

# Harford County, Maryland

## ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru December 12, 2023

*DEPARTMENT OF PLANNING AND ZONING*

Harford County, Maryland

# FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

*and*

## SUBDIVISION REGULATIONS, Chapter 268

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

### ZONING CODE AMENDMENT INFORMATION:

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
09-01	4/6/09	16-29AA	2/13/17
09-11	6/15/09	17-02	4/24/17
09-19AA	8/17/09	17-04	6/5/17
09-23AA	10/13/09	17-08AA	8/14/17
09-31AA	1/22/10	17-15AA	12/26/17
09-33AA	1/22/10	17-18AA	1/16/18
10-03	4/20/10	18-04AA	6/18/18
10-30	12/13/10	18-33	12/10/18
10-32AA	12/27/10	18-34	12/10/18
11-04AA	5/23/11	18-35	12/10/18
11-05AA	5/23/11	18-36	12/10/18
11-03	5/31/11	19-04AA	5/13/19
11-32	12/12/11	19-15AA	8/12/19
11-44	12/19/11	19-16AA	8/20/19
11-62AA	1/13/12	19-29AA	1/2/20
12-07AA	5/14/12	19-28	1/13/20
12-14	5/21/12	19-30	2/14/20
12-44	1/26/13	20-01	4/20/20
12-48AA	2/11/13	20-11	8/10/20
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16-02AA	5/17/16	23-26AA	12/12/23
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**§ 267-4. Definitions.** [Amended by Bill 09-19, as amended; Bill 11-04, as amended; Bill 11-05, as amended; Bill 11-32; Bill 12-44; Bill 12-48 as amended; Bill 13-35; Bill 14-1; Bill 15-39 as amended; Bill 16-02 as amended; Bill 16-20; Bill 17-04; Bill 18-36; Bill 19-04 as amended; Bill 19-15 as amended; Bill 19-16 as amended; Bill 19-29 as amended; Bill 20-11; Bill 21-01 as amended; Bill 21-19 as amended; Bill 22-06; Bill 22-08; Bill 22-11; Bill 22-24; Bill 23-10 as amended; and Bill 23-26, as amended]

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

**ABATEMENT** – The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

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

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

**ACCESSORY DWELLING UNIT (ADU)** – An independent, self-contained dwelling unit located within a single-family detached dwelling.

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

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

**ADJACENT** - Parcels of land that abut one another.

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

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

**AGRICULTURAL BEST MANAGEMENT PRACTICE** –

- A. Agricultural Best Management Practice means an agronomic, conservation or pollution control practice, installation or structure that manages soil loss, nutrients, animal wastes or agricultural chemicals so as to minimize their movement into State waters.

- B. Agricultural Best Management Practice includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management and stream protection practices such as fencing, stream crossings and remote watering devices.
- C. Agricultural Best Management Practice does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04.

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

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

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

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

**AGRICULTURAL RETAIL** - The sale of agricultural products.

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

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

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

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

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

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

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

**ANADROMOUS FISH PROPAGATION WATERS** - Streams that are tributary to the Chesapeake Bay and Atlantic Coastal Bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

**ANIMAL, DOMESTIC** – An animal that is accustomed to living in or about the habitation of man and is dependent on man for food or shelter, excluding livestock and homestead chickens.

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

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

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

**APPURTENANCES AND ENVIRONMENTAL SETTINGS** – All the grounds and structures surrounding a designated Landmark or Historic District to which that Historic Landmark or Historic District relates physically or visually. Appurtenances and environmental settings are unique to each Historic Landmark or Historic District and may include, but are not limited to, walkways and driveways (whether paved or unpaved), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces and rocks.

**AQUACULTURE** - The commercial rearing of fish or aquatic plants for sale, trade, barter or shipment.

- A. Farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries and other natural or artificial water bodies or impoundments.
- B. Activities include hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas.
- C. Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fishponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.
- D. Aquaculture has the meaning stated in Natural Resources Article, §4-11A-01(b), Annotated Code of Maryland.

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

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

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

ASSEMBLY HALL - See "community center."

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

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

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

BASEMENT - An area of a structure having  $\frac{1}{2}$  or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than  $6\frac{1}{2}$  feet.

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

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

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

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

BOAT HOUSE - A structure with a roof or cover, or similar device, placed over open water to protect a boat or other vessel.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction or highway construction and maintenance.

BREWERY, MICRO - A facility that produces malt based liquors such as beer, ale, porter, stout and similar grain based beverages on the premises and which possesses the appropriate license from the State of Maryland. The facility may brew, bottle, contract, store and enter into temporary delivery agreements with distributors. Products may be brewed onsite and sold for on-premises or off-premises consumption in accordance with the limits of the appropriate license from the State of Maryland. Said facility may also include site tours and product tasting.

BREWERY, PRODUCTION - A facility that produces any amount of malt based liquors such as beer, ale, porter, stout and similar grain based beverages to be sold offsite and which possesses the appropriate license from the State of Maryland. Said facility may also include site tours and product tasting.

**BREWERY, PUB** – A restaurant that is permitted to produce malt based liquors such as beer, ale, porter, stout and similar grain based beverages on the premises for consumption on the premises and which possesses the appropriate license from the State of Maryland. If the restaurant use ceases, the use of the premises would be considered and subject to the regulations of a Brewery, Micro.

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

**BUFFER MANAGEMENT PLAN** - A narrative, graphic description or plan of the Critical Area Buffer that is necessary when an applicant proposes a development activity that will affect a portion of the Critical Area Buffer, affect Critical Area Buffer vegetation or require the establishment of a portion of the Critical Area Buffer in vegetation. Buffer Management Plan includes a Major Buffer Management Plan, a Minor Buffer Management Plan or a Simplified Buffer Management Plan as described in this Ordinance.

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

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

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

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

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

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

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

**CALIPER** - The diameter of a tree measured:

- A. At 6 inches above grade for trees with a caliper of 4 inches or less; and
- B. At 12 inches above grade for trees with a caliper of more than 4 inches.

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

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

**CANOPY TREE** - A tree that when mature commonly reaches a height of at least 35 feet.

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

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

**CIDERY** - A facility that produces hard cider (alcoholic drinks made by fermenting the juice of fruit) on the premises and which possesses the appropriate license from the State of Maryland. The facility may produce, bottle, contract, store and enter into temporary delivery agreements with distributors. Products may be produced onsite and sold for on-premises or off-premises consumption in accordance with the limits of the appropriate license from the State of Maryland and the Harford County Liquor Control Board. The facility may also include site tours and product testing.

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

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

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

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

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

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

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

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

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

COLONIAL NESTING WATER BIRDS –

- A. A species of bird that, for the purpose of nesting, congregates or colonizes in relatively few areas.
- B. Colonial nesting water bird includes egrets, glossy ibises, herons and terns.

COMAR - The Code of Maryland regulations, as from time to time amended, including any successor provisions.

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

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

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

- A. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
- B. The vehicle is designed to transport more than 15 passengers, including the driver; or
- C. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the hazardous materials regulations of the United States Department of Transportation; or
- D. A single, full or semi-trailer with a manufacturer's gross vehicle weight rating over 7,000 lbs.

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

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

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

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

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

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

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

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

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

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

CONFORMING - In the Critical Area, conforming means a parcel or lot that meets all Critical Area requirements. Conforming does not include a parcel or lot for which a Critical Area variance is sought or has been issued; or that is located in the Resource Conservation Area and is less than 20 acres.

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

CONSERVATION EASEMENT - a non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

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

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

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

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

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

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

**COOP** - An enclosed accessory structure that houses chickens for nesting and shelter.

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

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

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

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

**COVER CROP** - The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

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

**CRITICAL AREA** - All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. Critical Area includes all waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide, all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, and modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

**CRITICAL AREA BUFFER** - An area that, based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland or a nontidal wetland of special State concern as defined in COMAR 26.23.01.01.

**CRITICAL AREA BUFFER YARD** - In the Critical Area, Buffer Yard means an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs and perennial herbaceous plants that is used in modified buffer areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

**CRITICAL AREA GRANDFATHERED PARCEL OR LOT** - A parcel or lot of land in the Critical Area that was created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

**CRITICAL HABITAT AREA** - A habitat that:

- A. Is occupied by an endangered species, as determined or listed under the Natural Resources Article, §4-2A-04 or 10-2A-04 of the Annotated Code of Maryland.
- B. Is likely to contribute to the long-term survival of the species;
- C. Is likely to be occupied by the species for the foreseeable future; and
- D. Constitutes habitat deemed critical under the Natural Resources Article, §10-2A-06 of the Annotated Code of Maryland.

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

**CUT** –

- A. Removing trees without removing stumps and roots; or
- B. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated surface.

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

**DAY-CARE CENTER** - A facility operated for the purpose of providing nonresidential group care as defined by State law for a specific number of unrelated minor or dependent persons. Day-care center may include a supplementary use to include kindergarten classes approved by the Maryland State Department of Education.

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

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

DEPARTMENT - The Department of Planning and Zoning.

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

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

DEVELOPED WOODLANDS - An area of trees or of trees and natural vegetation that is interspersed with residential, commercial, industrial, institutional or recreational development.

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

- A. Gas and electric company regulated by the Maryland Public Service Commission; or
- B. Cable television company operating under a franchise granted by the County Council.

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

DEVELOPMENTAL DISABILITY - A severe, chronic disability that:

- A. Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the person attains the age of 21;
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in 3 or more of the following major life activity areas: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self sufficiency; and
- E. Reflects the person's need for a combination and sequence of special and interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.

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

DISABILITY - A disabling physical or mental condition.

DISTILLERY, FULL – The establishment and operation of a plant for distilling, rectifying and blending an unlimited amount of brandy, rum, whiskey, alcohol and neutral spirits and which possesses the appropriate license from the State of Maryland. The sale and delivery of the alcoholic beverages to a person in the state or outside the state that is authorized to acquire the beverages, the manufacturing of alcoholic beverages in the name of certain other persons, acquiring alcoholic beverages from certain persons, conducting guided tours of the premises and selling or serving

limited quantities of products manufactured on the premises shall be permitted. The sale of the manufactured product for off-premises consumption to a person on a guided tour of the distillery in accordance with regulations of the State of Maryland shall be permitted.

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

**DISTRIBUTION AND LOCAL DELIVERY CENTER** – A facility that performs consolidation, warehousing, packaging, decomposition and other functions linked with handling to provide value-added services to freight, often in proximity to major transport routes or terminals. They can also perform light manufacturing activities such as assembly and labeling. Also known as a fulfillment center.

**DISTRICT** - A zoning district.

**DISTURBANCE** - An alteration or change to the land. It includes any amount of clearing, grading or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn.

**DOCUMENTED BREEDING BIRD AREAS** - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

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

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

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

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

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

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

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

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

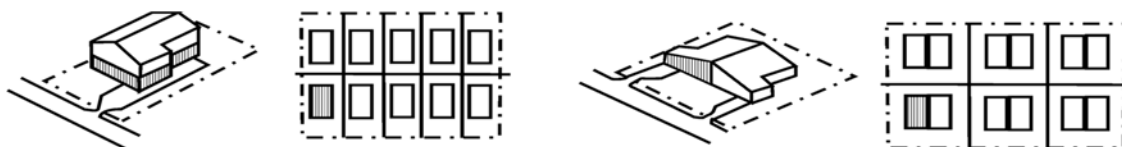
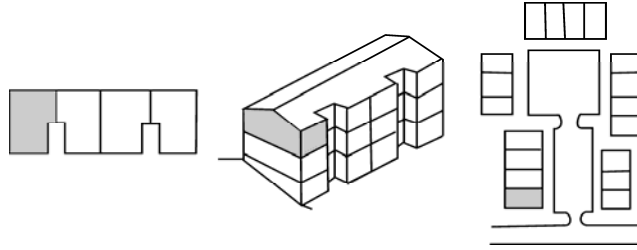


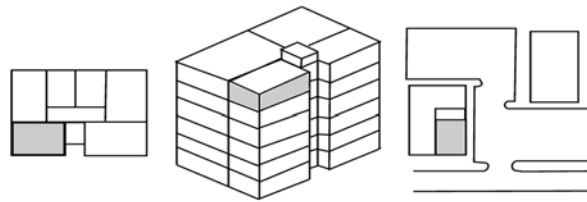
Figure 1 duplex dwelling

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



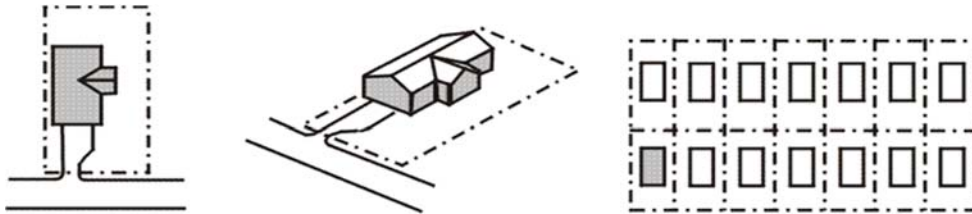
**Figure 2 garden apartment**

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



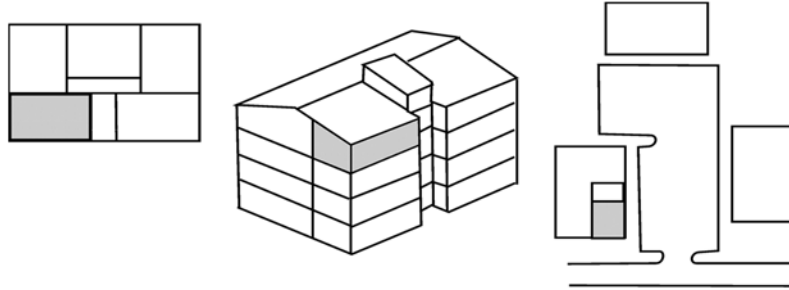
**Figure 3 high-rise apartment**

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



**Figure 4 lot line dwelling**

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

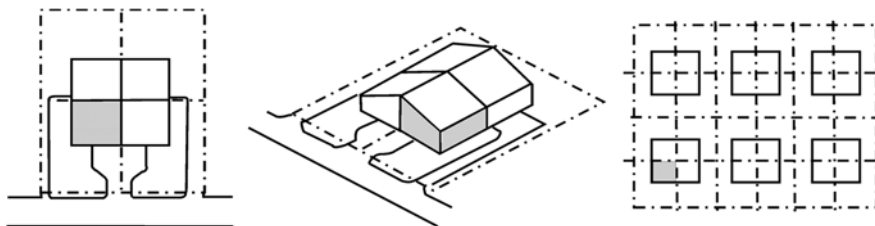


**Figure 5 mid-rise apartment**

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

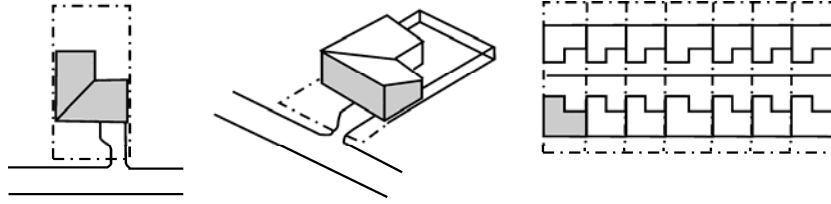
DWELLING, MULTI-FAMILY - Two or more dwelling units constructed on a permanent foundation, designed for 2 or more families and located on a single lot or parcel.

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



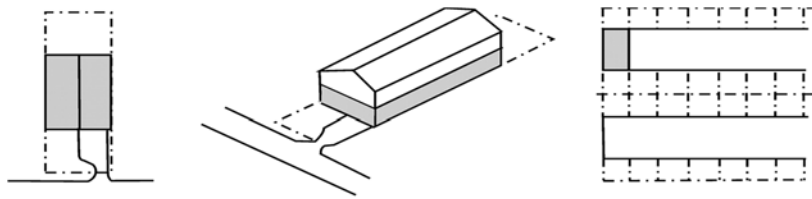
**Figure 6 multiplex dwelling**

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



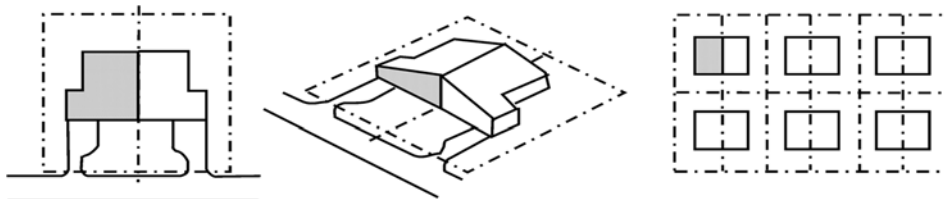
**Figure 7 patio, atrium or court dwelling**

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



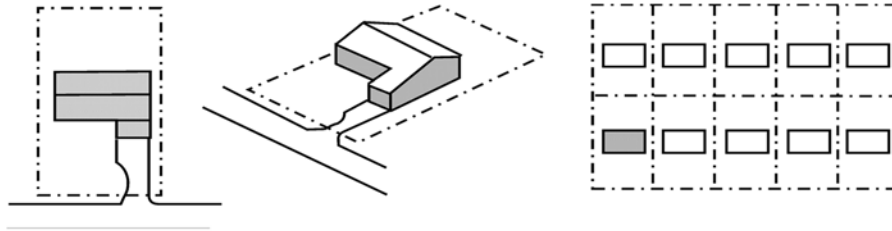
**Figure 8 row duplex dwelling**

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



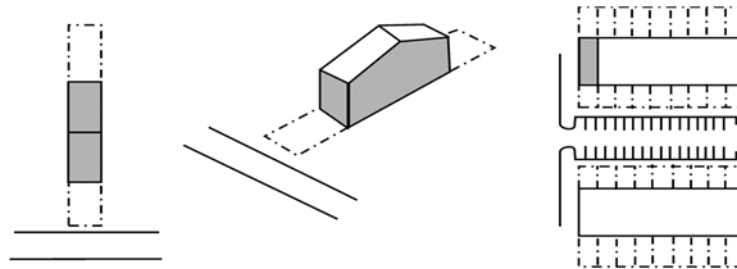
**Figure 9 semi-detached dwelling**

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



**Figure 10 single-family detached dwelling**

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



**Figure 11 townhouse dwelling**

**DWELLING, TRANSIENT** - Accommodations that shall not serve as a permanent residence.

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

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

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

**EGRESS** - An exit.

**ELECTRIC VEHICLE** – A vehicle that uses electricity for propulsion.

**ELECTRIC VEHICLE CHARGING STATION** – A structure that hosts a connected point in an electrical wiring installation at which current is taken to charge an electric vehicle.

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

**ENTERTAINMENT AND EVENTS CENTER** – An integrated venue for indoor and/or outdoor amusement, recreation and social activities with a combination of amusement, recreation, social, retail, office and service uses.

**EPA** - United States Environmental Protection Agency.

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

**ESTABLISHMENT** - The planting or regeneration of native vegetation throughout the Critical Area Buffer.

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

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

**EXTERIOR FEATURES, HISTORIC** – Include:

- A. Any exterior design, composition or surface of a site or structure, including the architectural style and general design and arrangement of the site or structure;
- B. The finish, appearance, material and texture of any exterior building material on a site or structure; and
- C. The type, formation and style of a site or structure's windows, doors, light fixtures, siding, roofs, chimneys, signs and any other character-defining exterior components of the site or structure.

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

**FAMILY** - A social unit living together.

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

**FARM BREWERY** – An agricultural processing and manufacturing facility located on a parcel with equipment, components and supplies used for the processing, production and packaging of malt based liquors such as beer, ale, porter, stout and similar grain based beverage on the premises with ingredients being grown on the property on which the facility is located. Said facility shall also include product tasting and may include, among other things, product sales and site tours. Other farm brewer activities may include, but not be limited to, associated cooking, fermenting, bottling, storage, aging, shipping and receiving.

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

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

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

**FINANCIAL ASSURANCE** - A performance bond, letter of credit, cash deposit, insurance policy or other instrument of security acceptable to the County.

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

**FISHERIES ACTIVITIES** - Commercial water dependent fisheries facilities including structures for the parking, processing, canning or freezing of finfish, crustaceans and mollusks and also including related activities such as wholesale and retail sales product storage facilities, crab shedding, off-loading docks, shellfish culture operations and shore-based facilities necessary for aquacultural operations.

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

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

**FOREST** - A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having 2-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

**FOREST MANAGEMENT** - The protection, manipulation and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration and wildlife habitat, usually prescribed by a State Timber Harvest Permit, State Forest Stewardship Plan or Federal Habitat Management Plan.

**FOREST PRACTICE** - The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, aesthetic or water quality values.

**FORESTED AREA** - A biological community dominated by trees and other woody plants covering a land area of 1 acre or more. This also includes areas that have been cut, but not cleared. It also includes areas of 1 acre or more in size that have been designated as developed woodlands not only because they predominantly contain trees and natural vegetation, but also contain residential, commercial or industrial structures and uses. Such areas can further be characterized by the presence of at least 400 seedlings per acre, which are vigorous, well-distributed throughout and free to grow to at least 25% tree canopy cover.

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

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

**FREIGHT** - Goods or materials moved by truck, ship, train, or pipeline.

**FREIGHT TERMINAL** - An outdoor or indoor pad, paved area or structure, where freight in transit is brought or removed by motor truck or railroad to be temporarily stored, assembled, or sorted for routing in intrastate or interstate shipment; and for the purpose of this Chapter shall include any

building, structure or undeveloped land occupied for the temporary storage, parking or garaging of motor trucks used as common, contract or special carriers operating under intrastate or interstate certificated rights.

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

FULLY ESTABLISHED – A condition where the Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

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

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

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

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

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

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

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

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

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

GROWTH ALLOCATION - The number of acres of land in the Critical Area that the County may use, or allocate to municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The growth allocation is 5% of the total Resource Conservation Area acreage in the County at the time the Critical Area Commission approved the County's original Critical Area Program, not including tidal wetlands or land owned by the Federal Government.

GROWTH ALLOCATION ENVELOPE - All of the proposed components of a growth allocation that are necessary to serve the proposed development, including an individually owned lot, lot coverage, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, an active recreation area and additional acreage needed to meet the development requirements of the Critical Area criteria.

HABITAT AREAS OF LOCAL SIGNIFICANCE - Areas whose geographic location has been mapped by the Harford County Department of Planning and Zoning that have been determined to be

important to the County because they contain species uncommon or of limited occurrence in the County or because the species are found in unusually high concentration or because they contain an unusual diversity of species.

#### HABITAT PROTECTION AREA –

- A. Habitat Protection Area means an area that is designated for protection:
- (1) Under Natural Resources Article, §8-1806, Annotated Code of Maryland regulations adopted under that authority, or a local program; or
  - (2) By the Secretary of Natural Resources.
- B. Habitat Protection Area includes:
- (1) The Critical Area Buffer.
  - (2) A nontidal wetland as defined in COMAR 26.24.01.02b.
  - (3) A habitat of a threatened species as defined in COMAR 27.01.09.03a.
  - (4) A habitat of an endangered species as defined in COMAR 27.01.09.03a.
  - (5) A habitat of a species in need of conservation as defined in COMAR 27.01.09.03a.
  - (6) A plant habitat as defined in COMAR 27.01.09.04a.
  - (7) A wildlife habitat as defined in COMAR 27.01.09.04a.
  - (8) Anadromous fish propagation waters as defined in COMAR 27.01.09.05a.

**HABITAT PROTECTION PLAN** - A plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology and increases in lot coverage. In developing the plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the plan is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

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

**HAZARDOUS MATERIAL** - Any substance that:

- A. Conveys toxic, lethal, or other injurious effects or which causes sublethal alterations to plant, animal or aquatic life; or
- C. May be injurious to human beings. Hazardous materials include any matter identified as a "hazardous waste" by the Environmental Protection Agency or a "controlled hazardous substance" by the Maryland Department of the Environment.

**HAZARDOUS TREE** - A tree with a structural defect that decreases the structural integrity of the tree and that because of its location, is likely to fall and cause injury or damage to property (see COMAR 27.01.09.01).

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

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

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

**HISTORIC DISTRICT** – A significant concentration, linkage or continuity of sites, structures or objects that are united historically, architecturally, archeologically, culturally or aesthetically by plan or physical development.

**HISTORIC LANDMARK/LANDMARK** – A site, structure, building, Historic District or object designated by Harford County for its historic, architectural, archaeological or cultural significance and which is worthy of preservation, listed in the Harford County Historic Landmarks List pursuant to §267-112 (Designated Historic Landmarks).

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

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

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

**HOMESTEAD CHICKEN** – A domesticated hen accessory to a residential use.

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

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

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

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

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

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

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

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

**INGRESS** - An entry.

**IN-KIND REPLACEMENT** - the removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width and length.

**INTENSELY DEVELOPED AREA** - An area of at least 20 acres or the entire upland portion of the Critical Area within a municipal corporation, whichever is less, where residential, commercial, institutional or industrial developed land uses predominate and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least 4 dwelling units per acre; an area with public water and sewer systems with a housing density of more than 3 dwelling units per acre.

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

**INTERMITTENT STREAM** - A stream that has been confirmed to be an intermittent stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

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

**ISOLATED NONTIDAL WETLANDS** – A nontidal wetland that is not hydrologically connected, through surface or subsurface flow to streams, tidal or nontidal wetlands or tidal waters.

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

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

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

**LAND CLEARING** – Any activity that removes the vegetative ground cover.

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

**LANDWARD EDGE**- The limit of a site feature that is farthest away from a tidal water, tidal wetland or tributary stream.

**LARGE SHRUB** – A shrub that, when mature, reaches a height of at least 6 feet.

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

**LIMIT OF DISTURBANCE** – The area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

**LIMITED DEVELOPMENT AREA** - An area: with a housing density ranging from 1 dwelling unit per 5 acres up to 4 dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water or open space; or that is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definitions in this Chapter.

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

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

**LIVING SHORELINE** - A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters or other natural components.

**LOADING ZONE** – Locations designed for the loading and unloading of freight. Loading docks are structures which allow a truck to load or unload directly from the bed of the truck.

**LOCAL DELIVERY** – An establishment primarily engaged in providing local messenger and delivery services of small items within a geographical regional center. These establishments generally provide point-to-point pickup and delivery and do not operate as part of an intercity courier network.

**LOCAL SIGNIFICANCE** - Development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located, does not substantially affect the Critical Area Program of the County and is not considered to be major development as defined in this Chapter.

**LODGING HOUSE** - A building offering transient dwelling accommodations where the facilities are multifaceted with a distinguished style, including marked upgrades in the quality of physical attributes, amenities and Level of Service and comfort provided. At a minimum, the lodging house shall include a lobby, a concierge, personal services, business center, pool and wireless internet in the common areas. Wireless internet shall be offered to each unit in the lodging house.

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

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

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

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

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

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

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

- A. Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway;
- B. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement or any manmade material; or
- C. Covered or occupied by a stairway or impermeable deck.

Lot coverage does not include:

- A. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
- B. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
- C. A wood mulch pathway; or
- D. A deck with gaps to allow water to pass.

LOT COVERAGE (CRITICAL AREA) - The percentage of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway or covered with a paver, walkway gravel, stone, shell, impermeable decking, permeable pavement or any other manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck but does not include: a fence or wall that is less than 1 foot in width that has not been constructed with a footer; a walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely.

LOT FRONTAGE - The length of the frontage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MEAN HIGH WATER LINE (MHWL)** - The average level of high tides at a given location.

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

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

**MINERALS** - Any solid material, aggregate or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil and stone. The term does not include coal.

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

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

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

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

**MODIFIED BUFFER AREA (MBA)** - An area officially mapped by the County and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational

development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific MBA provisions can be permitted in the Buffer without a variance.

MOTEL - See "hotel."

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

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

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

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

NATURAL HERITAGE AREA - Any communities of plants or animals which are considered to be among the best statewide examples of their kind and are designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL PARKS - Areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

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

NATURAL VEGETATION - Those plant communities that develop in the absence of human activities.

NATURE-DOMINATED - A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

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

NET TRACT AREA -

- A. In the AG zoning district, the portion of the parcel for which land use will be changed or that will no longer be used primarily for agriculture, and in all other zoning districts, the total area of the parcel, to the nearest 1/10 acre.
- B. "Net tract area" does not include the following areas:
  - (1) Any unforested area within the floodplain district established under Chapter 131 of the Harford County Code, as amended;
  - (2) Any right-of-way for:
    - (a) An overhead transmission line of a public utility if the line is designed to carry a voltage in excess of 69,000 volts; or

- (b) An underground pipeline used to transport natural gas or petroleum products, if the right-of-way averages at least 50 feet in width; or
- (3) Any area within the Chesapeake Bay Critical Area Overlay District established pursuant to §267-63 (Chesapeake Bay Critical Area Overlay District).

**NEW DEVELOPMENT** – In the Critical Area, new development (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15% as of December 1, 1985.

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

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

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

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

**NONTIDAL WETLANDS** - Those areas regulated under Subtitle 26 of COMAR that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

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

**NONWATER-DEPENDENT PROJECT** - A temporary or permanent structure that, by reason of its intrinsic nature, use or operation, does not require location in, on or over State or private wetlands.

A. Nonwater-Dependent Projects include:

- (1) A dwelling unit on a pier.
- (2) A restaurant, a shop, an office or any other commercial building or use on a pier.
- (3) A temporary or permanent roof or covering on a pier.
- (4) A pier used to support a nonwater-dependent use.
- (5) A small-scale renewable energy system on a pier, including:

- (a) A solar energy system and its photovoltaic cells, solar panels or other necessary equipment.
- (b) A geothermal energy system and its geothermal heat exchanger or other necessary equipment.
- (c) A wind energy system and its wind turbine, tower, base or other necessary equipment.

B. Nonwater-Dependent Projects do not include:

- (1) A fuel pump or other fuel-dispensing equipment on a pier.
- (2) A sanitary sewage pump or other wastewater removal equipment on a pier.
- (3) An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services and housing electrical or emergency equipment related to marina operations.

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

**OFFSETS** – Structures or actions that compensate for undesirable impacts.

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

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

- A. Public or private use or enjoyment; or
- B. The use and enjoyment of owners and occupants of land adjoining or neighboring such open space; or
- C. The preservation of significant/special natural features.

**OUTDOOR DINING AREA** – An accessory outdoor dining area of an existing restaurant. The tables and chairs must be removable and the area must be unenclosed.

**OVERBURDEN** – The strata or material overlying a mineral deposit, or in between mineral deposits in its natural state, and before its removal by surface mining.

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

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

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

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

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

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

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

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

PERENNIAL STREAM - A stream that has been confirmed to be a perennial stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

PERMANENT DISTURBANCE - A material, enduring change in the topography, landscape or structure that occurs as part of a development or redevelopment activity. Permanent disturbance includes:

- A. Construction or installation of any material that will result in lot coverage.
- B. Construction of a deck.
- C. Grading or clearing (except where it meets the definition of temporary disturbance).
- D. The installation of a septic system, in a forest or developed woodland on a grandfathered lot, if clearing is required. Permanent disturbance does not include installation of a septic system on a grandfathered lot if located in existing grass or clearing is not required.

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

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

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

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

PIER - any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. Pier, excluding itself, does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

PIER, COMMUNITY - a boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments or other multiple-family dwelling units; does not include a private pier or a mooring.

PLANNED EMPLOYMENT CENTER - Development option designed to permit and promote major economic development opportunities such as corporate offices, educational/training facilities,

research and development facilities or other uses that create significant job opportunities and investment benefits.

PLANT HABITAT – A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics, as covered in COMAR 27.01.09.04.

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

PORT – A facility or area established or designated by the State or local jurisdiction for purposes of waterborne commerce.

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

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

PROGRAM AMENDMENT - Any change or proposed change to an adopted Critical Area Program that is not determined by the Chairman of the Critical Area Commission to be a Program Refinement.

PROGRAM REFINEMENT - Any change or proposed change to an adopted Critical Area Program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- A. A change to an adopted program that results from State law.
- B. A change to an adopted program that affects local processes and procedures.
- C. A change to a local ordinance or code that clarifies an existing provision.
- D. A minor change to an element of an adopted program that is clearly consistent with the provisions of State Critical Area law and all the criteria of the Commission.

PROJECT APPROVALS - The approval of development, other than development by a State or local government agency, in the Critical Area by the appropriate local approval authority. Project Approvals include approval of subdivision plats and site plans, inclusion of areas within floating zones, issuance of variances, special exceptions and conditional use permits and issuance of zoning permits. Project approvals do not include building permits.

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

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

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

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

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

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

**RECLAMATION** - The reasonable rehabilitation of affected land for a useful purpose and the protection of the natural resources of the surrounding areas, including ponds.

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

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

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

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

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

**REDEVELOPMENT (CRITICAL AREA)** - A development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15% or greater.

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

**RELATIVE** - A spouse, father, mother, son, daughter, step-son, step-daughter, brother, sister, grandparent, great-grandparent, grandchild, step-father, step-mother, aunt, uncle, mother-in-law and father-in-law, sister-in-law and brother-in-law, whether natural or adopted.

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

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

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

**RESOURCE CONSERVATION AREA** - An area that is characterized by nature dominated environments, such as wetlands, surface water, forests and open space, and by resource-based activities, such as agriculture, forestry, fisheries or aquaculture. Resource Conservation Areas include areas with a housing density of less than 1 dwelling per 5 acres.

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

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

RESTORATION – The act of returning a site or area to an original state or any action that establishes all or a portion of the ecological structure and functions of a site or area.

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

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

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

RIPARIAN HABITAT – A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines and wetlands.

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

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

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

- A. Provides interconnection between highly developed commercial or industrial property to arterial roads.
- B. Provides access to individual properties comprising a commercial complex.
- C. Carries heavy volumes of truck traffic within or adjacent to any land which has been approved for any class of commercial or industrial use.

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

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

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

- A. Provides direct driveway access to abutting properties.

- B. Distributes traffic generated within a neighborhood to primary residential roads.
- C. Carries little or no through traffic.

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

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

- A. Provides direct access between minor residential roads and collectors and minimal direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to collector roads.
- C. Carries a limited amount of through traffic.

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

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

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

ROUTINE MAINTENANCE, HISTORIC – An undertaking that:

- A. Does not change or alter an exterior feature of a Historic Landmark or a site or structure within a Historic District; and
- B. Will not materially impair the historic, archeological, architectural or cultural significance of a Historic Landmark or a site or structure within a Historic District.

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

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

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

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

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

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

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

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

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

**SHORE EROSION PROTECTION WORKS** - Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SITE, HISTORIC** - The location of an event of historic significance or a structure which possesses historic, archeological, architectural or cultural significance.

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

**SMALL SHRUB** – A shrub that, when mature, reaches a height no greater than 6 feet.

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

- A. Is used to generate electricity;
- B. Has a rated nameplate capacity of 50 kilowatts or less; and
- C. Has a total height of 150 feet or less.

**SOIL CONSERVATION AND WATER QUALITY PLAN** - An agricultural plan approved by a local Soil Conservation District to minimize soil erosion and the movement of sediment, animal waste, nutrients or agricultural chemicals into waters of the State and is a land-use plan for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- A. How the landowner plans to treat a farm unit;
- B. Which Best Management Practices the landowner plans to install to treat undesirable conditions; and
- C. The schedule for applying those Best Management Practices.

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

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

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

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

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

**SPECIES, ENDANGERED** - A species of flora and fauna whose continued viability is determined to be in jeopardy, in accordance with the provisions of:

- A. The Federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1544;
- B. Natural Resources Article, Title 4, Subtitle 2A, or Title 10, Subtitle 2A, Annotated Code of Maryland; or
- C. COMAR.

**SPECIES, IN NEED OF CONSERVATION** - A species of fauna determined by the Secretary of Natural Resources to be in need of conservation measures for its continued ability to sustain itself successfully, in accordance with the provisions of:

- A. Natural Resources Article, Title 4, Subtitle 2A, or Title 10, Subtitle 2A, Annotated Code of Maryland; or
- B. COMAR.

**SPECIES, INVASIVE** - A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

**SPECIES, THREATENED** - A species of flora or fauna that appears likely within the foreseeable future to become endangered, including a species determined to be a threatened species, in accordance with the provisions of:

- A. The Federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1544;
- B. Natural Resources Article, Title 4, Subtitle 2A, or Title 10, Subtitle 2A, Annotated Code of Maryland; or
- C. COMAR 08.03.03.

**SPOIL PILE** - The overburden and reject materials as piled or deposited in surface mining.

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

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

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

**STEEP SLOPES (CRITICAL AREA)** – Slopes of 15% or greater incline.

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

**STREET** - See "road."

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

**STRUCTURE** - Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, swimming pools, tennis courts, gazebos, decks and boathouses.

**STRUCTURE, CRITICAL AREA** - Building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water, including a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo and a shelter for the purpose of marine access, navigation, working, eating, sleeping or recreating.

**STRUCTURE, HISTORIC** – An assembly of materials that forms a stable construction and includes by way of illustration and not limitation, a building, structures accessory to a building, platform, tower, dam, bridge, pier, shed, shelter, ruin, fountain, statuary, survey markers, fences or display sign of historical, cultural or architectural significance.

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

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

**SUBDIVISION** - The term “subdivision” shall have the following meaning:

- A. Any division or redivision of a tract, parcel or lot of land into 2 or more parts by means of mapping, platting, conveyancing, change or rearrangement of boundaries;
- B. All subdivisions are also developments;
- C. Subdivision includes resubdivision or replat.

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

**SUBSTANTIAL ALTERATION** – Any repair, reconstruction or improvement of a principal structure, where the proposed total footprint is at least 50% greater than that of the existing principal structure.

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

**SURFACE MINING** –

- A. Surface mining means:

- (1) The breaking of surface soil located in the Critical Area in order to extract or remove a mineral;
  - (2) An activity or process that is part of the method of extraction or removal of a mineral from its original location in the Critical Area; and
  - (3) The extraction or removal of sand, gravel, rock, stone, earth or fill from a borrow pit for the purpose of constructing a road or another public facility.
- B. Surface mining includes:
- (1) An activity related to the processing of a mineral at the site of extraction or removal.
  - (2) Extraction or removal of overburden and mining of a limited amount of a mineral when done for the purpose of prospecting, to the extent necessary, for the purpose of determining the location, quantity or quality of a natural deposit.
  - (3) A mining activity.
- C. Surface mining does not include an activity or process that is excluded under the provisions of Environment Article, § 15-807, Annotated Code of Maryland, or COMAR 26.21.01.08.

TEMPORARY DISTURBANCE - A short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance includes:

- A. Storage materials that are necessary for the completion of the development or redevelopment activity.
- B. Construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition.
- C. Grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity.
- D. Locating a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required. Temporary disturbance does not include a violation.

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

TENANT FARMER/TENANT OPERATOR - An individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

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

**THINNING** – A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

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

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

**TRAIL** - A pedestrian linkage between uses.

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

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

**TRANSPORTATION FACILITIES** – Anything that is built, installed or established to provide a means of transport from one place to another.

**TREE** - A large, woody plant having 1 or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.

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

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

**TRIBUTARY STREAM** - A perennial stream or an intermittent stream within the Critical Area that has been identified by site inspection or in accordance with local program procedures approved by the Critical Area Commission.

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

**UNDERSTORY TREE** - A tree that, when mature, reaches a height between 12 and 35 feet.

**UPLAND BOUNDARY**- The landward edge of a tidal wetland or nontidal wetland.

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

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

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

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

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

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

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

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

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

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

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

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

VESSEL – Every description of watercraft, including an ice boat but not including a seaplane, that is used or capable of being used as a means of transportation on water or ice. Vessel includes the motor, spars, sails and accessories of a vessel.

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

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

WAREHOUSING – The bulk storage of goods or commodities, other than harvested commodities that can be sold or further processed and sold as food, for wholesale or bulk retail resale or transported to a distribution and local delivery center or lands, buildings, or structures used or designed for the storage of goods which will be sold elsewhere or subsequently transported to another location for sale or delivery.

WASH PLANT - A facility where sand and gravel is washed during processing. Wash Plant includes, but is not limited to, a stockpile, a wash pond and related washing equipment.

WATER-DEPENDENT FACILITIES - Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the Critical Area Buffer. An activity is water-dependent if it cannot exist outside the Critical Area Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas and fisheries activities.

**WATER-USE INDUSTRY** – An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

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

**WATERFOWL** – Birds that frequent and often swim in water, nest and raise their young near water and derive at least part of their food from aquatic plants and animals.

**WATERFOWL STAGING AND CONCENTRATION AREA** - An area of open water and adjacent marshes where, as documented by the Department of Natural Resources, waterfowl gather during migration and throughout the winter season.

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

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

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

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

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

**WILDLIFE HABITAT** - Those plant communities and physiographic features that provide food, water, cover and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals.

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

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

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

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

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

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

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

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

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

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

**§ 267-5. Applicability.**

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

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

- A. The terms and provisions of this Part 1 shall be liberally construed to effectuate the general purposes of this Chapter.
- B. In addition to rules generally applicable to the construction of zoning ordinances and codes and the interpretation requirements of the Harford County Code, the following rules of construction shall apply to the text of this Part 1:
  - (1) The particular shall control the general.
  - (2) In case of conflict between the text of this Part 1 and any caption, illustration, summary table or illustrative table, the text shall control.
  - (3) The phrase "used for" includes arranged for, designed for, intended for, maintained for or occupied for.
  - (4) The word "person" includes an individual, sole proprietorship, corporation, partnership or incorporated association and any recognized legal entity.
  - (5) Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves 2 or more items, conditions, provisions or events connected by the conjunction "and ... or" or "either ... or," the use of the conjunction is defined as follows:
    - (a) "And" means that all the connected items, conditions, provisions and events apply together and not separately.
    - (b) "Or" means that the connected items, conditions, provisions or events shall apply separately or in any combination.
    - (c) "Either ... or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.
  - (6) The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.

- (7) When a term is defined in the County Subdivision Regulations or the County Building Code, as noted in this Part 1, it shall have the meanings specified in the Subdivision Regulations or Building Code unless specifically defined in this Part 1.
  - (8) The word "County" means Harford County, Maryland. The word "State" means the State of Maryland. The term "Charter" refers to the Harford County Charter, approved by the voters of the County, and all amendments thereto.
  - (9) The terms "County Council," "Board of Appeals," "Director of Planning," "Planning Advisory Board," "County Attorney," "Health Officer" and "Sediment Control Inspector" mean the respective Council, Boards, Officers and Department heads of the County.
  - (10) Throughout this Part 1, all words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this Part 1 and their commonly accepted definitions.
- C. The provisions of this Part 1 shall be held to be minimum requirements. Where this Part 1 imposed a greater restriction than is imposed or required by other provisions of law or other rules, regulations, ordinances or by private restrictions, the provisions of this Part 1 shall control.
  - D. Notwithstanding the provisions of this Part 1, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.
  - E. The purpose clauses noted herein are for guidance only. In the event that any purpose clause conflicts with the specific provisions of this Part 1, the specific provisions shall control.

USE CLASSIFICATION	ZONING DISTRICTS															
TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Aircraft landing and storage, private	SE												SE	SE	SE	
Airports, general aviation	SE												SE	SE	SE	
Ambulance services, commercial									P			P	P		P	
Bus depots												P	P			
Communication and broadcasting stations	SE								P		P	P	P	P		P
Communication and broadcasting towers	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	P	P	P	P	P
Community Solar Energy Generating System (CSEGS)			SE	SE	SE	SE				SE	SE	SE	SE	SE	P	SE
Freight terminals												P	P		P	
Helistops	P												P	P	P	
Highway maintenance facilities	P								P			P	P	P	P	
Limousine Services									P		P	P	P			
Power and regeneration plants															P	
Public utility facilities, sanitary landfills and sewage treatment plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rubble Landfills	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste transfer stations	P											P	P		P	
Taxi stands									P			P	P			
Train stations											P	P	P	P	P	
Truck stops or terminals												P	P		P	

PERMITTED USE CHARTS

- (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															
WAREHOUSING AND PROCESSING	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Abattoirs, slaughterhouses	SE												P		P	
Bottling plants												P	P	P	P	
Creamery, cold storage	P								P		P	P	P		P	
Industrial laundries and dry cleaning												P	P		P	
Petroleum and gas products, sales or underground storage not to exceed 25,000 gallons' capacity												SE	P		P	
Petroleum and gas products, storage above ground and underground in excess of 25,000 gallons' capacity															SE	
Warehousing, distribution and local delivery center ≤ 150,000 square feet									P			P	P	P	P	
Warehousing, distribution and local delivery center ≥ 150,000 square feet and ≤ 250,000 square feet													P	P	P	
Mini-warehousing									P			P	P			

PERMITTED USE CHARTS

(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.

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**§ 267-60. CI, LI and GI Industrial Districts.** [Amended by Bill 17-04 and Bill 23-026 As Amended]**A. Purpose.**

- (1) CI Commercial Industrial District. This district is intended for industrial, office and business uses of a moderate scale and intensity.
- (2) LI Light Industrial District. This district is intended to permit a mix of light to moderate manufacturing, processing, and technological development uses. Retail sales are permitted as accessory to a manufacturing or distribution operation where the product is produced, processed or developed and stored 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, production, handling, consolidation, distribution, and/or warehousing, or where order processing occurs, that may include large areas of unenclosed storage and fulfillment space. These uses 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, handled, consolidated, packaged, or distributed from on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

**B. General regulations.**

- (1) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 60-1 through 60-3, shall apply, subject to other requirements of this Part 1.
- (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
- (3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
- (4) Signage shall comply with requirements set forth in §267-33 (Signs).
- (5) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect the operation of vehicles or reflect onto residential lots or buildings.

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

- (1) Agriculture. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.

- (2) Motor vehicle filling or service stations and towing businesses with storage facilities, in the CI, and motor vehicle repair shops in the CI and GI district, provided that:
  - (a) Pumps shall be at least 25 feet from all road rights-of-way.
  - (b) All portions of the lot used for storage or service of motor vehicles shall be paved with a structured pervious surface, including travelways.
  - (c) No obstructions which limit visibility at intersections or driveways shall be permitted.
  - (d) Vehicles, except those vehicles used in the operation of the business or stored pending insurance settlement, may not be stored on the property for more than 90 calendar days, except for towing and storage facilities.
  - (e) A motor vehicle filling or service station shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.
- (3) Extraction activities in the CI and GI districts, provided that:
  - (a) Upon filing an application with the Maryland Department of the Environment, the applicant shall file a copy of the application with the Department of Planning and Zoning.
  - (b) Extraction activities shall be buffered from adjacent residential lots and public roads pursuant to §267-30 (Buffer Yards) or by a landscaped earth berm not less than 6 feet in height and 15 feet in width.
  - (c) In addition to §267-30 (Buffer Yards), extraction activities shall maintain a minimum of a 1,000 foot buffer from any adjacent road and a minimum buffer of 1,500 feet from any adjacent residentially zoned parcel. Within the required buffer yard, a minimum 20 foot recreational buffer shall be maintained.
  - (d) The storage of overburden shall not be visible above the tree line and shall be properly screened from any adjacent road or residentially zoned parcel.
  - (e) Blasting activities shall not be permitted within 2,000 feet of any residentially zoned parcel or designated historic landmark.
- (4) Design requirements. The following design requirements shall apply in the CI, LI or GI districts:
  - (a) Lot coverage. The maximum building coverage and maximum impervious surface standards shall be as follows:

District	Maximum Building Coverage (percent of total lot)	Maximum Impervious Surface (percent of total lot)
CI	50%	85%
LI	55%	85%
GI	60%	90%

- (b) Parking. All parking or loading facilities shall be accommodated on the lot. All roads shall be paved with a hard surface such as asphalt or concrete. Parking areas shall be designed and maintained in accordance with §267-26 (Off-street Parking and Loading).
- (5) Modification of height requirements. Maximum building height may be exceeded if side and rear yards are increased in width and depth by 2 additional feet for every 1 foot of excess height.
- (6) Use limitations within the Commercial Industrial (CI) district. Any use permitted within the CI district shall be subject to the following:
- (a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display or as otherwise permitted.
- (b) Outside storage restriction. Outside storage of materials or equipment not enclosed within a building or structure shall not cover more than 50% of the area and shall not be within the required front yard. Outside storage for the following uses may exceed 50% of the lot area when located not less than 200 feet from any residential district.
- [1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles of a delivery service; and public utility yards for construction, maintenance or storage.
- [2] Carnivals, circuses, concerts or public events.
- [3] Flammable liquids, underground storage only, not to exceed 25,000 gallons.
- [4] Liquefied petroleum products, provided that said products are stored in tanks which meet the American Society of Mechanical Engineers Code design approval and said storage shall comply with the rules and regulations of the latest edition of the NFPA No. 58 standard for the storage and handling of liquefied petroleum gases, including any revisions thereof, and that the extent of such installation shall not exceed 30,000 gallons water capacity.

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- (7) Use limitations within the Light Industrial (LI) district. Any use permitted within the LI district shall be subject to the following:
- (a) Enclosed building. All uses permitted shall be conducted within an enclosed building, except for parking, loading, unloading, incidental storage and display or as otherwise permitted.
  - (b) Outside storage restriction. Outside storage of materials or equipment not enclosed within a building or structure shall not cover more than 50% of the gross area and shall not be within the required front yard. Outside storage for the following uses may exceed 50% of the lot area when located not less than 200 feet from any residential district.
    - [1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sales of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for vehicles or a delivery service; and public utility yards for construction, maintenance or storage.
    - [2] Carnivals, circuses, concerts or public events.
- (8) Use limitations within the General Industrial (GI) district. Any use permitted in the GI district shall be subject to the following:
- (a) Outside storage restrictions. Outside storage of materials or equipment shall not exceed 70% of the gross lot area.
  - (b) Industrial developments with overall development plan approval from the Department of Planning and Zoning prior to September 1, 1982 may include office, retail and service uses. Service uses, except personal services, may occupy up to 10% of the parcel area; retail trade and personal service uses up to 5%.
- (9) Housing for the elderly in the CI district when developed in accordance with Article VIII.
- (10) Continuing Care Retirement Community (CCRC). The CCRC shall be developed in accordance with the provisions of Article VIII. The CCRC shall be permitted in the CI district. The minimum lot size is 20 acres.
- (11) Noncompetitive recreational amusement cars in the CI district, provided that:
- (a) The minimum lot size shall be 5 acres.
  - (b) The project shall be directly accessible by 1 or more existing or planned arterial or collector roads.
  - (c) A minimum 100 foot setback shall be maintained from any adjoining residentially zoned properties.

- (d) A type "C" buffer shall be established pursuant to §267-30 (Buffer Yards).
- (e) The operation of the cars shall not occur between the hours of 11:00 p.m. and 8:00 a.m.
- (12) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).
- (13) Integrated Community Shopping Centers (ICSC) shall be permitted in the CI District in accordance with §267-79 (Integrated Community Shopping Centers (ICSC)).
- (14) 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 requirements are met:
  - (a) Special dimensional requirements for warehouses
    - [1] The maximum building height shall be 36 feet in the Commercial Industrial CI District and 40 feet in the Light Industrial LI and General Industrial GI Districts.
    - [2] The total maximum building coverage shall be 55%.
    - [3] The total maximum impervious coverage shall be 85%, unless otherwise regulated by Water Source Protection District requirements.
    - [4] Where the footprint of the proposed principal warehouse structure is greater than 150,000 square feet and less than or equal to 250,000 square feet, in addition to the other requirements of this section:
      - [a] All access points shall be a minimum of 250 feet from any dwelling.
      - [b] All drive aisles, loading/unloading areas, and parking areas intended for use by tractor trailers as well as outdoor storage areas shall be a minimum of 250 feet from any dwelling.
  - (b) Bufferyards
    - [1] A one hundred foot wide bufferyard shall be provided along the entire length of the street frontage 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 bufferyard shall be provided along any property line which abuts a residential or agricultural zoning district or an existing residential use.
    - [2] The bufferyard shall be measured from the property line or street right-of-way line. Where a lot line, drainage or utility easement is

required, the bufferyard shall be measured from the inside edge of the easement.

- [3] The bufferyard 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 regulations and/or as may be required and/or approved by the Board of Appeals.
- [4] The bufferyard shall be landscaped with native trees and vegetation, including evergreen trees (other than white or loblolly pine trees), deciduous trees, flowering trees, and shrubs.
- [5] All areas of the bufferyard not covered with plantings shall be covered by a well maintained, all-season vegetative ground cover such as grass.
- [6] Earthen berms shall be constructed within bufferyards in accordance with Subsection (c), Berm requirements, herein.
- [7] Minimum planting requirements in bufferyards:
  - [a] Native trees and shrubs shall be planted in the following minimum quantities per 100 lineal feet of bufferyard, as measured parallel to the bufferyard.
    - [i] Ten evergreen trees (other than white or loblolly pine trees).
    - [ii] Five deciduous trees.
    - [iii] Three flowering trees.
    - [iv] Ten shrubs.
  - [b] This landscaping shall be provided in addition to any landscaping required by other County regulations.
  - [c] Plantings shall be arranged so as to provide a complete visual screen of the warehouse of at least 14 feet in height (measured in addition to the height of the berm) within three years.
  - [d] The plantings shall be arranged on the outside (non-warehouse side) and top of the berm.
  - [e] Evergreen trees shall have a minimum height of eight (8) feet. Deciduous trees shall have a minimum trunk caliper of two (2) inches measured three feet above the top of the root ball and a minimum height of twelve (12) feet. Flowering trees shall have a minimum height of seven (7)

feet. Shrubs shall have a minimum height of thirty (30) inches. Minimum heights shall be as measured from finished grade at the time of planting.

(c) Berm requirements

- [1] A raised earthen berm shall be constructed along the entire length of the portion of any street frontage of any property upon which a warehouse is located that abuts with an existing residential use or a zoning district other than a CI, LI or GI use district.
- [2] The berm shall have a minimum average height of 14 feet measured above existing grade on the outside (non-warehouse side) of the berm. The berm shall not have a completely continuous height but shall vary in height by one or two feet along the length of the berm.
- [3] The berm shall have a maximum side slope of three feet horizontal to one foot vertical.
- [4] The berm shall have a minimum top width of 10 feet.

(d) Other requirements

- [1] All access points for all warehouses shall be to and from a collector or arterial roadway, built to County standards and directly connected to the nearest collector or arterial roadway built to those standards.
- [2] Idling restrictions. The use shall include site features, amenities, and/or signage to ensure compliance with local and State laws concerning idling vehicles and equipment.
- [3] Driveways, walkways, and parking, staging, and loading areas shall be designed to minimize potential conflicts between cars, trucks, and pedestrians internal to the site and at access points to adjacent roadways.
- [4] Traffic study. Applicant shall prepare a Traffic Impact Analysis (TIA) prepared by a professional engineer, licensed in the State of Maryland, pursuant to Section 267-126, Adequate Public Facilities.
- [5] Off-street parking, loading, and staging spaces and loading docks are required as follows:
  - [a] Off-street parking spaces – 1.5 parking spaces for every 1 employee at peak periods of operation, including any potential overlap between shifts.
  - [b] Staging spaces – Two (2) 12-ft. x 75-ft. truck and/or trailer staging spaces for every one (1) loading dock. A minimum of five (5) percent of required truck and/or trailer staging

spaces shall be reserved for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be accessible during and after the facility's operating hours as necessary.

- [c] Loading spaces – One (1) 12-ft. x 75-ft. truck and/or trailer loading space for every one (1) loading dock.
- [d] Loading docks – The minimum number of loading docks shall be determined using the following calculations:
  - [i] Number of trucks per hour (at the peak hour of the use) x turnaround time per truck (in hours) = number of required docks.
  - [ii] The number of docks determined by the above formula shall be rounded up to the next whole number.
- [e] No parking or staging areas shall be permitted within a designated Water Source Protection District.
- [f] No trucks and/or trailers shall be permitted to park or stage on public streets while waiting to access a facility.
- [6] 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 Protection District.
- [7] Driveways and internal drive aisles shall be designed with adequate widths and turning radii to allow tractor trailers to complete turning maneuvers while remaining within their designated travel lands. Turning templates shall be provided for all anticipated vehicle types and routes.
- [8] Truck drivers shall be instructed as to the acceptable travel routes (relative to the class of vehicle) between the facility and the nearest arterial roads by way of on-site and off-site signage and other appropriate means as necessary.
- [9] An exterior access stair tower shall be provided to allow public safety personnel direct emergency access to the roof of the building from the ground level. Steps, guiderails, handrails, brackets, gates, and other components shall meet or exceed applicable uniform construction code and Occupational Safety and Health Administration (OSHA) standards. The final location and specifications for the exterior access stair tower shall be subject to review and approval by the Emergency Services Coordinator and/or Fire Marshall.

- [10] Commercial knox boxes are required to provide public safety personnel access to any secured areas of the site, the principal building structure, and any accessory structures. The final location(s) and specifications for knox boxes shall be subject to review and approval by the Emergency Services Coordinator and/or Fire Marshall.
- [11] When submitting application for review through the Development Advisory Committee, the applicant shall provide a written narrative, and additional supporting information, documentation, studies, and reports as necessary or required below, containing detailed descriptions of the proposed use and substantive evidence demonstrating consistency of the proposed use relative to each of the following topics:
  - [a] The nature of all activities and operations to be conducted on the site, the types of materials to be stored, the duration of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with applicable State and Federal regulations.
  - [b] Hours of operation and the times and frequency of deliveries, distributions and/or restocking.
  - [c] The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, and the total number of employees on each shift.
  - [d] Adequacy of the number, size, and location of loading and staging spaces provided for trucks to accommodate the expected demand generated by the use, including both pre-loading and post-loading activities.
  - [e] Adequacy of off-street staging spaces available for tractor trailers arriving during non-business hours.
  - [f] Adequacy of off-street staging spaces available at facility entrances to prevent vehicles from queueing on public streets while waiting to access the facility.
  - [g] The applicant shall submit a truck routing map identifying anticipated routes to and from the proposed facility, consistent with truck routing signage and trip distribution data presented in the traffic study as required elsewhere herein.

## (15) Grandfathering

- (a) The provisions of Council Bill No. 23-026 shall not apply to either any project which has acquired a vested right through the actual physical commencement of a significant and visible construction which was commenced in good faith, with the intention to complete the construction and was commenced pursuant to a validly issued building permit or any project which has received site plan approval prior to the effective date of the Bill. Those projects shall remain subject to the zoning requirements applicable prior to the adoption of Council Bill 23-026.
- (b) Any development that received a Certificate of Occupancy prior to the adoption of Council Bill 23-026 is not subject to the requirements contained therein and those developments shall remain subject to the zoning requirements applicable at the time the Certificate was issued.
- (c) The provisions of Council Bill no. 23-026 shall further not apply to any other principally permitted use where warehousing, distribution and/or local delivery is an accessory use to the principal use of the property or to the development or redevelopment which is located within an existing industrial park for the purposes of Council Bill 23-026, an industrial park shall be defined as more than 4 contiguous lots located in a Commercial Industrial CI, Light Industrial LI or General Industrial GI zoning classification. In these instances, the zoning requirements prior to the adoption of Council Bill 23-026 shall apply.
- (d) Section 267-20(D) of the Harford County Code shall not apply to any existing use which, as the result of Council Bill 23-026, becomes a non-conforming use.

Table 60-1

Design Requirements for Specific Uses - CI Commercial Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					50	60	25	15	25	40
Institutional	40,000					100	30	20	40	36
Motor Vehicles	10,000				25	50	25	10	35	36
Natural Resources	2 acres				50 (bldg.)					36
Retail Trade/Services	10,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Sanitary Landfills	2 acres				200	100	80	50	80	36
Warehousing, Wholesaling and Processing	20,000				50	70	30	20	40	36
Residential (Transient Housing)	40,000			1,000	25	100	30	20	40	3 stories
Rubble Landfills	100 acres									See §267-90
Mineral Extraction and Processing	2 acres				See §267-61					36

Table 60-1  
Design Requirements for Specific Uses - CI Commercial Industrial District

**NOTE:** General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Section 2 of Bill 84-37 provided that said act "shall not apply to a prior conditional use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received 3 or more building permits for the location of mobile homes by the effective date of said act".

Table 60-2

Design Requirements for Specific Uses - LI Light Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					50	60	25	15	25	40
Institutional	40,000				50	100	30	20	40	36
Motor Vehicles	10,000				25	50	25	10	35	36
Natural Resources	2 acres				50 (bldg.)					36
Services	10,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Warehousing, Wholesaling and Processing	20,000				50	50	25	15	25	40
Residential (Transient Housing)	20,000				25	100	25	10	25	3 stories
Rubble Landfills	100 acres									See §267-90

Table 60-2  
Design Requirements for Specific Uses - LI Light Industrial District

**NOTE:** General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

Table 60-3

Design Requirements for Specific Uses - GI General Industrial District

USE CLASSIFICATION	Minimum Lot Area (sq. ft.)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (sq. ft.)	Minimum Bldg. or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (feet)
Amusements	10,000					50	25	10	35	36
Industrial					100	60	25	15	25	40
Institutional	40,000				25	100	30	20	40	36
Motor Vehicles	20,000				25	50	25	10	35	36
Natural Resources	2 acres				50 (bldg.)					36
Retail Trade/Services	20,000				25	50	25	10	35	36
Transportation, Communications and Utilities	10,000				50	50	25	10	40	36
Public Utility Facilities					25		25	25	25	36
Sewage Pumping Stations					200		25	25	25	36
Sanitary Landfills	2 acres				200	100	80	50	80	36
Warehousing, Wholesaling and Processing					50	50	25	10	25	40
Residential (Transient Housing)	40,000			1,000	25	100	30	20	40	3 stories
Rubble Landfills	100 acres									See §267-90
Mineral Extraction and Processing	2 acres				See §267-61					36

Table 60-3

Design Requirements for Specific Uses - GI General Industrial District

**NOTE:** General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.

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## ARTICLE XV. Growth Management

**§ 267-126. Adequate Public Facilities.** [Amended by Bill 09-33, as amended; Bill 11-04, as amended; and Bill 23-026 as amended]

A. Annual growth report.

- (1) The Department of Planning and Zoning shall prepare an annual growth report describing growth and facility capacity in accordance with paragraphs (2) and (3) of this section. The annual growth report shall be submitted by the Director of Planning to the County Council by June 1 and shall become effective July 1.
- (2) Growth trends. The annual growth report shall describe the growth that has occurred in the preceding year. The information in the report shall be aggregated by the appropriate facility service areas, and the report shall include, but need not be limited to, the following information:
  - (a) Number of building permits approved for new dwelling units, by type;
  - (b) Number of residential units for which Preliminary Plan approval has been issued but for which building permits have not yet been issued;
  - (c) The number of building permits approved for nonresidential uses, by type and total floor area;
  - (d) Estimated population, households and employment;
  - (e) Comparisons with the same information for the previous 5 years;
  - (f) Comparison with the same information for the Baltimore region and other political subdivisions; and
  - (g) Population, household and employment projections for 5- and 10-year periods.
- (3) Specific facility analysis. The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. The analysis shall include, but need not be limited to, the following information:
  - (a) Schools.
    - [1] Full-time enrollment for each school district, as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education;
    - [2] Rated capacity and utilization percentage of each school facility, with capacity based on the State rated capacity;
    - [3] One-year, 2-year and 3-year enrollment projections for each facility, including a description of the method of projecting enrollment in each facility;

- [4] Pupil yield factor by school level for each type of dwelling unit;
- [5] List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projects enrollment and opening date;
- [6] School districts map for each level of school facilities; and
- [7] Modified enrollment projections for each district which include planned units remaining (recorded lots and units projected from approved Preliminary Plans) and projected units from vacant land zoned for residential purposes.

(b) Sewerage.

- [1] Sewage generation (in gallons per day) for each type of dwelling unit and commercial/industrial use (average);
- [2] Inventory/tabulation of existing flows, including all allocations to the system, and the total system capacity;
- [3] Sewage generation projections for the system, including the basis for their computation; and
- [4] A list of capital projects, contained in the capital improvements program, for expanded sewerage facilities, including project status.

(c) Water.

- [1] Water usage (in gallons per day) for each type of dwelling unit and commercial and industrial use (average);
- [2] Inventory/tabulation of existing water consumption, including all allocations to the system, and the total system capacity;
- [3] Water usage/demand projections for the system, including the basis for their computation; and
- [4] A list of capital projects, contained in the capital improvements program, for expanded water facilities, including project status.

(d) Roads.

- [1] List of approved transportation capital projects outlined in the Harford County Capital Improvement Program and the State Consolidated Transportation Program;
- [2] List of the existing Level of Service (LOS) at major intersections in the County; and

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

grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs (2)(a)[1][a] or [b] of this Subsection no longer exists.

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

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

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

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

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

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

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

(b) Sewerage.

[1] The County sewerage system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, all

committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility Agreements, all unexpired Preliminary Plans and properties using individual sewerage systems that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:

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

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- [5] Conditional review. If paragraphs [1][a], [b], [c], [d] or [e] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Subdivision Plan or Site Plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [1][a], [b], [c], [d] or [e] of this Subsection no longer exists.
- [6] Grandfathering. Unless an extension of the approval of the plan is granted in accordance with the Subdivision Regulations, development conducted in accordance with a Preliminary Plan approved before the effective date of Council Bill 93-26 is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system. If an extension of the approval of the plan is granted, the development is subject to the provisions of this Subsection concerning the adequacy of the sewerage system. If development is exempt from the provisions of this Subsection concerning the adequacy of the sewerage system, execution of public works utility agreements for such development is subject to availability of capacity in the sewerage system at the time of application for the Public Works Utility Agreements.
- (c) Water.
- [1] The County water system or community water system shall be considered adequate if, taking into consideration demands on the system generated or projected to be generated by existing connections, building under construction that will be connected to the system, all committed allocations evidenced by payment of area charges and connection fees, all unexpired Public Works Utility Agreements, all unexpired Preliminary Plans and properties using individual water supply system that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed and construction plans completed:
- [a] The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development, as established in the County's water and sewer design guidelines;
- [b] Booster stations and/or transmission mains in the service area have sufficient available capacity to provide

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

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

(d) Roads

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

- [b] Outside the Development Envelope (the boundary designated as the planned growth area of Harford County as provided in the most recently adopted Land Use Element Plan) the existing County and State roads in all directions from each point of entrance of the site to the first intersection of a major collector or higher functional classification road as defined by the Harford County Transportation Plan are capable of accommodating a projected Level of Service "C" or higher at the intersections as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
- [4] Capital projects with 100% of the construction costs allocated in the County's current year adopted Capital Improvement Program or approved for construction in the current year State-Consolidated Transportation Program may be utilized in the traffic analysis. Necessary improvements identified in the TIA to meet the LOS standards in (d)[3] must be provided by the subdivider:
  - [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; or
  - [b] If the TIA determines that the existing LOS is "D" or lower at an intersection outside the Development Envelope, the subdivider needs only to mitigate the portion of trips generated from the subdivision site; and
  - [c] If the TIA determines a subdivider is subject to mitigate its portion of trips generated from the site, then the subdivider shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the subdivider is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property or State or federal regulations, all of which are beyond the control of the subdivider, then the subdivider shall deposit into an escrow account with the County 125% of the funds necessary to cover the costs of the improvements as determined by the County. Said funds shall be deposited prior to issuance of a building permit. The County shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the County for longer than 10 years from date of deposit.
- [5] Conditional review. If paragraphs [3][a] or [b] of this Subsection prevents approval or the extension of a previous approval of a Preliminary Subdivision Plan or Site Plan, the Department of

Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review and, for previously-approved plans, by date of the request for extension. Record plats, grading permits and Public Works Agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs [3][a] or [b] of this Subsection no longer exists.

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

peak flows from the proposed development and other developable land within the drainage area;

- [d] Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development; and
  - [e] Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development.
- [2] The County sewerage system shall also be considered adequate if there is compliance with [1][a] and [c] of this Subsection and the County has acquired all necessary land or rights of way, awarded a contract for the construction of projects for the improvement of the facilities necessary to comply with requirements of [1][b], [d] and [e] of this Subsection and has issued a notice to proceed with the contract work. No Certificate of Occupancy shall be issued for developer's project until the necessary sewerage work has been completed.
- [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 necessary to meet the requirements of [1][a], [b], [c] and [d] of this section by or before completion of developer's project and issuance of any Certificate of Occupancy.
- [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 prevent 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, a municipal water system or a community water system operating in accordance with the requirements of the Environmental Article of the Maryland Annotated Code and other applicable State law requirements 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, a municipal water system or a community water system shall also be considered adequate if the County or the operating entity has acquired all necessary land or

rights-of-way required to complete the necessary water system improvements, awarded a contract for the construction of the facilities necessary to comply with the requirements of paragraphs [1][a], [b], [c] and [d] of this Subsection and has issued a notice to proceed with the contracted for work. No Certificate of Occupancy shall be issued for developer's project until the water system is operational and capable of supplying water to developer's project.

- [3] The County water system, a municipal water system or a 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 necessary to meet the requirements of [1][a], [b], [c] and [d] of this Subsection or the developer executes an agreement with the County, municipality or the operating entity for improvements to 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][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] Notwithstanding any other provisions of this Subsection (c) Roads, for projects that require the construction, or the completion, of a road and/or intersection as required by the Transportation Element of the Harford County Master Plan or the Subdivision Regulations and that is identified and analyzed within the scope of a Traffic Impact Analysis for the project, a grading permit shall not be issued until all land or rights-of-way necessary for the construction of such improvements has been acquired, a contract for construction of the entire road and/or intersection improvements called for in the Master Plan has been awarded, a notice to proceed has issued and construction of such improvements has been substantially completed and open to traffic. No Certificate of Occupancy for structures and buildings on the project shall be issued until construction of such improvements is completed and such road/road improvements and/or intersection are complete and operational, except for any road or road improvements required by the Maryland State Highway Administration.
- [2] 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 Harford County, a Traffic Impact Analysis (TIA) study to determine the Level of Service (LOS) of road intersections within the study area. The developer shall pay in advance all costs before the County will order the preparation of the TIA study. 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 [4], whichever is greater.
- [3] At the request of and with justification submitted by the developer, 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.

- [4] 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.
- [5] 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)[4] must be provided by the developer:
- [a] If the TIA determines that the existing LOS is "E" or lower at an intersection inside the Development Envelope, the developer 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 developer needs only to mitigate the portion of trips generated from the subdivision site; and
  - [c] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, then the developer shall construct the improvements as stipulated by the Department of Public Works. In the event that the Department of Public Works determines that the developer 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

developer, then the developer shall deposit into an escrow account with the County 150% of the funds necessary to cover the costs of the improvements, including any land or rights-of-way acquisition costs, 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.

- [6] Conditional review. If paragraphs [4][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 [4][a] or [b] of this Subsection no longer exists.
  - [7] 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.
  - [8] 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 than 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.

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