANE OR RAILROAD TO BE TEMPORARILY STORED, ASSEMBLED, OR
7 SORTED FOR ROUTING IN INTRASTATE OR INTERSTATE SHIPMENT; AND FOR THE
8 PURPOSE OF THIS CHAPTER SHALL INCLUDE ANY BUILDING, STRUCTURE OR
9 UNDEVELOPED LAND OCCUPIED FOR THE TEMPORARY STORAGE, PARKING OR
10 GARAGING OF MOTOR TRUCKS USED AS COMMON, CONTRACT OR SPECIAL
11 CARRIERS OPERATING UNDER INTRASTATE OR INTERSTATE CERTIFICATED
12 RIGHTS.

13 WAREHOUSING - THE BULK STORAGE OF GOODS OR COMMODITIES, OTHER THAN
14 HARVESTED COMMODITIES THAT CAN BE SOLD OR FURTHER PROCESSED AND
15 SOLD AS FOOD, FOR WHOLESALE OR BULK RETAIL RESALE OR TRANSPORTED TO
16 A DISTRIBUTION AND LOCAL DELIVERY CENTER OR LANDS, BUILDINGS, OR
17 STRUCTURES USED OR DESIGNED FOR THE STORAGE OF GOODS WHICH WILL BE
18 SOLD ELSEWHERE OR SUBSEQUENTLY TRANSPORTED TO ANOTHER LOCATION
19 FOR SALE OR DELIVERY.

20 **§ 267-60 CI, LI and GI Industrial Districts.**

21 A. Purpose.

22 (1) CI Commercial Industrial District. This district is intended for industrial, office and
23 business uses of a moderate scale and intensity.

(2) LI Light Industrial District. This district is intended to permit a mix of light TO MODERATE manufacturing, PROCESSING, [warehousing] and TECHNOLOGICAL DEVELOPMENT [service] uses. Retail sales are permitted as accessory to a manufacturing or distribution operation where the product is produced, PROCESSED or DEVELOPED AND STORED [warehoused] on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

(3) GI General Industrial District. This district is intended for industrial uses of a larger scale or more intensive MANUFACTURING OR processing with large areas of unenclosed storage, which may generate substantially more impact on surrounding properties. Retail sales are permitted as accessory to a manufacturing OR PROCESSING operation where the product is [produced] STORED [or warehoused] on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

§ 267-60. CI, LI AND GI INDUSTRIAL DISTRICTS.

C. Specific regulations applicable to industrial districts. The following uses are permitted, subject to the additional requirements below:

1

(4) WAREHOUSING, DISTRIBUTION, AND LOCAL DELIVERY CENTER USES
WITHIN BUILDINGS UP TO 150,000 SQUARE FEET MAY BE PERMITTED
IN THE CI, LI AND GI DISTRICTS, PROVIDED THAT THE FOLLOWING

1 REQUIREMENTS ARE MET:

2 (a) SPECIAL DIMENSIONAL REQUIREMENTS FOR WAREHOUSES

3 (1) THE MAXIMUM BUILDING HEIGHT SHALL BE 42 FEET.

4 (2) THE TOTAL MAXIMUM BUILDING COVERAGE SHALL BE

5 40%.

6 (3) THE TOTAL MAXIMUM IMPERVIOUS COVERAGE SHALL

7 BE 60%, UNLESS OTHERWISE REGULATED BY WATER

8 SOURCE PROTECTION DISTRICT REQUIREMENTS.

9 (4) WHERE THE FOOTPRINT OF THE PROPOSED PRINCIPAL

10 WAREHOUSE STRUCTURE IS GREATER THAN 150,000

11 SQUARE FEET AND LESS THAN OR EQUAL TO 250,000

12 SQUARE FEET, IN ADDITION TO THE OTHER

13 REQUIREMENTS OF THIS SECTION:

14 (a) THE MINIMUM LOT AREA SHALL BE 15 ACRES.

15 (b) ALL ACCESS POINTS SHALL BE A MINIMUM OF 250

16 FEET FROM ANY DWELLING.

17 (c) ALL DRIVE AISLES, LOADING/UNLOADING AREAS,

18 AND PARKING AREAS INTENDED FOR USE BY

19 TRACTOR TRAILERS AS WELL AS OUTDOOR

20 STORAGE AREAS SHALL BE A MINIMUM OF 250

21 FEET FROM ANY DWELLING.

(b) WAREHOUSING, DISTRIBUTION AND LOCAL DELIVERY CENTER USES SHALL NOT EXCEED 50% OF THE GROSS FLOOR AREA WITHIN A PROJECT.

(5) BUFFER YARDS

(a) A ONE-HUNDRED-FOOT-WIDE BUFFER YARD SHALL BE PROVIDED ALONG THE ENTIRE LENGTH OF THE STREET FRONTOAGE OF ANY PROPERTY UPON WHICH A WAREHOUSE IS LOCATED THAT ABUTS WITH PROPERTY IN ANY USE DISTRICT OTHER THAN A CI, LI OR GI USE DISTRICT. FURTHER, A ONE-HUNDRED-FOOT-WIDE BUFFER YARD SHALL BE PROVIDED ALONG ANY PROPERTY LINE WHICH ABUTS A RESIDENTIAL OR AGRICULTURAL ZONING DISTRICT OR AN EXISTING RESIDENTIAL USE.

(b) THE BUFFER YARD SHALL BE MEASURED FROM THE PROPERTY LINE OR STREET RIGHT-OF-WAY LINE. WHERE A LOT LINE, DRAINAGE OR UTILITY EASEMENT IS REQUIRED, THE BUFFER YARD SHALL BE MEASURED FROM THE INSIDE EDGE OF THE EASEMENT.

(c) THE BUFFER YARD SHALL BE A LANDSCAPED AREA FREE OF ROADS, SIDEWALKS, DRIVEWAYS, PARKING LOTS, STORAGE, BUILDINGS, AND STRUCTURES OF ANY KIND, EXCEPT FOR NECESSARY ACCESS ROADS OR PATHWAYS AS MAY BE REQUIRED BY COUNTY CODE OR FIRE OR SAFETY

1 REGULATIONS AND/OR AS MAY BE REQUIRED AND/OR
2 APPROVED BY THE BOARD OF APPEALS.

3 (d) THE BUFFER YARD SHALL BE LANDSCAPED WITH NATIVE
4 TREES AND VEGETATION, INCLUDING EVERGREEN TREES
5 (OTHER THAN WHITE OR LOBLOLLY PINE TREES), DECIDUOUS
6 TREES, FLOWERING TREES, AND SHRUBS.

7 (e) ALL AREAS OF THE BUFFER YARD NOT COVERED WITH
8 PLANTINGS SHALL BE COVERED BY A WELL MAINTAINED,
9 ALL-SEASON VEGETATIVE GROUND COVER SUCH AS GRASS.

10 (f) EARTHEN BERMS SHALL BE CONSTRUCTED WITHIN BUFFER
11 YARDS IN ACCORDANCE WITH SUBSECTION (5), BERM
12 REQUIREMENTS, HEREIN.

13 (g) MINIMUM PLANTING REQUIREMENTS IN BUFFER YARDS:

14 (1) NATIVE TREES AND SHRUBS SHALL BE PLANTED IN THE
15 FOLLOWING MINIMUM QUANTITIES PER 100 LINEAL FEET
16 OF BUFFER YARD, AS MEASURED PARALLEL TO THE
17 BUFFER YARD.

18 (a) TEN EVERGREEN TREES (OTHER THAN WHITE OR
19 LOBLOLLY PINE TREES).

20 (b) FIVE DECIDUOUS TREES.

21 (c) THREE FLOWERING TREES.

22 (d) TEN SHRUBS.

23 (2) THIS LANDSCAPING SHALL BE PROVIDED IN ADDITION

1 TO ANY LANDSCAPING REQUIRED BY OTHER COUNTY
2 REGULATIONS.

3 (3) PLANTINGS SHALL BE ARRANGED SO AS TO PROVIDE A
4 COMPLETE VISUAL SCREEN OF THE WAREHOUSE OF AT
5 LEAST 14 FEET IN HEIGHT (MEASURED IN ADDITION TO
6 THE HEIGHT OF THE BERM) WITHIN THREE YEARS.

7 (4) THE PLANTINGS SHALL BE ARRANGED ON THE OUTSIDE
8 (NON-WAREHOUSE SIDE) AND TOP OF THE BERM.

9 (5) EVERGREEN TREES SHALL HAVE A MINIMUM HEIGHT OF
10 EIGHT (8) FEET. DECIDUOUS TREES SHALL HAVE A
11 MINIMUM TRUNK CALIPER OF TWO (2) INCHES
12 MEASURED THREE FEET ABOVE THE TOP OF THE ROOT
13 BALL AND A MINIMUM HEIGHT OF TWELVE (12) FEET.
14 FLOWERING TREES SHALL HAVE A MINIMUM HEIGHT OF
15 SEVEN (7) FEET. SHRUBS SHALL HAVE A MINIMUM
16 HEIGHT OF THIRTY (30) INCHES. MINIMUM HEIGHTS
17 SHALL BE AS MEASURED FROM FINISHED GRADE AT THE
18 TIME OF PLANTING.

19 (6) BERM REQUIREMENTS

20 (a) A RAISED EARTHEN BERM SHALL BE CONSTRUCTED ALONG
21 THE ENTIRE LENGTH OF THE PORTION OF ANY STREET
22 FRONTRAGE OF ANY PROPERTY UPON WHICH A WAREHOUSE IS
23 LOCATED THAT ABUTS WITH AN EXISTING RESIDENTIAL USE

1 OR A ZONING DISTRICT OTHER THAN A CI, LI OR GI USE
2 DISTRICT.

3 (b) THE BERM SHALL HAVE A MINIMUM AVERAGE HEIGHT OF 14
4 FEET MEASURED ABOVE EXISTING GRADE ON THE OUTSIDE
5 (NON-WAREHOUSE SIDE) OF THE BERM. THE BERM SHALL NOT
6 HAVE A COMPLETELY CONTINUOUS HEIGHT BUT SHALL VARY
7 IN HEIGHT BY ONE OR TWO FEET ALONG THE LENGTH OF THE
8 BERM.

9 (c) THE BERM SHALL HAVE A MAXIMUM SIDE SLOPE OF THREE
10 FEET HORIZONTAL TO ONE FOOT VERTICAL.

11 (d) THE BERM SHALL HAVE A MINIMUM TOP WIDTH OF 10 FEET.

12 (7) OTHER REQUIREMENTS

13 (a) ALL ACCESS POINTS FOR ALL WAREHOUSES SHALL BE TO AND
14 FROM A COLLECTOR OR ARTERIAL ROADWAY, BUILT TO
15 COUNTY STANDARDS AND DIRECTLY CONNECTED TO THE
16 NEAREST COLLECTOR OR ARTERIAL ROADWAY BUILT TO
17 THOSE STANDARDS.

18 (b) IDLING RESTRICTIONS. THE USE SHALL INCLUDE SITE
19 FEATURES, AMENITIES, AND/OR SIGNAGE TO ENSURE
20 COMPLIANCE WITH LOCAL AND STATE LAWS CONCERNING
21 IDLING VEHICLES AND EQUIPMENT.

22 (c) DRIVEWAYS, WALKWAYS, AND PARKING, STAGING, AND
23 LOADING AREAS SHALL BE DESIGNED TO MINIMIZE

1 POTENTIAL CONFLICTS BETWEEN CARS, TRUCKS, AND
2 PEDESTRIANS INTERNAL TO THE SITE AND AT ACCESS POINTS
3 TO ADJACENT ROADWAYS.

4 (d) TRAFFIC STUDY. APPLICANT SHALL PREPARE A TRAFFIC
5 IMPACT ANALYSIS (TIA) PREPARED BY A PROFESSIONAL
6 ENGINEER, LICENSED IN THE STATE OF MARYLAND,
7 PURSUANT TO SECTION 267-126, ADEQUATE PUBLIC
8 FACILITIES.

9 (e) OFF-STREET PARKING, LOADING, AND STAGING SPACES AND
10 LOADING DOCKS ARE REQUIRED AS FOLLOWS:

11 (1) OFF-STREET PARKING SPACES – 1.5 PARKING SPACES
12 FOR EVERY 1 EMPLOYEE AT PEAK PERIODS OF
13 OPERATION, INCLUDING ANY POTENTIAL OVERLAP
14 BETWEEN SHIFTS.

15 (2) STAGING SPACES – TWO (2) 12-FT. X 75-FT. TRUCK
16 STAGING SPACES FOR EVERY ONE (1) LOADING DOCK. A
17 MINIMUM OF FIVE (5) PERCENT OF REQUIRED TRUCK
18 STAGING SPACES SHALL BE RESERVED FOR OUTBOUND
19 TRUCKS WHICH ARE REQUIRED TO LAYOVER OR REST
20 DUE TO HOURS OF SERVICE REGULATIONS. SUCH
21 SPACES MUST BE ACCESSIBLE DURING AND AFTER THE
22 FACILITY'S OPERATING HOURS AS NECESSARY.

23 (3) LOADING SPACES – ONE (1) 12-FT. X 75-FT. TRUCK

LOADING SPACE FOR EVERY ONE (1) LOADING DOCK.

(4) LOADING DOCKS – THE MINIMUM NUMBER OF LOADING DOCKS SHALL BE DETERMINED USING THE FOLLOWING CALCULATION:

(a) NUMBER OF TRUCKS PER HOUR (AT THE PEAK HOUR OF THE USE) X TURNAROUND TIME PER TRUCK (IN HOURS) = NUMBER OF REQUIRED DOCKS.

(b) THE NUMBER OF DOCKS DETERMINED BY THE
ABOVE FORMULA SHALL BE ROUNDED UP TO THE
NEXT WHOLE NUMBER.

(5) NO PARKING OR STAGING AREAS SHALL BE PERMITTED
WITHIN A DESIGNATED WATER SOURCE PROTECTION
DISTRICT.

(6) NO TRUCKS SHALL BE PERMITTED TO PARK OR STAGE ON PUBLIC STREETS WHILE WAITING TO ACCESS A FACILITY.

THE USE SHALL PROVIDE DESIGNATED SNOW STORAGE AREAS OF SUFFICIENT SIZE AND AT APPROPRIATE LOCATIONS ON THE SITE. SNOW STORAGE AREAS SHALL NOT INCLUDE ANY AREAS NECESSARY TO MEET MINIMUM PARKING, STAGING, OR LOADING SPACE REQUIREMENTS. SNOW STORAGE AREAS SHALL NOT BE LOCATED WITHIN A WATER SOURCE

1 PROTECTION DISTRICT.

2 (g) DRIVEWAYS AND INTERNAL DRIVE AISLES SHALL BE
3 DESIGNED WITH ADEQUATE WIDTHS AND TURNING RADII TO
4 ALLOW TRACTOR TRAILERS TO COMPLETE TURNING
5 MANEUVERS WHILE REMAINING WITHIN THEIR DESIGNATED
6 TRAVEL LANES. TURNING TEMPLATES SHALL BE PROVIDED
7 FOR ALL ANTICIPATED VEHICLE TYPES AND ROUTES.

8 (h) TRUCK DRIVERS SHALL BE INSTRUCTED AS TO THE
9 ACCEPTABLE TRAVEL ROUTES (RELATIVE TO THE CLASS OF
10 VEHICLE) BETWEEN THE FACILITY AND THE NEAREST
11 ARTERIAL ROADS BY WAY OF ON-SITE AND OFF-SITE SIGNAGE
12 AND OTHER APPROPRIATE MEANS AS NECESSARY.

13 (i) AN EXTERIOR ACCESS STAIR TOWER SHALL BE PROVIDED TO
14 ALLOW PUBLIC SAFETY PERSONNEL DIRECT EMERGENCY
15 ACCESS TO THE ROOF OF THE BUILDING FROM THE GROUND
16 LEVEL. STEPS, GUIDERAILS, HANDRAILS, BRACKETS, GATES,
17 AND OTHER COMPONENTS SHALL MEET OR EXCEED
18 APPLICABLE UNIFORM CONSTRUCTION CODE AND
19 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
20 (OSHA) STANDARDS. THE FINAL LOCATION AND
21 SPECIFICATIONS FOR THE EXTERIOR ACCESS STAIR TOWER
22 SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE
23 EMERGENCY SERVICES COORDINATOR AND/OR FIRE

1 MARSHALL.

2 (j) COMMERCIAL KNOX BOXES ARE REQUIRED TO PROVIDE
3 PUBLIC SAFETY PERSONNEL ACCESS TO ANY SECURED AREAS
4 OF THE SITE, THE PRINCIPAL BUILDING STRUCTURE, AND ANY
5 ACCESSORY STRUCTURES. THE FINAL LOCATION(S) AND
6 SPECIFICATIONS FOR KNOX BOXES SHALL BE SUBJECT TO
7 REVIEW AND APPROVAL BY THE EMERGENCY SERVICES
8 COORDINATOR AND/OR FIRE MARSHALL.

9 (k) WHEN SUBMITTING APPLICATION FOR REVIEW THROUGH THE
10 DEVELOPMENT ADVISORY COMMITTEE, THE APPLICANT
11 SHALL PROVIDE A WRITTEN NARRATIVE, AND ADDITIONAL
12 SUPPORTING INFORMATION, DOCUMENTATION, STUDIES, AND
13 REPORTS AS NECESSARY OR REQUIRED BELOW, CONTAINING
14 DETAILED DESCRIPTIONS OF THE PROPOSED USE AND
15 SUBSTANTIVE EVIDENCE DEMONSTRATING CONSISTENCY OF
16 THE PROPOSED USE RELATIVE TO EACH OF THE FOLLOWING
17 TOPICS:

18 (1) THE NATURE OF ALL ACTIVITIES AND OPERATIONS TO
19 BE CONDUCTED ON THE SITE, THE TYPES OF MATERIALS
20 TO BE STORED, THE DURATION OF STORAGE OF
21 MATERIALS, AND THE METHODS FOR DISPOSAL OF ANY
22 SURPLUS OR DAMAGED MATERIALS. IN ADDITION, THE
23 APPLICANT SHALL FURNISH EVIDENCE THAT THE

1 DISPOSAL OF MATERIALS WILL BE ACCOMPLISHED IN A
2 MANNER THAT COMPLIES WITH APPLICABLE STATE
3 AND FEDERAL REGULATIONS.

4 (2) HOURS OF OPERATION AND THE TIMES AND FREQUENCY
5 OF DELIVERIES, DISTRIBUTIONS AND/OR RESTOCKING.

6 (3) THE GENERAL SCALE OF THE OPERATION, IN TERMS OF
7 ITS MARKET AREA, SPECIFIC FLOOR SPACE
8 REQUIREMENTS FOR EACH ACTIVITY, AND THE TOTAL
9 NUMBER OF EMPLOYEES ON EACH SHIFT.

10 (4) ADEQUACY OF THE NUMBER, SIZE, AND LOCATION OF
11 LOADING AND STAGING SPACES PROVIDED FOR TRUCKS
12 TO ACCOMMODATE THE EXPECTED DEMAND
13 GENERATED BY THE USE, INCLUDING BOTH PRE-
14 LOADING AND POST-LOADING ACTIVITIES.

15 (5) ADEQUACY OF OFF-STREET STAGING SPACES
16 AVAILABLE FOR TRACTOR TRAILERS ARRIVING DURING
17 NON-BUSINESS HOURS.

18 (6) ADEQUACY OF OFF-STREET STAGING SPACES
19 AVAILABLE AT FACILITY ENTRANCES TO PREVENT
20 VEHICLES FROM QUEUEING ON PUBLIC STREETS WHILE
21 WAITING TO ACCESS THE FACILITY.

22 (7) THE APPLICANT SHALL SUBMIT A TRUCK ROUTING MAP
23 IDENTIFYING ANTICIPATED ROUTES TO AND FROM THE

1 PROPOSED FACILITY, CONSISTENT WITH TRUCK
2 ROUTING SIGNAGE AND TRIP DISTRIBUTION DATA
3 PRESENTED IN THE TRAFFIC STUDY AS REQUIRED
4 ELSEWHERE HEREIN.

5 **§ 267-126. ADEQUATE PUBLIC FACILITIES**

6 ...

7 B. Adequacy standards (minimum acceptable level of service).

8 (3) Nonresidential Development. Approval of nonresidential development and site
9 plans shall be subject to findings of adequate capacity based on the standards set in
10 this subsection and the current and projected use levels described in the annual
11 growth report:

12 (a) Sewerage.

13 (1) The County sewerage system shall be considered adequate if, taking into
14 consideration demands on the system generated or projected to be
15 generated by existing connections, buildings under construction that
16 will be connected to the system, all committed allocations evidenced by
17 payment of area charges and connection fees, all unexpired public
18 works utility agreements, all unexpired preliminary plans and properties
19 using individual sewerage system that are anticipated to connect to the
20 system on completion of a capital project then under construction or for
21 which funding has been authorized, right-of-way acquisition completed
22 and construction plans completed:

23 (a) Collectors system to serve the proposed development is designed

1 to accommodate expected ultimate peak gravity flows from the
2 development and other developable land within the drainage
3 area;

4 (b) Interceptors to serve the proposed development have sufficient
5 available capacity to accommodate expected peak gravity flows
6 from the development;

7 (c) Pumping stations and force mains, receiving flows from the
8 collector system in the drainage/service area, have sufficient
9 available capacity to accommodate ultimate peak flows from the
10 proposed development and other developable land within the
11 drainage area;

12 (d) Pumping stations and force mains, receiving flows from
13 interceptors to serve the proposed development, have sufficient
14 available capacity to accommodate expected peak flow from the
15 proposed development; and

16 (e) Treatment plant(s) have sufficient available capacity to
17 accommodate expected annual average and maximum daily
18 loadings from the proposed development.

19 (2) The County sewerage system shall also be considered adequate if there
20 is compliance with (1)(a) and (c) of this Subsection and the County has
21 [funded] ACQUIRED ALL NECESSARY LAND OR RIGHTS OF
22 WAY, AWARDED A CONTRACT FOR THE CONSTRUCTION OF
23 projects for the improvement of the facilities necessary to comply with

1 requirements of (1)(b), (d) and (e) of this Subsection, AND HAS
2 ISSUED A NOTICE TO PROCEED WITH THE CONTRACT
3 WORK. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED
4 FOR DEVELOPER'S PROJECT UNTIL THE NECESSARY
5 SEWERAGE WORK HAS BEEN COMPLETED.

6 (3) The County sewerage system shall also be considered adequate if there
7 is compliance with (1)(e) of this subsection and the developer agrees to
8 construct the improvements to the system NECESSARY to meet the
9 requirements of (1)(a), (b), (c) and (d) of this section BY OR BEFORE
10 COMPLETION OF DEVELOPER'S PROJECT AND ISSUANCE OF
11 ANY CERTIFICATE OF OCCUPANCY. [or the developer executes
12 an agreement with the County for improvements to the system to meet
13 the requirements of (1)(a), (b), (c) and (d) of this subsection.]

14 (4) If the County sewerage system is found to be inadequate, then
15 preliminary subdivision plans, site plans and extensions of previously
16 approved preliminary subdivision plans shall not be approved.

17 (5) Conditional review. If Paragraphs (1)(a), (b), (c), (d) or (e) of this
18 subsection prevent[s] approval or the extension of a previous approval
19 of a preliminary subdivision plan or site plan, the Department of
20 Planning and Zoning may proceed with conditional review of the plan
21 and place it on a waiting list arranged by date of completion of the
22 review and, for previously approved plans, by date of the request for the
23 extension. Record plats, grading permits and public works agreements

1 for utilities or roads shall not be executed by the County until the plan
2 for the project is removed from the waiting list and preliminary approval
3 or extension of the previous approval is granted. Removal from the
4 waiting list shall occur only when the condition that prevented approval
5 under Paragraphs (1)(a), (b), (c), (d) or (e) of this subsection no longer
6 exists.

7 (6) Grandfathering. Unless an extension of the approval of the plan is
8 granted in accordance with the subdivision regulations, development
9 conducted in accordance with a preliminary plan or site plan approved
10 before the effective date of Council Bill 93-26 is exempt from the
11 provisions of this subsection concerning the adequacy of the sewerage
12 system. If an extension of the approval of the plan is granted, the
13 development is subject to the provisions of this subsection concerning
14 the adequacy of the sewerage system. If development is exempt from
15 the provisions of this subsection concerning the adequacy of the
16 sewerage system, execution of public works utility agreements for such
17 development is subject to availability of capacity in the sewerage system
18 at the time of application for the public works utility agreements.

19 (b) Water.

20 (1) The County water system, A MUNICIPAL WATER SYSTEM or A
21 community water system OPERATING IN ACCORDANCE WITH
22 THE REQUIREMENTS OF THE ENVIRONMANTAL ARTICLE OF
23 THE MARYLAND ANNOTATED CODE AND OTHER

1 APPLICABLE STATE LAW REQUIREMENTS shall be considered
2 adequate if, taking into consideration demands on the system generated
3 or projected to be generated by existing connections, building under
4 construction that will be connected to the system, all committed
5 allocations evidenced by payment of area charges and connection fees,
6 all unexpired public works utility agreements, all unexpired preliminary
7 plans and properties using individual water supply system that are
8 anticipated to connect to the system on completion of a capital project
9 then under construction or for which funding has been authorized, right-
10 of-way acquisition completed and construction plans completed:

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

16 (b) Booster stations and/or transmission mains in the service area
17 have sufficient available capacity to provide maximum day
18 demand and minimum required pressure for fire flow to the
19 proposed development;

20 (c) Storage tanks in the service area have sufficient available
21 capacity to provide peak hour 8 demand in addition to fire flow
22 to the proposed development; and

23 (d) Source and treatment facilities in the service area have sufficient

1 available capacity to provide maximum day demand to the
2 proposed development.

3 (2) The County water system, MUNICIPAL WATER SYSTEM or
4 community water system shall also be considered adequate if the
5 County or the operating entity has ACQUIRED ALL NECESSARY
6 LAND OR RIGHTS-OF-WAY REQUIRED TO COMPLETE THE
7 NECESSARY WATER SYSTEM IMPROVEMENTS, HAS
8 AWARDED A CONTRACT FOR THE CONSTRUCTION OF
9 [funded projects for the improvement of] the facilities necessary to
10 comply with the requirements of Paragraphs (1)(a), (b), (c) and (d) of
11 this subsection AND HAS ISSUED A NOTICE TO PROCEED WITH
12 THE CONTRACTED FOR WORK. NO CERTIFICATE OF
13 OCCUPANCY SHALL BE ISSUED FOR DEVELOPER'S PROJECT
14 UNTIL THE WATER SYSTEM IS OPERATIONAL AND CAPABLE
15 OF SUPPLYING WATER TO DEVELOPER'S PROJECT.

16 (3) The County water system, MUNICIPAL WATER SYSTEM or
17 community water system shall also be considered adequate if there is
18 compliance with (1)(c) and (d) of this subsection and the developer
19 agrees to construct the improvements to the system NECESSARY to
20 meet the requirements of (1)(a),(b), (c) and (d) of this [section]
21 SUBSECTION or the developer executes an agreement with the
22 County, MUNICIPALITY or the operating entity for improvements to
23 the system NECESSARY to meet the requirements of (1)(a) and (b) of

this subsection, ALL NECESSARY LAND OR RIGHTS-OF WAY TO CONSTRUCT THE NECESSARY FACILITIES HAVE BEEN ACQUIRED AND A NOTICE TO PROCEED WITH THE CONSTRUCTION WORK HAS BEEN ISSUED. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR DEVELOPER'S PROJECT UNTIL THE WATER SYSTEM IS OPERATIONAL AND CAPABLE OF PROVIDING A SUFFICIENT SUPPLY OF WATER TO DEVELOPER'S PROJECT.

(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 (1)(a), (b), (c) or (d) of this subsection no longer exists.

2 (6) Grandfathering. Unless an extension of the approval of the plan is
3 granted in accordance with the subdivision regulations, development
4 conducted in accordance with a preliminary plan or SITE PLAN
5 approved before the effective date of Council Bill 93-26 is exempt from
6 the provisions of this subsection concerning the adequacy of the water
7 system. If an extension of the approval of the plan is granted, the
8 development is subject to the provisions of this subsection concerning
9 the adequacy of the water system. If development is exempt from the
10 provisions of this subsection concerning the adequacy of the water
11 system, execution of public works utility agreements for such
12 development is subject to availability of capacity in the water systems
13 at the time of application for the public works utility agreements.

14 (c) Roads.

15 (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
16 SUBSECTION (C) ROADS, FOR PROJECTS THAT REQUIRE THE
17 CONSTRUCTION, OR THE COMPLETION, OF A ROAD AND/OR
18 INTERSECTION AS REQUIRED BY THE TRANSPORTATION
19 ELEMENT OF THE HARFORD COUNTY MASTER PLAN OR THE
20 SUBDIVISION REGULATIONS AND THAT IS IDENTIFIED AND
21 ANALYZED WITHIN THE SCOPE OF A TRAFFIC IMPACT
22 ANALYSIS FOR THE PROJECT, A GRADING PERMIT SHALL
23 NOT BE ISSUED UNTIL ALL LAND OR RIGHTS-OF-WAY

1 NECESSARY FOR THE CONSTRUCTION OF SUCH
2 IMPROVEMENTS HAS BEEN ACQUIRED, A CONTRACT FOR
3 CONSTRUCTION OF THE ENTIRE ROAD AND/OR
4 INTERSECTION IMPROVEMENTS CALLED FOR IN THE
5 MASTER PLAN HAS BEEN AWARDED, A NOTICE TO PROCEED
6 HAS ISSUED AND CONSTRUCTION OF SUCH IMPROVEMENTS
7 HAS BEEN SUBSTANTIALLY COMPLETED AND OPEN TO
8 TRAFFIC. NO CERTIFICATE OF OCCUPANCY FOR
9 STRUCTURES AND BUILDINGS ON THE PROJECT SHALL BE
10 ISSUED UNTIL CONSTRUCTION OF SUCH IMPORVEMENTS IS
11 COMPLETED AND SUCH ROAD/ROAD IMPROVEMENTS
12 AND/OR INTERSECTION ARE COMPLETE AND OPERATIONAL.

13 (2) [1] Developments which generate more than 249 trips per day, based on
14 the Institute of Transportation Engineers Trip Generation Manual
15 (current edition), shall have prepared, by HARFORD COUNTY,
16 [the subdivider,] a Traffic Impact Analysis (TIA) study to determine the
17 level of service (LOS) of road intersections within the study area. THE
18 DEVELOPER SHALL PAY IN ADVANCE ALL COSTS BEFORE
19 THE COUNTY WILL ORDER THE PREPARATION OF THE TIA
20 STUDY. The traffic study and procedures to be utilized for mitigating
21 roadway impacts shall conform to the requirements outlined in the
22 Harford County TIA guidelines, including:

23 (a) Expansion of the study area for developments which generate

1 1,500 or more trips per day; or

2 (b) Limiting the study area to 2 miles in all directions or to the area
3 as identified in Paragraph (4) [(3)], whichever is [less] GREATER.

4 (3)[2] At the request of and with justification submitted by the
5 DEVELOPER [subdivider], the Director of Planning, with the
6 concurrence of the Department of Public Works, may eliminate from the
7 impact study those intersections and roadways where the County staff
8 find that there will be:

9 (a) Minimal impact on traffic; or

10 (b) Excessive distance between the first arterial and next intersecting
11 collector.

12 (4) [3] Existing state and County roads shall be considered adequate to
13 accommodate the traffic projected to be generated by the proposed
14 development if:

15 (a) Inside the development envelope the existing County and state
16 roads in all directions from each point of entrance of the site
17 through the intersection with the first arterial roadway to the next
18 intersecting collector or higher functional classification road as
19 defined by the Harford County transportation plan are capable
20 of accommodating a projected level of service "D" or higher at
21 the intersections as defined by the Highway Capacity Manual,
22 Special Report 209, published by the Transportation Research
23 Board.

1 (b) Outside the development envelope the existing County and state
2 roads in all directions from each point of entrance of the site to
3 the first intersection of a major collector or higher functional
4 classification road as defined by the Harford County
5 transportation plan are capable of accommodating a projected
6 level of service "C" or higher at the intersections as defined by
7 the Highway Capacity Manual, Special Report 209, published
8 by the Transportation Research Board.

9 (5) [4] Capital projects with 100% of the construction costs allocated in
10 the County's current year adopted capital improvement program or
11 approved for construction in the current year state consolidated
12 transportation program may be utilized in the traffic analysis. Necessary
13 improvements identified in the TIA to meet the LOS standards in (c) [(3)]
14 (4) must be provided by the [subdivider] DEVELOPER:

15 (a) If the TIA determines that the existing LOS is "E" or lower at an
16 intersection inside the development envelope, the [subdivider]
17 DEVELOPER needs only to mitigate the portion of trips
18 generated from the subdivision site; or

19 (b) If the TIA determines that the existing LOS is "D" or lower at an
20 intersection outside the development envelope, the
21 DEVELOPER [subdivider] needs only to mitigate the portion of
22 trips generated from the subdivision site; and

23 (c) If the TIA determines a DEVELOPER [subdivider] is subject to

1 mitigate its portion of trips generated from the site, then the
2 DEVELOPER [subdivider] shall construct the improvements as
3 stipulated by the Department of Public Works. In the event that
4 the Department of Public Works determines that the
5 DEVELOPER [subdivider] is unable to provide the
6 improvements because of the inability to acquire the necessary
7 rights-of-way, the physical constraints of the property or state or
8 federal regulations, all of which are beyond the control of the
9 DEVELOPER [subdivider], then the DEVELOPER
10 [subdivider] shall deposit into an escrow account with the
11 County 150% [125%] of the funds necessary to cover the costs
12 of the improvements, INCLUDING ANY LAND OR RIGHTS-
13 OF-WAY ACQUISITION COSTS, as determined by the
14 County. Said funds shall be deposited prior to issuance of a
15 building permit. The County shall continue to hold the money in
16 escrow until such time as the improvements are able to be
17 constructed. In no event, however, shall the money be retained
18 by the County for longer than 10 years from date of deposit.

1 previously approved plans, by date of the request for extension. Record
2 plats, grading permits and public works agreements for utilities or roads
3 shall not be executed by the County until the plan for the project is
4 removed from the waiting list and preliminary approval or extension is
5 granted. Removal from the waiting list shall occur only when the
6 condition that prevented approval under Paragraphs (4) [(3)] (a) or (b)
7 of this subsection no longer exists.

8 (7) [(6)] Grandfathering. Unless an extension of the approval of the plan is
9 granted in accordance with the Subdivision Regulations, development
10 conducted in accordance with a preliminary plan approved before the
11 effective date of Council Bill 94-36 is exempt from the provisions of
12 this Subsection concerning the adequacy of the roadways. If an
13 extension of the approval of the plan is granted, the development is
14 subject to the provisions of this Subsection concerning the adequacy of
15 the roadway system.

16 (8) [(7)] Projects located within the Chesapeake Science and Security
17 Corridor developments which have their primary access directly onto
18 U.S. Route 40 and do not generate more than 1,500 trips per day, based
19 on the ITE Manual, shall not be required to submit a traffic impact
20 analysis. Projects that generate more THAN 1,500 trips must have a
21 traffic impact analysis prepared and comply with all standards of this
22 section.

23 Section 3. And Be It Further Enacted by repealing and reenacting with amendments Permitted

1 Uses Chart Attachments 19:20 and 19:21 by amending Permitted Uses Chart, Attachment 19:20,
2 the “Freight terminal” row by deleting “freight terminal” as a permitted use in the B3 and LI use
3 districts; and by amending Permitted Uses Chart Attachment 19:21 by deleting “Warehousing and
4 wholesaling, processing and distribution and local delivery as a permitted use category, by adding
5 a new permitted use category: “Warehousing, distribution and local delivery less than or equal to
6 150,000 square feet” and permitting such uses in the Village Business-VB, Business General-B3,
7 Commercial Industrial-CI, Light Industrial LI and General Industrial GI use districts, and by
8 adding a new permitted use category “warehousing, distribution and local delivery greater than
9 150,000 square feet and less than or equal to 250,000 square feet that shall be permitted only in
10 CI, LI and GI use districts and only pursuant to the special conditions in Section 267-60C(4)(a)(4)
11 as well as all other applicable conditions under Chapter 267 Zoning and which is incorporated
12 herein by reference.

13 Section 4. And Be It Further Enacted that this Act shall take effect 60 calendar days from the
14 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