

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru June 23, 2025

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	18-04AA	6/18/18
09-11	6/15/09	18-33	12/10/18
09-19AA	8/17/09	18-34	12/10/18
09-23AA	10/13/09	18-35	12/10/18
09-31AA	1/22/10	18-36	12/10/18
09-33AA	1/22/10	19-04AA	5/13/19
10-03	4/20/10	19-15AA	8/12/19
10-30	12/13/10	19-16AA	8/20/19
10-32AA	12/27/10	19-29AA	1/2/20
11-04AA	5/23/11	19-28	1/13/20
11-05AA	5/23/11	19-30	2/14/20
11-03	5/31/11	20-01	4/20/20
11-32	12/12/11	20-11	8/10/20
11-44	12/19/11	21-01AA	5/10/21
11-62AA	1/13/12	21-03AA	8/6/21
12-07AA	5/14/12	21-14	8/16/21
12-14	5/21/12	21-19	11/22/21
12-44	1/26/13	21-20AA	12/20/21
12-48AA	2/11/13	21-23	1/10/22
13-4AA	5/6/13	22-06	7/19/22
13-17	7/22/13	22-08	7/25/22
13-35	1/21/14	22-14	8/22/22
13-36	1/21/14	22-11	10/5/22
13-50	2/18/14	22-24	10/19/22
13-51	3/18/14	23-06AA	6/5/23
13-52	3/18/14	23-10AA	8/21/23
14-01	4/22/14	23-23	8/25/23
14-09	7/11/14	23-24	8/28/23
14-26AA	8/25/14	23-26AA	12/12/23
15-17	12/7/15	23-27AA	1/8/24
15-23AA	1/4/16	23-37	4/9/24
15-35AA	2/8/16	24-23	9/9/24
15-36AA	2/16/16	24-25AA	12/10/24
15-39AA	2/16/16	24-34	2/24/25
16-02AA	5/17/16	24-36	3/3/25
16-07	7/5/16	25-02	6/23/25
16-20	8/22/16		
16-28	2/13/17		
16-29AA	2/13/17		
17-02	4/24/17		
17-04	6/5/17		
17-08AA	8/14/17		
17-15AA	12/26/17		
17-18AA	1/16/18		

Chapter 267. Zoning

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Chapter 267. Zoning

PART 1. STANDARDS.

ARTICLE I. General Provisions

§ 267-1. Title.

The Zoning Code shall include the text and regulations, the Official Zoning Maps and any amendments thereto.

§ 267-2. Legislative Authority.

This Zoning Code is adopted pursuant to Article 25A of the Annotated Code of Maryland and the Charter. The Zoning Maps of the County shall be the comprehensive Countywide maps adopted by legislative action simultaneously herewith or subsequent hereto.

§ 267-3. Purpose.

- A. The purpose of this Zoning Code is to promote the health, safety, morals and general welfare of the community by regulating the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of lots, yards and other open spaces and the location and use of buildings, structures and land for business, industrial, residential and other purposes. This Zoning Code is enacted to support the Master Plan and designed to control traffic congestion on public roads; to provide adequate light and air; to promote the conservation of natural resources, including the preservation of productive agricultural land; to facilitate the construction of housing of different types to meet the needs of the County's present and future residents; to prevent environmental pollution; to avoid undue concentration of population and congestion; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public facilities; to give reasonable consideration, among other things, to the character of each district and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the County; to secure safety from fire, panic and other danger; and to conserve the value of property.
- B. It is the policy of Harford County, Maryland, that the provisions of this Zoning Code or any rule or regulation adopted to administer this Zoning Code shall not be interpreted, implemented or intended in any manner so as to regulate, restrict, control, interfere with or govern the use of a person's home with respect to those uses commonly associated with the enjoyment of the home, including the rights of parents to educate their children in their own home and the rights of persons to use their own home for religious activities.

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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; Bill 23-26, as amended and Bill 24-36.]

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 serveway 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 omnidirectional 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.

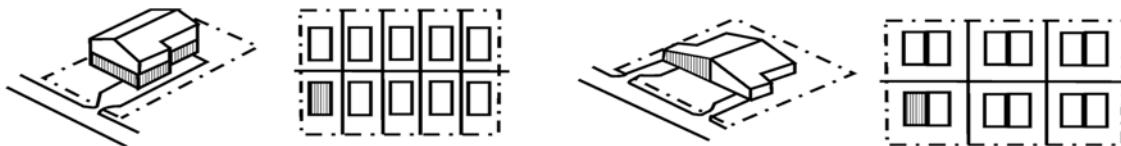


Figure 1 duplex dwelling

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

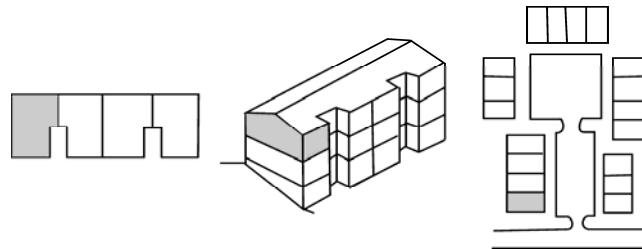


Figure 2 garden apartment

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

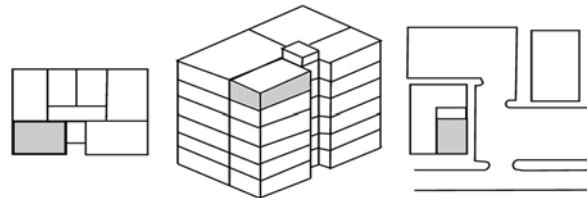


Figure 3 high-rise apartment

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.

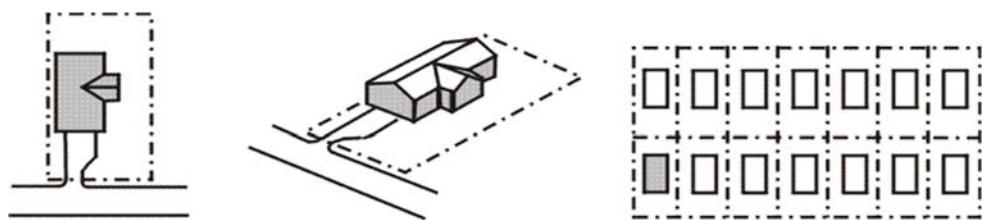


Figure 4 lot line dwelling

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

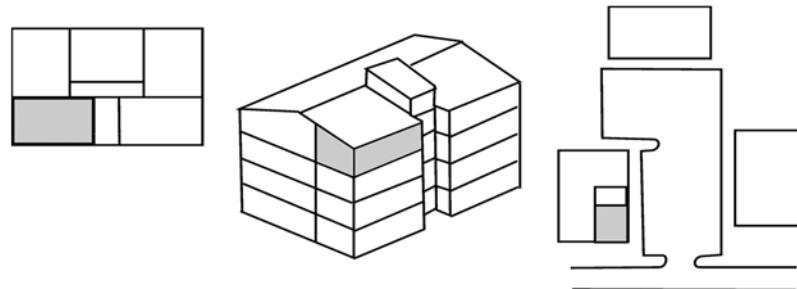


Figure 5 mid-rise apartment

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.

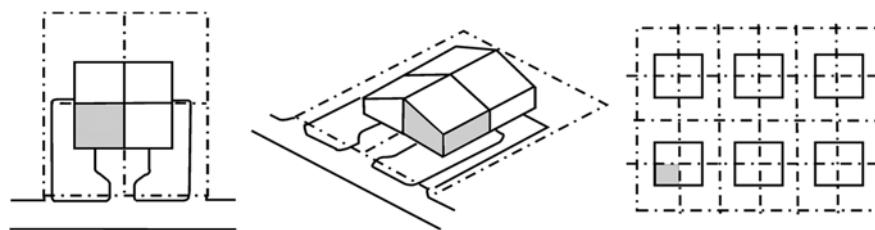


Figure 6 multiplex dwelling

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.

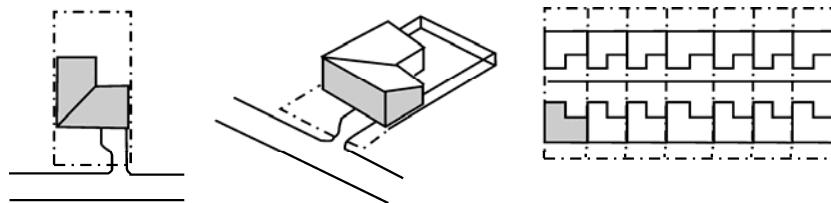


Figure 7 patio, atrium or court dwelling

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

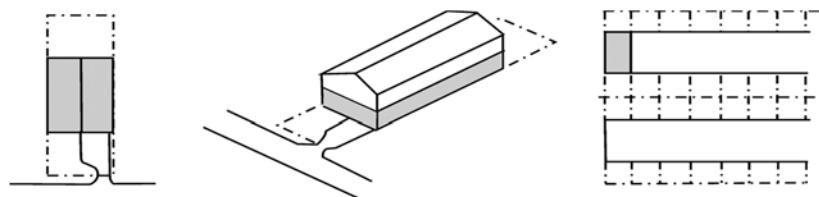


Figure 8 row duplex dwelling

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

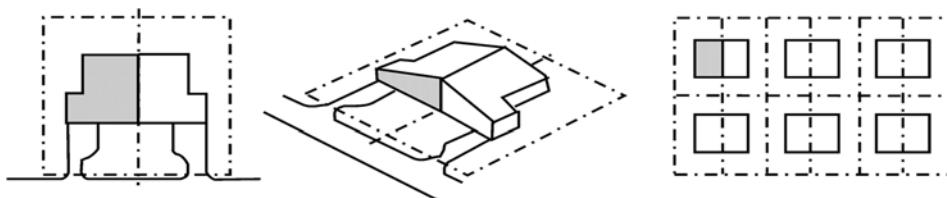


Figure 9 semi-detached dwelling

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.

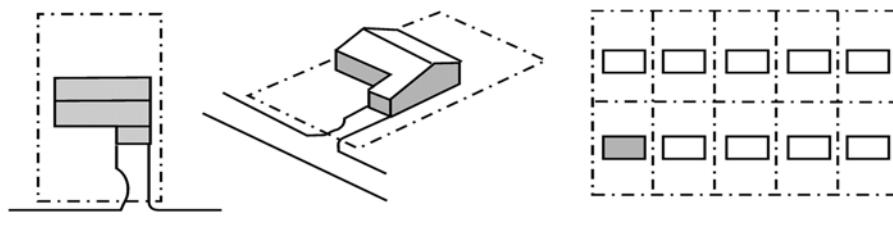


Figure 10 single-family detached dwelling

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

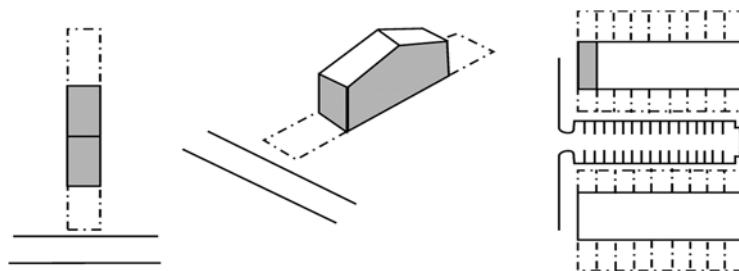


Figure 11 townhouse dwelling

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 FRONTRAGE - 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.

METEOROLOGICAL 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.

ROOF MOUNTED WIND TURBINE – A small wind energy system that has a rated name plate capacity of 2.5 kilowatts or less mounted on the roof of a building.

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.

ARTICLE II. Administration and Enforcement

§ 267-7. Director of Planning.

A. The Director of Planning or a duly authorized designee shall be vested and charged with the power and duty to:

- (1) Perform such duties as are necessary for the proper enforcement and administration of the Harford County Zoning Code.
- (2) Receive and review complete applications under the provisions of this Part 1 for transmittal and recommendation to the Board.
- (3) Issue zoning certificates pursuant to the provisions of this Part 1 and suspend or revoke any zoning certificate upon violation of any of the provisions of this Part 1 or any approvals granted hereunder subject to the requirements of this Part 1.
- (4) Conduct inspections and surveys to determine whether a violation of this Part 1 exists.
- (5) Seek criminal or civil enforcement for any provision of this Part 1 and take any action on behalf of the County, either at law or in equity, to prevent or abate any violation or potential violation of this Part 1.
- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.
- (7) Design and distribute applications and forms required by this Part 1, requesting information that is pertinent to the requested approval.

B. The Director of Planning and any duly authorized agents shall have the right to enter and inspect, with the permission of the owner or occupant, any structure or land in order to verify that the structure or land complies with the provisions of this Part 1. Should the owner or occupant deny such entry, the Director of Planning may seek relief from a court of competent jurisdiction to permit such right.

C. Any person may file a complaint with the Director of Planning or a duly authorized designee alleging a violation of this Part 1. The Director of Planning shall investigate and determine as a matter of fact whether a violation has occurred.

§ 267-8. Zoning Certificates. [Amended by Bill 23-24]

A. It shall be unlawful for any owner, tenant, licensee or occupant to initiate development of, change the use of or commence a new use of any lot or portion thereof or any building, structure or improvement or portion thereof, except agricultural uses, structures or improvements, in whole or in part, without first obtaining a zoning certificate issued by the Director of Planning or a duly authorized designee in accordance with the provisions

of this Part 1. A zoning certificate shall be required for such accessory and temporary uses as are enumerated in this Part 1. An application for a zoning certificate shall be made in writing by the owner or the contract purchaser of the property for which the certificate is sought. A zoning certificate shall not be required for a preexisting use lawfully being made of a lot or any portion thereof prior to the effective date of the provisions in this Part 1 (i.e., grandfathered uses). For any development or use of any lot or portion thereof or any building, structure or improvement or portion thereof, including accessory structures and temporary uses, which also require a building permit pursuant to Chapter 82 of the Harford County Code, a separate zoning certificate and payment of a separate zoning certificate fee shall not be required and a duly issued building permit approved by the Director of Planning or the Director's designee coupled with payment of the building permit fees will act in the place and stead of the zoning certificate and will provide or add to the parameters of the permitted use or uses.

- B. An approved and duly issued zoning certificate shall indicate that the building, structure, improvement or part thereof or the lot or part thereof and the proposed use or modification thereof described in the zoning certificate are in conformity with the provisions of this Part 1.
- C. Upon written request from an owner, tenant or contract purchaser, the Director of Planning shall issue a zoning certificate for any building or lot lawfully existing at the time of the enactment of this Part 1, certifying the extent and nature of the use made of the lot or building and whether such use conforms to the provisions of this Part 1.
- D. Every application for a zoning certificate shall:
 - (1) Be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
 - (2) Indicate the exact location, size and height of any building, structure, improvement or part thereof to be erected or altered.
 - (3) Indicate the existing and intended use of each building, structure, improvement or part thereof.
 - (4) Indicate the number of residential or commercial or business units the building or structure is designed to accommodate and, when no buildings are involved, the location of the present use and any new or altered use.
 - (5) Indicate the proposed uses of the lot.
 - (6) Provide such other information as may be reasonably required by the Director of Planning.
- E. The Director of Planning also has the authority to require that detailed Site Plans for nonresidential or multi-family residential developments be submitted for review and approval prior to zoning certificate application. Such approval may require review through the Development Advisory Committee (DAC).

- F. Any zoning certificate shall be revocable upon written order of the Director of Planning in the event of a failure to comply with the requirements and conditions of this Part 1 or the specific grant, order or approval applicable thereto. Such revocation shall not be effective until after:
 - (1) Notice, by certified mail, of such proposed revocation and hearing have been provided to the holder of the certificate.
 - (2) The Director of Planning has held a hearing not less than 10 or more than 30 calendar days from the date of the forwarding of such notice.
 - (3) A final decision has been rendered within 10 calendar days of the completion of the hearing.
- G. Any certificate, building permit or other development permit issued on the basis of fraud, mistake or misrepresentation shall be subject to revocation.
- H. A zoning certificate issued on the basis of approved Site Plans and applications authorizes only the uses, arrangements and developments set forth in such applications and plans and no other uses, arrangements or developments. Uses, arrangements or developments substantially differing from that authorized is a violation of this Part 1 and shall be a basis for revocation of the zoning certificate or building permit.
- I. The Director of Planning shall not issue a zoning certificate until an application has been completed, submitted, reviewed and approved and all fees established by the County for processing the same have been paid in full.

§ 267-9. Board of Appeals. [Amended by Bill 09-31, as amended]

- A. Establishment. In compliance with the provisions of the Charter, the Board of Appeals is continued. The County Council is hereby designated as the Board of Appeals. The President of the County Council or, in his absence, the Vice President shall act as Chairman of the Board. Hearings before the Board shall be open to the public and quasi-judicial in nature.
- B. Powers and duties. The Board shall be vested and charged with all the powers and duties created by this Part 1, including the power and duty to:
 - (1) Hear and decide any zoning case brought before the Board and to impose such conditions or limitations as may be necessary to protect the public health, safety and welfare.
 - (2) Adopt rules and regulations governing procedure before the Board consistent with the Charter and this Part 1.
 - (3) Perform any act, issue any order or adopt any procedure consistent with law applicable to administrative agencies in general and the provisions of this Part 1.
- C. Hearing Examiners. The Board may employ Hearing Examiners to hear zoning cases within the jurisdiction of the Board pursuant to procedural rules adopted by the Board. The Hearing Examiner shall have the authority, duty and responsibility to render recommendations in all cases, subject to final approval of the Board. Such recommendations shall be consistent with the requirements of Subsection H, Decision of the Board.

- D. Filings. Applications for variances, special exceptions, special developments and reclassification shall be filed with the Director of Planning by the property owner, property owner's authorized agent or contract purchaser. Applications for final determinations may be filed with the Director of Planning by any person. Filed applications are forwarded to the Board of Appeals for hearings.
- E. Hearings. Proceedings before the Hearing Examiner and the Board shall be quasi-judicial in nature and conducted in accordance with the rules of procedure of the Board in such a manner as to afford the parties due process of law.
- F. Recommendation of the Hearing Examiner. The recommendation of the Hearing Examiner shall be deemed to be adopted by the Board, unless final argument is requested within 20 days from the date of the written recommendation.
- G. Request for final argument. A request for final argument before the Board may be filed by any Board member, the applicant, the People's Counsel or a person aggrieved who registered as a party to the proceedings before the Hearing Examiner. Upon filing a request for final argument, the Board shall notify all parties to the proceeding.
- H. Decision of the Board. The decision of the Board shall be in writing and shall specify findings of fact and conclusions of law. The Board may affirm, reverse, modify or remand the Hearing Examiner's recommendation. In reviewing the recommendation of the Hearing Examiner, the Board shall give consideration to the opportunity of the Hearing Examiner to see and hear the witnesses and to judge their credibility. The Board may specify the circumstances under which additional evidence can be accepted by the Hearing Examiner and may remand the case for determination of limited issues. Decisions of the Board shall be subject to appeal in accordance with the Charter.
- I. Limitations, guidelines and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood, Natural Resource District, Chesapeake Bay Critical Area or is protected by a permanent easement. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:
 - (1) The number of persons living or working in the immediate area.
 - (2) Traffic conditions, including facilities for pedestrians and cyclists, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.
 - (3) The orderly growth of the neighborhood and community and the fiscal impact on the County.
 - (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

- (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.
- (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.
- (7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.
- (8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.
- (9) The environmental impact, the effect on sensitive features and opportunities for recreation and open space.
- (10) The preservation of cultural and Historic Landmarks.

J. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning certifies to the Board that, by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order of the Board or a court of competent jurisdiction, on application after notice to the Director of Planning and on good cause shown.

K. Application disapproved.

- (1) Failure to pay costs.
 - (a) Except as provided in Subsection K(2) of this section, and except as provided in §267-11C (Variances), if the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval or dismissal or any final decision by a Court of competent jurisdiction, whichever shall last occur.
 - (b) Dismissal for failure to pay costs shall be without prejudice.
 - (c) If an appeal to the Board is perfected and the public hearing date set by the posting of the property and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same relief for 6 months from date of withdrawal.
- (2) Subsection K(1)(a) of this section does not apply to an application that is denied pursuant to §A274-5B(3)(c) of the Board's Rules of Procedure for Zoning Applications. An application denied pursuant to that section is denied without prejudice and may be refiled at any time.

L. Any person, firm or corporation who fails to comply with the requirements or conditions imposed by the Board of Appeals shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

§ 267-10. Interpretation of Zoning Map.

The Board, upon application thereof, after notice to the owners of the properties affected and public hearing, may render interpretation of the boundaries of a zoning district by:

- A. Determination of location: determining the location of a road or lot layout actually on the ground or as recorded in comparison to the road and lot lines as shown on the zoning maps.
- B. Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.

§ 267-11. Variances. [Amended by Bill 22-11]

- A. Except as provided in §267-63.12 (Chesapeake Bay Critical Area Program, Variances), variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
 - (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.
- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the State applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval.
- D. In the event that the development or use is not commenced within 3 years from the date of the final decision after all appeals have been exhausted, the approval for the variance shall be void. In the event of delays, unforeseen at the time of the application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof.

§ 267-12. Zoning Reclassifications.

- A. Application initiated by property owner.
 - (1) Any application for a zoning reclassification by a property owner shall be submitted to the Director of Planning and shall include:
 - (a) The location and size of the property.

- (b) A Title reference or a description by metes and bounds, courses and distance.
- (c) The present zoning classification and the classification proposed by the applicant.
- (d) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
- (e) A statement of the grounds for the application, including:
 - [1] A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation.
 - [2] A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change.
- (f) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(2) Concept Plan. A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the proposed general nature and distribution of land uses but need not include engineered drawings.

§ 267-13. Comprehensive Zoning Review. [Amended by Bill 14-26 as amended and Bill 17-08 as amended]

- A. Periodic review required.
 - (1) Commencing with the first legislative session in September 1987 and every 8 years thereafter, the Director of Planning shall submit to the County Council a written report and recommendations to initiate a comprehensive zoning review for all or part of the County.
 - (2) A comprehensive zoning review may be initiated at any other time by order of the County Executive or by legislative act of the County Council.
- B. Preparation.
 - (1) At least 21 calendar days prior to beginning a comprehensive zoning review under this section, the Director of Planning shall give public notice that the Department is initiating a comprehensive zoning review of all property within the County. The notice shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County.

- (2) The Director of Planning shall prepare revisions to the zoning maps and regulations in a comprehensive manner for consideration and adoption by the Council. The proposed revisions shall be compatible with all Elements of the Master Plan as adopted by the Council.
- (3) After preparing the revisions, the Director of Planning shall submit them to the Planning Advisory Board for review and comment prior to submission to the County Council.

C. Application. An owner of property may request a zoning change for the property during comprehensive zoning review by applying to the Department of Planning and Zoning at a time and in a form to be designated by the Director of Planning. The Department shall assess the applicant a comprehensive rezoning review fee as designated in §157-25 (Zoning Fees) of the Harford County Code, as amended, and a posting fee of \$100 to be paid at time of application. The Department shall not accept any additional requests after the deadline established by the Director of Planning. Each application shall be considered by the Director of Planning in the comprehensive zoning review process. If the Department recommends a change in the zoning for a property when the property owner has not requested a change, the Department shall give written notice of the recommendation to the owner and to each owner of property that abuts the property for which the change has been requested. The notice shall be mailed at least 30 calendar days before the public hearing conducted on the Planning Director's final report by the Council.

D. Council action.

- (1) Within 365 calendar days of the date the Department began accepting applications, the County Executive shall submit to the Council the comprehensive revisions and amendments to the zoning maps and regulations contained in the final report of the Director of Planning. The Council shall conduct a public hearing, giving public notice, which shall be published once a week for 2 consecutive weeks in at least one newspaper of general circulation in the County. Public notice shall also include posting on an official site that is accessible to the public. During the period of Council review, the final report of the Director of Planning, containing the provisions and amendments to the zoning maps and regulations, together with the comments of the Planning Advisory Board, shall be on public display in the Department of Planning and Zoning and in a public facility located in each Council district, and posted on the County's official website.
- (2) At least 21 calendar days before the public hearing conducted by the Council, the Director of Planning shall ensure that each property for which the property owner has requested a zoning change is posted with a notice stating the date, time and location of the hearing and the telephone number of the Department. The notice shall be on a sign measuring at least 2 feet by 3 feet, and shall be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The Department of Planning and Zoning may assess a fee, not to exceed the cost of materials and labor for printing and posting, to the applicant. Following the posting, the property owner shall use reasonable efforts to maintain the notice in a condition visible to the public until the hearing date.

(3) Any changes to the report of the Director of Planning shall be voted upon by the Council as individual issues. A property owner shall submit justification for any request made to the Council for a change in zoning for a property that has not been submitted to the Department on or before the deadline established under Subsection C of this section.

E. Suspension of zoning reclassification.

(1) Notwithstanding any provisions of this Code, during the period of preparation and review of proposed comprehensive revisions or amendments to the zoning maps, no applications for zoning reclassification shall be accepted by the County, except as provided in Subsection C of this section, and such a request shall be considered in the preparation or modification of the proposed comprehensive revisions or amendments to the zoning maps.

(2) The Hearing Examiner shall complete public hearings and issue a decision for each existing zoning reclassification application as soon as practicable. The Director of Planning shall review each such application as a part of the comprehensive zoning review process as if the application had been filed pursuant to Subsection C of this section.

F. Suspension of procedural requirements. In the event that the comprehensive zoning review and subsequent bill submitted to the Council, pursuant to this section, fails for any reason, the County Executive may recommend for introduction, or the County Council may introduce, within 120 calendar days of said failure, a subsequent comprehensive zoning bill without complying with any of the provisions set forth in this section. This subsequent bill shall include only those issues previously considered in the prior bill that failed and shall, if enacted, be considered the comprehensive zoning bill by this section until a new comprehensive zoning review bill is subsequently enacted. At least 14 calendar days prior to the public hearing on the comprehensive zoning bill, the Department of Planning and Zoning shall ensure that each property for which a zoning change had been requested is posted with a notice to be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The sign shall contain the date, time and location of the hearing and telephone number of the Department. The Council shall ensure that the issues and maps related to the new comprehensive review shall be available in the Department of Planning and Zoning and posted on the Department's web site.

G. No zoning reclassification of property shall, for a period of 1 year after the adoption, by bill, of the comprehensive zoning maps applicable thereto, be granted by the County Council, sitting as the Board of Appeals, on the grounds that the character of the neighborhood has changed.

H. Any property, or portion of a property reclassified from AG to RR or AG to VR, approved by the County Council, after the effective date of this document, must be located in the Rural Residential or Rural Village area designation, on the most recently adopted Land Use Map. In no case shall property be rezoned to a residential classification in Priority Preservation Areas as designated on the most recently adopted Priority Preservation Area Plan. In order to utilize density and design standards, development rights must be transferred in accordance with §267-53D(4) (AG Agricultural District, Specific Regulations).

§ 267-14. Violations and Penalties. [Amended by Bill 23-23]

- A. Whenever the provisions of this Part 1 have been violated, the Director of Planning or his authorized designee(s) shall give notice, by first class mail, to the owner, tenant or occupant of the property alleged to be in violation, stating the nature of the violation and ordering that any unlawful activity be abated.
- B. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall be guilty of a misdemeanor and shall be fined not more than \$500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.
- C. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall have committed a civilly finable offense (see Section 1-23 of the Code).
- D. In the event of a violation of any of the provisions of this Part 1 or any amendment or supplement thereto, the Director of Planning, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may institute a suit for injunction, mandamus, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

ARTICLE III. Districts Established; Boundaries

§ 267-15. Establishment of Zoning Districts.

The zoning districts enumerated in this Part 1 are hereby established for the County.

§ 267-16. Official Zoning Maps.

Zoning districts established by this Part 1 are bounded and defined as designated on the Official Zoning Maps and subsequent modifications thereto. Said zoning maps, properly attested, and maps indicating the effects of zoning cases conducted hereunder shall be and remain on file in the office of the Director of Planning and in the office of the Clerk of the Circuit Court of the County. The Director of Planning shall maintain maps showing the result of any zoning case approved pursuant to this Part 1.

§ 267-17. Interpretation of Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary:

- A. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- B. Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.
- C. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the tax maps shall be construed as following such lines.
- D. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- E. Boundaries shown as following or approximately following shorelines of any water body shall be construed to follow the mean high-water lines of such water body and, in the event of change in the mean high-water line, shall be construed as moving with the actual mean high-water line.
- F. Boundaries shown as following or approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers or other watercourses, the boundaries shall be construed as moving with the channel center line.
- G. Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in Subsections A through F above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
- H. Boundaries shown as following or approximately following the edges of watersheds as identified by the U.S. Natural Resource Conservation Services shall be construed as following such edges of the watershed.

- I. Whenever any road, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such right-of-way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

ARTICLE IV. Nonconforming Lots, Buildings, Structures and Uses

§ 267-18. General Provisions.

If, within the zoning districts established by this Part 1 or amendments subsequently adopted, there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this Part 1 or subsequent amendments and which would not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto or which could not be built or used under this Part 1, such nonconformities may continue to exist subject to the regulations contained in this Article.

§ 267-19. Nonconforming Lots.

- A. In any district, principal uses and customary accessory buildings, where permitted, may be erected on any nonconforming lot, provided that all of the following conditions are met:
 - (1) The front, side and rear yards shall conform to the regulations applicable at the time the lot was recorded, unless otherwise specified.
 - (2) If the lot lacks the required road frontage as set forth in this Part 1, then the lot shall have an unrestricted right of access to a public road.
- B. Any lot reduced in area or yard dimension failing to conform to the requirements of this Part 1, by reason of a realignment or dedication of any public road or by reason of a condemnation proceeding, shall be a nonconforming lot. This provision shall not apply to roads created as part of a subdivision.
- C. For lots existing as of December 5, 1957, the following shall apply: in any district where dwellings are permitted, a single-family dwelling may be located on any nonconforming lot or plot of official record as of December 5, 1957, irrespective of its area or width or the width of the road on which it fronts, subject to the following requirements:
 - (1) The sum of the side yard widths of any such lot or plot shall be 30% of the width of the lot, but in no case shall any 1 side yard be less than 10% of the width of the lot.
 - (2) The depth of the rear yard of any such lot shall be 20% of the depth of the lot, but in no case shall it be less than 10 feet.
- D. In case the right-of-way of the road on which the lot fronts is less than 50 feet wide, the depth of the front yard shall be the setback requirement for the district plus 25 feet and shall be measured from the center line of the road.

§ 267-20. Nonconforming Buildings, Structures and Uses. [Amended by Bill 09-31, As Amended]

Nonconforming buildings, structures or uses may be continued, subject to the following provisions:

- A. No nonconforming use shall be changed to a use not permitted by this Part 1 in the particular district in which the building or structure is located, except:

- (1) If no structural alterations are made, a nonconforming use of a building may be changed to a similar use of the same or lesser intensity.
- (2) Whenever a nonconforming use has been changed to a less intensive use, such use shall not thereafter revert to a more intensive use.
- (3) When authorized by the Board, 1 nonconforming use may be substituted for another nonconforming use.

B. Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less.

C. Residential uses, when located in an industrial district may be enlarged or replaced, provided that at no time is the square footage of the residential use at the time of the creation of the nonconformity increased by more than 50%. Expansion is permitted, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions set out in the R4 design standards, whichever is less.

D. In the event that a nonconforming use ceases for a period of 1 year or more, then the nonconforming use shall be deemed abandoned, and compliance with this Part 1 shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

E. Any nonconforming building or structure is subject to the following regulations in the event of damage:

- (1) Any nonresidential nonconforming building or structure that is damaged by less than 50% of its market value may be reconstructed to its former dimensions on the same lot and with the same nonconforming use.
- (2) Any residential nonconforming building or structure that is damaged or destroyed may be reconstructed to its former dimension on the same lot and with the same nonconforming use.
- (3) In the event that the nonconforming residential unit is located on a leased lot, or if the residential unit creates a nonconforming density on the lot, replacing the residential unit with any dwelling unit, including another mobile home, is prohibited, with the exception of tenant housing.
- (4) Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.

F. An accessory structure located on a residential lot or agricultural parcel shall be considered a nonconforming structure subject to the provisions of this Article if it meets the following conditions:

- (1) The accessory structure was located prior to September 1, 1982.

- (2) An approved zoning certificate was not obtained for the location of such structure.
- (3) The accessory structure otherwise conforms to the requirements of Ordinance No. 6 of 1957.

§ 267-21. Enlargement Or Extension of Nonconforming, Nonresidential Buildings, Structures or Uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guidelines and standards set forth in §267-9I (Board of Appeals, Limitations, Guides and Standards) are considered by the Board.

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ARTICLE V. Supplementary Regulations

§ 267-22. Lots. [Amended by Bill 09-31, as amended, Bill 13-50; Bill 14-1; and Bill 19-16 as amended]

- A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than 1 principal dwelling unit shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as Continuing Care Retirement Community on a single lot shall not violate this requirement.
- B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots that do not comply with the requirements of this Part 1.
- C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.
- D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.
- E. Minimum residential lot area with septic systems. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or County law or regulation.
 - (1) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system outside the 10-year sewer service area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 40,000 square feet and a minimum lot width at the building line of 100 feet.
 - (2) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system within the 10-year sewer area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 20,000 square feet and a minimum lot width at the building line of 100 feet.
- F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural, residential and general industrial uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:
 - (1) Except in agricultural and rural residential districts, with regard to any parcel, as it existed on September 1, 1982, not more than 1 lot or 10% of the lots intended for detached dwellings may be panhandle lots.

(2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject to approval from the Director of Public Works that adequate water and sewer may be provided on the lots.

(3) One single panhandle lot shall be permitted in the general industrial district, and said panhandle lot shall comply with the requirements set forth in Subsection(5)(a) below.

(4) A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive.

(5) The minimum width of a panhandle lot shall meet the following criteria:

- (a) Single panhandles: 25 feet.
- (b) Multiple panhandles: 12½ feet each.

(6) Where a common drive is required, the following shall apply:

- (a) Prior to, or at the time of, recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.
- (b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.
- (c) The County shall bear no responsibility for the installation or maintenance of the common drive.
- (d) In all cases public water service shall end at the edge of public right-of-way. Public sewer service shall also end at the edge of public right-of-way, except in those cases where the panhandle lots must be served by a public main as determined by the Division of Water & Sewer.

G. Sanitary facilities shall comply with all State and County regulations for development on septic systems.

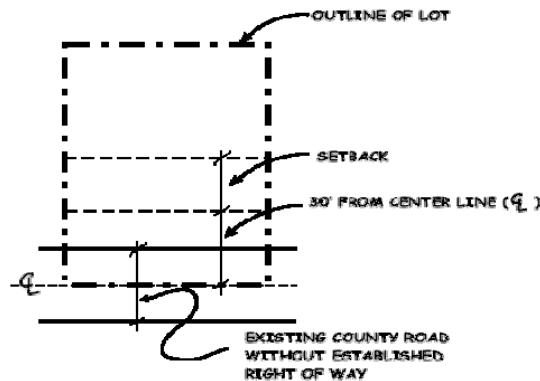
§ 267-23. Yards. [Amended by Bill 09-31, as amended; Bill 16-20; Bill 19-16 as amended; and Bill 21-19]

A. Front yard depth.

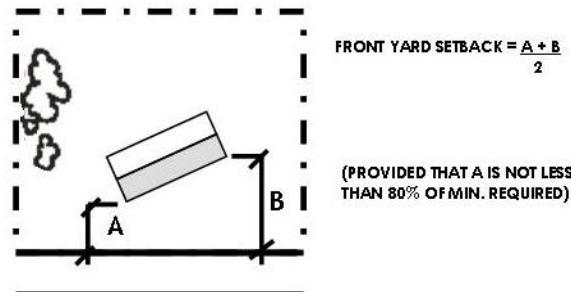
(1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:

- From the proposed or established public road right-of-way line;
- From any other right-of-way on a line 10 feet from and parallel to the edge of the hard-surfaced area or a line established as a private road right-of-way, whichever is greater; or
- In the case of a panhandle lot, from the end of the handle which is the greatest distance from the road right-of-way.

(2) For the purpose of establishing a setback line on existing County roads without established right-of-way lines, the setback shall be measured 30 feet from the center line.



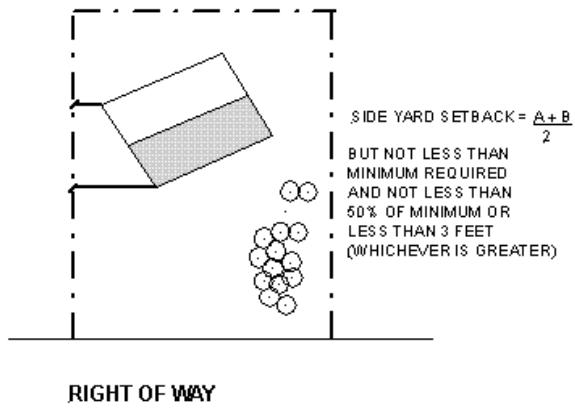
(3) Average front yard. Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than 80% of the minimum yard required by this Part 1, not including the reductions permitted by this section.



- (4) Corner and through lots.
 - (a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.
 - (b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted in this Part 1.
- (5) Yards along collector and arterial roads. In the event that residential lots abut 1 or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be 40 feet from a collector road and 60 feet from an arterial road.

B. Side and rear yard depth.

- (1) The minimum side and rear yard depths, as specified in this Part 1, shall be measured in the following manner:
 - (a) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
 - (b) When measured from an alley, $\frac{1}{2}$ of the alley width may be included as a portion of the rear or side yard.
 - (c) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.
- (2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than $\frac{1}{2}$ the otherwise-required minimum width or narrower than 3 feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures may encroach into the minimum yard requirements, not to exceed the following dimensions:

- [1] Awnings, canopies, cornices, eaves or other architectural features: 3 feet.
- [2] Bay windows, balconies, chimneys or porches: 3 feet.
- [3] Open fire escapes: 5 feet.
- [4] Uncovered stairs or necessary landings: 6 feet.
- [5] Fences and walls: in accordance with §267-23 (Yards).
- [6] Unenclosed patios, sunrooms and decks: up to, but not to exceed, 35% of the side or rear yard requirement for the district.
- [7] Attached storage sheds may encroach 10 feet into the rear yard only. Such storage sheds shall not have internal access to the dwelling unit.
- [8] Outdoor dining areas shall be permitted to encroach up to, but not to exceed, 50% of the side, rear or front yard setback requirement for the district. Seating for such outdoor dining areas shall not exceed 30% of the overall indoor seating, or 12 seats, whichever is greater.
- [9] Electric vehicle charging stations shall be permitted to encroach up to, but not to exceed, 50% of the front, side or rear yard setback requirement for the district.

(2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:

- (a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced up to 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.
- (b) Group parking. When off-street group parking is provided for 3 or more dwelling units, and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced up to 15 feet for single-family detached and up to 10 feet for all other dwelling units.

- (c) Side garage or rear garage. When dwelling units are designed with a garage that completely faces the side or rear lot line, the front yard setback may be reduced up to 10 feet.
- (3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this Part 1 may be reduced not more than 30% when sidewalls of adjoining single-family attached or semidetached dwellings are offset by 50% or more.
- (4) Utility distribution lines and facilities.
 - (a) The minimum yard and area requirements shall not apply to construction, reconstruction, conversion, erection, alteration, relocation, enlargement or installation of poles, wires, cables, conduits, transformers, Controlled Environmental Vaults (CEV) and similar equipment by a:
 - [1] Gas and/or electric company regulated by the Maryland Public Service Commission; or
 - [2] Cable television company operating under a franchise granted by the County Council; or
 - [3] Water or sewer utility provider.
 - (b) A zoning certificate is not required for these uses.

§ 267-24. Exceptions and Modifications to Height Requirements. [Amended by Bill 17-04]

- A. General exceptions. The building height limitations of this Part 1 shall not apply to the following:
 - (1) County buildings and structures, schools, houses of worship, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than 1 foot for each 2 feet, by which said structure exceeds the height limitation established for the district, in which said structure is located.
 - (2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas, public utility structures and silos.
 - (3) Bulkheads, fireplace chimneys, roof structures, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any structure exceeds 50% of the corresponding road lot line frontage, or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be set back at least 50 feet from every lot line which is not a road right-of-way line.
- B. Fences and walls. A zoning certificate is required for all fences and walls. Fences and walls may be located in required yards in accordance with the following:

- (1) Front yards. For all residential units, walls and fences shall not exceed 4 feet in height above ground elevation. Where fences and walls are an integral part of the unit design or are applied in a consistent manner throughout the project, fences and walls may be constructed to a maximum of 6 feet above ground elevation. For Continuing Care Retirement Communities, consistent and coordinated fencing or walls may be constructed to a maximum of 8 feet above ground elevation provided strategically located gates are provided for emergency access.
 - (a) Multiple frontage residential lots. A fence may be installed within a required front yard on a double frontage lot or corner lot up to a maximum of 6 feet in height above ground elevation, provided it does not extend past the front façade of the dwelling.
 - (b) Arterial roads. A fence may be installed within a required front yard along an arterial road up to a maximum of 6 feet in height above ground elevation, contingent upon approval by the County Department of Public Works or by the State Highway Administration, whichever is applicable.
- (2) Rear and side yards. Except as otherwise provided in this Part 1, walls and fences shall not exceed 8 feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.
- (3) Security fences. Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with buffer yard requirements.

§ 267-25. Requirements for Deck Accesses.

No residential unit shall be originally constructed with an aboveground level door that provides access to a rear yard deck or porch unless:

- A. A deck or porch is constructed at the time the dwelling is constructed; or
- B. The builder signs and submits, with the building permit application, a statement that the lot on which the dwelling is located has sufficient footage to permit, without the granting of a variance, construction of a deck or porch that has a minimum depth into the rear yard of 14 feet.

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§ 267-26. Off-street Parking and Loading. [Amended by Bill 17-04 and Bill 20-11]

A. Generally.

- (1) No structure shall be erected, substantially altered or have its use changed unless permanent off-street parking and loading spaces have been provided and maintained in accordance with the provisions of this section. The Board may authorize a modification of the parking space requirements if it should find that, in the particular case, the peculiar nature of the use or the exceptional shape or size of the property or other exceptional situation or condition would justify such modification.
- (2) Parking and loading requirements based on floor area shall be determined by the total gross floor area of the use, excluding incidental storage, mechanical preparation areas and additional common areas such as corridors, stairwells and elevators.
- (3) Parking and loading requirements per seat shall be determined by the number of individual seats, except as otherwise required. For purposes of bench-type seating, 20 inches shall be the equivalent of 1 seat.
- (4) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot. On residential lots, each required parking space shall have direct and unobstructed access to a road.
- (5) Each required parking space shall measure 9x18 feet for a standard-sized vehicle. For calculating the minimum gross area for the required parking, driving aisle, general circulating and landscaping, 325 square feet per parking space shall be used.
- (6) Business uses shall provide a minimum of 3 parking spaces.
- (7) Accessory parking areas, driveways and private roads may be granted by the Board of Appeals in any district to serve a use located in another district, whether or not the use is permitted in the subject district, in accordance with the following conditions:
 - (a) The parking area, driveway or private road shall be accessory to, and for the use of, 1 or more agricultural, residential, business or industrial use located in an adjoining district.
 - (b) No charge shall be made for the parking or storage of vehicles on any parking lot approved pursuant to this provision.
 - (c) Any private road or driveway shall provide access to an approved private, County or State road.
 - (d) The number of parking spaces and total parking area approved in the subject district under this section shall not exceed 30% of the parking spaces and area required by this Part 1 for the permitted use.

B. Group parking requirements. When group parking is provided, the facility shall be designed as follows:

- (1) Parking areas for business uses requiring more than 10 parking spaces, and all other uses requiring more than 20 parking spaces, shall be provided with a structured impervious surface and shall be so graded and drained as to dispose of surface water, and so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of motor vehicles.
- (2) Parking areas shall be landscaped pursuant to §267-29 (Landscaping).
- (3) The parking area shall be set back a minimum of 10 feet from arterial road rights-of-way and 5 feet from other public road rights-of-way.
- (4) Parking areas in excess of 10,000 square feet for business, industrial or institutional uses located less than 100 feet from any residential district shall require a type "B" buffer yard pursuant to §267-30 (Buffer Yards).
- (5) Any lighting used to illuminate a parking area shall be so designed to direct the light away from adjoining residential premises.
- (6) Institutional parks containing outdoor passive or active recreational facilities with no permanent structures may utilize grass parking. The design of the grass parking areas shall be approved by the Director of Planning and Zoning and the Director of Public Works.

C. Parking space requirements.

- (1) Minimum parking spaces. Except as otherwise provided in this Part 1, the following off-street parking space requirements shall apply. In the case of any building, structure or use not specifically mentioned herein, the use that is most similar to the following enumerated uses shall provide the requirement.

Type of Use	Off-street Parking Spaces Required
Natural resources	As required
Residential:	
Single-family detached, semidetached, duplex, lot-line, patio/court/atrium, row duplex, multiplex, townhouses and mobile homes	2 per dwelling unit
Garden, mid- and high-rise apartments:	
Efficiency	1.25 per dwelling unit
1-bedroom	1.50 per dwelling unit
2-bedrooms or more	2 per dwelling unit

Type of Use	Off-street Parking Spaces Required
Home occupations, except medical professions	Additional parking, as needed shall be accommodated on site
Continuing Care Retirement Community	1 per independent living unit plus 1 per 4 beds in assisted living and skilled care facilities plus 1 per employee (full-time equivalent) on largest shift
Transient housing:	
Boarding- and tourist houses	1 per sleeping room
Hotels and motels	1 per sleeping room, and 1 per 2 persons permitted in banquet room and accessory use (bars, lounge, etc.) As determined by maximum capacity requirements set forth in the State Fire Code
Camps, retreats and RV parks	1.5 per campsite
Nursing homes, assisted living facilities and personal care boarding homes	1 per 4 patient beds plus 1 per employee (full-time equivalent) on largest shift
Boarding home for sheltered care and group home for sheltered care	1 per 2 beds plus 1 per employee (full-time equivalent) on largest shift
Business:	
Banks and financial institutions	1 per 300 square feet of gross floor area, and 5 waiting spaces per drive-in lane
Beauty and barber shops	1 per 100 square feet of gross floor area
Convenience stores	1 per 150 square feet of gross floor space
Nightclubs, lounges, bars and taverns	1 per 50 square feet of gross floor area, excluding food preparation and storage areas
Funeral parlors and mortuaries	1 per 100 square feet of viewing area
Grocery stores and supermarkets	1 per 200 square feet of gross floor area, excluding storage area
Medical clinics and veterinary offices	6 per doctor
Medical and dental offices	4 per doctor or dentist
Motor vehicle sales and service	1 per 300 square feet of gross floor area, excluding storage area
Professional offices, except medical and dental offices	1 per 300 square feet of gross floor area
Personal services, except beauty and barber shops	1 per 200 square feet of gross floor area

Type of Use	Off-street Parking Spaces Required
Retail stores	1 per 200 square feet of gross floor area
Agricultural sales at roadside stands	1 per 250 square feet of sales area
Shopping centers	1 per 250 square feet of gross leasable floor area
Recreation:	
Arenas and stadiums	1 per every 3 seats
Bowling alleys	4 per lane, plus 1 per 150 square feet of gross floor area for accessory uses (lounge, snack bar, etc.)
Community centers	1 per 250 square feet of gross floor area, plus 1 per each 4 assembly seats
Golf driving ranges and miniature golf	1.25 per tee
Golf courses	3 per hole
Indoor/outdoor public swimming pools	1 per 75 square feet of gross water
Indoor/outdoor shooting ranges (archery, trap, etc.)	1 per each booth or firing position
Marinas	1.5 per berth, and 10% of the spaces shall be large enough for car with trailer if launching ramp is provided
Noncompetitive recreational amusement cars	1.25 spaces per recreational car
Private clubs	1 per 3 persons permitted under the State Fire Code
Racquet- and handball courts	4 per court, plus 1 per 150 square feet of gross floor area for accessory uses
Restaurants	1 per 3 patrons' seats or 1 per 200 square feet of gross floor area, excluding food preparation area, whichever is greater
Skating rinks	1 per 300 square feet of gross floor area
Theaters	1 per 3 patron seats
Institutional:	
Houses of worship and religious assemblies (indoor/outdoor)	1 per 3 seats. Up to 50% of the parking area can be pervious surface. Required parking spaces for schools and daycare facilities that are accessory to a house of worship are computed separately.

Type of Use	Off-street Parking Spaces Required
Hospitals	1 per bed
Libraries, museums, art galleries and observatories	1 per 250 square feet of gross floor area or 1 per 4 seats, whichever is greater
Schools, elementary or intermediate	2 per classroom, plus 1 per 8 seats in assembly hall
Schools, high	5 per classroom, plus 1 per 8 seats in assembly hall
Colleges, universities and business trade or technical schools	1 per 3 students
Day-care and nursery facilities	1 per 6 students, and 1 loading space
Industrial	On-site parking as necessary to accommodate traffic generated by the use and the largest employee shift

(2) Maximum parking spaces. The maximum number of off-street parking spaces permitted shall not exceed 130% of the minimum number of spaces required. This restriction does not apply to:

- (a) Spaces that are composed of a structured pervious surface; or
- (b) Spaces above this limit where the Director of Planning finds that the additional spaces are required by unique site conditions or use.

D. Parking standard modifications. The off-street parking requirements for any given use shall be established as per §267-26C (Parking Space Requirements) of the Harford County Zoning Code, as amended. The Director of Planning, with concurrence from the Director of the Department of Public Works, may:

- (1) Authorize a modification of the parking space requirements if the Director determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property or other exceptional situations or conditions warrant such a modification. Such a modification shall not reduce the number of parking spaces to less than 80% of the required spaces.
- (2) If pedestrian access, bicycle access and parking or linkages to mass transit are provided on site from the public right-of-way to the primary building, the required parking standards may be reduced by up to 10%. This reduction may be taken with the authorization of the Director of Planning. If nonresidential joint parking is provided in accordance with provisions established per §267-26C (Parking Space Requirements), the required parking standards may be reduced up to 20%. This reduction may be utilized in addition to:
 - (a) Any parking reduction authorized through §267-26D(1) (Parking Standard Modifications); and

(b) In the Chesapeake Science and Security Corridor, any parking reduction authorized through §267-64 (Chesapeake Science and Security Corridor).

E. Shared parking provisions. A portion of the required parking may be provided on another property provided that:

- (1) The underlying zoning of the other property permits parking for the principal use of the site being developed.
- (2) There is adequate parking to meet the parking requirements for all uses served by the parking.
- (3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed. This distance may be increased to 2,000 feet in the CI, LI and GI zoning districts.
- (4) The shared parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. The agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking agreements must also contain a provision for maintenance of the parking area.
- (5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.
- (6) The required parking area shall be paved with an impervious surface.
- (7) Parking for residential uses shall be clearly designated.

F. Joint parking areas for nonresidential uses that do not conform to Subsection C are permitted, subject to the following:

- (1) The operations sharing the joint use of parking areas shall not be opened or used during the same principal operating hours.
- (2) The parties concerned with such joint use are subject to a written joint-use agreement.

G. Off-street loading.

- (1) Any use which regularly receives deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified below.
- (2) Retail uses, industrial uses, warehouses, freight terminals and hospitals.
 - (a) Every retail establishment, industrial use, warehouse, freight terminal or hospital having a gross floor area of 6,000 square feet or more shall provide minimum off-street loading facilities as follows:

Gross Floor Area (square feet)	Number of Berths
6,000 to 24,999	1
25,000 to 79,999	2
80,000 to 127,999	3
128,000 to 197,999	4
198,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7

(b) For each additional 72,000 square feet, or fraction thereof, of gross floor area, 1 additional berth shall be provided.

(3) Public assembly uses.

(a) Every public assembly use, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, office buildings, welfare institutions, funeral homes, restaurants and hotels with a gross floor area of greater than 30,000 square feet shall provide off-street berths as follows:

Gross Floor Area (square feet)	Number of Berths
30,000 to 119,999	1
120,000 to 197,999	2
198,000 to 290,999	3
291,000 to 389,999	4
390,000 to 488,999	5
489,000 to 587,999	6
588,000 to 689,999	7

(b) For each additional 105,000 square feet, or fraction thereof, of gross floor area, 1 additional berth shall be provided.

(4) The minimum area for each off-street loading space, excluding area for maneuvering, shall be 250 square feet, measuring 10x25 feet with a vertical clearance of 14 feet.

(5) Loading spaces shall be designed so that no part of the vehicle shall extend into the right-of-way of a public road during the process of loading and unloading.

(6) Loading spaces shall be located at least 50 feet from any residential district, unless the loading space is totally enclosed within a building or buffered by a hedge, wall or solid board fence at least 6 feet in height.

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§ 267-27. Accessory Uses and Structures. [Amended by Bill 09-19, as amended; Bill 12-44; Bill 13-51; Bill 14-1; Bill 21-19; Bill 22-14; Bill-23-10 as amended; and Bill 24-36]

- A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use.
- B. Zoning certificate required. All accessory uses and structures, whether or not specified in this section, require the issuance of a zoning certificate.
- C. Use limitations. In addition to the other requirements of this Part 1, an accessory use or structure shall not be permitted unless it strictly complies with the following:
 - (1) In the AG, RR, R1, R2, R3, R4 and VR districts, an accessory structure shall neither exceed 50% of the total square footage of the principal structure or 1,000 square feet, whichever is greater. The height of the accessory structure shall not exceed the height of the principal structure. For properties greater than 5 acres in the AG district, an accessory structure shall not exceed 50% of the total square footage of the principal structure or 2,500 square feet, whichever is greater. For properties greater than 5 acres in the AG district, the height of an accessory structure shall not exceed 115% of the height of the principal structure.
 - (2) No accessory structure shall be used for living quarters, the storage of contractors' equipment or the conducting of any business unless otherwise provided in this Part 1.
 - (3) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
 - (4) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.
 - (5) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages or electric vehicle charging stations as specified in §267-23 (Yards), and modifications to minimum yard requirements.
 - (6) Uses and structures.
 - (a) For agricultural lots, detached accessory structures must be located:
 - [1] A minimum of 10 feet from the side or rear lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 10 feet, whichever is greater.

- [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 10 feet, whichever is greater.
- (b) For residential lots, accessory structures will be considered attached if they are within 3 feet of the principal structure and must meet the principal structure setback requirements. For residential lots, detached accessory structures shall be located:
 - [1] A minimum of 3 feet from side or rear yard lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 3 feet, whichever is greater.
 - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 3 feet, whichever is greater.
- (c) For townhouses and zero-lot-line dwellings, detached accessory structures shall be located:
 - [1] Zero feet from side or rear yard lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement.
 - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement.
- (d) The front, side and rear yard setback for accessory uses and structures for business, industrial and Continuing Care Retirement Community uses shall be equal to the same setbacks required for the principal structure.
- (e) For institutional uses, the front, side and rear yard setback for accessory uses and structures shall be equal to the same setbacks required for the principal structure. This requirement may be reduced up to 50% for accessory structures less than 300 square feet, located in the side and rear yard.
- (f) Retaining walls, 4 feet or greater in height, shall require a zoning certificate.

(7) Septic reserve areas may be permitted in any district to serve a use permitted and located in another district if the property is split-zoned and under the same ownership. These uses may also be permitted in a use setback. Stormwater management facilities may be permitted in any district to serve a use permitted and located in another district.

(8) Fences shall be permitted in any recorded drainage and utility easement. The placement of all other accessory uses shall be allowed in any recorded drainage and utility easement, pursuant to the following:

- (a) The accessory use or structure shall meet the setback and square footage requirements contained in §267-27C (Use Limitations);
- (b) The Department of Public Works shall approve the location;
- (c) The accessory structure shall meet the applicable requirements of this section; and
- (d) The applicant shall sign a hold harmless form, provided by the County.

(9) Small Wind Energy Systems. In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in §267-4 (Definitions), and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that Small Wind Energy Systems are subject to the regulations as set forth herein. The purpose of this Subsection is to oversee the permitting of Small Wind Energy Systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System. These provisions shall apply to all Small Wind Energy Systems located in Harford County.

- (a) Standards. A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:
 - [1] Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 40 feet from:
 - [a] Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
 - [b] Any duly recorded right-of-way, utility or stormwater management easement;
 - [c] Any overhead utility lines;
 - [d] All property lines; and
 - [e] Any existing guy wire, anchor or Small Wind Energy Tower on the property.
 - [2] Access.
 - [a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- [b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- [3] Electrical wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located underground.
- [4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.
- [5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished the color grey.
- [6] Signs. The only signage permitted on any Small Wind Energy System shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states "Danger – High Voltage – Keep Off" and identifies the system owner and the telephone number for the person to contact in the event of an emergency.
- [7] Code Compliance. A Small Wind Energy System, including wind tower, shall comply with all applicable construction and electrical codes.
- [8] Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a Small Wind Energy System.
- [9] Total height shall be the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Abandonment.

- [1] Every 2 years the owner of a Small Wind Energy System shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.
- [2] A Small Wind Energy System that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been

withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

- [3] If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the system at the owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.
- [4] The owner shall ensure removal of the system by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Director. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director for the removal of the system, plus a 15% contingency.

[c] Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, §7-207.1, any property owner seeking to construct a Small Wind Energy System shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.

[d] Variances. Variances to the setback requirements in this Subsection are not permitted.

[e] Noise. All Small Wind Energy Systems shall comply with the State-regulated noise ordinance.

[f] Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this Subsection C [9].

[g] Maximum number. One Small Wind Energy System shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 20 acres thereafter up to a maximum of 5 Small Wind Energy Systems per parcel.

[h] Rated nameplate capacity. A Small Wind Energy System that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with Subsections (9)[a][1], (9)[b][1], (9)[b][2] and 9[b][3].

[i] Roof mounted wind turbines are permitted to be mounted or attached to a building roof subject to the following regulations:

- [1] All components of the roof mounted wind turbine shall meet the required setback for the principal structure on which it is located.
- [2] The roof mounted wind turbine shall only be permitted on single family detached dwellings and commercial buildings and shall not be permitted on any accessory structure.
- [3] The height shall not project more than 8 feet from the roof surface. The total height is the vertical distance from the roof surface to the top of a wind generator blade when the tip is at its highest point.

- [4] The roof mounted wind turbine and its mounting structure shall be painted or finished in the color grey.
- [5] Roof mounted wind turbines shall not be permitted on any historic landmark listed on the Harford County Historic Landmark list set forth in §267-112, or listed on the National Register of Historic Places.

(10) Electric vehicle charging stations. All equipment shall be ground mounted, and carports or any other vehicle coverings shall not be permitted to encroach into the setback. Such stations shall be labeled for this use with signage that shall not exceed 12 inches by 18 inches.

D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

- (1) Pens or runs for animals shall not be located within 50 feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions.
- (2) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants, or guests of the principal use, and no admission or membership fees are charged, provided that the edge of the facility, including all mechanical equipment, shall be located at least 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line.
- (3) Storage in any structure on a residential lot.
- (4) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:
 - (a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the principal building.
 - (b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.
 - (c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
 - (d) Not more than 1 person, or 2 persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed 3. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
 - (e) No home occupation shall generate greater traffic volumes, or increased traffic hazards, than would normally be expected in a residential district.
 - (f) No retail sales, other than for goods produced on the premises, shall be conducted on the premises.

- (g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be buffered from adjacent public roads and residential lots.
- (h) No goods, materials or supplies shall be delivered by commercial vehicles, either to or from the premises, in connection with the home occupation, except by the United States Postal Service or a delivery service.
- (i) Notwithstanding the above, home occupations shall not include automobile repair; selling of bait, crabs or fish; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; printing businesses; private clubs; radio stations; restaurants; or variety or gift stores.

(5) Agricultural tenant house, including mobile homes, for bona fide farm workers when not more than 1 such structure is provided on parcels of 11 to 50 acres, and not more than 1 additional tenant house per 50 acres thereafter.

(6) Private horse stables, provided that any stables, corrals, feeding and bedding areas for horses shall be located at least 50 feet from any public road or lot lines.

(7) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent or temporary structure shall meet the minimum front, rear and side yard requirements for a single-family home in the district. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(8) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely buffered from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than 7 calendar days within any 90 day period unless the location has been approved for such use. No zoning certificate is required.

(9) Vehicles used for commercial purposes, which do not meet the definition of Commercial Vehicle as defined in Section 267-4 (Definitions), may be allowed in residential and agricultural districts on the basis of 1 vehicle for each lot. No zoning certificate is required.

(10) One inoperative or untagged motor vehicle may be parked or stored for a continuous period of no more than 6 months on any lot of less than 2 acres. Two inoperative or untagged motor vehicles may be parked or stored for a continuous period of no more than 6 months on any lot of 2 acres or more. This requirement does not apply to bona fide agricultural equipment or vehicles stored within a completely enclosed building.

(11) A day-care center operated in a church, private school or public school.

(12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG district, provided that:

- (a) A separate zoning certificate is not required;
- (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;

- (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;
- (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
- (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and
- (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (12), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

(13) Homestead chickens, excluding roosters, shall be permitted in accordance with the following criteria:

- (a) Lot requirements:
 - [1] A minimum of 1 acre is required for the keeping of homestead chickens.
 - [2] A 50 foot setback from adjacent residential lot lines is required for any coop, run, pen and free-range area.
- (b) Zoning Certificate requirements:
 - [1] An issued Zoning Certificate shall be required prior to the installation of any coop, run, pen, free-range area and fence.
 - [2] A State of Maryland Department of Agriculture Poultry Registration shall be submitted with the Zoning Certificate application.
- (c) Any lot where a homestead chicken is kept shall have a coop.
- (d) Each coop shall have 4 walls and a roof, be ventilated, constructed to have flooring and have at least 3 square feet per the number of homestead chickens kept on the lot.
- (e) All runs and free-range areas shall be fenced in such a manner as to prevent any homestead chicken from escaping.
- (f) A maximum of 10 homestead chickens shall be permitted on lots less than 2 acres.

E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

- (1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.
- (2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:
 - (a) Not more than 1 dwelling unit is provided for security or protection of the principal use.
 - (b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.
- (3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.
- (4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI districts, provided that:
 - (a) A separate zoning certificate is not required;
 - (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
 - (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;
 - (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
 - (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and
 - (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (4), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

F. Exemptions. Day-care homes, family are exempt from the provisions of this section and shall not require a zoning certificate.

§ 267-28. Temporary Uses. [Amended by Bill 12-07, as amended; Bill 12-44; Bill 14-1; Bill 17-04; Bill 18-04 as amended; and Bill 19-29 as amended]

Temporary uses shall be permitted, subject to the following:

- A. Zoning certificate. Temporary uses in this section require the issuance of a zoning certificate unless otherwise specified.
- B. Specific temporary uses. The temporary uses described below shall be subject to the following:
 - (1) A carnival, circus or individual public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of 45 consecutive calendar days, provided that no structure or equipment shall be located within 200 feet of any residential district. Any request for a carnival, circus or individual public event shall be made at least 15 calendar days before the carnival, circus or individual public event. Should an applicant fail to make a request 15 calendar days prior to the event, the Department may accept the application and issue a Zoning Certificate; however, the applicant is deemed to have waived the right to notice and a hearing. When a carnival, circus or public event, excluding religious activities, accommodates more than 300 people, it shall be subject to the following additional requirements:
 - (a) The zoning certificate shall specify the use, dates and hours of operation of the event. Hours of operation are only permitted between 6:00 a.m. and 11:00 p.m.
 - (b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.
 - (c) No permanent or temporary lighting shall be installed without an electrical permit.
 - (d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of \$500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.
 - (e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.
 - (f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.
 - (g) The applicant shall notify the local fire and emergency personnel to determine and identify any emergency response requirements.
 - (h) Temporary use shall not be permitted for a public event at a property where 3 or more arrests based on violations of the Maryland Controlled Dangerous Substances Act, that have occurred at one public event held on that property. Temporary use shall not be permitted for a period not to exceed 1

year from the date of the public event at which the violations occurred. The notice and hearing provisions of §267-8 (Zoning Certificates) shall also apply to the denial of a Zoning Certificate for a public event pursuant to this Subsection provided that the applicant submitted the request for the Zoning Certificate 15 calendar days prior to the event.

- (2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of 45 calendar days.
- (3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.
- (4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.
- (5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
- (6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home, located on the lot during rehabilitation of the original residence, or construction of a new residence, is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Director of Planning may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.
- (7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI districts, subject to the following additional requirements:
 - (a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of 1 year, at which time, the applicant may apply for another zoning certificate upon complying with the provisions of this section.
 - (b) Only temporary lighting shall be permitted.
 - (c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.
 - (d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.
 - (e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.

(f) The proposed use shall not:

- [1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.
- [2] Be detrimental to the use or development of adjacent properties or neighborhoods.

(g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.

(h) Issuance of certificates.

- [1] At the time the applicant applies for a zoning certificate, the applicant shall provide the Director of Planning with the following information:
 - [a] The location of the parcel or parcels where the sale or sales are to be located.
 - [b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.
 - [c] A copy of the license issued by the State.
- [2] A zoning certificate issued by the Director of Planning shall cover all parcels where the sale or sales are to be located.

(i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.

(j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 7,000 lbs.

(k) The provisions of this Subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.

(8) Accessory Dwelling Units (ADU).

- (a) Purpose. The purpose of the accessory dwelling unit is to allow a relative to live in an accessory dwelling unit within a family member's principal dwelling unit.
- (b) One ADU is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:
 - [1] The ADU shall be physically attached to or located within a single-family detached dwelling unit on the lot.
 - [2] If the ADU is located within a new addition to the existing single-family detached dwelling unit, any addition shall conform to all applicable zoning and building code requirements.

- [3] If the ADU results in any renovations to the existing single-family detached dwelling unit, any renovations shall conform to all applicable zoning and building code requirements.
- [4] The ADU shall be at least 300 square feet in size but shall not exceed the lesser of 1,500 square feet or 50% of the total habitable space of the existing single-family detached dwelling unit.
- [5] The ADU shall not contain more than 2 bedrooms.
- [6] The ADU shall be separated from the single-family detached dwelling unit by means of a wall or a floor, with an interior door between the accessory dwelling unit and the principal single-family detached dwelling unit.
- [7] The ADU shall contain cooking, living, sanitary and sleeping facilities that are physically separated from the principal single-family detached dwelling unit.

- (c) The property owner shall occupy, as his or her legal permanent residence, either the principal single-family detached dwelling unit or the accessory dwelling unit, and the other dwelling unit shall be occupied by the relative.
- (d) The ADU shall have the same street address as the principal single-family detached dwelling unit.
- (e) The property owner shall submit the following upon application for a zoning certificate:
 - [1] A signed copy of the ADU Agreement of Understanding; and
 - [2] A copy of the property deed.
- (f) When the property owner satisfies the requirements of this Subsection, the Department shall issue a zoning certificate to the property owner.
- (g) In the event of a conveyance of the principal single-family detached dwelling unit to any person other than the current owner, a new zoning certificate issued pursuant to the requirements of this Subsection is necessary to continue the use of the accessory dwelling unit by the new owner and his or her relatives.
- (h) The zoning certificate for the ADU shall be deemed null and void if:
 - [1] The property is transferred, conveyed or assigned; or
 - [2] The accessory dwelling unit is no longer being occupied by an individual identified in this Subsection; or
 - [3] The property owner no longer occupies either the primary single-family detached dwelling or the accessory dwelling unit; or
 - [4] A violation of any provision of this Subsection.

- (i) Issuance of a zoning certificate for an accessory dwelling unit under this Subsection is not grounds for, or evidence of, a hardship for purposes of a variance under §267-11 (Variances) herein.

§ 267-29. Landscaping. [Amended by Bill 09-31, As Amended]

A. Purpose. The purpose of the landscaping regulations are to:

- (1) Enhance the physical environment of Harford County for the enjoyment and economic benefit of its citizens.
- (2) Provide guidelines which allow functional, aesthetically pleasing and cost effective landscape design solutions.
- (3) Improve environmental quality through landscape standards that preserve and renew vegetation resources and are in accordance with the Forest and Tree Conservation Regulations in Article VI.
- (4) Preserve and protect existing vegetation by conserving native plant communities and retaining healthy vegetation when practical and possible.
- (5) Enhance community design by using landscaping to tie communities together, buffer incompatible uses, creating seasonal interest through a variety of landscaping materials and using public and private spaces, walkway embellishments and open spaces.
- (6) Enhance gateways into the County.
- (7) Avoid conflicts with utilities and intersection sight lines and provide consistency with the Maryland Roadside Tree Law.
- (8) Provide landscaping that is consistent with the standards for crime prevention through environmental design.

B. Applicability.

- (1) This section applies to any of the following, except where exempted below.
 - (a) The construction or erection of any new nonresidential building or structure for which a building permit or zoning certificate is required.
 - (b) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit or zoning certificate is required.
 - (c) Any construction of a new parking lot or expansion of an existing parking lot by more than 10,000 square feet or 20% in area, whichever is greater.
 - (d) The subdivision of any property that creates more than 5 residential units from the original parcel.
- (2) Exemptions.
 - (a) Buildings associated with an agricultural operation, located on property assessed agricultural, including farmhouses, barns and silos.

(b) Residential accessory structures except as required in §267-63 (Chesapeake Bay Critical Area Overlay District).

C. General requirements. The following shall apply to all provisions of the landscaping regulations.

(1) Type. Plant materials shall be selected from the Harford County Plant List, which is maintained by the Department of Planning and Zoning. The plant list is hereby incorporated by reference, as if set forth in its entirety herein. All modifications shall be approved by the Director of Planning.

(2) Condition.

(a) Plants shall be healthy, vigorous, well rooted and free of defects, decay, disease or infestations. After implementation, all required plant material shall be maintained by the property owner. All dead, dying or diseased plant material shall be replaced by the property owner.

(b) Unless other requirements of this section are greater, all trees shall be mulched according to industry standards.

D. Protection standards for existing vegetation.

(1) Existing and proposed vegetation shall be protected during construction, pursuant to the specifications stated in the Harford County Forest Cover Conservation and Replacement Manual, which is hereby incorporated by reference as if set forth in its entirety herein.

(2) Existing vegetation shall be preserved to the maximum extent practical and possible. Preserved plants shall count on a 1:1 basis for required plants, if they meet applicable size and location requirements. Alternatives, including transplanting existing vegetation, are permissible to the extent that they comply with these landscaping regulations. Applicants may receive credit for preserving vegetation if the following requirements are met:

(a) No grade modification or root disturbance is allowed within the dripline of the trees to be maintained;

(b) The landscape plan shall identify the protection area and method of protection for retained trees. The minimum radius of protection area shall be determined by multiplying the tree diameter at breast height in inches by 1 foot or by delineation of the dripline of the tree, whichever is greater.

(3) Trees shall be preserved as groups or blocks unless they have already grown and developed as individuals. Trees saved in compliance with these landscaping regulations shall be open grown with well-developed crowns. Preservation of individual trees from a community of plants shall not be permitted if these trees are unlikely to survive in the long run.

(4) Prior to landscape plan approval, the applicant shall sign a statement stating protective measures to be taken, and an agreement to replace trees, should any

removal or death occur during and/or after construction. Any vegetation removed before, during or after construction shall be replaced with newly planted vegetation which meets the minimum requirements outlined in this section.

E. Minimum standards for landscaping design and development.

- (1) All landscaped areas shall be finished with a natural groundcover or other material, approved by the Director of Planning.
- (2) Building foundations, fences and walls shall be landscaped in appropriate locations to provide visual relief, as determined by the Director of Planning.
- (3) Landscaping within easements for public water, sewer or stormdrains is not permitted unless approved by the Director of Public Works.
- (4) No trees shall be planted under overhead service wires if their mature height will interfere with the wires.

F. Minimum plant and ground cover specifications.

- (1) Required new tree plantings shall conform to the following minimum standards with caliper measurements at time of planting:
 - (a) Large street trees shall measure a minimum of 1½ to 2 inch caliper;
 - (b) Medium street trees shall measure a minimum of 1 to 1½ inch caliper;
 - (c) Trees in the buffer yard shall be a minimum of 4½ to 6 feet in height.
- (2) Required new streetscape shrubs shall be container grown in not less than 3 gallon containers, and shall not be pruned to less than 24 inches in height.
- (3) Shrubs shall be container grown in not less than 3 gallon containers, and shall not be pruned to less than 5 feet in height.
- (4) Organic ground covers shall be a minimum 1 gallon size upon installation.
- (5) All plant material shall meet the minimum standards contained in the most recent edition of the Harford County Plant List as to size, condition and appearance.
- (6) Trees and shrubs shall be adequately supported when planted.

G. Street trees.

- (1) Street trees are required upon road frontages in new residential and nonresidential developments, pursuant to the following requirements:
 - (a) One large street tree for every 40 linear feet (measured on the centerline) of interior road or 1 medium street tree for every 30 linear feet of interior road.

(b) In general, trees shall be spaced at regular intervals, without regard to property lines, in order to present a balanced appearance. In lieu of the requirements above, the Director of Planning may authorize a clustering of trees to accommodate scenic vistas, existing character and access drives. The number of trees shall be the same as would be necessary to accommodate an evenly spaced pattern.

(2) Street trees shall be located pursuant to the following requirements:

(a) Street trees shall be located to minimize adverse impacts on safety and visibility requirements. Street trees shall not restrict sight lines at intersections, nor restrict the approach view of any traffic or road sign or device. The Director of Planning may waive requirements for street trees if their placement would have an adverse impact on safety requirements. Street trees may be permitted in the right-of-way if approved by the Director of Planning with concurrence from the Director of Public Works.

(b) Trees are not permitted within 10 feet of public utilities.

(c) Where maintenance easements are established, the homeowner or homeowner's association shall be required to provide for the maintenance of the street trees.

H. Parking lots shall be landscaped pursuant to the following requirements.

(1) General requirements.

(a) Landscape areas shall divide the parking spaces so as to relieve the monotony of large expanses of paving and contribute to the efficient circulation of traffic.

(b) Expansions of existing parking lots that do not meet landscaping requirements shall provide landscaping consistent with the requirements of this section for the expansion area only.

(c) There shall be 1 shade tree per 10 surface parking spaces.

(d) Trees for parking lots shall be species selections identified in the Harford County Plant List. Trees that drip sap or drop large seeds or blossoms onto parked vehicles shall not be used.

(e) Corner clearance and sightlines shall be observed regarding all landscaping or buffers.

(f) Wherever practical, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(g) Crime prevention through environmental design techniques must be utilized in parking lot designs.

(2) Perimeter landscaping.

(a) A minimum 5 foot buffer strip abutting a public right-of-way shall be landscaped within a project.

(b) In all zoning districts, landscaping shall be required along all sides of a parking lot or paved drive that abuts adjoining property or a public right-of-way as follows:

[1] The perimeter landscape buffer along a street shall consist of planting materials or planting materials and man-made features to create at a minimum 3 foot high visual relief in the form of a hedge, fence, planter box, berm, dividers, shrubbery or trees, or a combination thereof. All landscaping to form such visual relief shall be a minimum of 2 feet tall at planting.

[2] There shall be a 6 foot-high vegetated barrier, buffering the view from any abutting residential zoning district.

[3] A landscaped strip at least 5 feet in width shall be located between the paved area and the abutting property lines or public right-of-way. This requirement does not apply to areas within a required driveway or other access points.

(3) Interior landscaping. A parking lot containing more than 32 spaces, or 10,000 square feet, shall comply with the following requirements.

(a) Parking aisles shall have 1 tree per 10 parking spaces. This requirement does not mean that an island with a tree must occur every 10 spaces. The requirement is a means of calculating the planting requirements.

(b) Required islands and medians shall be evenly distributed throughout such parking areas. The distribution and location of landscaped areas may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas and medians for the respective parking area is satisfied.

I. Landscaping standards by zoning district or development type.

(1) General requirements. The landscaping shall preserve unique features and mature vegetation, especially large trees. These should be incorporated into the landscaping and site design to the maximum extent possible. When possible, plants shall be used that attract and help sustain healthy bee population due to the importance of pollination.

(2) Residential Office district (RO). Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with this section.

(3) Mixed Office district (MO). The following landscaping regulations apply to the MO district, in addition to the other standards established in this section:

(a) Every effort shall be made to avoid formality in plantings, except as it may be integral to an architectural concept. Emphasis shall be placed on the natural grouping of groves of trees, and every opportunity shall be taken to emphasize, or take advantage of, natural terrain features.

(b) Islands and other landscaping alternatives shall be incorporated into parking areas to add visual interest. The use of islands, perimeter or roof top gardens, designed and landscaped to serve as bioretention facilities, is encouraged.

(4) Edgewood Neighborhood Overlay District (ENOD), Chesapeake Science and Security Corridor and rural villages. The following landscaping regulations apply to the ENOD, Chesapeake Science and Security Corridor and rural villages in addition to the other standards established in this section:

(a) All development shall include a minimum of 20% of the parcel area preserved as vegetated open space. The landscaped buffer yards, parking islands, building and perimeter landscaping and streetscape shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall be included in the calculation of open space.

(b) Any redevelopment project, currently exceeding 80% impervious surface area, may maintain the existing percentage of impervious surface.

(5) Mixed Use Centers (see §267-76 (Mixed Use Centers)). Each mixed use center shall provide a landscaping and buffer yard plan identifying the following:

(a) All parking lots, loading areas and outdoor storage areas shall be separated with a type "D" buffer yard, pursuant to §267-30 (Buffer Yards), from any adjacent roads and residential districts.

(b) Relocation of existing trees and shrubs from alternative sites is encouraged.

(c) Landscape amenities and materials shall be of high quality.

(d) Island and other landscaping alternatives, such as planting trees, shall be incorporated into parking areas to add visual interest. The use of islands and perimeter gardens, designed and landscaped to serve as bioretention facilities, is encouraged.

(e) For individual lots subdivided within a mixed use center, the buffer yard and buffering requirements shall apply only to the perimeter of the center and shall not be applicable internally between uses on adjacent lots developed within the center. Where individual lots are established within a mixed use center, the onsite landscaping shall be consistent with the materials and themes established for the overall center.

(6) Integrated Community Shopping Center (ICSC) (see §267-79 (Integrated Community Shopping Center)). Each ICSC shall provide a landscaping and buffer yard plan identifying the following:

- (a) Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained, pursuant to this section.
- (b) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent roads and residential districts with a type "C" buffer yard, pursuant to §267-30 (Buffer Yards).

(7) Perryman Wellfield Protection District and Community Water System Districts. The following landscaping regulations apply to these districts in addition to the other standards established in this section:

- (a) Landscaping shall be designed so that it occurs in large blocks. Narrow strips and isolated patches shall be avoided if at all possible.
- (b) Landscaped areas shall be designed to minimize the need for watering and the use of fertilizers and pesticides.
- (c) Native ground cover, shrubs and trees that are adapted to the climatic conditions of the area shall be used. Native wildflowers are also suitable landscaping plants.
- (d) Different species of plants shall be planted together to provide natural insect control.

J. Submission requirements. At a minimum, the landscaping plan shall include all items as specified in the most recent checklist provided by the Department of Planning and Zoning, which is incorporated by reference and made a part hereof as though it were fully stated herein.

K. Bonding.

- (1) Prior to the issuance of grading permits, the applicant shall provide a performance guarantee in a form acceptable to the County. The performance guarantee shall be in the amount of the estimated cost of the landscaping as provided on the approved landscaping plan.
- (2) All landscaping as shown on the approved landscaping plan shall be completed in accordance with the plan prior to release of the surety.

L. Modification.

- (1) Any property owner, or authorized agent thereof, seeking a modification shall submit to the Department of Planning and Zoning a written request for any modification, a written justification and any supporting graphics.

- (2) The Director of Planning shall respond in writing to the request within 30 calendar days of receipt of the request.
- (3) The Director of Planning may modify any portion of the landscape requirements upon a finding that the requirements of such section(s) will not enhance the purposes of the applicable provisions, or otherwise serve the public good. Modifications shall be reviewed under the following circumstances:
 - (a) Such modification shall be comparable in quality, effectiveness and durability. The Director of Planning shall review the request and base a decision in comparison with the minimum vegetation standards of the applicable provision; and
 - (b) The landscape plan shall be substantially in compliance with the provisions of this ordinance and any conditions imposed by the Director of Planning; and
 - (c) Such modification shall have no adverse visual effect on adjacent properties.

§ 267-30. Buffer Yards. [Amended by Bill 10-32 as amended; Bill 14-1; and Bill 21-14]

A. General requirements.

- (1) Buffers are required between districts pursuant to Table 30-1 below. The buffer yard is intended to be landscaped in a manner that provides an effective visual buffering on a year-round basis. The buffer yard is intended to increase the visual appeal within a district and to minimize the impact of noise between districts. The buffer yard is intended to provide for a transition between uses.
- (2) Buffer yards shall consist of existing vegetation, nursery stock or both as well as fences, walls, earthberms or grade changes.
- (3) Structures shall not be permitted to encroach on any buffer yard. Pavement, utility construction, signage and similar hardscape improvements are permitted in the required buffer yard of mixed use centers, the MO Mixed Office District, and Integrated Community Shopping Centers which separates the use from any adjacent road that is not within the project. Pavement, utility construction, signage and similar hardscape improvements are not permitted on any other buffer yard. All public utilities, including water and sewer facilities, shall be allowed to cross a buffer yard subject to approval of the Director of Planning and the Director of Public Works.
- (4) Buffer yards shall be established on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to another agriculturally zoned property that has not been converted to residential use.
- (5) Buffer yards required between property zoned for business, commercial, industrial or mixed office uses and property zoned agricultural or residential shall not be located on the agriculturally or residentially zoned lands.
- (6) Buffer yard requirements may be reduced if a buffer yard exists on an adjoining property, provided the buffer yard is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum buffer yard requirement for this section. The recreational buffer requirement may be reduced or eliminated provided that a trail exists on an adjoining property which is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum recreational buffer requirement for this section.
- (7) Where possible, the Director of Planning shall permit the use of trails within ICSC, PEC and COP developments.
- (8) Buffer yards shall not be required on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to a residentially zoned property.
- (9) Notwithstanding Table 30-1, buffer yards shall not be required between residential lots as defined in this chapter.

(10) No portion of the buffer yard shall be allowed on privately-owned urban residential district lots.

B. Applicability. Buffer yards are required for:

- (1) The construction or erection of any new nonresidential building or structure for which a building permit is required.
- (2) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit is required.

C. Exemptions. This section does not apply to the following situations:

- (1) The reconstruction of an existing building of which 50% or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.
- (2) Interior finish work or remodeling within a portion of a building, unless the work results in an increase in land use intensity.
- (3) Any use, building or structure for which only a change of use is requested, and which use does not increase the existing intensity or building square footage, nor requires structural modifications which would increase its volume or scale.
- (4) Contiguous commercial parcels or land areas under common ownership, within 1 development project.

D. Buffer yard landscape and improvement standards.

Table 30-1 Required Buffers Between Districts

Adjacent parcel buffer requirement	Zoning District	Subject Parcel Zoning District															
		AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
	AG	E*	E	E	E	E	E	C	E	B	B	B	B	B	B	B	D
	RR	E**	-	-	-	-	-	-	-	B	B	C	C	D	D	D	D
	R1	E**	-	-	-	-	-	-	-	B	C	C	D	D	D	D	D
	R2	E**	-	-	-	-	-	-	-	B	C	C	D	D	D	D	D
	R3	E**	-	-	-	-	-	-	-	A	A	A	D	D	D	D	D
	R4	E**	-	-	-	-	-	-	-	A	A	A	D	D	D	D	D
	RO	C**	-	-	-	-	-	-	-	A	A	A	D	D	D	D	D
	VR	E**	-	-	-	-	-	-	-	B	C	C	D	D	E	C	
	VB	B	B	B	B	A	A	A	-	-	-	-	A	C	C	C	C
	B1	B	B	B	B	A	A	A	B	-	-	-	-	C	C	C	C
	B2	B	B	B	B	A	A	A	C	A	-	-	-	B	B	B	B
	B3	B	B	B	B	A	A	A	C	B	-	-	-	B	B	B	B
	CI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
	LI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
	GI	B	D	D	D	D	D	D	E	C	C	B	B	-	-	-	-
	MO	D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-

* Buffer yard required per §267-30A(4)

** Buffer yard requirements per §267-30A(8)

E. Types of buffer yards. There are 5 types of buffer yards. Table 30-2 shows the minimum width and minimum number of plantings, trees and shrubs or fence, wall or berm, where applicable, required for each 100 linear feet for each buffer yard.

Table 30-2 Types of Buffer Yards

Buffer Type	Minimum Width (feet)	Trees		Shrubs	Fence (F), Berm (B), or Wall (W)
		Large	Medium/Small		
A	10	2	2	20	
B	15	4	3	20	F or W
C	20	6	5	25	F, W or B
D	30	8	6	30	F, W or B
E	50	8	6	35	F, W or B

F. Recreational Buffer.

- (1) The primary purpose of a recreational buffer is to use the buffer yard where appropriate to create walkable communities and to incorporate areas for recreation adjacent to residential communities.
- (2) In addition to Subsections D and E of this section, the development of an ICSC, PEC or COP or the development of a parcel under MO standards that is adjacent to an R1, R2, R3 or R4 zoned parcel must include a 10 foot recreational buffer in addition to the standard buffer yard.

G. Plant materials and uses. Plant materials shall be selected from the species listed in the Harford County Plant List on file with the Department of Planning and Zoning. The Director of Planning may permit substitutions if a listed species is being invaded, or infested by fungi, disease or pests. Plant materials shall show a variety of texture, color, shape and other characteristics.

- (1) Shrubs.
 - (a) The mixture of evergreen and deciduous shrubs shall be such that no more than 40% of the shrubs are deciduous, no less than 60% of the shrubs are evergreens and there is 1 shrub for every 40 square feet of required buffer yard.
 - (b) Shrubs shall be container grown in not less than 3 gallon containers, and all shrubs shall be of a species that will attain a mature height of at least 6 feet and width of at least 4 feet, within 5 years of the time of planting.
 - (c) Shrubs shall be planted between 3 feet and 5 feet apart, in straight or staggered rows, such that a dense visual buffer will be established by the mature shrubs.
- (2) If there is an increase in grade of at least 4 feet above existing grade on the adjacent edge district or lot boundary, and the change in grade shall occur within the width of the buffer, then shrubs shall be provided in accordance with the requirements of this section, except that the required height of the shrubs may be reduced so that the height of the berm plus the height of the shrubs is

equal to 6 feet, provided that no shrub may be less than 1½ feet in height. For change in grade that is at least 6 feet above grade, no shrubs are required.

H. The Director of Planning may grant a waiver for an alternative buffer yard arrangement when certain specific requirements of this section cannot be met, as follows:

- (1) When the location of existing buildings precludes compliance with the buffer yard width and yard setback standards, the Planning Director may allow a buffer yard that provides the maximum separation and buffering possible, given the location of such buildings. In granting an alternative buffer yard, the Planning Director may require the buffer yard to be wider, when not obstructed by buildings, additional fencing or walls, or require additional or larger landscape materials; and,
- (2) When the land for a required buffer yard is currently encumbered, or will be required to be encumbered, by an easement, covenant or other recorded legal instrument that prohibits or disallows the planting and maintaining of trees and shrubs, or limits tree growth to less than 20 feet in height, such land shall not be deemed to fulfill the requirements of this section. The Director of Planning may grant a waiver that will allow an alternate buffer yard location which will provide the maximum buffering possible taking into consideration any use of the easement that is incompatible with the intent of this section. In granting a waiver, the Director of Planning may require additional fencing or walls, or require additional or larger landscape materials.

I. Buffering of service or storage areas.

- (1) This section applies to refuse storage areas, storage areas, service entrances, service yards, stockpiled materials, garbage receptacles, fuel tanks, electric and gas meters utility or service equipment, and other materials and objects used for service, utilities or storage and situated on any nonresidential or multi-family residential site. These items shall be located:
 - (a) So as not to be visible from improvements on abutting properties; and
 - (b) So as not to be visible from public streets (except alleys), or placed in a location abutting an alley.

When such positioning is not practical or feasible, those items shall be buffered from view at the right-of-way line or the property line of any abutting residential zoning district. Buffering may include landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be buffered.

- (2) All appurtenant mechanical equipment including heating, ventilating and air conditioning equipment, as well as exhaust fans and vents, shall be visually buffered from adjacent residential lots and the public right-of-way. Noise and odors emanating from the equipment, fans and vents shall be directed away from residential district boundaries, by means of location of the equipment on the building, or through the installation of baffles or deflectors.

J. Additional buffering requirements.

- (1) Additional buffering requirements for industrial and business uses abutting residential land uses, community facilities or along public streets.
- (2) The Director of Planning may require additional buffering in the following situations:
 - (a) When a proposed industrial or business use adjoins property with an existing residential structure which is unlikely to be converted to industrial or business use in the immediate future. In such cases, the Director of Planning may require a fence of an appropriate height.
 - (b) When an industrial or business use adjoins a community facility such as a school, playground or park or a historic site.
- (3) Protection of Scenic Byways.
 - (a) Development along a State Designated Scenic Byway shall be landscaped to preserve the scenic character of the view from the road and the features of the road right-of-way that contribute to the road's scenic character. When developing along a Designated Scenic Byway, the guidelines developed by the State Highway Administration shall be implemented to the greatest extent possible.
 - (b) The removal of existing vegetation shall be minimized to protect mature trees and hedgerows visible from the road.

§ 267-31. Open Space.

A. Purpose and use. In developments utilizing the Conventional with Open Space (COS) or Planned Residential Development (PRD) option, open space shall be used for recreation, protection of natural resource areas, passive greenway amenity or agriculture, be accessible to all residents of the development and be accessible to the general public, if accepted by a public agency. Open space shall not be occupied by nonrecreational buildings or nonrecreational parking and shall not include required lot areas of dwelling units.

B. Open space requirements. Open space shall be provided, subject to the following:

- (1) A minimum of 50% of the required open space shall be usable for active recreation, such as swimming pools, community centers, tennis courts, tot-lots, ball fields, trails and other similar activities. The area defined as active open space must be a minimum of 10,000 contiguous square feet. Water bodies shall not exceed 15% of the required active open space area.

Trails shall be a minimum of 6 feet wide and must be constructed of materials which are compatible with its proposed use. Construction plans must be approved by the Department of Planning and Zoning with the concurrence of the Director of the Department of Parks and Recreation. All trails must be inspected for compliance to the approved recreation plan prior to the developer

conveyance/dedication of the land containing the trail to the Homeowner's Association. No bond or monies guaranteeing the completion of the project shall be returned to the developer until the trail is completed to the satisfaction and approval of the Department of Planning and Zoning and the Department of Parks and Recreation.

- (2) Open space may be owned, preserved and maintained by any of the following:
 - (a) Dedication of open space to the County or other appropriate public nonprofit agency, upon written acceptance of such dedication. The County shall not accept designation of open space less than 500 square feet unless it is adjacent to another open space area of greater or equal square footage.
 - (b) Common ownership by a homeowners' association which assumes responsibility for its maintenance.
 - (c) Private ownership in which restrictive covenants in the deeds prevent development of the open space and provide for maintenance responsibilities.

C. Fee in lieu option. If the County and developer or property owner mutually agree that the active open space requirements cannot be placed in the parcel, in whole or in part, the developer or property owner shall deposit, with the County, a fee in lieu of the dedication. This fee will be based on 110% of the average cost of raw land within the Development Envelope and acreage which would otherwise be required to be designated as active open space. Such funds shall be utilized for capital improvements at a site within the general vicinity and/or recreation service area of the planned development. Alternatively, if the County and developer agree, the developer shall provide to the County, in-kind services and/or products which are deemed to be commensurate in dollar value to the established fee in lieu, at a mutually agreed upon site within the recreation service area of the planned development. Any dollar difference in the fee in lieu and the agreed upon value of the in-kind service, or product, shall be deposited with the County.

§ 267-32. Starter Home Housing Bonus.

A. Purpose. To encourage the production of housing units and neighborhoods whose floor plans maximize usable space and where the size, scale and design are conducive to energy efficiency and maintainability, thus affordable to low- and moderate-income households. The maximum number of dwelling units permitted in the area to be developed may be increased by 20%, subject to the following:

- (1) At least 10% of the total dwelling units of the qualifying project must be rented or sold to low- and moderate-income households, of which 50% must be households consisting of more than 3 people.
- (2) For projects of more than 20 dwelling units, not more than 20% of the units within the project shall be developed as low- and moderate-income housing.
- (3) The applicant shall guarantee that the minimum number of dwelling units proposed for eligibility will be made available for rent or sale pursuant to income,

rental and sales price guidelines certified by the County Housing Agency. The applicant shall cooperate with the County Housing Agency Director to identify qualifying households for the low- and moderate-income units.

(4) The project is not otherwise subsidized by Federal or State programs used to finance development of low- and moderate-income units.

B. Design requirements. When dwelling units are developed under this section, the following design requirements shall apply:

- (1) Dwelling units for low- and moderate-income households shall be subject to all other applicable requirements of this Part 1.
- (2) All subsidized units shall be integrated into the overall design of the development and shall be intermixed throughout the development with exterior materials and appointments not differing from those of the other units in the project.

C. Management requirements. When dwelling units are constructed under this section, the following management requirements shall apply:

- (1) All governmentally assisted units shall be managed in accordance with applicable regulations of the County Housing Agency.
- (2) Developers of low- and moderate-income housing shall be required to ensure that the dwelling units will continue to be available for rental or sale to persons of low- or moderate-income levels for such minimum period of time as is set forth in any applicable program or as may be required by the County. Acceptable forms of assurance include provisions for acquisition of the units by the County Housing Agency, restriction on the resale of units, use of management agreements or other means acceptable to the County.

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§ 267-33. Signs. [Amended by Bill 13-17; Bill 14-1; Bill 15-35 as amended; Bill 16-28; Bill 17-04; Bill 19-16 as amended; Bill 21-14; Bill 24-23 as amended; and Bill 24-34]

A. Zoning certificates; fees.

- (1) Zoning certificate requirement. It shall be unlawful for any person to erect, alter or relocate any sign or other advertising structure, as defined in this Part 1, without first obtaining a zoning certificate and making payment of the required fee.
- (2) Application. Application for a zoning certificate for a sign shall be signed by the property owner or authorized agent. The zoning certificate application shall require the name and address of the sign owner or the sign erector, drawings showing the copy design, dimensions, height and location of the sign and such other pertinent information as the Department may require to ensure compliance with the laws of Harford County, Maryland. Whenever an application for a zoning certificate is filed for the erection of a sign on property designated as an Historic Landmark, the application shall be subject to the approvals of the Historic District Commission and the Department.

B. General provisions. Signage shall be constructed in an unobtrusive manner which compliments the architectural elements of quality, style, color and material of the building, and the architectural period of the building(s). The following broad categories of sign types are regulated by this section unless otherwise provided herein:

- (1) Canopy signs. A canopy sign must have its lowest point no closer than 8 feet to the ground.
- (2) Freestanding signs. The maximum area of any freestanding sign shall not exceed 120 square feet. The setback measured to the edge of the sign shall be equal to 1/3 of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is 20 feet measured from the road grade. If the elevation of the property where the sign is to be located is above the road grade, the maximum height of the sign may be increased 1 foot in height for every 1 foot of elevation above the road grade. In no instance shall the height of a freestanding sign exceed 30 feet above the road grade.

Except as otherwise provided for herein, electronic message boards are permitted as freestanding signs in the B1, B2, B3, CI, LI and GI zoning districts. Temporary or portable electronic message Boards are not permitted. Electronic message Boards shall not exceed 60 square feet in size, and shall display only on-premises messages, or time and/or temperature displays. An electronic message Board shall consist only of alphabetic or numeric characters and shall not include any graphic, pictorial or photographic images or videos. The appearance of any animation, motion, flashing, blinking or shimmering is not permitted. A single message, or segment of a message, shall have a display time of at least 2 seconds, including the time needed to move the message onto the sign Board, with all segments of the total message to be displayed within 10 seconds. A display traveling horizontally across the message Board shall move between 16 and 32 light columns per second. Requirements for display times do not apply to time and/or temperature displays.

- (3) Wall signs. Wall signs shall include all flat signs which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Flat wall mounted signs may be located on any wall of a building and may extend not more than 8 feet above the parapet wall

or roofline of the building to which they are attached. However, no window, or part of a window, shall be covered by the sign area or its supporting structure. Except as otherwise provided for herein, electronic message boards are permitted as wall signs in the B1, B2, B3, CI, LI and GI zoning districts. Electronic message boards shall not exceed 20 square feet in size, and shall display only on-premises messages, or time and/or temperature displays. An electronic message board shall consist only of alphabetic or numeric characters and shall not include any graphic, pictorial or photographic images or videos. The appearance of any animation, motion, flashing, blinking or shimmering is not permitted. A single message, or segment of a message, shall have a display time of at least 2 seconds, including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within 10 seconds. A display traveling horizontally across the message board shall move between 16 and 32 light columns per second. Requirements for display times do not apply to time and/or temperature displays.

- (4) Temporary signs. The maximum number of temporary signs a property may have in any 1 calendar year is 2. Temporary signs may be displayed for periods not exceeding 30 consecutive calendar days and not exceeding 60 calendar days in any 1 year.
- (5) Projecting signs. Projecting signs may not extend over public rights-of-way, or project more than 4 feet from the wall of a building. Projecting signs may not have less than 10 feet clearance, as measured vertically from the ground to the bottom of the sign or supporting structure, and shall not exceed a height of 25 feet, as measured vertically from the ground to the top of the sign or supporting structure. Projecting signs shall have a maximum sign area of 60 square feet.
- (6) Directional signs. Unless otherwise provided herein, the maximum area of any directional sign shall not exceed 6 square feet. Directional signs can be located at the nearest intersection of any major collector or arterial road and set back 10 feet from the property line. Unless otherwise provided herein, the maximum height allowed for any directional sign is 6 feet above the nearest public road grade.
- (7) Billboards.
 - (a) General. Billboards shall be permitted in the General Industrial (GI) district only. New billboards may not be constructed within the Chesapeake Science and Security Corridor or the Edgewood Neighborhood Overlay District (ENOD).
 - (b) Location. Billboards shall be limited to 1 per parcel. Billboards shall not be permitted to be erected within 750 feet of any residence, historic structure or building as defined in §267-4 (Definitions), public square or the entrance to any public park, public, private or parochial school, library, church or similar institution. All such signs shall be set back from the front property line the distance required for a principal building in the zoning district in which located. No billboard shall be permitted to be erected within 100 feet of a road intersection unless the base of the sign is not less than 10 feet above ground level or road surface, whichever is higher. No billboard shall be erected within 660 feet of any highway which is part of the interstate highway system.
 - (c) Height. A billboard shall be no more than 30 feet in height from road grade.

- (d) Area. The maximum area of any billboard shall not exceed 300 square feet.
- (e) Illumination. Illumination shall be in accordance with the provisions of this section.
- (8) Permanent residential entrance, and Continuing Care Retirement Community (CCRC) signs. Residential entrance, development project identification and CCRC signs, with letters or advertising area not to exceed a total area of 48 square feet, shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has a multiple frontage of at least 50 feet, additional signs with letters or advertising area, not to exceed a total of 48 square feet, shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed 48 square feet.
- (9) Electronic message boards shall be limited to one sign, of any permitted type, per property.

C. Exemptions. The following types of signs are exempt from all the provisions of this section, except for construction and safety regulations and the following standards:

- (1) Public signs. Public signs, erected by, or on the order of, a public official in the performance of duty, such as directional signs, regulatory signs, warning signs, informational signs and legal notices.
- (2) Integral signs. Integral signs that are carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure, as well as signs forming an integral part of or attached to pumps dispersing fuels, vending machines and service appliances.
- (3) Political campaign and public issue signs, except for billboards, signs announcing candidates seeking public office and advocating the support or defeat of public issues shall be permitted, provided that the total area of the signs does not exceed 16 square feet for each premises in a residential district and 32 square feet in an agricultural, business or industrial district. These signs shall be confined to private property. No sign shall be placed within 60 feet of the center of a road intersection or in such a manner as to impede vision.
- (4) Agricultural identification signs. Agricultural identification signs not to exceed 32 square feet in area and not to be located less than 35 feet from the center line of the road or 10 feet from the road right-of-way, whichever is greater.
- (5) Directional signs. Directional signs for any public, charitable, educational or religious function to be set back 10 feet from road right-of-way. These signs shall not exceed 2 square feet in sign area and shall not exceed 4 feet in height above the road grade.
- (6) Private traffic control. Signs directing traffic movement onto a premises or within a premises, not exceeding 4 square feet in area for each sign. Illumination of these signs shall conform to the provisions of this section.

- (7) Real estate signs. Real estate signs not exceeding 6 square feet in area and located on the subject property tract. They shall be removed within 7 calendar days after execution of a lease or transfer of the property.
- (8) Noncommercial flags. On-site flags of a nation, state, political subdivision, educational institution or noncommercial organization, provided that any flagpole utilized to display such flag is not more than 30 feet in height above the ground.
- (9) Ballpark signs. Signs installed on public property, with the permission of the Department of parks and recreation, at ball fields owned or operated by the County Department of Parks and Recreation. Said signs shall not exceed 6 square feet in size and shall be erected for no longer than 4 months.
- (10) Project development sign. Temporary signs for undeveloped parcels to be set back at least 10 feet from the road right-of-way and not to exceed 10 feet in height above the road grade. One sign shall be permitted for each road frontage of at least 50 feet. The maximum sign area shall not exceed 32 square feet.

D. Calculation of advertising or sign area.

- (1) Double-faced signs. One face of a sign having obverse and reverse faces shall be considered in calculating the advertising area. In the event that the faces of a sign are of a different area, the face having the larger area shall determine the advertising area of the sign.
- (2) Multi-faced or curved surface signs. The advertising area of a multi-faced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.
- (3) Modular signs. The advertising area of signs consisting of 2 or more individual letters, characters, numbers or figures shall be determined by the area of a described rectangle completely enclosing the extremities of all of the individual letters, characters, numbers or figures, provided, however, that if individual modules are mounted on a background, other than an integral structure component of a building, the entire area of such a background shall be calculated as advertising area.
- (4) Cylindrical signs. The advertising area of cylindrical signs shall be computed by multiplying $\frac{1}{2}$ of the circumference by the height of the sign.

E. Illumination.

- (1) The light from any illuminated sign, including those on the interior of a building, shall be so shaded, shielded or directed so that the light intensity or brightness shall not interfere with the vision of motor vehicle operators or directly reflect onto adjacent residential lots or buildings.
- (2) No sign shall have blinking or flashing lights. With the exception of electronic message boards, as defined in §267-4 (Definitions), no sign shall have illumination devices which have a changing light intensity, brightness or color or which are so constructed and operated so as to create an appearance or illusion of writing. Nothing contained in this section shall be construed as preventing the use of lights or decorations commemorating religious and patriotic holidays.

- (3) No exposed reflective type bulbs, and no strobe lights or incandescent lamps exceeding 15 watts, shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to a public street or adjacent property.

F. Prohibited signs. The following signs are prohibited in all districts and shall be removed in accordance with this section.

- (1) Signs containing statements, words or pictures of an obscene, indecent or immoral character that offend public morals or decency of the community.
- (2) Signs of a size, location, movement, content, coloration or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection.
- (3) Unless authorized by the utility, signs posted on any building, fence, pole or other property owned, leased or controlled by a public utility.
- (4) Except as provided in this section, signs that are placed within the County or State right-of-way.
- (5) Freestanding signs advertising business uses in Planned Residential Development projects.
- (6) Variable message boards.

G. Inspection, maintenance and removal.

- (1) All signs and supporting structures shall be kept in good repair and in a safe and attractive condition. Signs for which a zoning certificate is required may be inspected periodically by the Director of Planning for compliance with this section.
- (2) In the event that a billboard ceases to be used for advertising or falls into disrepair for a period of 3 months, the billboard will be deemed abandoned. Solicitation for advertising to be displayed on a billboard does not constitute advertising. Once a billboard has been abandoned, the Director of Planning shall notify the owner of the property and the owner of the billboard that the billboard has been abandoned and must be removed. The owners shall be responsible for taking all necessary steps to dismantle the billboard and remove and dispose of all visible remnants and materials from the subject parcel 90 calendar days after notification by the Director of Planning that the billboard has been abandoned.
- (3) The Director of Planning may order the removal of any sign, erected or maintained, in violation of this section. Written notice shall be given to the owner of such sign, building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this section within 10 calendar days from the date of the notice. Upon failure to remove the sign or to comply with this notice, or if it appears that the condition of the sign is such as to present an immediate threat to the safety of the public, the Department may remove the sign immediately without any additional notice. Any cost of removal incurred by the Department shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.

- (4) Where the Director of Planning determines appropriate, signs within the AG, VB and VR Districts constructed along Scenic Byways shall be designed using the guidelines developed by the State Highway Administration to the greatest extent possible.
- (5) Any freestanding sign, permanent institutional sign, or permanent residential entrance sign and Continuing Care Retirement Community (CCRC) sign in the RR, R1, R2, R3, R4, RO, B1, Chesapeake Science and Security Corridor and ICSC Development shall have appropriate landscaping.
- (6) Billboards shall be landscaped with height appropriate plantings.

H. Nonconforming signs.

- (1) All signs or other advertising structures which were lawful prior to the enactment of this Part 1 or subsequent amendments, and which do not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto, shall constitute nonconforming signs. Unless otherwise provided herein, nonconforming signs shall be replaced to conform to the requirements of this section when a sign is replaced or a site is redeveloped as defined in this Part 1.
- (2) All other signs or other advertising structures which were erected in violation of the law, or which are erected in violation of the provisions hereof, shall be removed, altered or replaced so as to comply with this section within 6 months of the effective date of this Part 1.

I. Sign standards by zoning district and development type.

- (1) Agricultural district. In addition to the requirements set forth in this section, signs in the Agricultural (AG) district must comply with the following standards:
 - (a) Commercial signs (including agricultural public events, agricultural retail, agricultural seasonal and any sign in connection with an approved special development or permitted nonresidential use). One externally lighted sign, not exceeding 16 square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than 20 feet from the road right-of-way. Freestanding signs may not exceed 6 feet in height.
 - (b) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 40 square feet in area and shall not exceed 8 feet in height.
 - (c) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
 - (d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and

shall be removed within 15 days after the beginning of the intended use of the project.

- (e) Directional signs. One directional sign, not exceeding 6 square feet in sign area and no more than 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use or agricultural use, if set back 10 feet from the road right-of-way and located at either the nearest intersecting arterial road or the nearest intersecting road.
- (f) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
- (g) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (h) Electronic message boards on properties that contain Institutional uses which are located on either a freeway/expressway or a principal urban arterial route, each as provided in the "Existing Roadway System Functional Classification" Table in Appendix III, Functional Classification of Roads to the 2016 Master Plan, Harford Next, as a Special Exception, subject to approval of the Board. Electronic message boards must be located at least 10 feet from the road right-of-way and at least 250 feet from the structural boundaries of any dwelling, shall not exceed 6 feet in height, and must not have a sign area exceeding 20 square feet.
- (i) Notwithstanding the requirements in Paragraph (h) above, electronic message boards displaying a message and content relating to public safety, and designed to protect the health, safety, and welfare of the public, shall be permitted throughout the district as a Special Exception, subject to approval of the Board on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area exceeding 20 square feet. Only local and state law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.

(2) RR, R1, R2, R3 and R4 residential districts. In addition to the requirements set forth in this section, signs in the RR, R1, R2, R3 and R4 district must comply with the following standards:

- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
- (b) Except for electronic message boards, freestanding signs may be permitted as a special exception, subject to approval of the Board, provided they are located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height and must not have a sign area exceeding 4 square feet. Electronic message boards shall not be permitted within the RR, R1, R2, R3 and R4 districts.

Notwithstanding anything contained in this paragraph, electronic message boards displaying a message and content relating to public safety and designed to protect the health, safety, and welfare of the public shall be permitted, as a special exception, subject to approval of the Board, on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area exceeding 10 square feet. Only local and State law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.

- (c) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
- (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
- (f) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (g) All permanent signs shall be compatible with the style, character and design of the residential neighborhood in which the sign is erected.

(3) RO Residential Office district. In addition to the requirements set forth in this section, signs in the RO district must comply with the following standards:

- (a) One freestanding sign per parcel, which shall have a maximum of 16 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no less than 20 feet from the right-of-way.
- (b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 4 square feet in area.
- (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
- (d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.

- (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (g) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
- (h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.

(4) VR Village Residential district. In addition to the requirements set forth in this section, signs in the VR district must comply with the following standards:

- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
- (b) Freestanding signs may be permitted as a special exception, subject to the approval of the Board, provided that they are located not less than 10 feet from the road right-of-way, do not exceed 6 feet in height and do not have a sign area exceeding 4 square feet.
- (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
- (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
- (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-

way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.

(g) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.

(5) VB Village Business district. In addition to the requirements set forth in this section, signs in the VB district must comply with the following standards:

(a) One freestanding sign per parcel, which shall have a maximum of 18 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no less than 20 feet from the right-of-way.

(b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 10 square feet in area.

(c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.

(d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.

(e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

(f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.

(g) Permanent residential entrance signs are permitted pursuant to the provisions of Subsection B(8).

(h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.

(6) B1 Neighborhood Business, B2 Community Business, B3 General Business, CI Commercial Industrial, LI Light Industrial and GI General Industrial districts. In addition to the requirements set forth in this section, signs in the B1, B2, B3, CI, LI and GI districts must comply with the following standards:

(a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to

commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
- [2] Projecting signs.
- [3] Roof signs.
- [4] Canopy signs.

(b) Two freestanding signs identifying commercial or industrial activity other than Integrated Community Shopping Centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection B(2) of this section.

(c) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.

(d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 32 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

(e) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.

(f) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).

(g) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.

(h) For properties in the B1, B2 and B3 districts, a maximum of 2 directional signs may be permitted provided:

- [1] The sign is located within 1,000 feet of the commercial structure to which it is directing and the property on which the commercial structure is located is also zoned B1, B2 or B3.

- [2] The sign area does not exceed 20 square feet.
- [3] The sign height does not exceed 10 feet above the nearest public road grade.
- [4] If the business for which the sign was erected is no longer operating, the sign shall be removed promptly.

(7) MO Mixed Office district. In addition to the requirements set forth in this section, signs in the MO district must comply with the following standards:

- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 1 square foot per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
 - [1] Wall signs.
 - [2] Projecting signs.
 - [3] Roof signs.
 - [4] Canopy signs.
- (b) Signs shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.
- (c) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
- (d) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 120 square feet. The maximum height of the signs shall not exceed 20 feet, and signs must be set back a minimum of 10 feet from the road right-of-way.
- (e) Directional information signs shall be adequately provided and design coordinated.
- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.
- (g) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in

area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

(h) The following types of signs shall not be permitted for any project located in the MO district:

- [1] Billboards.
- [2] Temporary or portable signs.

(8) Chesapeake Science and Security Corridor. In addition to the requirements set forth in this section, signs in the Chesapeake Science and Security Corridor must comply with the following standards:

(a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
- [2] Projecting signs.
- [3] Roof signs.
- [4] Canopy signs.

(b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.

(c) Two freestanding signs identifying commercial or industrial activity other than community shopping centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection b(2) of this section. Signs shall be set back from the right-of-way 1/3 of the required front yard setback for the underlying zone.

(d) One directional sign, not exceeding 4 square feet in area or 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use if located at the nearest intersection of any major collector or arterial road and set back the required distance for the district. However, the maximum number of directional signs shall not exceed 3 per intersectional quadrant.

(e) Existing billboards located on sites within the Chesapeake Science and Security Corridor may remain and may be replaced subject to approval of necessary permits. Should the billboard be located on a site with an

existing use, expansion of the use by more than 20% shall require the removal of said billboard. Should a billboard be located as the sole use on a site as of the effective date of the legislation, future development of the site, for other permitted uses, shall require the removal of said billboard. Notwithstanding the foregoing, the owner of a site upon which a billboard is located within the Chesapeake Science and Security Corridor shall be permitted to redevelop the site for other permitted uses or expand the current use by more than 20% subject to the following conditions:

- [1] The site is subject to a lease with a third party for the billboard;
- [2] The owner submits, to the Director of Planning, an affidavit that the owner has made good faith efforts to terminate the billboard lease, which efforts have failed;
- [3] The lease term shall end no later than 2 years from the date of the issuance of the building permit for the property and the owner provides evidence of termination of the lease to the Director of Planning;
- [4] The owner shall provide to the Director of Planning, a bond in an amount equal to 115% of the cost to remove the billboard at the end of the lease term; and
- [5] The owner shall record, among the Land Records of Harford County, Maryland, a permanent easement for the benefit of the County to permit the County to enter upon the property to remove the billboard in the event the billboard is not removed within the time period set forth herein.

(f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

(g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.

(h) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.

(9) Edgewood Neighborhood Overlay District (ENOD). In addition to the requirements set forth in this section, signs in the ENOD must comply with the following standards:

(a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
- [2] Projecting signs.
- [3] Roof signs.
- [4] Canopy signs.

(b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.

(c) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet from the base of the sign, and signs must be set back a minimum of 10 feet from the road right-of-way line.

(d) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.

(e) Directional information signs shall be adequately provided and design coordinated.

(f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.

(g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.

(h) Billboards are not permitted for any new or redevelopment project located in the Edgewood Neighborhood Overlay District.

(i) One temporary or portable signs shall be permitted in the area designated as the main street only. Signs may not exceed 8 square feet in area, be located so as not to inhibit the normal flow of pedestrian traffic and in front of the specific business that is being advertised.

(10) Integrated Community Shopping Center (ICSC). Signs for an ICSC shall comply with the following:

(a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
- [2] Projecting signs.
- [3] Roof signs.
- [4] Canopy signs.

(b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.

(c) Freestanding signs identifying Integrated Community Shopping Centers are allowed, but the maximum sign area shall be determined independently from the sign area restrictions contained in this section. Freestanding signs shall not exceed 1 square foot in area for each linear foot of road frontage or 200 square feet, whichever is smaller. One such sign shall be permitted for each road frontage, or not more than 2 signs shall be permitted along any frontage which exceeds 500 feet. The sign height shall not exceed 40 feet and shall be set back not less than 20 feet from the front property line.

(d) Directional information signs shall be adequately provided and design coordinated.

(e) The following types of signs shall not be permitted in an ICSC:

- [1] Billboards.
- [2] Temporary signs.

ARTICLE VI. Forest and Tree Conservation

§ 267-34. Applicability. [Amended by Bill 14-1]

- A. Except as provided in Subsection B, this Article applies to any person, including the County, who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more.
- B. This Article does not apply to:
 - (1) Cutting or clearing conducted in accordance with a forest harvest permit issued under Chapter 214 of the Harford County Code, as amended, if the cutting or clearing:
 - (a) Is completed before July 1, 1991; or
 - (b) Is completed on or after July 1, 1991, and the property on which the cutting or clearing is conducted is not the subject of an application for a grading permit within 5 years after the cutting or clearing.
 - (2) Cutting or clearing in the Chesapeake Bay Critical Area Overlay District established under §267-63 (Chesapeake Bay Critical Area Overlay District).
 - (3) Cutting or clearing to further agriculture, if the land on which the cutting or clearing is conducted is not the site of development within 5 years after the clearing or cutting.
 - (4) Forest management activities conducted in accordance with a Federal, State or local forestry or woodland incentives program.
 - (5) If conducted so as to minimize the loss of forest, cutting or clearing of:
 - (a) Public utility rights-of-way; and
 - (b) Land for an electrical generating station approved by the Public Service Commission under Title 7, Public Utility Companies, of the Annotated Code of Maryland.
 - (6) Routine maintenance of public utility rights-of-way.
 - (7) Any development conducted on a single residential parcel described in the Land Records as of January 1, 1992, of any size, if the development:
 - (a) Does not result in the cutting, clearing or grading of more than 20,000 square feet of forest; and
 - (b) Does not result in the cutting, clearing or grading of any forest that is subject to a previous Forest Conservation Plan prepared under this Article; and

(c) if land on which cutting or clearing has been conducted in accordance with an exemption under Subsections B(1)(b) or B(3) is developed:

[1] Within 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that existed before the cutting or clearing; and

[2] More than 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that exists after the cutting or clearing.

§ 267-35. General Requirements.

A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:

(1) Shall submit, to the Department, in accordance with the forest cover conservation and replacement manual, which is incorporated herein by reference:

(a) A forest stand delineation for the lot or parcel on which the development is located; and

(b) A Forest Conservation Plan for the lot or parcel on which the development is located;

(2) Shall not, unless granted an exemption by the Department, perform any construction activity in the dripline of a tree that is to be retained; and

(3) Shall use methods approved by the Department to protect retained trees during construction.

B. Notwithstanding any other provision of this Article, the Department of Public Works shall plant at least 1 tree for every 2 trees of a DBH of 8 inches or more that it cuts or clears as part of a project to widen a County road.

C. When planting trees in accordance with Subsection B of this section, the Department of Public Works shall meet the following criteria:

(1) The trees planted shall:

(a) Have at maturity approximately the same area of canopy as the trees that were cut or cleared; and

(b) Have a caliper of at least 1½ inches.

(2) The trees shall be planted:

(a) If feasible, on the site or in the right-of-way used for the project; or

- (b) If the owner of the abutting property requests, on property that abuts the site or the right-of-way used for the project.
- (3) The trees shall be of the same species as those cut or cleared if:
 - (a) The owner of the abutting property so requests; and
 - (b) They are planted on abutting property.
- (4) If the owner of the abutting property requests, the Department of Public Works shall pay the owner a fee in an amount equal to the cost of the trees that would have been planted on the abutting property under this section, and payment of the fee relieves the Department of Public Works of the duty to plant the trees.

§ 267-36. Forest Stand Delineation.

- A. A forest stand delineation shall be submitted before a Preliminary Subdivision Plan, a grading permit application or a building permit application is submitted for the lot or parcel being developed.
- B. The delineation shall be prepared and signed by a licensed forester, licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.
- C. The delineation shall include:
 - (1) A topographic map delineating intermittent and perennial streams and steep slopes over 25%;
 - (2) A soils map delineating soils with structural limitations, hydric soils and soils with a soil k value greater than 0.35 on slopes of 15% or more;
 - (3) Forest stand maps indicating species, location and size of trees and showing dominant and codominant forest types;
 - (4) Limit of nontidal wetlands and required buffers;
 - (5) Limit of 100 year floodplain; and
 - (6) Any other information required by the Department.
- D. Action by Department.
 - (1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.
 - (2) If the Department fails to notify the applicant within 30 calendar days, the delineation shall be treated as complete and correct.
 - (3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

§ 267-37. Forest Conservation Plan.

- A. A Forest Conservation Plan shall be prepared and signed by a licensed forester, a licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.
- B. A Forest Conservation Plan shall:
 - (1) Be submitted with the first of the following submitted for the site:
 - (a) A Preliminary Subdivision Plan;
 - (b) An application for a grading permit; or
 - (c) An application for a building permit;
 - (2) Include a map of the site drawn at the same scale as the grading or subdivision plan;
 - (3) Include a table that lists, in square feet:
 - (a) The net tract area;
 - (b) The total area of forest conservation required; and
 - (c) The total area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;
 - (4) Include a clear graphic indication of the forest conservation provided on the site showing areas where retention of existing forest or afforestation is planned;
 - (5) Include a construction timetable, indicating the phasing of the project and showing the sequence for tree conservation procedures;
 - (6) Include an afforestation and reforestation plan with a proposed schedule and description of needed site and soil preparation, species, size and spacing to be utilized;
 - (7) Show locations and types of protective devices to be used during construction activities to protect trees and areas of forest designated for conservation;
 - (8) Show the planned limits of disturbance;
 - (9) Show planned stockpile areas;
 - (10) Incorporate a commitment to complete all required afforestation and reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan;
 - (11) Incorporate a binding 2-year management agreement that details how the areas designated for afforestation or reforestation will be maintained to ensure protection or satisfactory establishment, including:

- (a) Watering; and
- (b) Reinforcement planting provisions if survival rates fall below required standards;

(12) Include any plan for individual tree plantings proposed under §267-43 (Individual Tree Plantings) of this Article;

(13) Record a declaration of covenants and restrictions for forest retention as provided in Article VI, Forest and Tree Conservation. The said declaration is to be reviewed and approved by the Department of Planning and Zoning with concurrence of the Department of Law; and

(14) Any other information the Department requires.

C. Action by Department.

- (1) Within 45 calendar days after receipt of the Forest Conservation Plan, the Department shall notify the applicant whether the Forest Conservation Plan is complete and approved.
- (2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
- (3) The Department may require further information or extend the deadline for an addition 15 calendar days under extenuating circumstances.
- (4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.

D. The Department's review of a Forest Conservation Plan shall be concurrent with the review of the subdivision plan, grading permit application or building permit application associated with the project.

E. The Department may revoke an approved Forest Conservation Plan if it finds that:

- (1) Any provision of the plan has been violated;
- (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement or omission of a relevant or material fact; or
- (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

F. In revoking an approved Forest Conservation Plan under Subsection e, the Department shall follow the procedure for revocation of zoning certificates that is set forth in §267-8F (Zoning Certificates) of this Chapter.

G. If a Forest Conservation Plan is required by this Article, a person may not cut, clear or grade on the development site:

- (1) Until the Department has approved the plan; or
- (2) In violation of the approved plan.

§ 267-38. Abbreviated Process. [Amended by Bill 14-1]

- A. In this section, "parcel" means a parcel described in the Land Records as of the effective date of County Council Bill No. 93-11, June 14, 1993.
- B. This section applies only to the first 5 lots created from a parcel.
- C. A person is not required to submit a forest stand delineation or a Forest Conservation Plan for a subdivision of 5 or fewer residential lots if:
 - (1) Development will not result in the cutting, clearing or grading of:
 - (a) A cumulative total of more than 20,000 square feet of forest on the parcel; and
 - (b) Forest that is subject to an approved Forest Conservation Plan;
 - (2) The person files with the Preliminary Subdivision Plan a declaration of intent stating that development will be conducted in accordance with Paragraph (1) of this Subsection; and
 - (3) The forest to be retained on the parcel is designated as such on the Preliminary Subdivision Plan and the final subdivision plat.
- D. A person may file an abbreviated forest stand delineation for a subdivision of 5 or fewer residential lots if:
 - (1) Development will result in the cutting, clearing or grading of a cumulative total of more than 20,000 square feet of forest on the parcel;
 - (2) Development will not result in the cutting, clearing or grading of forest that is subject to an approved Forest Conservation Plan;
 - (3) The abbreviated forest stand delineation is prepared in accordance with the standards for such delineations in the Department's Forest Conservation Manual; and
 - (4) A Forest Conservation Plan is also submitted for the site.
- E. A person who files an abbreviated forest stand delineation may file the delineation and the Forest Conservation Plan for the site at the same time.
- F. Within 60 calendar days after receipt of the abbreviated forest stand delineation and the Forest Conservation Plan, the Department shall notify the applicant as to whether the delineation and plan are complete and approved.

- G. If the abbreviated forest stand delineation and the Forest Conservation Plan are submitted separately, the period of 60 calendar days established by Subsection F starts from the later date of submission.
- H. If the Department fails to notify the applicant within 60 calendar days, the delineation and the plan shall be treated as complete and approved.
- I. The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

§ 267-39. Retention and Afforestation. [Amended by Bill 14-1]

- A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:
 - (1) Shall conduct afforestation on the lot or parcel in accordance with the following:
 - (a) For the following land use categories, a site with less than 20% of its net tract area in forest cover shall be afforested up to at least 20% of the net tract area:
 - [1] Natural resources;
 - [2] Medium-density residential uses; and
 - [3] Low-density residential uses; and
 - (b) For the following land use categories, a site with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area:
 - [1] Business uses;
 - [2] Industrial uses;
 - [3] Institutional uses; and
 - [4] High-density residential uses; and
 - (2) Shall retain at least the following minimum percentages of the existing forest on the lot or parcel outside of the Development Envelope, as shown on the most recently adopted Land Use Plan Map:

Type of Use	Minimum Percentage of Forest to be Preserved
Natural resources uses & low-density residential uses	50%
Medium-density residential uses	40%
Institutional uses	30%
Business and industrial uses	15%

B. Subsection A(2) does not apply to the development of a water line, a sewer line or a sanitary landfill.

C. The following trees, shrubs, plants and specific areas shall be considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:

- (1) Trees, shrubs and plants located in sensitive areas, including the floodplain district established under Chapter 131 of the Harford County Code, as amended, intermittent and perennial streams and their buffers, steep slopes and critical habitat areas; and
- (2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.

D. The following trees, shrubs, plants and specific areas shall be considered priorities for retention and protection and shall be left in an undisturbed condition:

- (1) Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the United States Fish and Wildlife Service or the State Department of Natural Resources;
- (2) Trees that:
 - (a) Are part of a historic site;
 - (b) Are associated with a historic structure; or
 - (c) Have been designated by the State or the Department as a National, State or County Champion Tree; and
- (3) Trees having a DBH of:
 - (a) Thirty inches or more; or
 - (b) Seventy-five percent of the DBH of the current State Champion Tree of that species.

E. Subsection D of this section does not require retention of:

- (1) A tree that is dead or diseased; or
- (2) A tree that has been substantially damaged through natural causes and is not expected to survive.

F. The Director of Planning may grant a waiver from Subsection D above if the applicant has demonstrated to the satisfaction of the Department that enforcement would result in unwarranted hardship. The applicant shall:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

- (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
- (3) Verify that the granting of the waiver will not confer on the applicant a special privilege that would be denied to other applicants;
- (4) Verify that the waiver request is not based on conditions or circumstances which are the result of actions by the applicant;
- (5) Verify that the waiver request is not based on conditions relating to land and building use, either permitted or nonconforming, on a neighboring property; and
- (6) Verify that the granting of a waiver will not adversely affect water quality.

G. Notice of request for a waiver shall be given to the Maryland Department of Natural Resources by the Department of Planning within 15 days of receipt of the request.

H. No forest retention area easements shall be permitted on residential lots with a net tract of less than 20,000 square feet. No more than 25% of any lot with a net lot area between 20,000 square feet and 60,000 square feet shall be encumbered by a forest retention area easement.

§ 267-40. Reforestation. [Amended by Bill 11-04, as amended]

- A. There is a forest conservation threshold established for each land use category, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of $\frac{1}{4}$ acre planted for every acre removed to a ratio of 2 acres planted for every acre removed.
- B. After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan, and grading and sediment control activities and implementation of the Forest Conservation Plan, the Forest Conservation Plan shall provide for reforestation according to the formula set forth in Subsection C and consistent with the following forest conservation threshold for the applicable land use category:

Category of Use	Threshold Percentage
Natural resources uses	50%
Low-density and medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

- C. Subject to Subsection D, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the threshold established by this section, the area of forest removed shall be reforested at a ratio of $\frac{1}{4}$ acre planted for every acre removed.
- D. Each acre of forest retained on the net tract area, above the threshold, shall be credited against the total number of acres required to be reforested under Subsection C.

- E. For all existing forest cover measured to the nearest 1/10 acre, cleared on the net tract area, below the threshold established by this section, the area of forest removed shall be reforested at a ratio of 2 acres planted for every acre removed.
- F. No afforestation or reforestation shall be permitted on any residential lot with a net lot area of less than 20,000 square feet. No more than 25% of any lot with a net tract area between 20,000 square feet and 60,000 square feet shall be permitted for reforestation or afforestation planting.

§ 267-41. Priorities and Time Requirements for Afforestation and Reforestation.

- A. The required sequence for forest conservation, after techniques for retaining existing forest on the site have been exhausted, is as follows:
 - (1) Selective clearing and supplemental planting on site;
 - (2) On-site afforestation, if economically feasible, using transplanted or nursery stock that is greater than 1½ inches DBH;
 - (3) On-site afforestation using whip and seedling stock with protective tree tubes (shelters);
 - (4) On-site individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article;
 - (5) Landscaping of areas under a landscaping plan that establishes a forest that is at least 35 feet wide and covers at least 2,500 square feet of area;
 - (6) Off-site afforestation using transplanted or nursery stock that is greater than 1½ inches DBH;
 - (7) Off-site afforestation using whip and seedling stock with protective tree tubes (shelters);
 - (8) Natural regeneration on-site; and
 - (9) Natural regeneration off-site.
- B. A sequence other than the one described in Subsection A may be used for a specific project if necessary to achieve the objectives of the County Land Use Plan or County Land Use Policies or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are priorities for reestablishment:
 - (1) Forest buffers adjacent to intermittent and perennial streams, to widths of at least 50 feet;
 - (2) Forest corridors, connecting existing forests within or adjacent to the site, to widths of at least 300 feet where possible;

- (3) Forest buffers adjacent to critical habitat areas;
- (4) Plantings in the Natural Resource District established under §267-62 (Natural Resource District);
- (5) Plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35, including the slopes of ravines or other natural depressions;
- (6) Buffers adjacent to areas of differing land use, where appropriate, or adjacent to highways or utility rights-of-way; and
- (7) Forested areas adjacent to existing forests so as to increase the overall area of contiguous forest cover, when appropriate.

D. A person required to conduct afforestation or reforestation under this Article shall accomplish the afforestation or reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan. The Department shall ensure that the schedule is structured to:

- (1) Require completion of the afforestation or reforestation within 2 years;
- (2) Provide an optimum opportunity for successful afforestation;
- (3) Avoid delay to development and construction activities; and
- (4) Take into consideration the phasing of the development project.

§ 267-42. (Reserved).

§ 267-43. Individual Tree Plantings.

A. Individual tree plantings conducted in accordance with §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article shall be credited towards the remaining forest conservation requirement in an amount equal to 500 square feet for each individual tree planted.

B. To qualify for a credit under this section, the plantings shall:

- (1) Be conducted in accordance with a landscaping plan submitted with the Forest Conservation Plan;
- (2) Be conducted in areas protected in accordance with §267-37 (Forest Conservation Plan) of this Article; and
- (3) Include trees of a caliper of at least 1½ inches.

C. The landscaping plan shall include:

- (1) A list of the proposed tree species to be utilized;
- (2) The number of trees to be planted;

- (3) A calculation of the square footage for all individual trees planted; and
- (4) An overlay showing the location of the trees on the Preliminary Subdivision Plan or the Concept Plan.

D. The location, spacing and species of trees planted in accordance with this section shall be as approved by the Department in the Forest Conservation Plan, and the Department shall encourage plantings along streets, between buildings, in parking lots and in other common-area sites where the plantings may provide buffering, energy conservation and other environmental benefits.

E. Planting under this section shall be conducted in accordance with urban forestry standards recognized by the forestry division of the Maryland Department of Natural Resources.

§ 267-44. Required Tree Species.

- A. Tree species used for afforestation and reforestation shall be native to the County and selected from a list of approved species established by the Department.
- B. Tree species for individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article shall be selected from a list of approved species established in the Forest Cover Conservation and Replacement Manual.
- C. The Department may approve a request for permission to use a species that is not on the list of approved species if the request:
 - (1) Is in writing;
 - (2) Describes the circumstances that make use of the species appropriate; and
 - (3) Is not based solely in economic factors.

§ 267-45. Surety for Forest Conservation.

- A. Before receiving a grading permit or a building permit, a person required to conduct afforestation, reforestation or individual tree plantings under this Article, shall furnish surety in the form of a bond, an irrevocable letter of credit or other security approved by the Department. The surety shall:
 - (1) Assure that the afforestation, reforestation and individual tree plantings are conducted and maintained in accordance with the approved Forest Conservation Plan;
 - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation, reforestation and individual tree plantings;
 - (3) If the development is scheduled to be constructed in phases, cover the portion of the development within the limits of disturbance delineated in the grading permit application; and

(4) Be in a form and of a content approved by the County Attorney.

B. If after 1 growing season the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, 2/3 of the amount of any cash bond that has been posted shall be returned. If the surety has been given in the form of a letter of credit, a surety bond or another form of surety, the County shall notify the appropriate entity that liability has been reduced by 2/3.

C. If after 2 growing seasons, the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, the remaining amount of the cash bond, letter of credit, surety bond or other surety shall be returned or released.

§ 267-46. Standards for Protecting Trees From Construction Activities.

A. Before cutting, clearing, grading or construction begins on a site for which a Forest Conservation Plan is required by this Article:

- (1) All forest that is to be retained shall be clearly marked with flags, signs or other materials approved by the Department;
- (2) Protection devices approved by the Department shall be installed; and
- (3) The Department shall inspect the site to ensure that the marking and protection devices are in place.

B. Unless approved within the Forest Conservation Plan, the following activities are prohibited within the dripline of a tree that is to be retained:

- (1) Grading;
- (2) Filling;
- (3) Trenching;
- (4) Tunneling;
- (5) Storage of construction materials or equipment;
- (6) Placement or operation of vehicles, equipment or construction trailers;
- (7) Sediment and erosion control devices; and
- (8) Any other activity that may result in soil compaction or damage to a tree.

C. When granting approval for an activity listed in Subsection B, the Department shall require that appropriate actions to mitigate tree damage be undertaken, including such actions as root aeration, tree wells and pruning.

§ 267-47. Variances.

- A. The Board of Appeals may grant a variance to this Article in accordance with this section and §267-11 (Variances) of this Chapter.
- B. In granting a variance to this Article, the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.

§ 267-48. Violations and Penalties.

- A. A person who violates any provision of this Article, or any regulation or order adopted or issued under this Article, is liable for a penalty not exceeding \$1,000.00, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- B. A person who violates any provision of a Forest Conservation Plan or an associated management plan, approved under this Article, is liable for a penalty of \$1.20 per square foot of the area found to be in violation of the plan or agreement, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- C. Money collected under Subsection B shall be deposited in the Forest Conservation Account required by §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article and may be used by the Department for purposes related to implementing this Article.

ARTICLE VII. District Regulations.

§ 267-49. General Provisions.

- A. The principal uses permitted in each district are set forth in the Permitted Use Charts and §267-50 (Principal Permitted Uses by District). Uses permitted by right, temporary uses, special developments or special exceptions are set forth in each of the zoning districts. The minimum design standards and specific regulations for each district are set forth in §267-51 (Requirements for Specific Districts) and in Tables 53-1 through 61-1. Any use not listed is prohibited, unless the Director of Planning determines that it falls within the same class as a listed use as set forth in §267-52 (Materially Similar Uses).
- B. Uses permitted by right, temporary uses, special developments or special exceptions shall be subject, in addition to zoning district regulations, to all other provisions of this Chapter.

§ 267-50. Principal Permitted Uses by District. [Amended by Bill 09-31 as amended; Bill 11-06; Bill 12-14; Bill 12-48 as amended; Bill 13-4 as amended; Bill 15-36 as amended; Bill 15-39 as amended; Bill 17-02; Bill 17-04; Bill 17-18 as amended; Bill 19-15 as amended; Bill 19-16 as amended; Bill 19-29 as amended; Bill 20-01 as amended; Bill 20-11; Bill 21-01 as amended; Bill 23-26 as amended; Bill 23-27 as amended and Bill 24-25 as amended]

The Permitted Use Charts specify the principal permitted uses in each district. Only those uses with a letter designation are permitted, subject to other requirements of this Part 1. Uses designated as "P" are permitted uses. Uses designated as "SD" are permitted pursuant to the special development regulations in Article VIII of this Part 1. Uses designated as "SE" are special exception uses subject to approval of the Board pursuant to §267-9 (Board of Appeals). Uses designated as "T" are permitted pursuant to §267-28 (Temporary Uses). A blank cell indicates that the use is not permitted.

§ 267-51. Requirements for Specific Districts.

This Article sets forth the requirements for specific districts and includes the minimum lot area, area per dwelling or family unit, parcel area, lot width, yards, setbacks and maximum building height allowed for uses permitted for each district. Uses permitted under the Special Development Regulations shall also comply with the requirements contained in Article VIII.

§ 267-52. Materially Similar Uses.

Uses not listed as a permitted use, temporary use, special development or special exception are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed as a permitted use, temporary use, special development or special exception, the Director of Planning shall determine whether a materially similar use exists in this Chapter. Should the Director of Planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Director of Planning shall issue a zoning certificate pursuant to §267-8 (Zoning Certificates). Should the Director of Planning determine that a materially similar use does not exist, then the proposed use shall be deemed prohibited in the district.

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USE CLASSIFICATION	ZONING DISTRICTS														PERMITTED USE CHARTS	
AMUSEMENTS	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Adult book stores, adult entertainment centers												P				
Agricultural public events	P															
Agricultural resource center	SE															
Arenas and stadiums												SE	SE	SE	SE	
Carnivals, circuses, concerts & public events (excluding religious activities)	T							T	T	T	T	T	T	T	T	
Club, private										P	P	P				
Club, recreational	SE	SE	SE	SE	SE	SE				P	P	P		SE		
Commercial amusement and recreation							P		P		P	P	P	P		P
Entertainment and events center											SE	SE	SE	SE	SE	SE
Fairgrounds, racetracks, and theme parks	SE											SE	SE	SE	SE	
Golf driving ranges and miniature golf courses	SE								SE			P	P			
Gymnasiums and health clubs								P	P	P	P	P	P	P	P	P
Marinas, boat launching, storage and repair	SE	SE	SE	SE	SE	SE			SE	SE	P	P	SE	P		
Motor vehicle recreation, ATV and go-cart tracks	SE														SE	
Nightclubs, lounges, bars and taverns								P			P	P				P
Noncompetitive recreational amusement cars													P			
Private parties and receptions	SD															
Riding stables, commercial or club (except accessory uses)	SD/SE											P	P			
Shooting ranges, indoor	SE											P	P			
Theaters, indoor	SE							P		P	P	P			P	
Theaters, outdoor	SE							P		P	P				P	
Trap, skeet, rifle and archery ranges, outdoor	SE											SE		SE		

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.
 (2) RO - maximum of 4 units.
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE**"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

USE CLASSIFICATION	ZONING DISTRICTS														PERMITTED USE CHARTS	
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	
INDUSTRIAL																
Ammunition (SIC-3482 and 3483)														SE	SE	
Apparel and other textile products (SIC-23)													P		P	
Asbestos products (SIC-3292)															SE	
Bakery products (SIC-205)	P												P	P	P	P
Biological products (SIC-2831)													SE	SE	SE	P
Biomedical laboratories													P	P	P	P
Blast furnace (SIC-3312)															P	
Boat building and repairing (SIC-3732)													P		P	
Bottled and canned soft drinks (SIC-2086)													P	P	P	
Brewery, Production													P	P	P	
Chemicals and allied products (SIC-28), unless otherwise listed															P	
Communication equipment (SIC-366)													P	P	P	P
Concrete and asphalt manufacturing															P	
Construction and related equipment (SIC-353)															P	
Custom made wood household furniture	SD												P		P	
Dairy products (SIC-202)	P												P	P	P	
Distillery, Full													P	P	P	
Electric and electronic equip. (SIC-36), unless otherwise listed													P	P	P	P
Electrometallurgical products (SIC-3313)													P	P	P	
Electronic components and accessories (SIC-367)													P	P	P	P
Engines and turbines (SIC-351)															P	

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 (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.

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	A blank cell indicates that the use is not permitted.
"SE**"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

USE CLASSIFICATION	ZONING DISTRICTS														PERMITTED USE CHARTS
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI
INDUSTRIAL															
Fabricated metal products (SIC-34), unless otherwise listed													P	P	P
Fabricated plate work (SIC-3443)															P
Fabricated structural metal (SIC-3441)													P	P	P
Farm machinery and equipment (SIC-352)	SD														P
Fertilizers, mixing only (SIC-2875)	SD												P		P
Flat glass (SIC-321)													P	P	P
Flavoring extracts and syrups (SIC-2087)													P	P	P
Food and kindred products (SIC-20), unless otherwise listed													P	P	
Furniture and fixtures (SIC-24), unless otherwise listed	SD												P		P
Glass and glassware, pressed or blown (SIC-322)	SD												P	P	P
Glass products of purchased glass (SIC-323)													P	P	P
Instruments and related products (SIC-38)													P	P	P
Laboratory research experimental or testing (SIC-873)	SE												P	P	P
Leather and leather products (SIC-31), unless otherwise listed	SD												P		P
Leather tanning and finishing (SIC-3111)	SD														P
Lubricating oils and greases (SIC-2992)															SE

(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:

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USE CLASSIFICATION	ZONING DISTRICTS															PERMITTED USE CHARTS	
INDUSTRIAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO	
Lumber and wood products (SIC-24), unless otherwise listed	SD															P	
Machinery, except electrical (SIC-35), unless otherwise listed														P		P	
Manufactured ice (SIC-2097)													P	P	P	P	
Medical chemicals & botanical products (SIC-2832)													P	P	P	P	
Metal forgings and stampings (SIC-346)																P	
Metal stampings, unless otherwise listed (SIC-3469)													P	P	P		
Millwork																P	
Miscellaneous chemical plants (SIC-2899)													P		P		
Miscellaneous converted paper products (SIC-264)													P	P	P		
Miscellaneous electrical machinery (SIC-369)													P	P	P		
Miscellaneous fabricated metal products (SIC-349)													P		P		
Miscellaneous manufacturing (SIC-39)													P	P	P		
Newspapers (printing shop in excess of 5,000 s.f. (SIC-271)													P	P	P		
Non-metallic mineral products (SIC-3299)													P		P		
Offal or dead animal disposal or processing	SE															SE	
Office, computing and accounting machines (SIC-357)													P	P	P	P	

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 (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.
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USE CLASSIFICATION	ZONING DISTRICTS														
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI
INDUSTRIAL															
Ordnance and accessories (SIC-348)													SE	P	
Paper and allied products (SIC-26), unless otherwise listed														SE	
Paper bond containers and boxes (SIC-265)													P	P	P
Perfumes, cosmetics and other toilet preparations (SIC-2844)													P	P	P
Petroleum and coal products (SIC-29), unless otherwise listed													P		P
Petroleum refining (SIC-291)														SE	
Pharmaceutical preparation (SIC-2834)													P	P	P
Preserved fruits and vegetables (SIC-203)	P												P	P	P
Primary metal industries (SIC-33), unless otherwise listed													P		P
Primary smelting and refining (SIC-333)															P
Printing and publishing (SIC-27), unless otherwise listed													P	P	P
Reclaimed rubber (SIC-3031)															P
Recycling Center															P
Rubber & misc. plastic products (SIC-30), unless otherwise listed													P	P	P
Secondary smelting and refining (SIC-334)															P
Stone, clay and glass products (SIC-32), unless otherwise listed	SD												P	P	

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USE CLASSIFICATION	ZONING DISTRICTS														PERMITTED USE CHARTS
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI
INDUSTRIAL															
Textile mill products (SIC-22)													P		P
Tires and inner tubes (SIC-301)															P
Tobacco manufacturers (SIC-21)													P		P
Transportation equipment (SIC-37)															P
Wood containers (SIC-244)	SD												P		P
Wood kitchen cabinets (SIC-2434)	SD												P		P
Wood products (SIC-2499)	SD												P		P

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INSTITUTIONAL	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Animal Shelters	SD											SD	SD	SD		
Cemeteries, memorial gardens and crematories	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	
Club, non-profit	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P	P	P	
Community centers or assembly halls	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	P	P	P	
Day-care centers	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P	SE	SE	SE	
Fire stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fire stations with fire station assembly hall	P	SE	SE	SE	SE	SE		SE	P	P	P	P	P	P	P	
Hospitals				SE	SE	SE				P	P	P	P	P	P	
Houses of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mixed Use Centers						SD				SD	SD	SD	SD	SD	SD	
Parks; recreation areas, centers and facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Planned Employment Centers						SD(1)					SD(1)	SD(1)	SD(1)	SD(1)	SD(1)	
Prisons											P	P				
Schools, colleges, and universities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P		

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USE CLASSIFICATION		ZONING DISTRICTS															PERMITTED USE CHARTS
MOTOR VEHICLE AND RELATED SERVICES		AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Car wash														P	P	P	
Commercial vehicle and equipment (storage)		SE												P	P		P
Commercial vehicle construction and industrial equipment sales and service														P	P		P
Commercial or construction vehicle and equipment storage		SD															
Farm vehicles and equipment sales and service		SE									P			P	P		P
Farm vehicles and equipment storage, service, and repair		SD															
Motor vehicle filling and service stations										P			P	P	P		P
Motor vehicle repair shops		SE								P	SE	P	P	P		P	
Motor vehicle rental and leasing									P			P	P			P	
Motor vehicle sales and service									P			P	P				
Salvage and junk yards																SE	
School buses, storage		SD											P	P		P	
Towing business and storage facility													P	P		P	

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USE CLASSIFICATION	ZONING DISTRICTS															PERMITTED USE CHARTS
NATURAL RESOURCES	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture product processing or agricultural research laboratories	P												P	P	P	
Farm brewery	SD															
Firewood processing and distribution	SE												SE	P		P
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouses and nurseries, commercial	P							P		P	P	P				P
Mineral extraction and processing	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	P			P
Mulch processing, storage and sales	SE												P			P
Sawmills	SE												SE	P		P
Wildlife refuge	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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USE CLASSIFICATION	ZONING DISTRICTS															
RESIDENTIAL: Conservation Development	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Single family detached dwellings	SD															

PERMITTED USE CHARTS

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USE CLASSIFICATION	ZONING DISTRICTS															PERMITTED USE CHARTS
RESIDENTIAL: Conventional Development	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Duplex dwellings						P	P	P	P	P	P	P				
Garden apartment dwellings					SD	P(2)					SD(3)					P
High-rise apartment dwellings																
Lot-line dwellings						P		P			P(3)					
Mid-rise apartment dwellings						SD										P
Mixed Use Centers						SD				SD	SD	SD	SD	SD	SD	
Mobile home parks																
Mobile home subdivisions					SD	SD										
Mobile homes	P				SE	SE		SE	SE	SE	SE	SE				
Multiplex dwellings													P(3)			
Patio/court/atrium dwellings						P						P(3)				
Row duplex dwellings												P(3)				
Semi-detached dwellings					P	P	P	P	P	P	P	P				
Single Family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P				
Townhouse dwellings					P						P(3)					P
Traditional Neighborhood Developments			SD(1)	SD(1)	SD(1)	SD(1)										

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(2) RO - maximum of 4 units.

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USE CLASSIFICATION	ZONING DISTRICTS														
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI
RESIDENTIAL: Conventional with Open Space															
Carriage court units					SD	SD									
Cluster townhouse dwellings					SD	SD	SD								
Duplex dwellings					SD	SD	SD								
Garden apartment dwellings					SD	SD									
High-rise apartment dwellings							SE								
Lot-line dwellings					SD	SD	SD								
Mid-rise apartment dwellings							SD								
Mobile home subdivisions							SD	SD							
Mobile homes							SE	SE							
Multiplex dwellings							SD	SD	SD						
Patio/court/atrium dwellings							SD	SD	SD						
Row duplex dwellings							SD	SD							
Semi-detached dwellings							SD	SD	SD						
Single family detached dwellings					SD	SD	SD	SD							
Townhouse dwellings					SD	SD	SD	SD							

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USE CLASSIFICATION	ZONING DISTRICTS														PERMITTED USE CHARTS	
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	
Carriage court units					SD	SD										
Cluster townhouse dwellings					SD	SD										
Continuing Care Retirement Community			SD	SD	SD	SD							SD			
Duplex dwellings					SD	SD										
Garden apartment dwellings					SD	SD										
High-rise apartment dwellings						SE										
Housing for the elderly				SD	SD	SD					SD	SD	SD			
Lot-line dwellings					SD	SD										
Mid-rise apartment dwellings					SD	SD										
Mobile home subdivisions					SD	SD										
Mobile home parks					SD	SD										
Mobile homes						SE	SE									
Multiplex dwellings					SD	SD										
Patio/court/atrium dwellings					SD	SD										
Row duplex dwellings					SD	SD										
Semi-detached dwellings					SD	SD										
Single Family detached dwellings					SD	SD										
Townhouse dwellings					SD	SD										

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USE CLASSIFICATION	ZONING DISTRICTS															PERMITTED USE CHARTS
RESIDENTIAL: Transient Housing	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Boarding home for sheltered care													P	P		P
Camps, retreats, recreation vehicle parks	SE												P			
Cottage houses	T	T	T	T	T	T	T	T								
Country inns, tourist homes and resorts	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P				P
Group home for sheltered care	SE	SE	SE	SE	SE	SE	SE	SE					P	P		P
Hotels and motels													P	P	P	P
Lodging houses, or Lodging houses with Conference centers											P		P	P	P	P
Nursing homes and Assisted living facilities	SE	SE	SE	SE SD(3)	P	P	P	SE	SE	SE	P	P	SD(3)			P
Personal-care boarding homes	SE	SE	SE		SE	SE	SE	SE	SE				P			
Mixed Use Center						SD				SD	SD	SD	SD	SD	SD	
Traditional Neighborhood Development			SD(1)	SD(1)	SD(1)	SD(1)										

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USE CLASSIFICATION	ZONING DISTRICTS															PERMITTED USE CHARTS
RETAIL TRADE	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Agricultural retail	P						SE		P	P	P	P	P			P
Antique shops, art galleries and museums	SE						SD		P	P	P	P	P			P
Auction houses, animal and agricultural related products	SD/SE								SE			SE	P			P
Auction houses, non agricultural related	SD								P		P	P	P			P
Christmas tree sales	T	T	T	T	T	T		T	T	T	T	T	T		T	
Convenience goods stores							SD		P	P	P	P	P			P
Farm Market, Private	SD															
Farmers co-ops	P								P	P	P	P	P			P
Feed and grain mills	P								P				P			P
Feed and grain - storage and sales	SD								P							
General merchandise stores												P	P			
Hawkers and peddlers									T		T	T	T			
Integrated Community Shopping Centers (ICSC)										SD	SD	SD				
Liquor stores									P		P	P	P			P
Mixed Use Center							SD			SD	SD	SD	SD	SD	SD	
Shopping centers									P	P	P	P				
Shoppers merchandise stores							SD(4)		P		P	P	P			P
Specialty shop							SD		P	P	P	P	P			P

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 (5) indicates that only apparel and accessories and communication equipment sales and service are permitted as shoppers merchandise stores within the MO district.

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USE CLASSIFICATION		ZONING DISTRICTS															
SERVICES		AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Blacksmiths	P									P			P	P		P	
Brewery, Micro											P	P	P		P	P	
Brewery, Pub	SD									SE	SE	P	P	P		P	
Business services, including commercial schools								SD		P	P	P	P	P		P	
Carpet and rug cleaning service										P		P	P	P	P	P	
Cidery											P	P	P		P		
Construction services and suppliers	SE								SE			P	P	P	P		
Corporate offices												P	P	P	P	P	
Corporate Office Parks (COPS)													SD	SD			
Distillery, Limited											P	P	P			P	
Financial, insurance and real estate services								SD		P	P	P	P	P		P	
Fortune telling											P	P					
Funeral homes and mortuaries	SE									P		P	P				
Health services and medical clinics								SE		P	P	P	P	P		P	
Kennels	SE										P	P	P				
Lawn and landscaping services	SE								SE		P	P	P				
Mixed Use Center								SD			SD	SD	SD	SD	SD	SD	
Personal services, excluding tattoo parlors								SD	SD	SE	P	P	P	P		P	
Pet grooming	SE									P	P	P	P	P			
Planned Employment Center								SD(1)					SD(1)	SD(1)	SD(1)	SD(1)	
Professional services								SD	SD	SE	P	P	P	P		P	
Restaurants	SD							SD		SE	SE	P	P	P		P	
Restaurants, take-out										P	P	P	P	P		P	
Small engine repair	SE									P		P	P	P			
Tattoo parlors											P	P					
Veterinary clinics or hospitals	SE									P		P	P				
Veterinary practice, large animals	SD/SE																

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

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.
 (2) RO - maximum of 4 units.
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE**"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

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

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.

(2) RO - maximum of 4 units.

(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.

(4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE**"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

§ 267-53. AG Agricultural District. [Amended by Bill 11-04, as amended and Bill 19-28]

- A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain, and promote, the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses.
- B. Agricultural use. An agricultural operation, facility or any of its appurtenances receiving an agricultural use assessment, pursuant to Maryland Code, Tax - Property § 8-209, shall not be considered a public or private nuisance as a result of changed land uses in or around the locality of the agricultural operation or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aquacultural and other agricultural standards does not constitute a nuisance.
- C. General regulations.
 - (1) Minimum lot area, maximum lot area, maximum average lot area per dwelling unit or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building stories, as displayed in Table 53-1, 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).
- D. Specific regulations. Except as restricted by the conservation development standards in §267-72 (Conservation Development Standards), the following uses are permitted, subject to the additional requirements below:
 - (1) Agriculture. The operation of machinery, when used for agricultural activities, shall be permitted at any time.
 - (2) Agricultural retail sales of an agricultural product or agricultural processed product, provided that the subject property receives an agricultural assessment, the subject property is owned or leased by the agricultural producer, a minimum of 50% of the agricultural product was grown or raised on the premises or other property in Harford County owned or leased by the producer, no more than 30% of the agricultural products can be agricultural products grown or produced on another Harford County farm not owned or leased by the producer, and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products or products grown or produced outside of Harford County.
 - (3) Residential development, on parcels as described in the Land Records as of February 8, 1977, as provided below:

- (a) Residential development rights shall be calculated pursuant to the following guidelines:
 - [1] One lot shall be permitted on any parcel of land that is more than 20,000 square feet and less than 11 acres.
 - [2] Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.
 - [3] An additional lot shall be permitted for each additional 10 acres in excess of 20.
 - [4] An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.
- (b) Any new lot created pursuant to Subsection D(3)(a)[1-4] shall be a minimum of 2 acres unless the lot is located in an agriculture preservation district established pursuant to §2-501 *et seq.* of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state.
- (c) Except for residential lots located on the property on which the agricultural operation occurs, private wells on residential lots shall be set back a minimum of 100 feet from any agricultural operation, facility or any of its appurtenances that has received an agricultural use assessment.

(4) Development rights established in §267-53 (AG Agricultural District) may be transferred from any parcel with an AG zoning located in the agriculture designation on the most recently adopted Land Use Map as provided below:

- (a) All development rights, including family conveyances, are transferable, except 1 right for each existing dwelling unit. In no event shall less than 1 right be retained with the parcel.
- (b) Adjacent parcels under common ownership shall be considered 1 parcel.
- (c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.
- (d) The document transferring the development rights, as required under Subsection (4)(c) above, shall limit future development of, or transfer of, additional development rights where transferred. The document shall also identify, by metes and bounds, illustrated by map, the exact area from which the development rights are being transferred.

- (e) The parcel receiving the development rights, to achieve the density, in conformance with §267-13H (Comprehensive Zoning Review), must be located in a rural residential or rural village designation as defined in the most recently adopted Land Use Element Plan. The number of development rights that may be transferred to the receiving property/parcel may be equal to the permitted density of rural residential (RR) or village residential (VR) zoning densities at a 1:2 ratio.
- (f) Development rights transferred under this Subsection may only be transferred once.
- (g) The Department of Planning and Zoning shall maintain a database of all documents transferring development rights pursuant to Subsection (4)(d) above.
- (h) The Director of Planning shall submit to the County Council, on an annual basis, a report detailing the number of development rights transferred, the parcels from which the rights were transferred, the parcels receiving the development rights and the total acreage of agricultural land preserved under the program.

(5) Notwithstanding the provisions contained in §267-53D(4), development rights may be transferred from any parcel with an AG zoning to any other parcel with an AG zoning which is located within one-half mile of the parcel from which the development rights are being transferred, as provided below:

- (a) Up to 20% of the development rights available based on the total number of development rights as were permitted on the parcel as of February 8, 1977, shall be transferable except 1 right for each existing dwelling unit, provided that in no event shall less than 1 right be retained with the parcel. The right to a family conveyance shall not be transferable.
- (b) Contiguous parcels under common ownership may be considered one parcel.
- (c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.
- (d) The document transferring the development rights which is recorded in the Land Records of Harford County as required under Subsection (5)(c) above, shall limit future development on the parcel from which the development rights were transferred in accordance with the number of rights transferred.
- (e) The parcel receiving the development rights shall only be permitted to increase in development rights by up to 50% of the development rights as were permitted on the parcel as of February 8, 1977, excluding family conveyances.

- (f) Development rights transferred under this Subsection shall only be permitted to be transferred once.
- (g) A parcel from which development rights have been transferred pursuant to this Subsection, shall not be permitted to receive development rights pursuant to this Subsection.

(6) Rubble landfills are permitted pursuant to §267-90 (Rubble Landfills).

(7) Fire stations with fire station assembly halls shall be permitted in accordance with the following:

- (a) Access to the fire station and the fire station assembly hall shall be from a collector or higher functional classification road as designated in the most recent version of the Transportation Element Plan; and
- (b) Only 1 fire station with a fire station assembly hall is permitted in the AG district for each fire company.

(8) Agricultural public events. These activities are permitted, provided the following criteria are met:

- (a) Minimum parcel area of 10 acres with an agricultural assessment.
- (b) The following setbacks shall apply unless otherwise specified:
 - [1] Minimum of 100 feet from all property lines, except road frontage and 200 feet from any off-site residence. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the use and any public road, and any off-site residence.
 - [2] Corn maze. Minimum of 25 feet from property lines and 200 feet from any off-site residence.
 - [3] Farm tours. No setback for the use. The parking area shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence. This area shall be landscaped and buffered pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).
- (c) Must be owner or tenant operated.
- (d) No operation between the hours of 10:00 p.m. and 7:00 a.m.
- (e) Any lighting shall be shielded and directed away from any off-site residence and may be used only during the permitted hours of operation.
- (f) Safe and adequate access shall be provided for vehicular traffic. Such access shall be determined by the State Highway Administration or Harford County.
- (g) Adequate arrangements for temporary sanitary facilities must be in accordance with Health Department regulations.

Table 53-1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth	Maximum Building Height (stories)
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	
Amusements / Industrial / Institutional / Motor Vehicles	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Lots recorded prior to 2-8-77	20,000					100	40	20	50	3
Lots recorded on or after 2-8-77	2 acres					175	50	40	60	3
RESIDENTIAL: CONSERVATION										
Transient Housing	2 acres			3,000		100	50	40	80	3
Retail Trade/Services	2 acres				50	100	50	40	80	3
Transportation, Communications and Utilities / Warehousing	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									see §267-90

Table 53-1

Design Requirements for Specific Uses - AG Agricultural 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.

* Minimum lot width requirements shall be subject to COMAR, § 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

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§ 267-54. RR Rural Residential District.

- A. Purpose. This district is intended to acknowledge and protect existing concentrations of residential development, provide limited opportunities for low-density residential uses where not in conflict with agricultural activities, protect the open character of the land and restrict piecemeal development in areas where public services are not reasonably anticipated.
- B. General regulations.
 - (1) Properties re-zoned to RR after the effective date of this Part 1 must meet requirements of §267-13H (Comprehensive Zoning Review) to achieve density of the RR zoning district.
 - (2) Minimum lot area, maximum lot area, maximum average 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 Table 54-1, shall apply, subject to other requirements of this Part 1.
 - (3) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
 - (4) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
 - (5) Signage shall comply with requirements set forth in §267-33 (Signs).
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:
 - (1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.
 - (2) Residential development, at a density of 1 dwelling unit per 2 acres.
 - (3) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 54-1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth	Minimum Side Yard Width (each)	Minimum Rear Yard Depth	Maximum Building Height (stories)
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	50	50	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Lots recorded prior to 2-8-77	20,000					100	40	15 (total of 35)	50	3
Lots recorded on or after 2-8-77	60,000					125	40	20	50	3
Transient Housing	15,000			3,000		100	50	20	50	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

Table 54-1

Design Requirements for Specific Uses - RR Rural Residential 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

* Minimum lot width requirements shall be subject to COMAR, § 26.04.03, regulations governing water supply and sewerage systems in the subdivision of land.

§267-55. R1, R2, R3 and R4 Urban Residential Districts [Amended by Bill 20-01 as amended].

- A. Purpose. These districts are intended to accommodate urban residential needs by providing for a wide range of densities and building types where public water and sewer are available. Conventional with Open Space (COS) and Planned Residential Development (PRD) are permitted where open space and environmental features are provided or preserved.
- 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 55-1 through 55-4.3, 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).
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:
 - (1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.
 - (2) Urban residential uses. The permitted density of development, the permitted dwelling unit types and design requirements shall depend upon whether the development is designed as a conventional development, Conventional with Open Space (COS), Planned Residential Development (PRD), housing for the elderly or Continuing Care Retirement Community (CCRC).
 - (a) Conventional development. Conventional residential development shall be permitted, as of right, in all urban residential districts.
 - (b) Conventional with Open Space (COS) development and minimum parcel area. Conventional with Open Space shall be developed in accordance with the provisions of Article VIII. The Conventional with Open Space development shall be permitted in urban residential districts R1, R2, R3 and R4. The minimum parcel area (MPA) required shall be 5 acres.
 - (c) Planned Residential Development (PRD). The Planned Residential Development shall be developed in accordance with the provisions of Article VIII. The Planned Residential Development shall be permitted only in R3 and R4 districts.
 - (d) Housing for the elderly. The housing for the elderly shall be developed in accordance with the provisions of Article VIII. Housing for the elderly shall be permitted in the R2, R3 and R4 districts and minimum lot size shall be 4 acres.
 - (e) Continuing Care Retirement Community (CCRC). The Continuing Care Retirement Community shall be developed in accordance with the provisions of Article VIII. The CCRC shall be permitted in R1, R2, R3 and R4 districts. The minimum lot size is 20 acres.

(f) Maximum density by district and type of development. The maximum density permitted shall be as follows:

District	Conventional (du/ga)	COS (du/ga)	PRD (du/ga)	Housing for the Elderly (du/go)	CCRC (du/ga)
R1	1.8	2.0	N/A	N/A	25
R2	3.5	4.5	N/A	7	25
R3	5.0	7.0	10.0	14	30
R4	8.0	10.0	14.0*	14	30

*Note: The maximum density permitted for a high-rise apartment dwelling shall be 30 dwelling units per gross acre.

(g) Dwelling units per building block. A building block shall be a series of attached dwellings. The number of dwelling units per building block shall be as follows:

Dwelling type	Number of Dwelling Units Per Building Block	
	Minimum	Maximum
Semidetached dwelling	2	2
Patio/court/atrium dwelling	2	6
Multiplex dwelling	3	8
Townhouse dwelling, R2	3	4
Townhouse dwelling, R3/R4	3	8
Duplex dwelling	2	2
Row duplex dwelling	2	12
Garden apartment dwelling	4	36*
Mid-rise apartment dwelling	8	60*
High-rise apartment dwelling	8	80, except as special exception
Cluster townhouse	4	7
Carriage court unit	4	16

*In housing for the elderly and CCRC special developments, there is no maximum.

(h) Building block length.

[1] The maximum length of a building block shall not exceed the following:

Building Block Type	Maximum Length without Offset (feet)	Maximum Length with Offset (feet)
Townhouse dwelling	100	160
Row duplex dwelling	100	160
Multiplex dwelling	100	160
Carriage court unit	100	300
Garden apartment dwelling	150	300
Mid-rise apartment dwelling	120	200
High-rise apartment dwelling	120	200
Cluster townhouse	120	150

[2] Enclosed pedestrian bridges or walks between buildings shall not be construed as part of the building for building block length calculations.

(i) Maximum building coverage. The maximum building coverage shall be as follows:

Dwelling Types	Maximum Building Coverage (percent of total lot)
Patio/court/atrium, semidetached, townhouse, multiplex and row duplex and cluster townhouse	40
Garden, mid-rise and high-rise apartments	30

(j) Impervious surface ratio. The maximum impervious surface for any urban residential project shall not exceed 65% of the total parcel area.

(k) Variation in townhouse or multiplex width.

[1] In the R3 and R4 districts, the permitted width of a townhouse or multiple dwelling may be reduced by a maximum of 4 feet, for not more than 50% of the townhouse or multiplex units, in any development. In the R2 district, the permitted width of a townhouse or multiplex dwelling may be reduced by a maximum of 4 feet, for not more than 25% of the townhouse or multiplex units, in any development.

[2] Where narrower units are provided, lot sizes, not yard sizes or setbacks, may be reduced proportionally. Such units shall be integrated into the overall design of the townhouse or multiplex development and shall be intermixed with other townhouses or multiplex units throughout the development.

(l) Variation in patio/court/atrium yard requirements. The front and rear yards required for the patio/court/atrium building block may be waived when the following have been provided:

[1] An area for utility services in the road right-of-way.

[2] Private atriums or courts surrounded by buildings or enclosed walls totaling 25% of the minimum lot requirement.

[3] All living spaces face the atriums or courts.

(m) Permitted dwelling units by lot. Types of dwelling units, for example, townhouse, lot line, single-family detached, shall be permitted only on lots for which specific approval is granted during subdivision review. Where no dwelling unit type is specified, only single-family detached units shall be permitted.

(n) Multiplex dwellings and cluster townhouse. No detached accessory structures will be permitted in side or rear yards. Exterior storage shall be integrated in the design of the overall structure. Fencing shall be harmonious with the multiplex dwelling and shall be uniform in type and

height. Said fencing shall be constructed in conjunction with the construction of the multiplex or cluster townhouse dwelling.

(o) Carriage court unit. Not more than 50% of carriage court unit building blocks, proposed for a development, shall contain the maximum number of dwelling units permitted for each building block.

[1] The following structures are permitted in accordance with the stated requirements:

[a] Detached accessory storage only as specified in the Site Plan approval; and

[b] Attached exterior storage, provided that the structure is integrated in the design of the overall dwelling and does not permit a direct means of access to the dwelling.

[2] All units shall be accessible to emergency vehicles by means of either a paved surface or alternative load-bearing way. The Director of Planning shall establish standards and specifications for the paved surface or load-bearing way.

(3) Dwelling units, when on a permanent foundation.

(4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

(5) Commercial amusement and recreation. Commercial amusement and recreation shall be permitted in the R4 zoning district only and is subject to the additional requirements below:

(a) Notwithstanding the provisions of §267-30D, a bufferyard type E shall be provided on the subject property.

(b) Hours of operation are permitted between 8:00a.m. and 10:00 p.m.

(c) Outdoor lighting installed for the purpose of illuminating athletic fields shall not be mounted higher than 60 feet and shall be designed to minimize adverse impacts to off-site residences.

(d) All other lighting shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.

(e) All field lighting shall only be used during permitted ours of operation.

(f) Any public address system shall only be used during permitted hours of operation.

Table 55-1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(each) (feet)	(feet)	(stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Single Family Detached	20,000					80	25	6 (total of 20)	50	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)										
Single Family Detached	15,000					75	25	6 (total of 20)	40	3
Transient Housing	15,000			3,000		100	40	15 (total of 35)	50	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									see §267-90

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 55-1

Design Requirements for Specific Uses - R1 Urban Residential District

Table 55-2.1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(each) (feet)	(feet)	(stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					60	25	6 (total of 20)	22	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS)										3
Single Family Detached	7,500					55	25	6 (total of 20)	22	3
Lot Line	7,000					60	25	0 to 5 total of 20	22	3
Semi-Detached	6,500					55	25	0 and 15	22	3
Duplex	12,000			6,000		80	25	15	22	1 1/2
Multiplex	2,400					50	25	24	0	3
Patio/ Court/ Atrium	6,000					55	25	0	22	1 1/2
Cluster Townhouse	2,400					24	0	10	22	3
Townhouse*	2,400					24	25	0	22	3

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.

* Maximum of 4 dwelling units per building block

Table 55-2.1

Design Requirements for Specific Uses - R2 Urban Residential District (Part 1)

Table 55-2.2

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.

* Maximum of 4 dwelling units per building block

Table 55-2.2

Design Requirements for Specific Uses - R2 Urban Residential District (Part 2)

Table 55-3.1

Design Requirements for Specific Uses - R3 Urban Residential District (Part 1)

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 (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500					50	25	6 (total of 20)	22	3
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD)										
Single Family Detached	6,000					45	25	6 (total of 20)	22	3
Lot Line	5,000					50	25	0 to 5 total of 15	22	3
Semi-Detached	5,000					50	25	0 and 15	22	3
Duplex	9,000			4,500		70	25	15	22	3
Multiplex (interior units)	1,800					18	25	0	25	3
Multiplex (end units)	1,800					45	20	25	0	3
Patio/Court/Atrium	4,000					40	25	0	22	1 1/2

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 55-3.1
Design Requirements for Specific Uses - R3 Urban Residential District (Part 1)

Table 55-3.2

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(each) (feet)	(feet)	(stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD) continued										
Cluster Townhouse Dwelling	1,800					18	0	10	22	3
Townhouse	1,800					18	25	0	22	3
Row Duplex	6,000			3,000		22	25	0	22	3
Garden Apartment	9,600			2,400		120	30	20	40	3 w/loft
Mid-Rise Apartments (PRD only)	16,000			2,000		120	30	20	40	5
Mobile Home Park	10 acres			5,000	50	200	20	10 (total of 20)	20	1
Transient Housing	15,000			3,000		100	30		30	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

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 55-3.2

Design Requirements for Specific Uses - R3 Urban Residential District (Part 2)

Table 55-4.1

USE CLASSIFICATION	Design Requirements for Specific Uses - R4 Urban Residential District (Part 1)									
	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 (stories)
Amusements	5 acres				100	200	50	40	80	3
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50 (bldg)					3
RESIDENTIAL: CONVENTIONAL										3
Single Family Detached	7,500					50	25	6 (total of 20)	22	3
Lot Line	7,000					55	25	0 to 5 total of 20	22	3
Semi-detached	6,000					50	25	0 and 15	22	3
Duplex	10,000			5,000		70	25	15	22	3
Patio/ Court/ Atrium	4,500					20	25	0	22	1 1/2
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD)										
Single Family Detached	6,000					45	25	6 (total of 20)	22	3
Lot Line	4,000					45	25	0 to 3 total of 10	22	2
Semi-detached	4,000					45	25	0 and 10	22	3

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 55-4.1

Design Requirements for Specific Uses - R4 Urban Residential District (Part 1)

Table 55-4.2

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(each) (feet)	(feet)	(stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) and PLANNED RESIDENTIAL DEVELOPMENT (PRD) continued										
Duplex	8,000			4,000		70	25	15	22	3
Duplex (PRD)	6,000			3,000		70	25	15	22	3
Multiplex (interior units)	1,800					18	25	0	25	3
Multiplex (end units)	1,800					45	20	25	0	3
Patio/ Court/ Atrium	3,000					40	25	0	22	1 1/2
Townhouse	1,800					18	25	0	22	3
Cluster Townhouse Dwelling	1,800					18	0	10	25	3
Row Duplex	5,000			2,500		20	25	0	22	4
Garden Apartment	7,200			1,800		110	30	20	30	3 w/loft
Mid-Rise Apartment	12,800			1,600		120	30	20	30	5
High-Rise Apartment	12,800			1,200		100	35	30	35	6

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 55-4.2

Design Requirements for Specific Uses - R4 Urban Residential District (Part 2)

Table 55-4.3

Design Requirements for Specific Uses - R4 Urban Residential District (Part 3)

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 55-4.3

Design Requirements for Specific Uses - R4 Urban Residential District (Part 3)

§ 267-56. RO Residential/Office District.

- A. Purpose. This district provides for the conversion of residential structures to other uses and construction of small retail, service and office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, are no longer suitable for only those uses allowable in residential districts. The district regulations ensure that the buildings and uses are compatible with, provide a transition from and are in harmony with the present or prospective uses of nearby residential property.
- 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 Table 56-1, shall apply, subject to other requirements of this Part 1.
 - (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
 - (3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
 - (4) Signage shall comply with requirements set forth in §267-33 (Signs).
 - (5) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto residential lots or buildings.
- C. Specific regulations. The following uses are permitted, subject to the additional requirements below:
 - (1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.
 - (2) Residential development, subject to the standards in Table 56-1.
 - (3) Conversion of an existing single-family detached dwelling to accommodate not more than 4 dwelling units, subject to a minimum lot area of 5,000 square feet per dwelling unit. Parking on site shall be provided at a minimum of 2 spaces per dwelling unit.
 - (4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).
 - (5) The following uses are permitted in accordance with Article VIII of this Chapter, provided that a minimum parcel area of 30,000 square feet is established:
 - (a) Business and office equipment rental or leasing;
 - (b) Business equipment sales;

- (c) Party supply shops;
- (d) Photography equipment and supply shops; and
- (e) Medical equipment rental and sales.

(6) Retail/service/office uses shall be developed in accordance with Article VIII.

Table 56-1.1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(stories)
Institutional	2 acres				50	100	50	40	80	3
Natural Resources	2 acres				50					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000				70	25	6 (total of 20)	22	3	
Semi-detached	10,000			5,000	70	25	6 (total of 20)	22	3	
Duplex	10,000			5,000	70	25	6 (total of 20)	22	3	
Garden Apartment*	10,000			5,000	70	35	10	40	3	
RESIDENTIAL: CONVENTIONAL WITH OPEN SPACE (COS)										
Single Family Detached	7,500				65	25	6 (total of 20)	22	3	
Lot Line	7,000				60	25	0 to 5	22	3	
Semi-detached	6,500				55	25	0 and 15	22	3	
Duplex	12,000			6,000	80	25	15	22	3	
Multiplex	2,400				50	24	24	0	3	

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.

* Maximum of 4 units

** The following uses - business and office equipment rental and leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, require a minimum lot area of 30,000 square feet

Table 56-1.1

Design Requirements for Specific Uses - RO Residential Office District (Part 1)

Table 56-1.2

Design Requirements for Specific Uses - RO Residential Office District (Part 2)

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 (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
RESIDENTIAL: CONVENTIONAL DEVELOPMENT WITH OPEN SPACE (COS) continued										
Patio/ Court/ Atrium	6,000					55	25	0	22	1 1/2
Townhouse	2,400			3,000		24	25	0	22	3
Retail Trade/Services**	10,000				15	70	35	10	40	3
Transient Housing	15,000			3,000		100	35	10 (total of 30)	40	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

<u>NOTE:</u>	General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX Special Exceptions.
*	Maximum of 4 units
**	The following uses - business and office equipment rental and leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, require a minimum lot area of 30,000 square feet

Table 56-1.2

Design Requirements for Specific Uses - RO Residential Office District (Part 2)

§ 267-57. VR Village Residential District.

- A. Purpose. This district is intended to preserve and enhance the character and function of established rural settlements. This district allows residential uses on small lots as well as certain business uses. The Rural Village Study shall be used as a guide for achieving architectural compatibility.
- B. General regulations.
 - (1) Properties re-zoned to VR after the effective date of this Part 1 must meet requirements of §267-13H (Comprehensive Zoning Review) to achieve density of the VR zoning district.
 - (2) 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 Table 57-1, shall apply, subject to other requirements of this Part 1.
 - (3) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
 - (4) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
 - (5) Signage shall comply with requirements set forth in §267-33 (Signs).
 - (6) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto residential lots or buildings. Lighting shall be consistent with the village character.
 - (7) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the village relative to architectural design, scale, building height and the materials used in construction.
 - (8) Development of new buildings. New buildings shall be designed to be compatible and in harmony with the village relative to architectural design, scale, building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.
 - (9) The Rural Village Study shall be used as a guide for achieving architectural compatibility as determined by the Director of Planning.
- C. Specific regulations. 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) Residential development, at a density of 3 dwelling units per acre where public sewer service is available.
- (3) Retail trades and service uses, when in buildings existing at the time of enactment of this Part 1, provided that any alteration of the building shall not exceed 25% of the gross floor area of the building and the residential character of the building shall be maintained.
- (4) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 57-1

Design Requirements for Specific Uses - VR Village Residential 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 (stories)
Institutional	20,000					70	35	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Lot Line	7,500					60	25	0 to 5 (total of 20)	22	3
Semi-detached	7,200					60	25	0 to 15	22	3
Duplex	10,000			5,000		70	25	6 (total of 20)	22	3
Transient Housing	15,000			3,000		100	30	10	30	3
Retail Trade / Services	10,000					70	25	10	40	3
Transportation, Communications and Utilities	5 acres				200	200	100	80	80	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Rubble Landfills	100 acres									See §267-90

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 57-1

Design Requirements for Specific Uses - VR Village Residential District

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§ 267-58. VB Village Business District.

- A. Purpose. This district is intended to provide business services to rural areas and to preserve and enhance the character and function of long-established rural settlements. This district complements the VR district by providing a mix of business and residential uses at an appropriate scale. The Rural Village Study shall be used as a guide for achieving architectural compatibility.
- 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 Table 58-1, shall apply, subject to other requirements of this Part 1.
 - (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
 - (3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
 - (4) Signage shall comply with requirements set forth in §267-33 (Signs).
 - (5) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto residential lots or buildings. Lighting shall be consistent with the village character.
 - (6) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the village relative to architectural design, scale, building height and the materials used in construction.
 - (7) Development of new buildings. New buildings shall be designed to be compatible and in harmony with the village relative to architectural design, scale, building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.
 - (8) The Rural Village Study shall be used as a guide for achieving architectural compatibility as determined by the Director of Planning.
- C. Specific regulations. 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) Dwellings accessory to any business use, provided that there is not more than 1 dwelling unit for every 2,000 square feet of nonresidential space and subject to a maximum of 4 dwelling units, each with a minimum of 600 square feet of interior space per unit.

- (3) Use limitations. All business uses in this district shall be subject to the following:
 - (a) The maximum area for any business use shall be not more than 2 acres, except shopping centers, agricultural services, construction equipment sales and service, golf driving ranges and miniature golf courses.
 - (b) The maximum building coverage and impervious surface standards shall be as follows:
 - [1] Maximum building coverage: 40% of lot.
 - [2] Maximum impervious surface: 85% of lot.
 - (c) Shopping centers, when containing less than 6 business uses and a gross area of less than 15,000 square feet.
 - (d) Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display or as otherwise permitted.
 - (e) Storage restriction. Outside storage of material or equipment shall be permitted, provided that such storage does not cover more than 35% of the lot area and shall not be within the required front yard.
- (4) Motor vehicle filling or service stations and repair shops, provided that:
 - (a) Pumps shall be at least 35 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 hard surface.
 - (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, may not be stored on the property for more than 90 calendar days.
 - (e) Motor vehicle filling or service stations shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.
- (5) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).

Table 58-1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width (each)	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(stories)
Amusements	10,000					70	25	10	40	3
Institutional/Motor Vehicle	20,000					70	35	20	40	3
Natural Resources	2 acres			50 (bldg.)						3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Semi-detached	7,200					60	25	0 and 15	22	3
Duplex	10,000		5,000			70	25	6 (total of 20)	22	3
Transient Housing	15,000		3,000			100	25	10	30	3
Retail Trade / Services	10,000					50	25	10	40	3
Transportation, Communications and Utilities	10,000					50	25	10	40	3
Public Utility Facilities				25			25	25	25	3
Sewage Pumping Stations				200			25	25	25	3
Highway Maintenance Facilities	5 acres			200		200	100	80	80	3
Warehousing	20,000			50		70	40	20	40	3
Rubble Landfills	100 acres									See §267-90

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 58-1
Design Requirements for Specific Uses - VB Village Business District

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§ 267-59. B1, B2 and B3 Business Districts. [Amended by Bill 09-31, as amended and Bill 21-03, as amended]

A. Purpose. The B1, B2 and B3 districts are intended to provide sufficient and convenient locations for business uses that serve the needs of local neighborhoods and communities and the traveling public.

- (1) B1 Neighborhood Business District. This district is intended to provide limited retail and service facilities convenient to residential neighborhoods. Uses are limited primarily to convenience of goods and services satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.
- (2) B2 Community Business District. This district is intended to provide a wider range and scale of retail, business and service uses than are permitted in the B1 district and is oriented to serve several neighborhoods. The intensity of development as well as the concentration of vehicular traffic is greater than the B1 district.
- (3) B3 General Business District. The purpose of this district is to provide a wide range of retail, service and business uses serving local and Countywide areas. Such activities are generally located along arterial roads.

B. General regulations.

- (1) Minimum lot area, area per family, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 59-1 through 59-3, shall apply, subject to other requirements of this Part 1.
- (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
- (3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
- (4) Signage shall comply with requirements set forth in §267-33 (Signs).
- (5) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto residential lots or buildings.

C. Specific regulations. The following uses are permitted in each business district, subject to the additional requirements below:

- (1) Agriculture. On a lot of 2 acres or more, all buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.
- (2) Residential uses as accessory uses, in accordance with the following:
 - (a) Not more than 1 dwelling unit for any business lot, provided that said lot is a minimum of 20,000 square feet.

(b) The dwelling unit shall conform to the setback requirements of the principal use.

(3) Shopping center, provided that it contains less than 75,000 square feet. Shopping centers over 75,000 square feet shall be developed as an Integrated Community Shopping Center (ICSC) in accordance with §267-79 (Integrated Community Shopping Center (ICSC)).

(4) Lot coverage. The building coverage and impervious surface standards shall be as follows:

Maximum Building Coverage (percent of total lot)			
District	Individual Uses or Shopping Center	Integrated Community Shopping Center	Maximum Impervious Surface for All Uses (percent of total lot)
B1	25%	N/A	80%
B2	30%	40%	85%
B3	35%	45%	85%

Note: the maximum building coverage and impervious surface shall be reduced where required by the Chesapeake Bay Critical Area or Water Source Protection Districts.

(5) Modification of height requirement. Maximum building height may be exceeded if side and rear yards are increased in width and depth by 1 additional foot for every 1 foot of excess height.

(6) Use limitations. The permitted uses in the business districts shall comply with the following:

(a) Enclosed building. All uses permitted, except secondhand merchandise shops in a B3 district, shall be conducted within an enclosed building, except parking, loading, unloading, incidental storage and display or as otherwise permitted. Secondhand merchandise shops in a B3 district shall be permitted to conduct such uses outside of the building between the hours of 8:00 a.m. and 5:00 p.m.

(b) Storage restriction. Outside storage of material or equipment shall not be permitted in the B1 and B2 districts. Outside storage shall be permitted in the B3 district, provided that such storage does not cover more than 35% of the lot area and shall not be within the required front yard. Outside storage for the following uses may exceed 35% of the lot area when located not less than 200 feet from any residential district.

[1] Building material sales yards, including concrete mixing; lumberyard, including millwork; contractor's equipment storage yard or plant or rental of equipment commonly used by contractors; storage and sale of livestock feed and/or solid fuel, provided that dust is effectively controlled; storage yards for

vehicles of a delivery or draying 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.
- [5] Secondhand merchandise shops in a B3 district, provided that such products shall not be stored outside after 5:00 p.m.
- [6] All outside storage shall be fully buffered from view of adjacent residential lots and public roads.

(7) Motor vehicle filling or service stations and repair shops, in the B2 and B3 districts, 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 hard surface.
- (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, may not be stored on the property for more than 90 calendar days.
- (e) Motor vehicle filling or service stations shall only be permitted if either:
 - [1] All properties adjacent to the proposed use are served by a public water supply; or
 - [2] The proposed use will be situated on a minimum 1 acre parcel located within 1 mile of both the Harford County water service boundary and the development envelope boundary, as defined on the most recent Land Use Plan. The property must have been previously approved and operated as a motor vehicle filling or service station. The property shall not be subject to Section 267-66 of the Zoning Code provided that all COMAR regulations are met.

(8) Housing for the elderly in the B2 and B3 districts when developed in accordance with Article VIII.

- (9) Rubble landfills are permitted in accordance with §267-90 (Rubble Landfills).
- (10) Adult bookstores and/or entertainment centers. These uses are limited to the B3 district upon the condition that:
 - (a) No lot on which such establishment is located shall be located within 1,000 feet of any institutional or residential use as listed on the appropriate use tables.
 - (b) The merchandise shall be arranged to ensure that no merchandise depicting, describing, showing or relating to sexual conduct, sexual excitement, sadomasochistic abuse or human genitalia is visible from the outside of the establishment.
 - (c) No use shall be located within 1,000 feet of an existing adult bookstore/adult entertainment center.
 - (d) The hours of operation shall not include any time periods between midnight and 6:00 a.m.

Table 59-1

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(stories)
Amusements/Institutional	20,000					70	30	20	40	3
Motor Vehicle	10,000				25	70	30	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	10,000					70	25	6 (total of 20)	22	3
Semi-detached	6,500					55	25	0 and 15	22	3
Duplex	12,000			6,000		80	25	15	22	3
Transient Housing	10,000			3,000		70	35	20	40	3
Retail Trade/Services	10,000				15	50	25	5	40	3
Transportation, Communications and Utilities	10,000					50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations					200		25	25	25	3
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	5 acres				200	200	100	80	80	3
Rubble Landfills	100 acres									See §267-90

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 59-1

Design Requirements for Specific Uses - B1 Neighborhood Business District

Table 59-2

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(each) (feet)	(feet)	(stories)
Amusements						50	25	10	35	3
Institutional/Motor Vehicle	15,000				25	50	30	20	40	3
Natural Resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500					60	25	6 (total of 20)	22	3
Semi-detached	5,000					50	25	0 and 15	22	3
Duplex	9,000			4,500		70	25	15	22	3
Transient Housing	10,000			3,000		70	30	10	40	3
Hotel/Motel	40,000			1,000	20	100	30	20	40	3
Retail Trade/Services					20	50	25	5	35	3
Transportation, Communications and Utilities	10,000				50	50	25	10	40	3
Public Utility Facilities					25		25	25	25	3
Sewage Pumping Stations				200			25	25	25	3
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	2 acres			200		100	80	50	50	3
Warehousing, Wholesaling and Processing	40,000			50		100	30	20	40	3
Rubble Landfills	100 acres									See §267-90

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IV Nonconforming Lots, Buildings, Structures and Uses and Article IX Special Exceptions.

Table 59-2

Design Requirements for Specific Uses - B2 Community Business District

Table 59-3

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 (stories)
Amusements					50	25	10	35	3	
Institutional/Motor Vehicle	20,000			25	70	30	20	40	3	
Natural Resources	2 acres			50 (bldg.)						3
RESIDENTIAL: CONVENTIONAL										
Single Family Detached	7,500				60	25	6 (total of 20)	22	3	
Semi-detached	4,000				45	25	0 and 10	22	3	
Duplex	8,000		4,000		70	25	15	22	3	
Multiplex (interior units)*	1,800				18	25	0	25	3	
Multiplex (end units)*	1,800				15	20	25	0	3	
Lot line dwellings*	4,000				45	25	0 to 3 Total of 10	22	2	
Patio/court/atrium*	3,000				40	25	0	22	1 1/2	
Townhouse*	1,800				18	25	0	22	3	
Row duplex*	5,000		2,500		20	25	0	22	4	
Transient Housing	10,000		2,000		70	30	10	40	3	
Hotel/Motel	40,000		1,000	25	100	30	20	40	3	
Industrial	10,000		4,500	50	50	25	10	40	3	
Retail Trade/Services				25	50	25	5	35	3	
Transportation, Communications and Utilities	10,000			50	50	25	10	40	3	
Public Utility Facilities				25		25	25	25	3	
Sewage Pumping Stations				200		25	25	25	3	
Highway Maintenance Facilities, Landfills and Sewage Treatment Plants	2 acres			200	100	80	50	50	3	
Warehousing, Wholesaling and Processing	40,000			50	100	30	20	40	3	
Rubble Landfills	100 acres									See §267-90

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".

*Only in the Chesapeake Science and Security Corridor.

Table 59-3

Design Requirements for Specific Uses - B3 General Business District

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§ 267-60. CI, LI and GI Industrial Districts. [Amended by Bill 17-04; Bill 23-026 As Amended and Bill 24-25 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, in the CI district, and towing businesses with storage facilities, and motor vehicle repair shops, in the CI and GI districts, 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.

(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.

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

USE CLASSIFICATION	Design Requirements for Specific Uses - CI Commercial Industrial District									
	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

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth	Minimum Side Yard Width (each)	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(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

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

Table 60-3

USE CLASSIFICATION	Minimum Lot Area	Maximum Lot Area	Maximum Average Lot Area	Minimum Lot Area Per Dwelling or Family Unit	Minimum Bldg. or Use Setback from Adjacent Residential Lot	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth	Minimum Side Yard Width (each)	Minimum Rear Yard Depth	Maximum Building Height
	(sq. ft.)	(acres)	(acres)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(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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§ 267-61. MO Mixed Office District. (Amended by Bill 15-36 as amended; Bill 18-33; and Bill 19-16 as amended]

A. Purpose. The MO district is designed to promote major economic development opportunities, including corporate offices, research and development facilities and high-tech services which create significant job opportunities and investment benefits. Due to the excellent access and high visibility of the MO district, the intention of the MO district legislation is to promote high quality uses with high quality amenities. Designated at strategic I-95 interchanges, development will be subject to specific performance, architectural and site design standards. Enactment of this legislation shall not serve to open the Development Envelope beyond those areas designated "MO" on the 2004 Harford County Master Land Use Plan.

B. Objectives.

- (1) To promote a mix of corporate offices, retail, recreational, hotel, residential and service uses in desirable areas in the County which have a positive effect on the County's economic tax base and employment.
- (2) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.
- (3) To assure compatibility of the proposed land use with internal and surrounding uses by incorporating design standards and site design.
- (4) To encourage pedestrian access to uses and to reduce traffic congestion by encouraging the clustering of buildings near internal streets.
- (5) To maintain and enhance the visual character of the area.
- (6) To allow a mixture of office, retail, recreational and residential uses within a single structure or within multiple structures, where all related structures, parking and open spaces are designed to function as a cohesive and integrated site.
- (7) To create quality usable public spaces.
- (8) To ensure architectural standards of design for buildings, infrastructure and landscaping.
- (9) To encourage the reduction of parking spaces through the use of shared parking lots within the development and to minimize parking as a visual element of the site and enhance the pedestrian environment.

C. General regulations.

- (1) The project shall be reviewed in accordance with the Department of Planning and Zoning's Mixed Office Design Manual during the site plan approval process. The Director of Planning and Zoning shall have the authority to require compliance with the Mixed Office Design Manual.
- (2) Minimum lot or parcel area for the project shall be 20 acres.

- (3) Landscaping. Landscaping should provide for a transition from the surrounding agricultural uses and rural landscape to the employment, retail service and residential uses on the site. All other requirements set forth in §267-29 (Landscaping) must be met.
- (4) Buffer yards. A type "D" buffer yard shall be provided along any adjacent public road. All other requirements set forth in §267-30 (Buffer Yards) must be met.
- (5) Signage shall comply with requirements set forth in §267-33 (Signs).
- (6) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style. A Lighting Plan shall be submitted as part of the site plan approval process and approved by the Department of Planning and Zoning.
- (7) The project shall have direct access to one or more collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.
- (8) The project must be served by public water and sewer service.

D. Specific requirements. The following uses are permitted, subject to the additional requirements below:

- (1) The principal permitted uses in the MO Mixed Office district shall be those uses shown on the Permitted Use Charts.
- (2) 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 61-1, shall apply, subject to other requirements of this Part 1.
- (3) Design requirements. Development in the MO district shall comply with the following regulations:
 - (a) Vehicular circulation.
 - [1] Loading and service areas shall be separated from the pedestrian and employee parking areas. Service areas shall be located away from roadways to the greatest extent possible. Loading and service areas shall be effectively buffered from adjoining properties and roadways.
 - [2] The internal vehicular circulation system shall follow a pattern of intersecting streets that provide alternative routes.
 - [3] Points of external access and alignments of internal roadways shall facilitate use of public transit. This may include rights-of-way sufficient for bus pull-outs and bus shelters as well as transit easements on private streets.

- [4] A comprehensive pedestrian circulation system shall link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
- (b) Parking standards.
 - [1] A parking and pedestrian circulation plan shall be submitted as part of the Site Plan approval process.
 - [a] A multi-use path(s) to accommodate bike and pedestrian traffic shall be constructed with a 10 foot bike/pedestrian path easement, exclusive of any other easement.
 - [b] Bike racks shall be required for every 100 parking spaces.
 - [2] All parking areas must be effectively landscaped and buffered from adjacent roadways and adjoining residential districts pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).
 - [3] Parking areas should be broken up into lots of no more than 150 cars; the parking areas shall be separated by landscaped islands.
 - [4] The number of parking spaces provided and overall design and layout of parking lots must be in accordance with §267-26 (Off-street Parking and Loading). To encourage Leadership in Energy and Environmental Design (LEED) and green building initiatives for mixed use developments zoned MO, reductions of parking through the use of shared parking within the development are permitted. The reduction of parking spaces should be justified with shared parking data from recognized industry groups such as the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), the Transportation Research Board (TRB) or other documented studies.
 - [5] No direct access to any lot is allowed from a collector or higher functional classification road as defined in the Harford County Transportation Element Plan.
 - [6] All access points from a parcel in the MO district shall be consolidated wherever feasible.
- (c) Building design standards.
 - [1] An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process and shall be reviewed in accordance with the Department of Planning and Zoning's Mixed Office Design Manual.

- [2] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the MO district. The building materials, colors, textures and treatments shall be harmonious within the project.
- [3] Mechanical equipment shall be located within the building or within a mechanical equipment penthouse. If mechanical equipment is located on the roof or is freestanding on the site, it shall be effectively buffered from view by means fully compatible with the architecture. Mechanical equipment shall be buffered from view from all sides.
- [4] Outdoor storage is prohibited.

(d) Retail/service uses.

- [1] Retail and service other than professional services and corporate office uses may be incorporated into the overall project for up to 40%.
- [2] Retail and service uses shall not have direct access on a collector or higher functionally classified roadway.
- [3] Any retail or service use may be incorporated as part of the office park buildings.
- [4] Professional services and corporate office uses shall not be limited to 40% of the overall project.

(e) Open space. The MO district shall include a minimum of 25% of the parcel area preserved as vegetated open space. The buffer yards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall not be included in the calculation of open space.

(f) Impervious surface. Impervious surface within the MO District shall be limited to 75%.

(g) Utility facilities. Water towers or other similar utility facilities should, to the greatest extent possible, be located and designed to minimize the visibility of the structure from adjoining properties and roadways.

(h) At least 15% of the overall project shall consist of uses other than retail trade and residential as provided in the Permitted Use Charts.

E. Residential uses. Residential uses shall not exceed 45% of the overall project.

Table 61-1

USE CLASSIFICATION	Design Requirements for Specific Uses - MO Mixed Office District									
	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
Institutional/Motor Vehicles	20,000				25	70	30	20	40	36
Natural Resources	2 acres				50 (bldg.)					36
RESIDENTIAL (TRANSIENT HOUSING)										
Country Inns, Tourist Homes and Resorts	10,000			2,000		70	30	10	40	3 stories
Hotels	40,000			1,000	25	50	10	5	35	5 stories
Lodging Houses, or Lodging Houses with Conference Centers	40,000			1,000	25	50	10	5	35	85
Industrial	10,000				50	50	25	10	40	30
Retail Trade/Services					25	50	10	5	35	65
Transportation, Communications and Utilities	10,000				50	50	25	10	40	30
Sewage Pumping Stations					200		25	25	25	30
RESIDENTIAL: CONVENTIONAL										
Apartments	5 acres					50	10	5	35	5 stories
Townhouses	1,800					18	25	0	22	3 stories

NOTE: General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in 267-18 thru 267-88.

Table 61-1

Design Requirements for Specific Uses - MO Mixed Office District

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§ 267-62. NRD Natural Resource District. [Amended by Bill 09-31, as amended; Bill 11-04, as amended; Bill 13-36; Bill 16-02; and Bill 23-06 as amended]

A. Purpose. The intent of this district is to preserve significant/special environmental features identified herein and to:

- (1) Provide uniform guidelines for use of land within the Natural Resource District to protect the ecology of the area.
- (2) Protect steep terrain.
- (3) Protect water quality and quantity in streams, rivers and water courses.
- (4) Minimize erosion/siltation and protect native/noninvasive vegetation.
- (5) Protect nontidal wetlands.
- (6) Protect persons and property from environmental hazards such as erosion, siltation and floodwaters.

B. Application. The Natural Resource District shall apply to the following environmental features:

- (1) Steep slopes: any land area exceeding 40,000 square feet with a slope in excess of 25%.
- (2) Nontidal wetlands: Nontidal wetlands shall not be disturbed by development. A buffer of at least 75 feet shall be maintained in areas adjacent to nontidal wetlands except isolated nontidal wetlands that are less than 10,000 square feet, which shall be subject to the 25 foot buffer requirement set forth in the Code of Maryland Regulations.
- (3) Streams: the Natural Resource District for all perennial and intermittent streams shall be a minimum of 75 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. For all streams that have a drainage area of more than 400 acres, as depicted on the Harford County Hydrology/Drainage Area Map, which is incorporated herein by reference, the Natural Resource District shall be expanded to a minimum distance of 150 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. The Natural Resource District boundaries under this provision shall include the buffer requirements of Subsection B(2).

C. Permitted uses. The following land uses shall be permitted, provided that the conditions described herein are met:

- (1) Agriculture. Agriculture shall be permitted, provided that accepted soil conservation practices of the soil conservation district are approved and implemented along watercourses or a forested buffer or 25 foot-wide grass filter strip, along the edge of cropland bordering streams, is provided to reduce surface runoff and associated pollutants from entering waterways.

(2) Forestry. Commercial timber operations shall be permitted, provided that a site-specific Buffer Management Plan is prepared and approved. The Buffer Management Plan shall address potential water quality impacts and shall include a minimum undisturbed buffer designed according to site characteristics. Trees within the buffer may also be harvested to remove diseased, insect-damaged or fire-damaged trees in order to salvage the same or reduce potential stream blockage due to fallen timber. Landowners are exempted from the Buffer Management Plan requirement when timber is harvested for personal use only. Forestry operations within the urban residential districts (R1, R2, R3 or R4) shall be required to meet the conservation requirements.

(3) The NRD shall not be disturbed, with the following exceptions:

- (a) Basic maintenance, including native plantings and invasive species removal.
- (b) Passive recreation and foot and walking trails. Alteration of the natural environment and removal of surface vegetation in these areas shall be prohibited with the exception of selective clearing to accommodate passive recreation and foot and walking trails which are constructed with environmentally friendly materials.
- (c) Utility transmission facility.
- (d) Road and driveway crossings. The number of road and driveway crossings shall be minimized. If a road or driveway crossing is necessary, it shall cross the stream at a 90-degree angle whenever possible. The best possible methods shall be used to reduce stormwater drainage into the stream and to remove sediment from unavoidable drainage into the stream.
- (e) Stormwater management facilities.

D. Conservation requirements. The following conservation measures are required within this district:

- (1) All permitted uses shall minimize soil disturbance during development and shall reduce soil erosion and sedimentation. When developing Site Plans, consideration shall be given to maintaining the existing drainageways within the Natural Resource District.
- (2) Clearing or removal of natural ground cover and vegetation in preparation for development of permitted uses shall be minimized. Site development shall be clustered or designed in such a manner to preserve large contiguous tracts of woodland. Clearing of woodlands shall not reduce the area coverage of trees below 70%. Trees within the buffer may be harvested to remove diseased, insect-damaged or fire-damaged trees to salvage the same or reduce potential stream blockage due to fallen timber.
- (3) Sensitive environmental areas, including significant/special natural features, and significant wildlife habitats shall not be disturbed during any development.

- E. Variances. The Board may grant a variance to Subsections C or D upon a finding by the Board that the proposed development has been designed to minimize adverse impacts to the Natural Resource District to the greatest extent possible. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Soil Conservation District and the Maryland Department of the Environment.
- F. Development adjustment. If more than 30% of a parcel zoned residential is within this district, or is included as a habitat protection area within the Chesapeake Bay Critical Area, the housing types and design requirements, excluding gross density, of the next most dense residential district shall apply, provided that sensitive environmental features on the site are protected. If townhouses are part of the project, a minimum of 10% of the required open space shall be active open space notwithstanding the requirements contained in §267-31B(1) with respect to the percentage of active open space. In no event, however, shall townhouses be permitted in the R1 district.
- G. No portion of the Natural Resource District shall be allowed within privately-owned urban residential district lots, except for the panhandle portion of any residential lot and except on lots greater than 20,000 square feet, in a minor subdivision. In lots adjacent to the Natural Resource District, rear yard setbacks may be reduced up to 50% but in no case shall be less than 20 feet.
- H. The requirements of this section shall not apply to developments with approved Preliminary Plans prior to September 1, 1982.

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§ 267-63. Chesapeake Bay Critical Area Program

A. Purpose and scope.

- (1) The State of Maryland recognizes the Chesapeake Bay as an estuarine system of great importance to the State and to the nation as a whole. As such, it has enacted the Chesapeake Bay Critical Area Act (Chapter 794, Laws of 1984, as amended) and the Chesapeake Bay Critical Area Program development criteria pursuant to that Act, which require that local jurisdictions implement a management and resource protection program for those areas within 1,000 feet of tidal waters, tidal wetlands and any additional areas that a local jurisdiction deems important to carry out the purpose of the Act.
- (2) Harford County also recognizes the importance of protecting the resources of the Chesapeake Bay and has created the Chesapeake Bay Critical Area Program which encompasses §267-63 through §267-63.21 of the Harford County Zoning Code, the Harford County Chesapeake Bay Critical Area Program Manual and Appendices thereto and Critical Area maps (collectively "the County Critical Area Program"), all of which are incorporated by reference as though they were fully stated herein, and the County Critical Area Program is hereby declared to be part of the official Harford County Master Plan, *HarfordNEXT*, for the following purposes:
 - (a) To establish a resource protection program for the Chesapeake Bay and Atlantic Coastal Bays and their tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize impacts to water quality and natural habitats, as stated in Natural Resources Article § 8-1801; and
 - (b) To implement a resource protection program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State criteria and oversight.

B. Goals. The goals of the County Critical Area Program are to accomplish the following:

- (1) Minimize adverse impacts on water quality resulting from sedimentation and stormwater runoff from development in the coastal areas of the County;
- (2) Conserve fish, wildlife and plant habitat;
- (3) Maintain and, where possible, increase the amount of forested area in the County's coastal areas because of its benefits to water quality and plant and wildlife habitat;
- (4) Minimize the adverse secondary impacts of development occurring in the coastal areas of the County; and
- (5) Monitor and control development in the County's Critical Area so that the natural resources of the Chesapeake Bay, its tidal tributaries and its shoreline areas will be protected and preserved for future generations.

§ 267-63.1. Implementation.

A. Critical Area Overlay District.

- (1) The County adopted its Critical Area Program on June 24, 1988. The Harford County Critical Area Program consists of §267-63 through §267-63.21 of the Harford County Zoning Code and the Official Critical Area Map(s), and the Harford County Chesapeake Bay Critical Area Program Manual and Appendices thereto. Related provisions may also be found in Chapter 268 of the Harford County Code, as amended.
- (2) In order to carry out the provisions of this resource protection and management program, a Critical Area Overlay District is hereby established, in conjunction with existing zoning regulations and districts, which shall apply to all development and redevelopment within the County's Critical Area.
- (3) The regulations of the Critical Area Overlay District are intended to foster environmentally sensitive development within the County's Critical Area by setting forth standards requiring the minimization of adverse impacts on water quality and protection of the natural plant, fish and wildlife habitats in the County's Critical Area.
- (4) Notwithstanding any provisions of the Harford County Chesapeake Bay Critical Area Program, or the lack of a provision therein, all of the requirements of §8-1801 through §8-1817 of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended, and Title 27 of COMAR shall apply.
- (5) In the case of conflicting provisions, the more restrictive provision applies.

B. Critical Area map and application.

- (1) The requirements of the Critical Area Overlay District and the County Chesapeake Bay Critical Area Program shall apply to all areas in the County shown on the Critical Area Map. The Critical Area Map is maintained as part of the official zoning map for Harford County and delineates the extent of the Chesapeake Bay Critical Area that shall include all land and water areas located within 1,000 feet beyond the landward boundaries of the Chesapeake Bay and its tributaries to the head of tide, and all state or private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland.
- (2) Within the Critical Area, all land is assigned one of the following designations based on land use and development in existence on December 1, 1985.
 - (a) Intensely Developed Area.
 - (b) Limited Development Area.
 - (c) Resource Conservation Area.
- (3) The Critical Area Map may be amended by the County Council in compliance with amendment provisions of the County Critical Area Program, the Chesapeake Bay Critical Area Act and Title 27 of the Code of Maryland regulations.

- C. Regulated uses.
 - (1) The requirements of §8-1801 through §8-1817 of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended and Title 27 of COMAR shall apply to the Harford County Critical Area Program as minimum standards. The Critical Area Zoning Overlay District is superimposed upon all other existing zones and land use activities specified in the Zoning Code. All development or redevelopment activity shall conform to the existing Zoning Code, Subdivision Regulations and the provisions set forth in the County Chesapeake Bay Critical Area Program.
 - (2) The rights and limitations pertaining to the use of land as set forth in the Zoning Code shall remain in effect, unless otherwise set forth in the County Critical Area Program.
- D. Notification of project approval.
 - (1) An application shall be accompanied by a completed "Project Notification Application" from the Critical Area Commission's website.
 - (2) The County may not approve an application that has been sent to the Critical Area Commission for notification until it has received notice of receipt by the Critical Area Commission.
 - (3) The County shall send copies of applications for developments, subdivisions and site plans, wholly or partially within the Critical Area, to the Critical Area Commission for review and comment, unless otherwise noted in §267-63.4 (Intensely Developed Areas) through §267-63.6 (Resource Conservation Areas) pertaining to each designation of the Critical Area. Mitigation plans shall be included as part of the project submission.
 - (4) The Department of Planning and Zoning shall make written findings documenting that all of the criteria in the County Chesapeake Bay Critical Area Program are met, including that any disturbance to the buffer or other habitat protection area is the least intrusion necessary.
- E. Responsible agencies. The County Chesapeake Bay Critical Area Program and all applicable provisions thereof shall be implemented and enforced by the Department of Planning and Zoning.

§ 267-63.2. Administrative Enforcement.

- A. Consistency. Sections 267-63 through 267-63.21, in accordance with the Chesapeake Bay Critical Area Act and criteria, supersede any inconsistent law, rule or regulation. In the case of conflicting provisions, the stricter provisions shall apply.
- B. Violations.
 - (1) Any development or disturbance activity undertaken contrary to the provisions of the County Chesapeake Bay Critical Area Program or without the required permits or approvals shall constitute a violation of the Zoning Code.

- (2) No person shall violate any provision of the County Chesapeake Bay Critical Area Program. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.
- (3) Each person who violates a provision of the County Chesapeake Bay Critical Area Program may be subject to separate criminal charges, abatement and restoration orders and mitigation for each offense.
- (4) Non-compliance with any permit or order issued by the Department of Planning and Zoning related to the Critical Area shall be a violation of the County Chesapeake Bay Critical Area Program and shall be enforced as provided herein.

C. Responsible persons. The following persons may each be held jointly or individually responsible for any violations:

- (1) Persons who apply for or obtain any permit or approval.
- (2) Contractors.
- (3) Subcontractors.
- (4) Property owners.
- (5) Managing agents.
- (6) Any person who has committed, assisted or participated in the violation.

D. Required enforcement action. The enforcement actions available to the Department of Planning and Zoning pursuant to the County Chesapeake Bay Critical Area Program are cumulative and not alternative or exclusive, and the decision to pursue one enforcement action shall not prevent the pursuit of others. In the case of violations of the County Chesapeake Bay Critical Area Program, the Department of Planning and Zoning shall take enforcement action including:

- (1) Issuance of abatement, restoration and mitigation orders as necessary to:
 - (a) Stop unauthorized activity; and
 - (b) Restore and stabilize the site to its condition prior to the violation, or to a condition that provides the same water quality and habitat benefits.
- (2) Requiring the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Right to enter property. Except as otherwise authorized and in accordance with the procedures specified herein, and §8-1815 of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended, the Director of the Department of Planning and Zoning or his or her designee may obtain access to and enter a property in order to perform a routine inspection following the approval and issuance of a permit or zoning certificate, or to identify or verify a suspected violation, restrain a

development activity or issue a notification letter if the Department of Planning and Zoning has probable cause to believe that a violation of the County Chesapeake Bay Critical Area Program has occurred, is occurring or will occur. If entry is denied, the Department of Planning and Zoning may seek a court order to enter the property to pursue an enforcement action.

F. Enforcement procedures.

- (1) Before issuing a Notice of Violation, the person(s) believed to have violated the County Chesapeake Bay Critical Area Program shall receive a notification letter that includes:
 - (a) The name and address of the person(s) charged;
 - (b) The nature of the violation, with reference to the Section of Zoning Code violated;
 - (c) The place and time the violation occurred, or was first observed;
 - (d) A restoration and/or mitigation order to abate water quality and habitat impacts resulting from the violation; and
 - (e) A timeframe for compliance and/or to contact the Department of Planning and Zoning.
- (2) Failure to comply with the requirements of the notification letter shall result in a formal Notice of Violation being sent to the owner's last known address. If the violation is not satisfied within 15 calendar days from the date of the notice, the Department of Planning and Zoning may request adjudication of the case through the District Court of Maryland as a criminal offense. The District Court shall schedule the case for trial and summon the defendant to appear.
- (3) On a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Title 6 of the Local Government Article of the Annotated Code of Maryland. The State's Attorney for Harford County may prosecute the case.
- (4) In addition to any other penalty applicable under State or County law, every violation of a provision of Title 8, Subtitle 18 of Natural Resources Article of the Annotated Code of Maryland, as the same may be amended, or a provision of the County Chesapeake Bay Critical Area Program shall be punishable by a fine of up to \$10,000 for each calendar day that the violation occurred. The amount of the fine for each violation, including each continuing violation, shall be determined separately. In determining the amount of the fine, the Court shall consider:
 - (a) The gravity of the violation;
 - (b) The presence or absence of good faith of the violator;
 - (c) Any willfulness or negligence involved in the violation including a history of prior violations;

- (d) The environmental impact of the violation; and
- (e) The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to the Department for performing, supervising or rendering assistance to the restoration and mitigation.

(5) Payment of all fines assessed shall be a required condition precedent to the issuance of any permit or other approval required by the County Chesapeake Bay Critical Area Program.

(6) The Department of Planning and Zoning is authorized to institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of the Harford County Chesapeake Bay Critical Area Program, an administrative order, a permit, a decision or other imposed condition. The pendency of any judicial review or court action shall not prevent the Department of Planning and Zoning from seeking injunctive relief to enforce an administrative order, permit, decision or other imposed condition, or to restrain a violation pending the outcome of the judicial review or court action.

G. Restoration and mitigation.

- (1) The Department of Planning and Zoning shall issue a restoration order to any person(s) violating the County Chesapeake Bay Critical Area Program, requiring the violator to:
 - (a) Remove any construction materials, equipment, structures or other construction work or development activity built or erected in violation of the County Chesapeake Bay Critical Area Program;
 - (b) Restore any property to its condition as it existed before any violation of the County Chesapeake Bay Critical Area Program; and
 - (c) Perform any condition or obligation required by the County Chesapeake Bay Critical Area Program or by any permit, approval, special exception or variance.
- (2) The Department of Planning and Zoning shall issue a mitigation order to any person who has been cited for a violation of the County Chesapeake Bay Critical Area Program. Mitigation is required for all violations of the County Chesapeake Bay Critical Area Program and shall be in addition to any required abatement or restoration activities.
 - (a) Unapproved disturbance, lot coverage or tree removals outside of the Critical Area Buffer and other Habitat Protection Areas shall be subject to violation mitigation at a ratio of 3:1, unless otherwise Stated in the County Chesapeake Bay Critical Area Program.
 - (b) Unapproved disturbance, lot coverage or tree removals within Habitat Protection Areas, to include the Critical Area Buffers, shall be subject to violation mitigation at a ratio of 4:1.

H. Variances pursuant to a violation. The Department of Planning and Zoning may accept an application for a variance regarding a parcel or lot that is subject to a current violation of the County Chesapeake Bay Critical Area Program or any provisions of an order, permit or plan in accordance with the variance provisions of the County Chesapeake Bay Critical Area Program. However, the application shall not be reviewed or processed until all abatement, restoration and mitigation measures have been implemented and inspected by the Department. The County may not issue a permit for the activity that was the subject of the variance application until all applicable appeal periods have been exhausted. Application for a variance pursuant to a violation constitutes a waiver of the right to appeal the terms of a notice of violation and its final adjudication, including the payment of any penalties and costs assessed.

I. Permits pursuant to a violation.

- (1) The Department of Planning and Zoning shall not issue any permit, zoning certificate or approval unless:
 - (a) All criminal fines or penalties have been fully paid as set forth in Subsection F above;
 - (b) Restoration and/or mitigation has been completed and inspected by the Department, to abate impacts to water quality or natural resources due to the violation;
 - (c) Abatement measures have been performed as set forth in the approved plan, in accordance with the County Chesapeake Bay Critical Area Program; and
 - (d) Any additional mitigation required as a condition of approval for the permit, approval, variance or special exception has been completed.
- (2) Unless an extension of time is approved by the Department of Planning and Zoning because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance or special exception shall be completed.

§ 267-63.3. Critical Area Development Requirements.

A. General requirements.

- (1) All development in the Critical Area, including new lot coverage, shall require a County permit or zoning certificate prior to the start of any work including, but not limited to:
 - (a) Homes, sheds, garages, carports, gazebos and other structures.
 - (b) Driveways, patios and walkways.
 - (c) Stone, gravel, pavers, bricks and cobblestone of any kind, even in decorative flower beds and under decks.

- (d) Concrete, asphalt and marketed "pervious" or "porous" materials.
- (e) Retaining walls, bulkheads, piers, docks and boat lifts.
- (f) Decks, pools and man-made ponds.
- (g) Any other kind of material that would inhibit the natural growth of vegetation or otherwise prevent water from penetrating through to the ground below.

(2) In this Section, a dwelling unit is defined as a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

(3) In this Section, immediate family is defined as a father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter or sibling.

(4) In this Section, intrafamily transfer is defined as a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

(5) In this Section, legally developed means all physical improvement to a property that existed before Critical Area Commission approval of the County's Chesapeake Bay Critical Area Program or were properly permitted in accordance with the provisions of the County's Chesapeake Bay Critical Area Program in effect at the time of construction.

(6) Development and redevelopment shall be subject to the requirements as set forth in the County Chesapeake Bay Critical Area Program, including those associated with:

- (a) Habitat Protection Areas and the Critical Area Buffer;
- (b) Water-dependent facilities;
- (c) Forests and developed woodlands; and
- (d) Other mitigation requirements as set forth in the County Critical Area Program.

(7) Cluster development shall be used for developing in the Critical Area as a means of minimizing the amount of lot coverage and the destruction of existing natural vegetation. This requirement does not supersede the requirements of §267-70 (Conventional with Open Space (COS)) pertaining to the Conventional Open Space (COS) and Planned Residential Development (PRD).

(8) Road standards may be modified by the County on a case-by-case basis to reduce potential impacts to the site and Critical Area resources, where the reduced standards do not significantly affect safety.

- (9) All development plans shall incorporate a wildlife corridor system that connects the largest, most undeveloped or most vegetated tracts of land on-site and adjacent to the site, as similarly depicted in the Harford County Green Infrastructure Plan, and shall be:
 - (a) Protected by a County-approved conservation easement, restrictive covenant or similar instrument to ensure maintenance of the wildlife corridor; and
 - (b) Preserved by a public or private group.
- (10) All development activities that must cross or affect streams shall be designed to:
 - (a) Reduce increases in flood frequency and severity that are attributable to development;
 - (b) Retain tree canopy so as to maintain stream water temperature within normal variation;
 - (c) Provide a natural substrate for stream beds; and
 - (d) Minimize adverse water quality and quantity impacts of stormwater.

B. Prohibited activities.

- (1) New or expanded sanitary landfills or rubble landfills, including transfer stations, shall not be permitted in the Critical Area .
- (2) New or expanded solid or hazardous waste collection or disposal facilities shall not be permitted in the Critical Area .
- (3) New storage tanks for vehicle fuels on residential lots shall not be permitted in the Critical Area .

C. Continuation of existing permitted facilities. Existing, permitted facilities of the type noted in Subsection B above shall be subject to the standards and requirements of the Department of the Environment, under Title 26 of the Code of Maryland regulations.

D. Mitigation. Approved Critical Area disturbance and tree/shrub removals shall adhere to the following mitigation requirements:

- (1) Plants shall be of native Maryland species, located in permeable areas equal to or greater than the area of impervious surface increase, between new construction and surface waters.
- (2) Mitigation credit is determined as set forth in the Table in §267-63.7D (the Critical Area Buffer, Mitigation and Planting Credit for the Critical Area Buffer).
- (3) Plantings shall be established and maintained in accordance with a landscaping plan and covenant as approved by the Department of Planning and Zoning. Such new plantings shall be located between new construction and surface waters.

- (4) Mitigation plantings shall ensure a diversified plant community to include canopy trees, understory trees, shrubs and herbaceous plants.
- (5) If mitigation planting and/or offsets, as outlined in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual, are not feasible as determined by the Director of Planning and Zoning, the applicant shall be required to pay a fee-in-lieu of \$4.00 per square foot of incomplete mitigation, as set forth in §267-63.18D (Forest and Woodland Protection, Fee-in-lieu of Planting Mitigation).
- (6) Mitigation for the Critical Area Buffer shall be required as set forth in § 267-63.7 (the Critical Area Buffer) and § 267-63.8 (Modified Buffer Areas).
- (7) Removal of trees and shrubs outside of the Critical Area Buffer shall be replaced 1:1, except as set forth in § 267-63.18 (Forest and Woodland Protection).
- (8) Removal of forest or developed woodland shall meet the replacement standards set forth in § 267-63.19 (Timber Harvesting).
- (9) All mitigation shall be completed within 1 year from the date of project approval, prior to the issuance of any certificate of occupancy permits.

E. Reasonable accommodations for the needs of disabled citizens. The Director of Planning and Zoning may make reasonable accommodations to avoid discrimination on the basis of a physical disability. Reasonable accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following paragraphs.

- (1) An applicant shall demonstrate by a preponderance of evidence that:
 - (a) A physical disability exists;
 - (b) The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act;
 - (c) Literal enforcement of the County Chesapeake Bay Critical Area Program would result in discrimination by virtue of such disability or deprive a disabled citizen or user of the reasonable use and enjoyment of the property;
 - (d) A reasonable accommodation would reduce or eliminate the discriminatory effect of the requirements or restore the disabled citizen's reasonable use or enjoyment of the property;
 - (e) The accommodation requested will not substantially impair the purpose, intent or effect of the provisions of the County Chesapeake Bay Critical Area Program as applied to the property; and
 - (f) The accommodation would:

- [1] Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the County Chesapeake Bay Critical Area Program; or
- [2] Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant.

(2) The Director of Planning and Zoning shall determine the nature and scope of any accommodation under the County Chesapeake Bay Critical Area Program and may award different or other relief than requested after giving due regard to:

- (a) The standards set forth in the County Chesapeake Bay Critical Area Program;
- (b) The purpose, intent or effect of the requirements from which relief is requested; and
- (c) The size, location, nature and type of accommodation proposed and whether alternatives exist that could accommodate the need with less adverse effect.

(3) The Director of Planning and Zoning may require, as a condition of approval, that the property be restored to comply with all applicable provisions of the County Chesapeake Bay Critical Area Program upon termination of the need for the accommodation. Appropriate bonds may be collected or liens placed in order to ensure the County's ability to restore the property should the applicant fail to do so.

§ 267-63.4. Intensely Developed Areas.

A. Notification of project approval. The following types of developments, subdivisions and site plans proposed wholly or partially within the Intensely Developed Area do not require review from the Critical Area Commission if the proposed project does not result in a physical disturbance to a Critical Area Buffer or other Habitat Protection Area:

- (1) A single-family dwelling unit.
- (2) An accessory structure to a single-family dwelling unit that may include, but is not limited to, a pool, garage, porch, shed or tennis court.
- (3) Development in which the land disturbance does not exceed 15,000 square feet.
- (4) Subdivisions resulting in 10 lots or less, or 10 dwelling units or less.

B. Activities authorized only in the Intensely Developed Area.

- (1) Construction of accessory structures outside of the Critical Area Buffer and other Habitat Protection Areas that disturb less than 250 square feet are exempt from mitigation planting and 10% pollutant removal requirements.

- (2) Disturbance 250 square feet or greater that results in the permanent construction of an impervious surface area outside of the Critical Area Buffer and other Habitat Protection Areas shall be mitigated with landscaping plantings at a ratio of 1:1 square foot on that lot or parcel, and/or through the use of Best Management Practices for stormwater management, as specified in Appendix B of Harford County Chesapeake Bay Critical Area Program Manual.
- (3) New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities shall be permitted only in the Intensely Developed Area, and/or in those portions within the Intensely Developed Area that have been designated as modified buffer areas.
- (4) Certain prohibited development or redevelopment activities, because of their intrinsic nature, may be permitted in the Intensely Developed Area only after demonstrating to the local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:
 - (a) Non-maritime heavy industry.
 - (b) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or Interstate facilities must cross tidal waters (utility transmission facilities do not include power plants).
 - (c) Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. Agricultural or horticultural use of sludge may be approved in the Critical Area, except in Habitat Protection Areas as defined in §267-63.9 (Habitat Protection Areas), if applied using an approved method at approved application rates.
- (5) All existing facilities as set forth in paragraph (4) of this Subsection shall be operated in conformance with all applicable County, State and Federal regulations.

C. General policies. New or expanded development or redevelopment shall take place in such a way as to:

- (1) Improve the quality of runoff that enters the Chesapeake Bay or its tributary streams;
- (2) Accommodate additional development of the type and intensity designated by the County in the County Chesapeake Bay Critical Area Program, provided that water quality is not impaired;
- (3) Conserve and enhance fish, wildlife and plant habitats as identified in the Habitat Protection Area as set forth in §267-63.9 (Habitat Protection Areas) to the maximum extent possible within Intensely Developed Areas; and
- (4) Encourage the use of retrofitting measures to address existing stormwater management problems.

D. Development standards. In addition to all of the requirements set forth in §67-63.3 (Critical Area Development Requirements), all development in the Intensely Developed Area shall meet the following standards of environmental protection:

- (1) Stormwater shall be addressed in accordance with the following provisions:
 - (a) All development and redevelopment activities shall include stormwater management Best Management Practices that reduce pollutant loadings by at least 10% below that of pre-development or redevelopment levels, as provided in the *Critical Area 10% Rule Guidance Manual*, as may be subsequently amended in Appendix B of the Harford County Chesapeake Bay Critical Area Program Manual.
 - (b) Stormwater management activities shall also use Environmental Site Design (ESD) practices, as permitted under stormwater management laws and regulations, if ESD practices provide greater water quality protection than procedures for the 10% rule and meets the 10% pollutant removal requirement.
 - (c) Stormwater management to meet the 10% requirement shall be provided on-site to the maximum extent practicable.
 - (d) Where the 10% requirement cannot be met as described in Appendix B of the Harford County Chesapeake Bay Critical Area Program Manual, a fee-in-lieu may be provided at \$35,000 per pound of phosphorus not removed.
 - (e) With other offsets as described in the *Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance - Fall 2003* and as may be subsequently amended. Offsets must remove a phosphorus load equal to or greater than the remaining 10% requirement.
 - (f) The County shall track and report annually to the Critical Area Commission all stormwater fee-in-lieu collected and expended, as well as any authorized stormwater offsets.
- (2) Existing areas of public access to the shoreline, such as footpaths, scenic drives and other public recreational facilities, shall be maintained and, if possible, increased within Intensely Developed Areas rather than expanded in the Limited Development Areas or Resource Conservation Areas. New areas of public access to the shoreline shall be included in the plans for development or redevelopment of shoreline areas.
- (3) Ports and industries that use water for transportation and derive economic benefits from shore access shall be located near existing port facilities. The County may identify other sites for planned future port facility development and use if this use will provide significant economic benefit to the State or County and is consistent with the provisions of §267-63.16 (Water-dependent Structures) and other State and Federal regulations.

§ 267-63.5. Limited Development Areas.

- A. Notification of project approval. The following types of developments, subdivisions and site plans proposed wholly or partially within the Limited Development Area do not require review from the Critical Area Commission if the proposed project does not result in a physical disturbance to a Critical Area Buffer or other Habitat Protection Area:
 - (1) A single-family dwelling unit.
 - (2) An accessory structure to a single-family dwelling unit that may include, but is not limited to, a pool, garage, porch, shed or tennis court.
 - (3) Development in which the land disturbance does not exceed 15,000 square feet.
 - (4) Subdivisions resulting in 3 lots or less, which do not affect the County's growth allocation.
- B. General policies. New or expanded development or redevelopment shall take place in such a way as to:
 - (1) Maintain or improve the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries;
 - (2) Avoid or otherwise minimize disturbance to natural habitat; and
 - (3) Keep the prevailing density established in the surrounding area in accordance with the Critical Area designations.
- C. Development standards. In addition to all of the requirements set forth in §267-63.3 (Critical Area Development Requirements), all development in the Limited Development Area shall meet the following standards of environmental protection:
 - (1) Except as otherwise provided in this Subsection, lot coverage is limited to 15% of a lot or parcel, or any portions of a lot or parcel, that are designated LDA.
 - (a) If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then lot coverage is limited to 25% of the parcel or lot.
 - (b) If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to 15% of the parcel or lot.
 - (c) If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then lot coverage may exceed 15% of the individual lot; however, the total lot coverage for the entire subdivision may not exceed 15%.
 - (d) Lot coverage limits provided in paragraphs (a) and (b) above may be exceeded, upon findings by the Planning Director or his or her designee that the following conditions exist:

- [1] The lot or parcel is legally nonconforming. A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for the purpose of lot coverage requirements.
- [2] Lot coverage associated with new development activities on the property has been minimized.
- (e) For a lot or parcel one-half acre or less in size, total lot coverage does not exceed the lot coverage limits in paragraph (a) by more than 25% or 500 square feet, whichever is greater.
- (f) For a lot or parcel greater than one-half acre and less than 1 acre in size, total lot coverage does not exceed the lot coverage limits in paragraph (b) or 5,445 square feet, whichever is greater.
- (g) The following table summarizes the limits set forth above:

Table 1. Lot Coverage Limits

Lot/Parcel Size (square feet)	Lot Coverage Limit
0 – 8,000	25% of parcel + 500 sf
8,001 – 21,780	31.25% of parcel
21,781 – 36,300	5,445 sf
36,301 – 43,560	15% of parcel

- (h) If the Planning Director or his or her designee makes the findings set forth in paragraph (d) above and authorizes an applicant to use the lot coverage limits set forth in that paragraph, the applicant shall:
 - [1] Demonstrate that water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and
 - [2] Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to 2 times the area of the development activity.
 - [3] If the applicant cannot provide appropriate stormwater treatment and plantings due to site constraints, then the County may require the property owner to pay a fee to the County in lieu of performing the on-site mitigation. The amount of the fee shall be \$4.00 per square foot of the required mitigation. The County shall use all fees collected under this provision to fund projects that improve water quality within the Critical Area, consistent with the County Chesapeake Bay Critical Area Program.

(2) If a lot or parcel has 2 non-contiguous areas of Limited Development Area, the lot coverage of 1 Limited Development Area may be transferred to the other Limited Development Area on the same lot or parcel subject to the following conditions:

(a) The development shall be clustered in the Limited Development Area receiving the lot coverage and the Limited Development Area from which the lot coverage was taken shall be limited to a corresponding lesser amount of lot coverage, such that the overall lot or parcel inside the Critical Area maintains a 15% lot coverage limitation.

(b) This provision shall not apply to mobile home parks.

(3) If a Limited Development Area is the result of a growth allocation award, lot coverage shall be limited to 15% of the acreage within the growth allocation envelope (the acreage proposed for growth allocation deduction).

(4) Development on slopes 15% or greater, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards of this Section.

(5) Development may be allowed on soils having development constraints, including highly erodible soils, hydric soils and soils with severe septic constraints if the development includes mitigation measures that adequately address the identified constraints and will not have significant adverse impacts on water quality or plant, fish or wildlife habitat. A list of highly erodible and hydric soils can be found in Table 1 in the Harford County Chesapeake Bay Critical Area Program Manual.

(6) For all permit or zoning certificate applications submitted as described in this Section, the applicant shall:

(a) Demonstrate that water quality impacts associated with runoff from the development activities have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and

(b) Provide planting mitigation at a ratio of 1:1 for all disturbance outside of the Critical Area Buffer and other Habitat Protection Areas in order to offset potential adverse water quality impacts from the development activities, except as set forth in § 267-63.18 (Forest and Woodland Protection).

§ 267-63.6. Resource Conservation Areas.

A. Notification of project approval. Review from the Critical Area Commission is not required for developments, subdivisions or site plans proposed wholly or partially within the Resource Conservation Area for which the land disturbance does not exceed 5,000 square feet, nor does it result in a physical disturbance to the Critical Area Buffer or other Habitat Protection Area.

B. Development standards. In addition to all of the requirements set forth in §267-63.3 (Critical Area Development Requirements), all development in the Resource Conservation Area shall meet the following standards of environmental protection:

- (1) Preservation of agriculture, forestry and areas of natural habitat shall be considered preferred land uses within this area.
- (2) Nothing in this Section shall limit the ability of a participant in any agricultural easement program to convey real property restricted with such an easement to family members, provided that no such conveyance will result in a density greater than 1 dwelling unit per 20 acres.
- (3) Development activity within the Resource Conservation Area shall be consistent with the policies and standards for the Limited Development Area, as set forth in §267-63.5 (Limited Development Areas), including all mitigation requirements.
- (4) Any application for subdivision or site plan approval, not involving the use of growth allocation, shall have a minimum Critical Area Buffer of 200 feet from tidal waters or a tidal wetland.
 - (a) The 200-foot shoreline development buffer may be reduced if the strict application of the minimum 200-foot buffer would preclude:
 - [1] Subdivision of the property at a density of 1 dwelling unit per 20 acres, provided all other State and local requirements will be satisfied; or
 - [2] A family conveyance as permitted by the Resource Conservation Area standards.
 - (b) The reduced buffer should be the minimum necessary to accommodate a dwelling and a sewage reserve area, as determined by the Planning Director, but no less than 100 feet unless subdivision of the property at a density of 1 dwelling unit per 20 acres would be impossible. All other State and local requirements shall be satisfied.

C. Density.

- (1) New residential development shall be permitted at a maximum density of 1 dwelling unit per 20 acres. In calculating the 1 per 20 acre density of development that is permitted on a parcel located within the Resource Conservation Area, the County:
 - (a) Shall count each dwelling unit;
 - (b) May permit the area of any private wetlands located on the property to be included under the following conditions:
 - [1] The density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres; and
 - [2] The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State Wetlands Maps or by private survey approved by Harford County, the Critical Area Commission and Maryland Department of the Environment.

(2) One dwelling unit shall be permitted on any existing undeveloped parcel or lot of record as of December 1, 1985, regardless of the density requirement, provided that all other provisions of this Section are met.

D. Land uses.

(1) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture or residential development not exceeding the 1 dwelling unit per 20 acre density, shall be allowed in the Resource Conservation Area.

(2) New industrial, commercial and institutional development shall be prohibited.

(3) Passive uses are permitted in County-owned park and recreational facilities.

§ 267-63.7. The Critical Area Buffer.

A. Applicability and delineation. Any activity occurring on a lot or parcel that includes the Critical Area Buffer must comply with COMAR 27.01.09.01.01-7, as amended, included as Appendix K to the Harford County Chesapeake Bay Critical Area Program Manual. The Critical Area Buffer shall be delineated in the field and shown on all applications for proposed activities or changes in land use as follows:

(1) A Critical Area Buffer of 100 feet shall be drawn, and expanded as described in paragraph (4) of this Subsection, based on existing field conditions landward from:

(a) The mean high-water line of a tidal water;

(b) The top of each bank of a tributary stream; and

(c) The upland boundary of a tidal wetland.

(2) A Critical Area Buffer of 75 feet shall be drawn based on existing field conditions landward from the upland boundary of a nontidal wetland.

(3) A Critical Area Buffer of at least 200 feet from all tidal waterways and tidal wetlands shall be drawn on all applications for a subdivision or development activity in the Resource Conservation Area. In the following instances, the 200-foot Critical Area Buffer does not apply and the Critical Area Buffer shall be delineated in accordance with paragraph (1) and paragraph (4) of this Subsection:

(a) The application for subdivision or site plan approval was submitted before July 1, 2008, and legally recorded (subdivisions) or received approval (site plans), by July 1, 2010; or

(b) The application involves the use of growth allocation.

(4) A Critical Area Buffer shall be drawn to expand beyond 100 feet as described in paragraph (1) of this Subsection, and beyond 200 feet as described in paragraph (3) of this Subsection, to include the following contiguous land features:

- (a) A steep slope at a rate of 4 feet for every 1% of slope or the entire steep slope to the top of the slope, whichever is greater. Topographic information contained in Harford County's GIS will be used to determine the presence of steep slopes unless field verifications are provided to detail the locations of these slopes.
- (b) A nontidal wetland to the upland boundary of its 75-foot Critical Area Buffer.
- (c) The 100-foot Critical Area Buffer that is associated with a nontidal wetland of special State concern as stated in COMAR 26.23.06.01.
- (d) Hydric soils or highly erodible soils to the lesser of:
 - [1] The landward edge of the hydric or highly erodible soils; or
 - [2] 200 feet beyond the 100-foot Critical Area Buffer, for a total of 300 feet.

B. Authorized disturbance to the Critical Area Buffer. A Buffer Management Plan, as shown in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual, shall be required by the Department of Planning and Zoning prior to all disturbance activities in the Critical Area Buffer, whether or not a County permit or zoning certificate is required for the activity. Provided that a Buffer Management Plan is approved as required and all mitigation is performed in accordance with this Section, the Department of Planning and Zoning may authorize disturbance to the Critical Area Buffer for the following activities:

- (1) A new development or redevelopment activity associated with a water-dependent facility as set forth in §267-63.15 (Water-dependent Facilities and Activities), where mitigation occurs 2:1.
- (2) A shore erosion stabilization measure permitted by the State in accordance with COMAR 26.24.02.
- (3) The replacement of an existing septic system on a lot created before December 1, 1985, where mitigation occurs 1:1.
- (4) Disturbance for water access, specifically a direct or single pathway no wider than 3 feet (or ADA compliant in width and slope), where mitigation occurs 2:1.
- (5) A development or redevelopment activity approved in accordance with the variance provisions of the County Chesapeake Bay Critical Area Program.
- (6) The planting of native vegetation to protect, stabilize or otherwise enhance the shoreline.
- (7) The removal of invasive plants or other vegetative maintenance such as trimming and pruning, where mitigation occurs 1:1 for vegetation removal.

C. Critical Area Buffer establishment.

- (1) The Critical Area Buffer shall be established with vegetation in accordance with Table 2 below and Subsection D below, as a requirement for any of the following activities:
 - (a) Approval of a subdivision.
 - (b) Conversion from one land use to another land use on a lot or a parcel.
 - (c) Development or redevelopment on a lot or a parcel created before January 1, 2010.
- (2) The requirements of this Subsection are not applicable to an in-kind replacement of a structure.
- (3) Installation or cultivation of new lawn or turf shall be prohibited in the Critical Area Buffer.
- (4) The applicant shall provide a Buffer Management Plan for all proposed work in the Critical Area Buffer and shall seek County approval prior to the start of all work.
- (5) When the Critical Area Buffer is not fully forested or is not fully established in existing, naturally occurring woody or wetland vegetation, the applicant shall establish the Critical Area Buffer to the extent required in the following table:

Table 2. Critical Area (CA) Buffer Establishment Requirements.

Development Category	Lot Created Before December 1, 1985	Lot Created After December 1, 1985
Development on a vacant lot	Establish the CA Buffer based on total square footage of lot coverage outside of the CA Buffer	Fully establish the CA Buffer
Subdivision	Fully establish the CA Buffer	
New lot with an existing dwelling unit	Establish the CA Buffer based on total square footage of lot coverage outside of the CA Buffer	
Conversion of a land use on a parcel or lot to another land use	Fully establish the CA Buffer	
Addition, accessory structure or redevelopment	Establish the CA Buffer based on net square footage increase in lot coverage outside the CA Buffer	
Substantial alteration	Establish the CA Buffer based on total square footage of lot coverage outside the CA Buffer	

- (6) Any lot coverage removed from the Buffer may be deducted from the total cumulative amount of establishment required if:
 - (a) The lot coverage existed before the date of the local program adaption or was allowed by local procedures; and
 - (b) The total area is stabilized.

D. Mitigation for impacts to the Buffer.

(1) Mitigation and planting credit for the Critical Area Buffer. All authorized activities in the Critical Area Buffer shall require mitigation in the form of plantings or an approved payment of fee in lieu of plantings. Mitigation includes replacing any canopy coverage or shrubs removed in addition to the mitigation required for the disturbance in accordance with the Buffer Mitigation Ratios as set forth in Table 3.

Table 3. Buffer Mitigation Ratios

Activity	Mitigation Ratio
Septic on a lot created before local program approval if located in existing grass or if clearing is not required	Not applicable
Septic system in a forest or developed woodland on a lot created before local program approval if clearing is required	1:1
Shore erosion control	1:1
Riparian water access	2:1
Development of a water-dependent facility or activity under COMAR 27.01.03	2:1
Variance	3:1
Violation	4:1

(2) The removal of a dead, diseased, dying, hazardous or invasive tree shall be approved by the Department of Planning and Zoning prior to removal, and shall be replaced with a native canopy tree species of at least 5 feet tall with a caliper of at least 1 inch.

(3) The removal of a dead, diseased, dying, hazardous or invasive shrub shall be approved by the Department of Planning and Zoning prior to removal, and shall be replaced with a native shrub species purchased in a container of a 3-gallon size or larger.

(4) The removal of any vegetation, even those which have been planted by the owner, as well as the installation or cultivation of new lawn or turf is prohibited in the Critical Area Buffer. The vegetation in the Critical Area Buffer is required to be maintained in its natural condition.

(5) Any lot coverage removed from the Buffer may be deducted from the total cumulative amount of mitigation required if:

(a) The lot coverage existed before the date of local program adoption or was allowed by local procedures; and

(b) The total area is stabilized.

- (6) Planting for mitigation shall be planted as set forth in §267-63.18 (Forest and Woodland Protection) and included as Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual.
- (7) A variance to the planting and mitigation standards of the County Chesapeake Bay Critical Area Program shall not be permitted.
- (8) Failing to install or maintain the required mitigation shall constitute a violation of the County Chesapeake Critical Area program. A permit or zoning certificate application for any activity shall not be accepted for a property that has a violation.

E. Buffer planting standards. An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall apply the following planting credits and standards:

- (1) If planting to meet a mitigation requirement, the following combination of plantings may be used:
 - (a) If required to plant less than 1 acre, the entire requirement must be met using landscape stock as noted in Table 4.
 - (b) If required to plant 1 acre or more, at least 50% of the planting requirement may be met in landscape stock per Table 4 and the remainder may be met in flexible stock per Table 5.
- (2) If planting to meet an establishment requirement, the following combination of plantings may be used:
 - (a) If required to plant less than one-quarter acre, the entire requirement must be met using landscape stock per Table 4.
 - (b) If required to plant at least one-quarter acre and up to 1 acre, at least 25% of the requirement must be met using landscape stock per Table 4 and the remainder may be met in flexible stock per Table 5.
 - (c) If required to plant more than 1 acre, at least 10% of the requirement must be met using landscape stock per Table 4 and the remainder may be met in flexible stock per Table 5.
- (3) A variance to the planting and mitigation standards of this Section shall not be permitted.

F. Planting credits.

- (1) If required to plant using landscape stock, the following planting sizes and credit shall be used:

Table 4. Landscape Stock Credit.

Vegetation Type	Minimum Size Eligible for Credit	Maximum Credit Allowed (square feet)	Maximum Percentage of Landscape Stock Credit
Canopy tree	2-inch caliper	200	Not applicable
Canopy tree	3/4-inch caliper	100	Not applicable
Understory tree	3/4-inch caliper	75	Not applicable
Large shrub	3 feet high	50	30%
Small shrub	18 inches high	25	20%
Herbaceous perennial	1-quart or based on the area covered by plugs or seed mix	2	10%
Planting cluster A (for less than 1/2 acre of planting)	1 canopy tree; and 3 large shrubs or 6 small shrubs of size listed above	300	Not applicable
Planting cluster B (for less than 1/2 acre of planting)	2 understory trees; and 3 large shrubs or 6 small shrubs of size listed above	350	Not applicable

The Department of Planning and Zoning may authorize an applicant to increase the percentage of large shrubs, small shrubs or herbaceous perennials if:

- (a) The Buffer has existing canopy coverage of at least 50%; or
- (b) There are verified site constraints that preclude canopy plantings, including severely eroding slopes, saltwater intrusion, predominately sandy soils or unconsolidated fill.

(2) The following flexible planting stock may be used if authorized under Subsections E(1) or (2) above :

Table 5. Flexible Planting Stock.

Stock Size of Trees Only	Required # of Stems/Acre	Survivability Requirement	Minimum Financial Assurance Period After Planting
Bare-root seedlings or whip	700	50%	5 years
1/2-inch to 1-inch container grown trees	450	75%	2 years
More than 1-inch container grown trees	350	90%	2 years

G. Required submittal of Buffer Management Plans. An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall submit a Buffer Management Plan in accordance with COMAR 27.01.09.01-3. The provisions of this Section do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

- (1) Any permit for a development activity that requires buffer establishment or buffer mitigation will not be issued until a Buffer Management Plan is approved by the County.
- (2) An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved by the County.
- (3) The County may not approve a Buffer Management Plan unless:
 - (a) The plan clearly indicates that all planting standards under Subsection E above will be met; and
 - (b) Appropriate measures are in place for the long-term protection and maintenance of all Buffer areas.
- (4) For a Buffer Management Plan that is the result of an authorized disturbance to the Buffer, a permit authorizing final certificate of occupancy will not be issued until the applicant:
 - (a) Completes the implementation of a Buffer Management Plan; or
 - (b) Provides financial assurance to cover the costs for:
 - [1] Materials and installation; and
 - [2] If the mitigation or establishment requirement is at least 5,000 square feet, long-term survivability requirements as set forth in COMAR 27.01.09.01-2.
- (5) Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
- (6) If an applicant fails to implement a Buffer Management Plan, that failure shall constitute a violation of the County Chesapeake Bay Critical Area Program. A permit for any development activity will not be issued for a property that has a violation.
- (7) An applicant shall post a subdivision with permanent signs prior to final recordation in accordance with COMAR 27.01.09.01-2.
- (8) Buffer Management Plans that include natural regeneration shall follow the provisions of COMAR 27.01.09.01-4.

H. Fee-in-lieu of Critical Area Buffer Mitigation. If mitigation landscaping and/or offsets, as outlined in the County Chesapeake Critical Area Program and Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual, are not feasible as determined by the Director of Planning and Zoning, the applicant shall be required to pay a fee-in-lieu of \$4.00 per square foot of incomplete mitigation, as set forth in §267-63.18D (Forest and Woodland Protection, Fee-in-lieu of Planting Mitigation).

§ 267-63.8. Modified Buffer Areas.

A. Description. In addition to the requirements set forth in §267-63.7B (The Critical Area Buffer, Authorized Disturbance to the Critical Area Buffer), §267-63.7D (The Critical Area Buffer, Mitigation and Planting Credit for the Critical Area Buffer) and §267-63.7E (The Critical Area Buffer, Buffer Planting Standards), the following provisions shall also apply to shoreline areas that have been identified as Modified Buffer Areas, previously known as Buffer Exempt Areas. Modified Buffer Areas are those Critical Area Buffers on lots of record as of December 1, 1985 where the pattern of residential, industrial, commercial or recreational development prevents the Critical Area Buffer from fulfilling its intended purposes as stated in COMAR 27.01.09.01. Modified Buffer Areas are not expanded as described in § 267-63.7 (The Critical Area Buffer). The lots shall be officially designated by the County, and approved by the Critical Area Commission, as Modified Buffer Areas.

B. Requirements for all activities in the Modified Buffer Area. New development or redevelopment activities shall not be permitted in the Modified Buffer Area unless the applicant can demonstrate that there is no feasible alternative and the Department of Planning and Zoning finds that efforts have been made to minimize the impacts to the Modified Buffer Area. The development shall comply with the following standards:

- (1) A Buffer Management Plan shall be submitted for any activity or use that proposes a disturbance to the Critical Area Buffer, including a 25-foot vegetated buffer yard in the Critical Area Buffer as set forth in Subsections C and E below or invasive plant removal, and shall detail the proposed work and the required mitigation to be installed in accordance with COMAR 27.01.09.01-3, as set forth in §267-63.7 (The Critical Area Buffer).
- (2) Development and redevelopment activities are located as far as possible from mean high tide, the landward edge of wetlands and the edge of tributary streams.
- (3) Variances to other setback requirements shall be considered prior to approving additional intrusion into the Modified Buffer Area.
- (4) Convenience or expense are not factors considered when evaluating the extent of allowable impacts to the Modified Buffer Area.
- (5) Development and redevelopment shall not impact any Habitat Protection Area other than the Modified Buffer Area, other State or Federal permits notwithstanding.
- (6) Modified Buffer Area designations shall not be used to facilitate the filling of wetlands, including those that are contiguous to the Critical Area Buffer, or to create additional buildable land for new development or redevelopment.
- (7) No vegetation shall be removed from the Critical Area Buffer except that which is required by the approved activity. The applicant shall be required to maintain any other vegetation in the Critical Area Buffer.

C. Commercial, industrial, institutional, recreational and multi-family residential development and redevelopment standards. In addition to the requirements outlined in Subsection B above, activities in the Modified Buffer Area shall also comply with the following standards:

- (1) New structures shall minimize the extent of intrusion into the Modified Buffer. The new development shall not be located closer to the water (or edge of wetlands) than the setback for the underlying zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. The 50-foot setback shall be maintained for all subsequent development or redevelopment of the property.
- (2) Redevelopment, including the replacement of accessory structures, shall minimize the extent of intrusion into the Modified Buffer Area. Redevelopment shall not be located closer to the water (or edge of wetlands) than the setback for the underlying zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. Grandfathered structures located within the setback may remain or a new structure may be constructed in the same footprint of an existing structure or lot coverage. Opportunities to establish a 25-foot vegetated buffer yard should be maximized.

D. Single-family residential development and redevelopment standards. In addition to the requirements outlined in Subsection B above, proposed activities in the Modified Buffer Area shall also comply with the following standards:

- (1) New accessory structures shall minimize the shoreward extent of intrusion into the Modified Buffer Area. New development and redevelopment shall not be located closer to the water (or the edge of wetlands) than 50 feet, or any closer than principal structures on adjacent properties, whichever is greater.
- (2) Grandfathered accessory structures in the Modified Buffer Area may be replaced in the same footprint. Any increase in lot coverage within the Modified Buffer Area shall comply fully with the requirements of the County Chesapeake Bay Critical Area Program.
- (3) New accessory structures may be permitted in the Modified Buffer Area in accordance with the following requirements:
 - (a) The disturbance area of the accessory structure within the Modified Buffer Area shall be minimized.
 - (b) The cumulative total area of all new and existing accessory structures on the property shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total.

E. Mitigation in the Modified Buffer Area.

- (1) The removal of any vegetation from the Critical Area Buffer, including invasive species, shall require planting mitigation equivalent to the area of canopy coverage removed.
- (2) All development and redevelopment activities in the Modified Buffer Area require mitigation at a rate of 2:1, rounded to the nearest 100 square feet of canopy coverage. Mitigation measures shall be implemented based on the order of preference as listed in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual.

(3) Additional mitigation for commercial, industrial, institutional, recreational and multi-family residential development or redevelopment shall be required in the Modified Buffer. In addition to implementing the mitigation measures as described in this Subsection, a 25-foot vegetated buffer yard shall also be established as follows:

(a) A forested or landscaped buffer yard of at least 25 feet wide shall be established on site between the development and the water. This vegetated buffer yard shall be densely planted with trees and shrubs in accordance with Table 6, below.

(b) For redevelopment sites where existing structures, or those rebuilt on an existing footprint, limit the area available for planting, appropriate modifications to the width of the planted buffer yard may be made on a case-by-case basis.

Table 6. Required Buffer Yard Planting.

Area	Quantity and Stocking	Suggested Species
For every 100 linear feet of buffer yard	5 trees; and	white or red oak, pin oak, willow oak, red maple, American holly, eastern red cedar
	10 understory trees/large shrubs; and	dogwood, mountain laurel, bayberry, shadblush, winterberry
	30 small shrubs; and	pepperbush, chokeberry, strawberry bush, sweetspire
	40 herbaceous plants, grasses	wild columbine, butterflyweed, common milkweed, asters

(4) Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes or other instrument and recorded among the Land Records of Harford County.

(5) Applicants who cannot comply with either the planting or offset requirements above shall pay a fee-in-lieu of \$4.00 per square foot of required mitigation. Fee-in-lieu funding shall be utilized as set forth in §267-63.18D (Forest and Woodland Protection, Fee-in-lieu of Planting Mitigation).

(6) Notification. All new commercial, industrial, institutional, recreational, multi-family residential development or redevelopment projects shall be submitted to the Critical Area Commission in accordance with §267-63.1D (Implementation, Notification of Project Approval). Mitigation Plans shall be included as part of the project submission.

§ 267-63.9. Habitat Protection Areas. [Amended by Bill 23-37]

A. Description. Areas with significant natural resource value are called Habitat Protection Areas no matter where they are located within the Critical Area. To ensure protection of these areas, an applicant for a development activity, redevelopment activity or change in

land use shall identify all applicable Habitat Protection Areas and follow the standards set forth in COMAR 27.01.09, as amended, included in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual. In addition to the Critical Area Buffer described in §267-63.7 (The Critical Area Buffer) and §267-63.8 (Modified Buffer Areas), other Habitat Protection Areas include:

- (1) Wetlands or other identified aquatic habitats.
- (2) Habitats of State and Federally Designated and Listed Threatened or Endangered Species or Species in Need of Conservation, Natural Heritage Areas and Habitats of Local Significance.

Species sites include:

- (a) Boyer Road Shoreline
- (b) Gunpowder Shore
- (c) I-95 Crossing
- (d) Lower Deer Creek
- (e) Lower Susquehanna
- (f) Northern Susquehanna Canal
- (g) Oakington Shore
- (h) Otter Point Creek
- (i) South Lapidum
- (j) Stafford Road Slopes
- (k) Swan Creek

Species include:

- (a) Small Waterwort (rare)
- (b) Mudwort (endangered)
- (c) Parker's Pipewort (threatened)
- (d) Maryland Bur-Marigold (watchlist)
- (e) Spongy Lophotocarpus (rare)
- (f) Northern Map Turtle (endangered)
- (g) Chesapeake Logperch (threatened)

- (h) Maryland Darter (endangered)
- (i) Single-Headed Pussytoes (threatened)
- (j) Rapids Clubtail (in need of conservation)
- (k) Shortnose Sturgeon (endangered)
- (l) Atlantic Sturgeon (threatened)
- (m) Short's Rockcress (watchlist)
- (n) Starflower Solomon's-Plume (endangered)
- (o) Sweet-Scented Indian-Plantain (endangered)
- (p) Valerian (endangered)
- (q) Creeper (in need of conservation)
- (r) Alewife Floater (watchlist)
- (s) Comely Shiner (watchlist)
- (t) Primrose-Willow (state rare)
- (u) Potomac Amphipod (watchlist)
- (v) Salt-Marsh Bulrush (rare)
- (w) Tickseed Sunflower (watchlist)

(3) Colonial water bird nesting sites.

(4) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species.

(5) Anadromous fish propagation waters.

(6) Waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands.

(7) Other areas that may, in the future, be identified by State and Federal agencies as important plant and wildlife habitat areas. The process for designation of new habitats shall be in accordance with COMAR 27.01.09.04C(2)(c).

B. Maps identifying these specific Habitat Protection Areas are maintained by the Department of Natural Resources Wildlife and Heritage Division. The most recent updated inventory was completed in August, 2022, and recommendations contained in Appendix 1 of the Harford County Critical Area Program, entitled "Habitat Protection Areas for the Harford County Critical Area" and are hereby incorporated into this Code.

C. Process.

- (1) The disturbance of a Habitat Protection Area shall be prohibited unless permitted as set forth in Subsection D below.
- (2) An applicant for a proposed activity within a Habitat Protection Area shall request review by the Department of Natural Resources Wildlife and Heritage Service, and, as necessary, the United States Fish and Wildlife Service, for comment and technical advice.
- (3) An applicant shall coordinate with the Department of Natural Resources to develop a Habitat Protection Plan that provides for the protection and conservation of the species and habitats identified.

D. Special conditions.

- (1) The location of roads, bridges or utilities shall be prohibited within the boundaries of a Habitat Protection Area unless there is no feasible alternative, as determined by the Director of Planning and Zoning in consultation with the Director of the Department of Public Works, in which case they shall be located, designed, constructed and maintained to provide maximum erosion protection, minimize adverse effects on wildlife and aquatic life and their habitats and maintain hydrologic processes and water quality.
- (2) Existing farm ponds and other existing man-made bodies of water for the purpose of impounding water for agriculture, water supply, recreation or waterfowl habitat are specifically excluded from coverage by the provisions of this Section.
- (3) Any activity that occurs in a free-flowing stream with a watershed of 400 acres or more (or 100 acres or more in the case of trout streams) requires a Waterways Construction/Obstruction Permit from the Maryland Department of the Environment.
- (4) An applicant shall demonstrate how development activities that must cross or otherwise affect streams will be designed to:
 - (a) Reduce increases in flood frequency and severity that are attributable to development;
 - (b) Retain tree canopy so as to maintain stream water temperatures within normal variation;
 - (c) Provide a natural substrate for streambeds; and
 - (d) Minimize adverse water quality and quantity impacts of stormwater.

E. Threatened and endangered species and species in need of conservation. If a threatened or endangered species, or species in need of conservation, is identified on a development site, the Habitat Protection Plan shall include a designated protection area around the habitat occurring on site, unless the applicant can demonstrate development impacts have been minimized, as determined by the Department of Natural Resources.

F. Plant and Wildlife Habitat Protection Areas.

- (1) Plant and wildlife habitats in the Critical Area include:
 - (a) Colonial water bird nesting sites;
 - (b) Waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
 - (c) Existing riparian forests (e.g., relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands or the bay shoreline and which are documented breeding areas);
 - (d) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species (e.g., relatively mature forested areas within the Critical Area of 100 acres or more, or forest connected with such areas);
 - (e) Other areas which may, in the future, be identified by the State and Federal agencies as important plant and wildlife habitat areas;
 - (f) Other plant and wildlife habitats determined to be of local significance, which include the following:
 - [1] Belcamp Beach
 - [2] Grays Run
 - [3] Leight Park Site
 - [4] Perryman Woods
 - [5] Swan Creek Point
 - [6] Willoughby Woods; and
 - (g) Natural Heritage Areas which have been designated.
- (2) The policies of the County regarding plant and wildlife habitat in the Critical Area shall be to:
 - (a) Conserve plant and wildlife habitat in the Critical Area ;
 - (b) Protect those plant and wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue;
 - (c) Protect those plant and wildlife habitat types which are required to support the continued presence of various species;
 - (d) Protect those plant and wildlife habitat types and plant communities which are determined by the County to be of local significance; and
 - (e) Protect Natural Heritage Areas.

- (3) If a plant or wildlife habitat is identified on a development site, the Habitat Protection Plan shall include a designated protection area around the habitat occurring on site, unless the applicant can demonstrate development impacts have been minimized, as determined by the Department of Natural Resources.
- (4) When proposing development activities within riparian forests or forest areas utilized as breeding areas by forest interior dwelling birds, applicants shall utilize the guidance found in the Critical Area Commission publication entitled "*A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*" dated June 2000, and as may be subsequently amended. In addition, the Department of Natural Resources may make specific recommendations based on an evaluation of the site and the proposed development.
- (5) For development activities in Resource Conservation Areas and Limited Development Areas, wildlife corridors shall be established and used to connect areas left in forest cover with any large forest tracts which are located outside of the area of the property being developed or subdivided. The area left in forest cover (at least 70% of the tract in LDAs or RCAs as required by the County Chesapeake Bay Critical Area Program) shall be adjacent to larger forest, not left as an isolated island of trees. Planting required as a mitigation measure shall also be adjacent to other habitat.
- (6) Buffer areas for nesting sites of colonial nesting water birds shall be established so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season.
- (7) New water-dependent facilities shall be located to prevent disturbance to sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.
- (8) Protection measures, including a buffer area, shall be established where appropriate for other plant and wildlife habitat sites identified in this ordinance.
- (9) Forested areas required to support wildlife species identified as threatened and endangered, or in need of conservation, shall be protected and conserved by developing management programs which have as their objective conserving the wildlife that inhabit or use the areas. Development activities, or the clearing or cutting of trees which might occur in the areas, shall be conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into timber harvest plans, forest management plans, cluster zoning or other site design criteria which provide for the conservation of wildlife habitat. Measures may also include soil conservation plans which have wildlife habitat protection provisions appropriate to the areas defined above and incentive programs which use the acquisition of easements and other similar techniques.
- (10) When development activities, or the cutting or clearing of trees, occur in forested areas, to the extent practical, corridors of existing forest or woodland vegetation shall be maintained to provide effective connections between wildlife habitat areas.

- (11) Those plant and wildlife habitats considered to be of local significance by the County shall be protected. Examples of these are those whose habitat values may not be of Statewide significance but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction or because the species are found in unusually high concentrations.
- (12) Natural Heritage Areas shall be protected from alterations due to development activities, or cutting or clearing, so that the structure and species composition of the areas are maintained.

G. Anadromous fish propagation waters.

- (1) The Department of Natural Resources has identified and mapped anadromous fish propagation waters as defined in this Section 267-4 (Definitions) and these maps are available by contacting the Department.
- (2) The policies of the County with regard to anadromous fish propagation waters shall be to:
 - (a) Protect the instream and streambank habitat of anadromous fish propagation waters;
 - (b) Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of the streams; and
 - (c) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.
- (3) Within anadromous fish propagation watersheds, the following measures are required:
 - (a) The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
 - (b) Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish shall be prohibited.
 - (c) The County shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
 - [1] Minimize development activities or land disturbances within the watershed;
 - [2] Maintain, or if practicable, improve water quality in affected streams or other water bodies;
 - [3] Minimize to the extent possible the discharge of sediments into affected streams or other water bodies; and

[4] Maintain, or if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams.

(4) The County shall ensure coordination and compliance with complementary State laws and regulations and shall:

(a) Prohibit the construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams or other designated water bodies. If practical, existing structures shall be removed.

(b) Ensure that the construction, repair or maintenance activities associated with bridges, or other stream crossing or with utilities and roads, which involve disturbance within the Buffer or which occur instream, as described in COMAR 08.05.03.11B(5), shall be prohibited between March 1 and June 15 of each year.

§ 267-63.10. Grandfathering.

A. Continuation of existing uses and structures.

(1) Any use or structure in existence as of December 1, 1985 shall be allowed to continue as originally built and utilized, but the intensification or expansion of that use beyond the maximum lot coverage allowed shall not be permitted without a variance.

(2) If an existing use or structure has been abandoned for more than 1 year or is otherwise restricted by the current Zoning Code, the County may determine that such a use is no longer grandfathered and must conform to the regulations of the current Zoning Code.

(3) When new construction or additional improvements to a grandfathered structure take place outside of the existing footprint or foundational footprint, that structure shall no longer be considered as grandfathered and must conform to the regulations of the current Zoning Code. Such a structure that serves as the primary structure or residence on the property shall require a new property survey.

(4) Mitigation or removal of lot coverage shall be required for proposed intensification or expansion of grandfathered lots or parcels, as set forth in §267-63.5C(2) (Limited Development Areas, Development Standards), provided that all regulations of the County Chesapeake Bay Critical Area Program, including density requirements, have been met.

(5) If any existing use does not conform with the provisions of this Section, or §267-20 (Nonconforming Buildings, Structures and Uses) and §267-21 (Enlargement or Extension of Nonconforming, Nonresidential Buildings, Structures or Uses), a variance shall be required for its intensification or expansion, in accordance with the procedures in §267-63.12 (Variances).

B. Implementation.

- (1) Nothing in this Section shall be interpreted as altering any requirements of the County Chesapeake Bay Critical Area Program, including those related to water-dependent facilities and Habitat Protection Areas.
- (2) Refer to Appendix D of the Harford County Chesapeake Bay Critical Area Program Manual for additional requirements and development regulations pertaining to grandfathered lots and parcels.

§ 267-63.11. Lot Consolidation and Reconfiguration.

A. Applicability.

- (1) The provisions of this Section shall apply to a consolidation or a reconfiguration of any nonconforming grandfathered parcel or lot.
- (2) In this Section, consolidation means a combination of any legal parcels of land or recorded legally buildable lots into fewer lots or parcels than originally existed. Consolidation includes any term used by the County for a development application that proposes to combine legal parcels of land or recorded legally buildable lots into fewer parcels or lots than the number that existed before the application, a lot line abandonment, a boundary line adjustment, a replatting request, and a lot line adjustment.
- (3) In this Section, reconfiguration means a change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. Reconfiguration includes a lot line adjustment, a boundary line adjustment, and a replatting request.
- (4) These provisions do not apply to grandfathered parcels or lots that are conforming, or those that meet all of the County Chesapeake Bay Critical Area Program requirements.
- (5) Nonconforming parcels or lots include:
 - (a) Those for which a Critical Area variance is sought or has been issued.
 - (b) Those located in the Resource Conservation Area and are less than 20 acres in size.
 - (c) Those with grandfathered lot coverage that exceeds the maximum amount allowed.

B. Procedure.

- (1) An applicant seeking a consolidation or reconfiguration shall provide the required information outlined in Subsection C below.
- (2) A consolidation or reconfiguration shall not be approved without making written findings in accordance with Subsection D below and COMAR 27.01.02.08.F.

(3) The Department of Planning and Zoning shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.

(a) After a final written decision or order is issued, the Department of Planning and Zoning shall send a copy of the decision or order with a copy of any approved development plan to the Critical Area Commission's business address within 10 business days.

(b) Minor lot line adjustments of 10 feet or less between 2 nonconforming lots of record are exempt from submittal to the Critical Area Commission.

(4) The Department of Planning and Zoning shall not issue a building permit or approval of any kind until the 30-day appeal timeframe has expired pursuant to COMAR 27.01.02.08.H.

C. Process for submittal. An application for the consolidation or reconfiguration of any nonconforming parcel of land or recorded legally buildable lot shall be submitted following the procedure set forth in the County's Subdivision Regulations contained in Chapter 268 of the Harford County Code and shall contain at least the following information:

(1) The date of recordation for each legal parcel of land or legally buildable lot to be consolidated or reconfigured.

(2) A plan drawn to scale that shows all existing and proposed lot or parcel boundaries.

(3) A table that lists the number of all legal parcels or recorded legally buildable lots and the number of proposed lots, parcels or dwelling units to be derived.

(4) Information sufficient to make the findings set forth in Subsection D below.

D. Standards. The Department of Planning and Zoning shall review an application for a proposed lot consolidation or reconfiguration and in order to approve said application shall make written findings that each one of the following standards has been met:

(1) The proposed consolidation or reconfiguration shall result in no greater number of lots, parcels or dwelling units in the Critical Area than the existing configuration would allow.

(2) The proposed lot consolidation or reconfiguration shall result in no greater lot coverage than the existing configuration would allow.

(3) The proposed consolidation or reconfiguration shall not:

(a) Create an additional riparian lot or parcel, waterfront lot or any other lot or parcel deeded with water access; or

(b) Intensify or increase impacts associated with riparian access.

(4) The proposed consolidation or reconfiguration shall not create:

- (a) A lot, parcel or portion of a lot or parcel that will serve development activities outside of the Critical Area; or
- (b) A Resource Conservation Area lot or parcel that serves development activities in the Intensely Developed Area or Limited Development Area.

(5) The proposed consolidation or reconfiguration plan shall identify steep slopes and Habitat Protection Areas. If impacts to a steep slope or Habitat Protection Area are proposed, the application shall demonstrate that:

- (a) No greater impact to a steep slope or Habitat Protection Area will result than the impact that would have resulted from the existing lot configuration; and
- (b) Protective measures and restoration measures are implemented as recommended by the Maryland Department of Natural Resources, the United States Fish and Wildlife Service or other agency or organization where applicable.

(6) The proposed consolidation or reconfiguration shall provide:

- (a) Stormwater management for all proposed development activities;
- (b) Benefits to fish, wildlife and plant habitats that are clearly identified;
- (c) Critical Area Buffer establishment as set forth in §267-63.7 (The Critical Area Buffer) and §267-63.8 (Modified Buffer Areas); and
- (d) Afforestation and reforestation requirements as set forth in §267-63.18 (Forest and Woodland Protection).

§ 267-63.12. Variances.

In addition to the regulations set forth in §267-11 (Variances), the provisions of this Section shall also apply to variances in the Critical Area .

A. Applicability. Variances as described in this Section shall only be granted if, due to special features of a site or other circumstances, implementation of the County Chesapeake Bay Critical Area Program or a literal enforcement of its provisions would result in an unwarranted hardship to an applicant.

- (1) Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
- (2) The County shall presume that the specific development activity in the Critical Area for which a variance is required does not conform with the general purpose and intent of Title 8, Subtitle 18 of the Natural Resources Article of the Annotated of Code of Maryland, as the same may be amended, Title 27 of the Code of Maryland Regulations and the requirements of the County Chesapeake Bay Critical Area Program.

(3) In accordance with Section 8-1808(D)(2) of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended, in this Section, if a person meets the threshold under Federal law, the person shall have standing to participate as a party in the administrative proceeding.

B. Standards. In granting a variance, the Board of Appeals shall find that the following standards have been met:

- (1) Due to special features of the site or special conditions or circumstances peculiar to the land or structure involved, a literal enforcement of provisions and requirements of the County Chesapeake Bay Critical Area Program would result in an unwarranted hardship.
- (2) A literal interpretation of the provisions of the County Chesapeake Bay Critical Area Program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.
- (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area by the County Chesapeake Bay Critical Area Program.
- (4) The variance request is not based upon conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.
- (5) The variance request does not arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.
- (6) The granting of a variance shall not adversely affect water quality, fish, wildlife or plant habitat within the Critical Area.
- (7) The granting of the variance will be in harmony with the general spirit and intent of the Chesapeake Bay Critical Area Act and the County Chesapeake Bay Critical Area Program.
- (8) All identified Habitat Protection Areas on or adjacent to the site shall be protected from the proposed development by implementation of either on-site or off-site measures.
- (9) The variance request will not be substantially detrimental to adjacent properties or materially impair the purpose of this Part 1 or the public interest.

C. Process.

- (1) Applications for a variance shall be made in accordance with §267-9D (Board of Appeals, Filings), and a copy shall be provided to the Critical Area Commission. The Department of Planning and Zoning shall follow its established procedures for preparing its staff report and for advertising and notification to affected landowners as set forth in the Zoning Board of Appeals Rules of Procedure contained in Chapter A274 of the Harford County Code.

- (2) The Department of Planning and Zoning shall require additional information, studies or documentation deemed necessary to ensure that all applicable requirements are met. Applications shall not be considered complete for processing until all information as required by the Department of Planning and Zoning has been received.
- (3) After a hearing on an application for a variance from the County Chesapeake Bay Critical Area Program, the Board of Appeals shall make written findings reflecting analysis of each standard. With due regard for the person's technical competence and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
 - (a) The applicant;
 - (b) The County or any other government agency; or
 - (c) Any other person deemed appropriate by the Department of Planning and Zoning.
- (4) The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in Subsection A(2) above.
- (5) If an activity or structure for which a variance is requested commenced without permits or approvals and does not meet each of the variance criteria under this Section, the variance request shall be denied and the structure must be removed or relocated and the affected resources restored.
- (6) The Department of Planning and Zoning shall notify the Critical Area Commission of the findings and decision to grant or deny the variance request within 10 business days of the issuance of the decision.
- (7) The Department of Planning and Zoning shall not issue a permit or zoning certificate for the activity that was the subject of the variance application until all applicable appeal timeframes have expired.

D. After-the-fact requests.

- (1) The County shall not accept an application for a variance to legalize a violation of the County Chesapeake Bay Critical Area Program, including an unpermitted structure or other development activity, until the County issues a Notice of Violation.
- (2) The Board of Appeals shall not approve an after-the-fact variance unless an applicant has:
 - (a) Fully paid all criminal fines and penalties imposed under §§ 8-1808(C)(1)(iii)14-15 and (2)(i) of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended;
 - (b) Prepared a restoration or mitigation plan, approved by the Department of Planning and Zoning, to abate impacts to water quality or natural resources as a result of the violation;

- (c) Performed the abatement measures in the approved plan in accordance with the County Chesapeake Bay Critical Area Program; and
- (d) Agreed to install any additional mitigation required within 90 days of the issuance of a permit, approval or variance for the affected property. An extension of planting time may be approved by the Department of Planning and Zoning in case of adverse planting conditions.

(3) If the Board of Appeals denies the requested after-the-fact variance, then the County shall:

- (a) Order removal or relocation of any structure; and
- (b) Order restoration of the affected resources.

E. Conditions and mitigation. The Board of Appeals shall impose the following conditions on the use or development of a property that is granted a variance to ensure that the spirit and intent of the County Chesapeake Bay Critical Area Program is maintained:

- (1) Mitigation shall be required at a ratio of 3:1 per square foot, or as recommended by the Department of Planning and Zoning, to offset potential adverse impacts resulting from the granting of the variance; and
- (2) New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of all wetlands, tributary streams, nontidal wetlands and steep slopes.

§ 267-63.13. Local Development Projects.

A. Applicability. For all development in the Critical Area resulting from, or initiated by, any County department or agency, the County shall comply with the provisions set forth in COMAR 27.02.02, COMAR 27.02.04 and COMAR 27.02.06.

B. Procedures. The sponsoring department or agency of any development project within the County's Critical Area shall work with the Department of Planning and Zoning to determine compliance with the County Chesapeake Bay Critical Area Program.

- (1) If the project meets the provisions of the County Chesapeake Bay Critical Area Program and is locally significant, the Department of Planning and Zoning shall:
 - [a] Prepare a consistency report; and
 - [b] Submit a copy of the report with relevant plans and information about the project to the Critical Area Commission pursuant to the requirements set forth in COMAR 27.02.02.
- (2) If the project does not meet the provisions of the County Chesapeake Bay Critical Area Program, or if development in the Critical Area is unavoidable because of water dependency or other locational requirements that cannot be satisfied outside of the Critical Area, the Department of Planning and Zoning shall:

- [a] Seek conditional approval by the Critical Area Commission per the requirements of COMAR 27.02.06;
- [b] Submit information as required in the Critical Area Commission's *Local Project Submittal Instructions and Application Checklist*;

(3) New major development by a County agency shall, to the extent practical, be located outside the Critical Area. If the siting of the development in the Critical Area is unavoidable because of water dependency or other locational requirements that cannot be satisfied outside the Critical Area, the Department of Planning and Zoning shall request approval from the Critical Area Commission per the Commission's *Local Project Submittal Instructions and Application Checklist* and provide the following information:

- [a] Provide any findings and supporting documentation showing the extent to which the project or development is consistent with the provisions and requirements of the County Chesapeake Bay Critical Area Program; and
- [b] Provide an evaluation of the effects of the project on the County Chesapeake Bay Critical Area Program.

C. Critical Area Commission public notice requirements. Public notice is required for all development projects that qualify under COMAR 27.03.01.03. Public notice shall be the responsibility of the County agency proposing the project, and the agency shall provide evidence as part of its submittal to the Critical Area Commission that:

(1) Public notice was published for 1 business day in a newspaper of general circulation in the geographic area where the proposed development would occur, including the following information:

- (a) The identity of the sponsoring local agency as well as any other local or State agencies affiliated with the project.
- (b) A description of the proposed development.
- (c) The street address of the affected land and a statement that its location is in the Critical Area.
- (d) The name and contact information of the person within the sponsoring State agency or local agency designated to receive public comment, including a fax number and email address, and the deadline for receipt of public comment.

(2) A sign was posted on the property no later than the date of which the notice was published in the newspaper. The sign shall meet the following requirements:

- (a) The display area of the sign is a minimum of 30 inches by 40 inches in size.
- (b) The same information is displayed on the sign as set forth in paragraph (1) of this Subsection.

- (c) The sign is located in a conspicuous area on the development site and will remain there until after the Critical Area Commission has voted on the development.
- (d) For development that extends more than 1,000 linear feet in road frontage, at least 1 sign is posted at each end of the affected land for which the development is proposed.

(3) In addition to the public notice required in paragraphs (1) and (2) of this Subsection, the County may also provide public notice by electronic posting on the County website, on the website of a newspaper of general circulation in the geographic area where the proposed development would occur or by notification to a neighborhood association or citizens of a particular geographic area.

(4) Additional evidence of public notice to include the following documentation:

- (a) The name of the newspaper and the date on which the notice was published.
- (b) A copy of the public notice as it was published in the newspaper.
- (c) A copy of each written comment received during the required 14-day response period following the public notice.

§ 267-63.14. Program Changes.

A. Description. The Department of Planning and Zoning may see the need to amend the County Chesapeake Bay Critical Area Program. County Critical Area Program changes may include, but are not limited to, amendments, refinements, revisions and modifications to zoning regulations, subdivision regulations, Critical Area Maps, the Harford County Chesapeake Bay Critical Area Program Manual, implementation procedures and local policies that affect the County Chesapeake Bay Critical Area Program.

(1) All requirements as stated in this Section and in the County Chesapeake Bay Critical Area Program shall be applied to any proposed change to the Critical Area designation boundaries, or the management thereof, including:

- (a) A request for growth allocation.
- (b) A mistake in the mapping of the original designation area.
- (c) The periodic review of the overall County Chesapeake Bay Critical Area Program.

(2) All proposed changes to the County Chesapeake Bay Critical Area Program as set forth in this Section shall adhere to the process and submittal requirements, where applicable, as outlined in Subsection B below. This shall be done prior to submission for approval to the Critical Area Commission.

- (3) All proposed changes shall also be approved by the Critical Area Commission as established in §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, as may be amended. No change shall be implemented without approval of the Critical Area Commission.
- (4) Standards and procedures for Critical Area Commission approval of proposed changes are as set forth in the Chesapeake Bay Critical Area Act, codified in §8-1809(l) and (D), respectively, of the Natural Resources Article of the Annotated Code of Maryland, as may be amended.

B. Process. All changes to the County Chesapeake Bay Critical Area Program shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this Section:

- (1) The following fees shall apply to all applications for changes to the Critical Area designation boundaries:
 - (a) \$200 for publication and posting.
 - (b) \$500 for filing.
 - (c) \$15 per requested acre, or portion of an acre, within the Critical Area.
- (2) The Department of Planning and Zoning shall submit all proposed amendments to the Planning Advisory Board and the Environmental Advisory Board for review, accompanied by written reasoning for the changes.
- (3) The Planning Advisory Board and the Environmental Advisory Board shall transmit their written recommendations regarding the proposed amendments to the Department of Planning and Zoning within 60 calendar days.
- (4) The Department of Planning and Zoning shall send the amendments, as revised per the written recommendations received from the boards, to the County Council for consideration.
- (5) Within 30 days of the County Council's approval, the amendments package shall be sent to the Critical Area Commission for review. No amendments shall be considered final until written approval is received from the Critical Area Commission. The amendments package shall be accompanied, where applicable, by pertinent findings, plans, environmental reports and studies as described below:
 - (a) A written finding that ensures the proposed amendment is consistent with the purposes, policies, goals and provisions of the Chesapeake Bay Critical Area Act and all criteria of the Critical Area Commission.
 - (b) A conceptual site plan and environmental features map in accordance with COMAR 27.01.02.06-1.B.

- (c) An environmental report, when applicable, that includes comments from the Maryland Department of the Environment, Maryland Department of Natural Resources, United States Fish and Wildlife Service, Maryland Historical Trust and U.S. Army Corps of Engineers.
- (d) A map that shows the land area where the amendments are proposed.

(6) The County's official Critical Area Maps and County Chesapeake Bay Critical Area Program shall be amended to reflect any approved changes, and a copy of these documents shall be provided to the Critical Area Commission.

C. Growth allocation.

- (1) Growth allocation is the number of acres of land available to the County to reclassify a Critical Area designation as a new Limited Development Area or Intensely Developed Area. Growth allocation is available for use in a Limited Development Area or Resource Conservation Area in order to develop at a higher density or allow a use other than what the current classification allows.
- (2) An annexation by a municipality shall meet all of the requirements of this Section and of the County Chesapeake Bay Critical Area Program when the proposed use on the parcel requires a land use designation change.
- (3) An applicant shall submit a completed application for a growth allocation to the Department of Planning and Zoning that complies with all of the requirements set forth in this Section, the County Chesapeake Bay Critical Area Program and COMAR 27.01.02.06-1.
- (4) Refer to Chapter 2 of the Harford County Chesapeake Bay Critical Area Program Manual for additional information regarding the application review process and associated requirements for the use of growth allocation.
- (5) Consistency with the comprehensive plan under this Section means that a proposal will further, and not be contrary to, the following items in the comprehensive plan:
 - (a) Policies;
 - (b) Timing of implementation, or development, and of rezoning;
 - (c) Development patterns;
 - (d) Land uses; and
 - (e) Densities and intensities.

D. Comprehensive reviews. The Department of Planning and Zoning shall review its entire County Chesapeake Bay Critical Area Program and shall propose any necessary changes to any part of the County Chesapeake Bay Critical Area Program at least every 6 years. The changes shall be reviewed and considered by the County Council. The anniversary of the date that the County Chesapeake Bay Critical Area Program became effective shall be used to determine when the review shall be completed. Within 60 days after completion of the County Council's review, the County shall send the following information, in writing, to the Critical Area Commission:

- (1) A statement certifying that the required review has been accomplished.
- (2) All necessary requests for the County Chesapeake Bay Critical Area Program amendments, refinements or other matters that the County wishes the Critical Area Commission to consider.
- (3) An updated resource inventory.
- (4) A statement quantifying acreages within each land classification, the growth allocation used and the growth allocation remaining.

E. Zoning map amendments. Except for amendments or refinements to the County Chesapeake Bay Critical Area Program developed during the 6-year comprehensive review, a zoning map amendment shall only be granted by the County Council upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:

- (1) Are wholly consistent with the land classifications in the adopted County Chesapeake Bay Critical Area Program; or
- (2) Propose the use of growth allocation in accordance with the growth allocation provisions of the County Chesapeake Bay Critical Area Program.

F. Adoption of a County Chesapeake Bay Critical Area Program change. If approved by the Critical Area Commission, the Department of Planning and Zoning shall incorporate the proposed changes into its adopted County Chesapeake Bay Critical Area Program, including any conditions of approval, within 120 days of receiving notice from the Chairman of the Critical Area Commission.

§ 267-63.15. Water-dependent Facilities and Activities.

A. Applicability. The provisions of this Section apply to those structures or activities associated with industrial, maritime, recreational, educational, aquaculture 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 of the Critical Area Buffer and is dependent on the water by reason of the intrinsic nature of its operation. These provisions do not apply to silviculture activities.

B. Identification.

- (1) The provisions of this Section are not applicable to:
 - (a) A private pier that:
 - [1] Is installed or maintained by a riparian landowner; and
 - [2] Is not part of a residential project that provides a community pier or other community boat-docking or storage facility under Subsection I below; or

- (b) A nonwater-dependent project covered under COMAR 27.01.13; or
- (c) The maintenance, repair or replacement of existing bulkheads, piers, buildings or maintenance dredging.

(2) A water-dependent facility or activity includes:

- (a) A port.
- (b) An intake or outfall structure of power plants.
- (c) A marina, another boat-docking facility or a structure or activity that is essential to the operation of the water-dependent facility, structure or activity.
- (d) A fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier or an office on a pier for managing marina operations such as monitoring vessel traffic, registering vessels, providing docking services and housing electrical or emergency equipment related to marina operations.
- (e) The County shall evaluate on a case-by-case basis all proposals for expansion of existing or new water-dependent facilities. The County shall work with appropriate State and Federal agencies to ensure compliance with applicable regulations.
- (f) A public beach or any other public water-oriented recreation area.
- (g) Any other water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays or their watersheds.

C. General policies. The County shall limit development activities in the Critical Area Buffer to those that are water-dependent, as specified in COMAR 27.01.09, and ensure that these activities will have minimal individual and cumulative impacts on water quality, as well as fish, wildlife and plant habitat in the Critical Area, as provided by design and locational criteria.

D. Standards. The following standards shall apply to new or expanded development activities associated with water-dependent facilities and activities:

- (1) In accordance with § 8-1808.3 of the Natural Resources Article of the Annotated Code of Maryland, as the same may be amended, and COMAR 27.01.09, development in the Critical Area Buffer shall be limited to the minimum lot coverage necessary to accommodate each water-dependent facility or activity, regardless of the Critical Area land use classification or the size of the parcel or lot.
- (2) New or expanded development activities may be permitted in the Critical Area Buffer in the Intensely Developed Areas and Limited Development Areas provided that it can be shown that:
 - (a) The project is water-dependent;

- (b) The project meets a recognized private right or public need;
- (c) The adverse effects on water quality, fish, plant and wildlife habitat are first avoided or otherwise minimized;
- (d) The nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside of the Critical Area Buffer as much as possible; and
- (e) The facilities are consistent with an approved local plan as described in Subsection E below.

- (3) All new or expanded development activities shall not be permitted in those portions of the Critical Area Buffer that occur in Resource Conservation Areas. Applicants for water-dependent facilities in a Resource Conservation Area, other than those specifically permitted herein, shall apply for a portion of the County's growth allocation as set forth in the County Chesapeake Bay Critical Area Program.
- (4) Mitigation shall occur at a 2:1 ratio based on the limit of disturbance of the proposed development activity that is in the Critical Area Buffer or expanded Critical Area Buffer.

E. Evaluating plans for new and expanded water-dependent facilities.

- (1) All applicants for new or expanded water-dependent facilities shall be required to submit pertinent information and materials as listed in Appendix E of the Harford County Chesapeake Bay Critical Area Program Manual.
- (2) Interference with navigation caused by the proximity of a facility near State or Federally maintained channels shall constitute grounds for denial of an application.
- (3) Based on the project size, scope, environmental sensitivity on site and potential adverse impacts to water quality, aquatic habitats or terrestrial habitats on or near the site, the Director of Planning and Zoning may require a comprehensive water-dependent facility plan as detailed in Appendix E of the Harford County Chesapeake Bay Critical Area Program Manual. This plan shall be approved by the Director of Planning and Zoning. It is recommended that the applicant consult with the Department of Planning and Zoning prior to submitting this information.
- (4) A building permit or zoning certificate for any construction in or over tidal waters shall not be considered valid without a concurrent State wetlands license or permit from the Maryland Department of the Environment and Section 404/10 permits, as appropriate, from the Army Corps of Engineers.
- (5) The application shall demonstrate that all of the following provisions for new or expanded water-dependent facilities have been met:
 - (a) The proposed activities shall not significantly alter existing water circulation patterns or salinity regimes.

- (b) The water body upon which these activities are proposed shall have adequate flushing characteristics in the area for natural dispersal and removal of pollution, as determined by Maryland Department of the Environment.
- (c) Disturbance to wetlands, submerged aquatic plant beds or other areas of important aquatic habitats shall be avoided or otherwise minimized.
- (d) Adverse impacts to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels or pollutant discharge from boat cleaning and maintenance operations shall be avoided or otherwise minimized.
- (e) Shellfish beds shall not be disturbed or be made subject to discharge that will render them unsuitable for harvesting.
- (f) Interference with the natural transport of sand shall be avoided or otherwise minimized.
- (g) Disturbance to sites of known historical significance to wildlife, such as aquatic staging areas and waterfowl concentration or staging areas, shall be prohibited.
- (h) Location of activities adjacent to Habitat Protection Areas as set forth in the County Chesapeake Bay Critical Area Program shall be avoided or otherwise minimized. The use of activities adjacent to these sites shall be minimized during the time of November through March so as to prevent disturbance to wildlife overwintering or using the site as a migratory staging area.
- (i) Dredging shall be conducted and dredged material shall be placed in an area that was approved for the disposal of channel maintenance dredging before June 11, 1988, and shall use a method that causes the least disturbance to water quality and to aquatic and terrestrial habitats in the Critical Area or the area immediately surrounding the dredging operation.
- (j) Dredged spoil shall not be placed within the Critical Area Buffer or in any other designated Habitat Protection Area except as necessary for a beneficial use approved by Maryland Department of the Environment. Mitigation shall be required at a ratio of 1:1 for such beneficial uses, including:
 - [1] Backfill for a shoreline stabilization measure.
 - [2] Use in a non-structural shoreline stabilization measure, including a living shoreline.
 - [3] Beach nourishment.
 - [4] Restoration of an island.

[5] The creation, restoration or enhancement of a wetland, or a fish, wildlife or plant habitat.

[6] Any other approved beneficial use.

F. Additional provisions for industrial and port-related facilities or activities.

- (1) New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas that have been designated as Modified Buffer Areas as set forth in the County Chesapeake Bay Critical Area Program and are subject to the provisions set forth in § 267-63.8 (Modified Buffer Areas).
- (2) Industrial waterfront facilities shall not extend any waterfront construction over or into waterways beyond the limit of pier or bulkhead lines, as established by the Army Corps of Engineers.

G. Additional provisions for marinas and other commercial maritime facilities or activities. New, expanded or redeveloped marinas may be permitted subject to the requirements as set forth below:

- (1) New, expanded or redeveloped marinas must adhere to all other requirements as outlined in this Section.
- (2) New marinas and related maritime facilities shall not be permitted in Resource Conservation Areas. Expansion of existing marinas may be permitted within Resource Conservation Areas provided that it is sufficiently demonstrated that the expansion shall result in an overall net improvement in water quality at, or leaving the site of, the marina.
- (3) The Best Management Practices cited in Appendix E of the Harford County Chesapeake Bay Critical Area Program Manual shall be applied to the location and operation of new or expanded marinas and related maritime facilities, where applicable.
- (4) New and existing marinas shall meet the sanitary requirements of the Maryland Department of the Environment as required in COMAR 26.04.02. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.

H. Additional provisions for community piers. New or expanded community marinas and other non-commercial boat-docking and storage facilities may be permitted in the Critical Area Buffer, subject to the requirements in this Subsection or the County Chesapeake Bay Critical Area Program, and provided that the following provisions are met:

- (1) These facilities shall not offer food, fuel or other goods and services for sale in the Buffer.
- (2) These facilities shall provide adequate and clean sanitary facilities.
- (3) The facilities shall be community-owned and established and operated for the benefit of the citizens of a platted and recorded riparian subdivision.

- (4) The facilities shall be associated with a residential development approved by the County and shall be consistent with all State and local program requirements for the Critical Area .
- (5) Disturbance to the Critical Area Buffer shall be the minimum necessary to provide a single point of access to the pier or facility.
- (6) If community piers, slips or moorings are provided as part of the new residential development built or constructed after June 24, 1988, private piers in the residential development shall not be permitted.

I. Slips and piers.

- (1) No structure connected to the shoreline, such as a dock or pier, shall extend outward from the mean high-water line more than 25% of the distance to the mean high-water line on the opposite shore, or more than 250 feet, whichever is less, nor shall it extend into an existing navigational channel.
- (2) New or expanded private water-dependent facilities shall accommodate no more than 4 boats.
- (3) Nonwater-dependent facilities or structures shall not be constructed on pilings or piers, as set forth in §267-63.16D (Water-dependent Structures, Nonwater-dependent Structures on Piers).
- (4) The number of slips or piers permitted at the facility shall be the lesser of (a) or (b) below:
 - (a) One slip for each 50 feet of shoreline in the subdivision of an Intensely Developed Area or a Limited Development Area, and 1 slip for each 300 feet of shoreline in the subdivision of a Resource Conservation Area; or
 - (b) A density of slips or piers according to the following table:

Table 7. Number of Piers/Slips Permitted.

Platted Lots or Dwellings in the Subdivision	Piers or Slips
Up to 15	1 for each lot
16 – 40	15 or 75%, whichever is greater
41 – 100	30 or 50%, whichever is greater
101 – 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

J. Additional provisions for public beaches and other public recreation or education areas.

- (1) Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching, docking facilities and fishing piers may be permitted in the Critical Area Buffer in Intensely Developed Areas.

(2) The facilities described in paragraph (1) of this Subsection, as well as areas for passive recreation such as hiking, nature study, hunting and trapping and for education may also be permitted within the Critical Area Buffer in Limited Development Areas and Resource Conservation Areas provided that the following conditions are met:

- (a) Adequate sanitary facilities shall be provided.
- (b) Service facilities shall be located outside of the Critical Area Buffer.
- (c) Permeable surfaces shall be used as the primary surfacing material if no degradation of groundwater would result, although such materials shall count toward the calculated lot coverage.
- (d) Disturbance to any vegetation shall be avoided or otherwise minimized.
- (e) All nonwater-dependent structures or facilities associated with these projects shall be located outside of the Critical Area Buffer.

K. Additional provisions for research areas. Water-dependent research facilities or activities operated by State, Federal or local agencies or educational institutions may be permitted in the Critical Area Buffer. Nonwater-dependent structures or facilities associated with these projects shall be located outside of the Critical Area Buffer.

L. Additional provisions for fisheries activities.

- (1) Land and water areas with high aquacultural potential shall be identified by the County in cooperation with the State when applications for new or expanded fisheries or aquaculture facilities are submitted to the County. These areas are encouraged for that use and, if so used, shall be protected from degradation by other types of land and water use or by adjacent land and water uses.
- (2) Commercial water-dependent fisheries including, but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations and fisheries activities may be permitted in the Critical Area Buffer in Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas.

§ 267-63.16. Water-Dependent Structures.

A. Applicability. The provisions of this Section apply to individual private piers installed or maintained by riparian landowners, which are not part of a subdivision that provides community piers, boat lifts, wharves, docks and bulkheads, as well as the maintenance, repair or replacement of these existing structures and maintenance dredging.

B. Standards.

- (1) Where proposed construction will conflict with existing facilities, the Department of Planning and Zoning shall specify the limits of construction to conform as closely as possible to the requirements as set forth within this Section so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given to the adjoining property owners affected.

- (2) Maintenance, repair or replacement of existing bulkheads, piers or maintenance dredging shall require all applicable permits from the Maryland Department of the Environment and the County prior to approval of any proposed work.
- (3) Interference with navigation caused by the proximity of a facility near State or Federally maintained channels shall constitute grounds for denial of an application.
- (4) Applicants shall meet all of the applicable requirements as set forth in §267-63.15I (Water-dependent Facilities and Activities, Slips and Piers).

C. Construction over waterways.

- (1) Waterfront construction shall not extend over or into waterways beyond the limit of pier or bulkhead lines, as established by the Army Corps of Engineers.
- (2) Divisional lines shall be established in the following manner for the purpose of defining applicable boundaries for waterfront construction:
 - (a) Where the shoreline is straight and property lines run parallel, each property line shall be extended in a continuing straight line over the water.
 - (b) Where the shoreline is straight and property lines are not parallel, property lines shall be extended perpendicular to the shoreline over the water.
 - (c) Where the shoreline is not straight, draw a straight line between the 2 corners of each lot to form a baseline. Property lines shall be extended perpendicular to the baseline over the water and:
 - [1] If the intrinsic nature of a curved shoreline causes extended property lines over the water to diverge from one other, the area excluded by both lines shall be equally divided between the 2 adjoining lots; and
 - [2] If the intrinsic nature of a curved shoreline causes extended property lines over the water to converge with one other, the area included by both lines shall be equally divided between the 2 adjoining lots.
 - (d) No construction, including mooring piles, shall be permitted within 10 feet of the established divisional lines in effort to maintain a 20-foot open access area between the facilities of adjoining lots.

D. Nonwater-dependent structures on piers. The following standards shall apply to all nonwater-dependent structures:

- (1) Nonwater-dependent structures, including, but not limited to, boat houses and renewable energy systems such as solar panels and wind turbines, shall not be constructed on existing pilings or on a pier.
- (2) Construction of a nonwater-dependent structure shall be prohibited in or over State or private waters in the Critical Area, including wetlands.

(3) Nonwater-dependent structures do not include:

- (a) A fuel pump or other fuel-dispensing equipment on a pier;
- (b) A sanitary sewage pump or other wastewater removal equipment on a pier; or
- (c) A water-dependent facility or activity covered under § 267-63.15 (Water-dependent Facilities and Activities) or COMAR 27.01.03.

§ 267-63.17. Shore Erosion Protection.

A. Standards. All development activities conducted on lands immediately adjacent to tidal waters or where existing developments are experiencing shoreline erosion problems shall follow and meet the following criteria:

- (1) The maps developed and maintained by the Department of the Environment.
- (2) In accordance with Environment Article, §16-201(C), Annotated Code of Maryland, and COMAR 26.24.04.01, improvements to protect a property against erosion shall consist of nonstructural shoreline stabilization measures that preserve the natural environment, such as marsh creation or a living shoreline.
- (3) Where no significant shore erosion control occurs and nonstructural measures are ineffective or impractical, stone revetments or riprap shall be used whenever possible to conserve fish and plant habitat.
- (4) Bulkheads and other structural measures shall only be permitted when the use of nonstructural measures and revetments are deemed infeasible by the Maryland Department of the Environment or where their use is needed as part of a water-dependent facility.
- (5) Performance of mitigation measures applicable to the type of shoreline stabilization measure to be undertaken, as specified in the Shore Erosion Control Buffer Mitigation Form supplied by the Commission.
- (6) In accordance with COMAR 26.24.04.01-3 and 27.01.09.01-3, delivery to the Commission of an approved Buffer Management Plan for each approved shoreline stabilization measure.

B. Process. As part of the application process for a County permit, zoning certificate or authorization for a shoreline erosion protection measure or development activity, the following documents shall be required:

- (1) An approved State wetlands license or permit from the Maryland Department of the Environment that meets all requirements as set forth in COMAR 26.24.02 and COMAR 26.24.04.
- (2) A Buffer Management Plan that meets all requirements of §267-63.7 (the Critical Area Buffer) and §267-63.8 (Modified Buffer Areas) as applicable, and COMAR 27.01.09.

(3) When structural measures must be used, an erosion control plan shall be submitted that includes a site sketch of the existing shoreline, a site sketch of the proposed control measures and a brief description of the proposed methods and materials. The information required by the Army Corps of Engineers and the Maryland Department of the Environment's Nontidal Wetlands Division for a 404 Joint Permit Application is sufficient for submission as an erosion control plan.

(a) The approved plan must be kept on the project site and be available for inspection upon request of the County during the construction of the erosion control measures.

(b) An approved plan is not valid without all other documentation as listed in this Section.

C. Shoreline parks. The development and use of areas designated as natural parks shall recognize the limited ability of the natural systems to handle human impacts. The following standards shall apply to the development and use of such areas:

(1) The ability of a specific site to accommodate human disturbance on a daily or seasonal basis shall be considered in the design of visitor use facilities for natural parks areas.

(2) The Critical Area Buffer shall be maintained in the development of any natural park site. Trees or other suitable vegetation shall be planted within areas of the Critical Area Buffer that are not vegetated.

(3) All areas identified as Habitat Protection Areas in §267-63.9 (Habitat Protection Areas) shall be protected on a natural park site.

(4) Forest cover on the site shall be maintained to the maximum extent feasible and in accordance with §267-63.18 (Forest and Woodland Protection).

(5) All publicly owned lands leased for agricultural activities shall have current soil conservation and water quality plans.

§ 267-63.18. Forest and Woodland Protection.

A. Purpose. Forests and woodlands are recognized for their water quality benefits and sustainable wildlife habitats while accommodating the utilization of forest resources. For these reasons, forest protection and conservation shall be achieved by avoiding or otherwise minimizing the removal of trees associated with development activities. Where such disturbances cannot be avoided, the standards as set forth in this Section shall be met.

B. Process. The following shall be addressed as part of the application process for all proposed projects involving the removal and replacement of any existing forest cover and developed woodlands in the Critical Area :

(1) A site-specific field investigation shall be conducted prior to forest harvesting or development to determine if sensitive species are present. Applications shall be forwarded to the Department of Natural Resources Wildlife and Heritage Service for environmental review.

- (2) A development plan or timber harvest plan shall be submitted with all information as described in Appendix C of the Harford County Chesapeake Bay Critical Area Program Manual. Appropriate protection measures for sensitive species and recommendations made by the Department of Natural Resources shall also be incorporated into the development plan or timber harvest plan.
- (3) When proposing development activities within riparian forests or forest interior dwelling species habitat, the applicant shall demonstrate that conservation methods will be utilized from *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, as may be amended in Appendix J of the Harford County Chesapeake Bay Critical Area Program Manual.
- (4) The proposed project shall demonstrate that the following standards have been met, where feasible:
 - (a) Avoid or otherwise minimize forest and woodlands disturbance from off-road vehicles, public use or logging from May through August of each year.
 - (b) Focus all development on the periphery of the forest or woodlands, known as edge habitat.
 - (c) Retain the forest canopy as well as the tree and shrub understory.
 - (d) Retain snag and mature seed trees as dens for woodpeckers and as nests for bald eagles.
 - (e) Avoid the creation of small clearings and expansion of forest edge habitats.
 - (f) Re-establish or enhance native forests and woodlands.
 - (g) Adopt harvest techniques to maintain or improve habitat.
- (5) A Forest Conservation Plan shall be required for the removal and replacement of forest and developed woodlands and shall adhere to the following requirements:
 - (a) The document shall be prepared as specified in Appendix C of the Harford County Chesapeake Bay Critical Area Program Manual.
 - (b) For properties requiring subdivision approval, Forest Conservation Plans shall be submitted along with the preliminary or site plan.
 - (c) For all other projects, Forest Conservation Plans shall be submitted and approved by the Department of Planning and Zoning prior to application for a grading permit.
 - (d) A surety bond shall be deposited and a covenant recorded in the Land Records of Harford County to ensure that all required afforested and reforested areas are completed in accordance with the approved Forest Conservation Plan. The surety amount shall be equal to 110% of the value of \$4.00 per square foot of planting required and shall be held until the established forested area meets or exceeds standards specified in the Forest Conservation Plan.

- (e) Grading permits shall not be issued until the covenant and surety have been accepted by the County. The covenant, which shall be established by the owner of the property, shall establish and protect the afforested or reforested areas from future development activities.
- (f) The following survivability standards shall apply:
 - [1] If more than 25% of the plantings die within the first 2 growing seasons, the plantings shall be replaced with new stock.
 - [2] If more than 25% of the plantings do not survive the first 3 growing seasons, the surety bond shall be held an additional 3 years or until the survivability requirements have been satisfied, as described in this Section.
 - [3] Two-thirds of the surety bond will be returned if all components of the project meet or exceed the standards, as determined by an inspection from the Department of Planning and Zoning, and at least 75% of the plantings survive the first 2 growing seasons.
 - [4] The remaining surety bond will be released if all standards are met after the third growing season.
- (6) In addition to all other applicable requirements of this Section, the following requirements shall also be met for all projects in the Limited Development Area and Resource Conservation Area involving the removal and replacement of any existing forest cover or developed woodlands:
 - (a) A Forest Stand Delineation shall be required for any development in the Critical Area where forest covers greater than 40,000 square feet, unless no forest will be disturbed, and shall be prepared according to the standards described in Chapter 4 of the Harford County Forest Cover Conversation and Replacement Manual.
 - (b) Fifteen percent of an unforested development site shall be afforested. If the afforestation comprises 1 acre or more, a Forest Conservation Plan, financial surety bond and covenant as specified in paragraph (5) of this Subsection shall be required. For afforestation areas less than 1 acre in size, plantings shall be installed according to the Forest Management Guide found in Appendix C of the Harford County Chesapeake Bay Critical Area Program Manual.

C. Mitigation. The removal and replacement of any existing forest cover and developed woodlands shall meet the following standards in the Critical Area :

- (1) The replacement or establishment of forest or developed woodlands shall ensure a diversified plant community and should include native species of canopy trees, understory trees, shrubs and herbaceous plants.

- (2) Maryland native species shall be planted to the maximum extent possible on-site. If the applicant can demonstrate that the on-site location is not feasible for all required plantings, the applicant shall plant in another permissible location, as described in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual.
- (3) Canopy coverage mitigation shall occur at a 1:1 square foot ratio, rounded to the nearest 100 square feet, except as set forth in paragraphs (4) through (6) of this Subsection.
- (4) Mitigation for Critical Area Buffer disturbance shall be fulfilled as set forth in §267-63.7D (The Critical Area Buffer, Mitigation and Planting Credit for the Critical Area Buffer).
- (5) Routine vegetative maintenance and/or emergency repairs may occur in existing public utility rights-of-way provided that:
 - (a) The disturbance that occurs shall be the minimum amount necessary;
 - (b) Mechanical methods shall be used whenever feasible as opposed to chemical means; and
 - (c) Notification and coordination with the Department of Planning and Zoning shall occur prior to commencement of activity.
- (6) The following mitigation standards shall also apply to any proposed projects in the Limited Development Area and Resource Conservation Area:
 - (a) The total acreage in forest coverage within the County in the Critical Area shall be maintained or preferably increased.
 - (b) All forests and developed woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis.
 - (c) If an applicant is authorized to clear more than 20% of a forest or developed woodlands on a lot or parcel, the applicant shall replace the forest or developed woodlands at 1.5 times the entire areal extent of the forest or developed woodlands cleared, including the first 20% of the forest or developed woodlands cleared.
 - (d) An applicant may not clear more than 30% of a forest or developed woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of 3 times the entire areal extent of the forest or developed woodlands cleared. If an applicant is authorized to clear any percentage of forest or developed woodlands, the remaining percentage shall be maintained through recorded, restrictive covenants or similar instruments approved by the County.

D. Fee-in-lieu of planting mitigation.

- (1) If the applicant can demonstrate to the director of Planning and Zoning that plantings are not feasible, a payment of \$4.00 per square foot of mitigation will be accepted in lieu of the plantings to be replaced. Fee-in-lieu shall otherwise not be accepted by the County.
- (2) Funds shall be paid to the Harford County Department of Treasury at the time of issuance of a grading permit, prior to any clearing of forest or developed woodland cover on a development site.
- (3) Funds shall be maintained in a separate account from the general fund and administered by the Harford County Department of Planning and Zoning in the following manner:
 - (a) Funds contributed under this Section shall be used for mitigation planting and/or offsets, as described in Appendix K of the Harford County Chesapeake Bay Critical Area Program Manual, to enhance wildlife habitat, improve water quality or otherwise promote the goals of the County Chesapeake Bay Critical Area Program and Green Infrastructure Plan.
 - (b) The funds shall be used for site identification, acquisition, design, preparation, planting or installation and monitoring of vegetation or project success at the selected regional water quality and wildlife improvement areas.
 - (c) The funds shall not be used to accomplish a project or measure that would have been required under existing local, State or Federal laws, regulations, statutes or permits.
 - (d) Fee-in-lieu monies shall be collected and held in a special fund, which may not revert back to Harford County's general fund.
 - (e) A portion of fee-in-lieu money can be used for management and administrative costs; however, this cannot exceed 20% of the fees collected.

E. Enforcement.

- (1) Unauthorized clearing, cutting or removal of vegetation inside or outside of the Critical Area Buffer or other Habitat Protection Areas, as well as clearing, cutting or removal of vegetation in excess of the area permitted to be cleared shall be considered a violation of the County Chesapeake Bay Critical Area Program and shall result in enforcement action as set forth in §267-63.2 (Administrative Enforcement).
- (2) A violation that takes place in the Critical Area Buffer or other Habitat Protection Area shall receive mitigation at a ratio of 4:1, rounded to the nearest 100 square feet. In addition, all other requirements and standards shall be met, including the preparation of a Buffer Management Plan and the posting of the surety and recordation of the covenant.

(3) A violation that takes place in the Critical Area, outside of a Habitat Protection Area, shall receive mitigation at a ratio of 3:1, rounded to the nearest 100 square feet. In addition, all other requirements and standards shall be met, including the preparation of Forest Conservation Plans and the posting of the surety and recordation of the covenant.

§ 267-63.19. Timber Harvesting.

A. General policies. A goal of the County Chesapeake Bay Critical Area Program is to maintain or increase the lands in forest cover, because forests provide protection of the water quality and habitat values of the Chesapeake Bay and its tributaries.

B. Process.

(1) Landowners proposing to harvest timber within any 1-year interval shall submit a Forest Management Plan. The applicable plan shall be prepared by a Registered Professional Forester in the State of Maryland, and separate copies of the plan shall be submitted to the Department of Planning and Zoning, the Department of Natural Resources and the Harford County Forestry Board for their review.

(2) The Department of Planning and Zoning shall be notified by the Department of Natural Resources or the Forestry Board if any Forest Management Plan is inadequate. If additional information for the plan is required, the applicant will be notified in writing.

(3) Once the Forest Management Plan has been approved by the Department of Planning and Zoning, a copy of the plan shall be sent to the Department of Natural Resources and the Forestry Board. The Department of Planning and Zoning shall notify the applicant in writing when the plan is approved. The plan shall be approved prior to the start of any work.

C. Timber Harvest Plans.

(1) Forest Management Plans shall include measures to protect surface water and ground water quality, as well as any Habitat Protection Areas as identified in §267-63.7 (The Critical Area Buffer) through §267-63.9 (Habitat Protection Areas). To provide for the continuity of plant and wildlife habitat, a copy of Timber Harvest Plans shall be addressed within the Forest Management Plan, describing the proposed timber harvest. Plans shall be submitted according to the procedures contained in the Forest Management Guide in Appendix C of the Harford County Chesapeake Bay Critical Area Program Manual.

(2) Harvesting operations shall be implemented in accordance with the specifications set forth in the State guidelines contained in the Standard Erosion and Sediment Control Plan for Forest Harvest Operations, as well as any other specification established by the Department of Natural Resources.

D. Erosion and Sediment Control Plans. In the Critical Area, any landowner who plans to harvest timber on an area which will disturb 5,000 square feet or more, including harvesting on agricultural lands, shall submit an Erosion and Sediment Control Plan. This plan is also required for any harvests which will cross perennial or intermittent streams. This plan shall be developed according to the State guidelines contained in the Standard Erosion and Sediment Control Plan for Harvest Operations. The operations shall be implemented in

accordance with specifications set out by the Department of Natural Resources and the Department of Planning and Zoning. This plan shall be enforced by the Maryland Department of the Environment and the County.

- (1) If cuts and fills are 3 feet or more, if grades for roads are 15% or more or if landings are on slopes of 10% or more, then the landowner must get a Custom Erosion and Sediment Control Plan for the operation. These are prepared by Registered Professional Foresters and include controls necessary to prevent site erosion and to ensure site stabilization.
- (2) If a Custom Erosion and Sediment Control Plan is not required, a Standard Erosion and Sediment Control Plan is available through the Harford Soil Conservation District. The landowner shall provide the following information:
 - (a) Location description.
 - (b) Harvest operation description.
 - (c) Sketch map of the property showing acres to be cleared.
 - (d) Identification of the landowner, licensed timber harvest operator and other operators or subcontractors.
- (3) The Erosion and Sediment Control Plan shall be submitted to the Harford Soil Conservation District for approval and notice of approval shall be sent to the Harford County Department of Inspections, Licenses and Permits.
- (4) The applicant shall take responsibility for the implementation of the Erosion and Sediment Control Plan.
- (5) The landowner must sign the agreement to certify that he or she understands the terms of the plan and is responsible for preventing erosion and sedimentation during the forest harvesting.

E. Buffer protection standards for timber harvests. No timber harvesting shall be permitted in the Critical Area Buffer or the expanded Critical Area Buffer, nor shall harvesting be permitted within Habitat Protection Areas and their associated buffers.

§ 267-63.20. Agriculture.

- A. Purpose. Agricultural lands are identified and recognized as a protected land use and are managed in an effort to minimize agricultural pollutant loadings into the Chesapeake Bay and its tributaries. The County works cooperatively with the Harford Soil Conservation District, Agricultural Land Preservation Advisory Boards, the Farm Bureau and other appropriate agencies to promote sound land and water stewardship on agricultural lands.
- B. Standards. In addition to all other applicable regulations as set forth in the County Chesapeake Bay Critical Area Program, the applicant shall comply with all of the following standards in regard to agriculture in the Critical Area :
 - (1) The creation of new agricultural lands or expansion of agricultural activities shall not be accomplished by:

- (a) Diking, draining, dredging or filling wetlands;
- (b) Clearing forests or woodlands on soils with a slope greater than 15%, or on highly erodible soils with a "K" Factor greater than .35 and a slope greater than 5%; or
- (c) Disturbing lands identified as Habitat Protection Areas, including existing vegetation within the Critical Area Buffer, as set forth in the County Chesapeake Bay Critical Area Program.

(2) The drainage of nontidal wetlands for the purpose of existing agriculture shall be done in accordance with a Soil Conservation and Water Quality Plan, approved by the Harford Soil Conservation District.

(3) Existing farm ponds and other existing man-made bodies of water for the purpose of impounding water for agriculture, water supply, recreation or waterfowl habitat are not classified as wetlands.

(4) Best Management Practices shall be used for the control of nutrients, animal wastes, pesticides and sediment runoff to protect the productivity of the land base and enhance water quality. These practices shall avoid or otherwise minimize the contamination of surface water and ground water, as well as the adverse effects on plants, fish and wildlife resources.

(5) Animal feeding operations, including retention and storage ponds, feed lot waste storage and manure storage shall avoid or otherwise minimize the contamination of water bodies.

(6) Agricultural activities permitted in the Critical Area shall use Best Management Practices in accordance with a Soil Conservation and Water Quality Plan and a Nutrient Management Plan approved by the Harford Soil Conservation District. Mitigation is not required for permitted agricultural activities.

(7) Sludge that is used for agricultural or horticultural purposes shall not be applied in the Critical Area Buffer or other Habitat Protection Areas as defined in §267-63.9 (Habitat Protection Areas).

C. Process. The following shall be completed for all lands in agricultural use, or land to be converted to agricultural use, within the Critical Area:

- (1) The agricultural components of the State's Water Quality Management Plan shall be applicable to all agricultural activities in the Critical Area .
- (2) Each agricultural operation in the Critical Area shall develop and comply with a Soil Conservation and Water Quality Plan and Nutrient Management Plan, as approved by the Harford Soil Conservation District. This plan shall incorporate Best Management Practices that demonstrate:
 - (a) Protection of the productivity of the land base;
 - (b) Preservation or enhancement of water quality;

- (c) Conservation of fish, wildlife and plant habitats;
- (d) Control of nutrients, animal wastes, pesticides and sediment runoff;
- (e) Protection and conservation of Habitat Protection Areas as set forth in §267-63.7 (the Critical Area Buffer) through §267-63.9 (Habitat Protection Areas);
- (f) The implementation of a grassland and manure program, where appropriate; and
- (g) Other Agricultural Best Management Practices that include, but are not limited to, strip cropping, terracing, contour stripping, cover crops, conservation tillage, riparian buffers, nutrient management, grass waterways, animal waste management, ponds, grass, naturally vegetated filter strips and stream protection practices such as fencing, stream crossings and remote watering devices.

(3) A Nutrient Management Plan shall be prepared by a Certified Nutrient Management Consultant or Certified Farm Operator in accordance with COMAR 15.20.04, .07 and .08.

(4) A Forest Management Plan shall be submitted and all requirements as outlined in Appendix C of the Harford County Chesapeake Bay Critical Area Program Manual shall be adhered to for each agricultural operation that harvests timber.

(5) Landowners who have signed up as Conservation District Operators, but who do not have a Conservation Plan prepared for them by the Harford Soil Conservation District, shall be allowed to continue to farm in the Critical Area until a Conservation Plan is developed provided that the other regulations of the County Chesapeake Bay Critical Area Program are being met.

(6) A landowner shall select and implement, with the assistance of a technically trained Soil Conservation Planner or Technician, from among the several Agricultural Best Management Practices that minimize impacts to water quality, conserve fish, wildlife and plant habitat and integrate best with the farming operation.

(7) Until such time as all applicable plans, as described in this Section, are developed and implemented, farmers shall be encouraged to use the following practices:

- (a) Cover crops shall be planted to reduce erosion.
- (b) Nutrients shall be applied at the appropriate time and appropriate application methods shall be used.
- (c) Reduced tillage and/or no till practices shall be utilized where practical.
- (d) Crop rotations shall be implemented where effective.

D. Agricultural activities in the Critical Area Buffer. Agricultural activities are permitted in the Critical Area Buffer in accordance with COMAR 27.01.09.01-6 and as described in the

County Chesapeake Bay Critical Area Program provided that the following provisions are met:

- (1) Prior to the development of a Soil Conservation and Water Quality Plan as required in Subsection C(2) above, a 25-foot vegetated filter strip comprised of trees with a dense ground cover or a thick sod grass shall be installed and maintained adjacent to tidal waters, tidal wetlands or tributary streams so as to provide water quality benefits and habitat protection.
 - (a) The width of this filter strip shall be increased by a distance of 4 feet for every 1% increase in slopes over 6%.
 - (b) Strategies to control noxious weeds, invasive plants or animals may be approved by the Harford Soil Conservation District to be used within this filter strip and elsewhere on agricultural lands.
- (2) The feeding or watering of livestock shall not take place within 50 feet of the mean high-water line of tidal waters, tidal wetlands or tributary streams.
- (3) Agricultural activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines or other Habitat Protection Areas as identified in §267-63.7 (the Critical Area Buffer) through §267-63.9 (Habitat Protection Areas).
- (4) The clearing of existing vegetation within the Critical Area Buffer shall be prohibited.

§ 267-63.21. Surface Mining.

- A. Applicability. The provisions of this Section shall apply to all existing and proposed expansion operations engaged in the extraction or removal of minerals, sand, gravel, rock, stone, earth or fill and activities related to surface mining. These activities include, but are not limited to, operations engaged in processing minerals at the site, removal and mining when done for the purpose of prospecting, washing, loading and transporting mined material. Notwithstanding any other provisions of law, the provisions of this Section may not be construed to prohibit the location or use of a water-dependent facility, in accordance with COMAR 27.01.03, for the transport of a surface mining product or by-product.
- B. General policies. All available measures shall be taken to protect the Critical Area from all sources of pollution from surface mining operations including, but not limited to, sedimentation, siltation, chemical and petrochemical use, spillage, storage and disposal of waste, dusts and spoils. Surface mining shall facilitate site reclamation, including renewable resource land, as soon as possible.
- C. Standards. The establishment of new surface mining operations within the Critical Area shall be prohibited. The following standards shall be met in order to continue existing surface mining operations in the Critical Area :
 - (1) In conjunction with, as applicable, the Departments of Agriculture, Environment and Natural Resources, and any other appropriate Federal or State agency, develop a Mineral Resources Plan and Management Program that is included in the Comprehensive Plan and consists of:

- (a) In accordance with Land Use Article, §§ 1-411 and 3-107, Annotated Code of Maryland, the Identification and Mapping of the Undeveloped Land in the Critical Area that is best kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals;
- (b) Each surface mining area that includes a Habitat Protection Area under COMAR 27.01.09; and
- (c) In accordance with COMAR 27.01.02, at each location where surface mining is, or has been, conducted the identification of:
 - [1] Post-reclamation land uses that, where applicable, prioritize the establishment or re-establishment of renewable resource products, such as agriculture and forestry, and other land uses that benefit water quality and habitat, such as wetlands, habitat restoration and open space; and
 - [2] Any other appropriate post-reclamation land use, such as recreation and development.

(2) Renewed surface mining operation permits shall be obtained from the Maryland Department of the Environment, who shall perform periodic site inspections of permitted areas to determine whether the conditions of the permit and the accompanying reclamation plan are being fulfilled.

(3) The applicant shall obtain all applicable permits from the required Federal, State and local regulatory agencies in effort to manage air pollution, water pollution and sediment control.

(4) The operation shall not have an unduly adverse effect on wildlife, forests, fresh water or estuarine and marine fisheries.

(5) Reclamation shall occur on each segment of a site as mining is completed.

(6) All surface mining operations, including roads, accessory improvements, equipment and storage areas, shall be conducted in a manner that:

- (a) Does not adversely impact water quality, identified Habitat Protection Areas or contiguous properties;
- (b) Retains the Critical Area Buffer in natural vegetation between the operation and tidal waters, tidal wetlands and tributary streams; and
- (c) Permits the rapid reclamation of the site, including any wash pond, when the operation has terminated.

D. Expansion sites. The expansion of existing surface mining operations in the Critical Area shall be reviewed and may be permitted as a Special Exception pursuant to §267-88 (Specific Standards). Prior to accepting any application to the Board of Appeals for a Special Exception for the expansion of an existing surface mining operation, the Director of Planning and Zoning shall review the application and shall forward the application to the Board of Appeals only upon making findings that such expansion shall have met the following conditions:

- (1) A Reclamation Plan shall have been developed that specifies the proposed use to be made of the site following reclamation, the manner in which the soil and subsoil are to be conserved and restored, the specifications for surface gradient restoration suitable for the subsequent use, the proposed manner and type of re-vegetation or other surface treatment of affected areas and an acceptable schedule to the County for the implementation of these reclamation measures.
- (2) The operation shall not have an adverse impact on Habitat Protection Areas, or other important natural resource areas such as those of scientific value or areas where assemblages of rare species occur and in accordance with the provisions of COMAR 27.01.09, Habitat Protection Areas.
- (3) The operation shall not be located on lands which are within 100 feet immediately landward of the mean high-water line of tidal waters or the top of a bank of tributary streams unless:
 - (a) A license, permit or other approval to conduct a specific aspect of surface mining was issued before the date of the County's Chesapeake Bay Critical Area Program approval; and
 - (b) If expansion of the scope or size of the surface mining activity has occurred since the date of the County's Chesapeake Bay Critical Area Program approval, the expansion complies with State law and the County Chesapeake Bay Critical Area Program requirements.
- (4) The operation shall not be located on land with highly erodible soils.
- (5) The operation shall not result in a degradation of water quality or a loss of vital habitat.
- (6) Reclamation of a wash pond shall be required in accordance with State law and program requirements.

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§ 267-64. Chesapeake Science and Security Corridor. [Amended by Bill 09-31, as amended]

- A. Purpose and intent. The intent of this overlay district is to encourage revitalization and redevelopment in the U.S. Route 40 corridor with the purpose of concentrating high-tech, science and security related employment and educational opportunities.
- B. Application. The Chesapeake Science and Security Corridor is hereby defined as those parcels between the CSX Railroad and U.S. Route 40, and those parcels lying along the south side of U.S. Route 40 with direct frontage on U.S. Route 40, and those parcels zoned B2 or B3 without direct frontage on U.S. Route 40 within 2,000 feet of the right-of-way on the south side of U.S. Route 40. The Chesapeake Science and Security Corridor may be expanded along the south side by the inclusion of additional parcels being developed in combination with properties directly fronting on U.S. Route 40. All properties lying within the Chesapeake Science and Security Corridor shall be entitled to the privileges associated with this overlay district and shall be subject to the standards set forth herein.
- C. Existing zoning. Unless otherwise specified in this section, the permitted uses and design standards for parcels within the Chesapeake Science and Security Corridor shall be those of the underlying zoning district. All other requirements of the Zoning Code shall remain in effect. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.
- D. Minimum yard requirements. The minimum yard requirements are as specified in the Tables designating design requirements for specific uses. The Director of Planning may authorize a modification of the minimum yard requirements if the Director determines that, in the particular case, the specific nature of the use or the exceptional shape or size of the property, or other exceptional situations or conditions, warrants such a modification. Such a modification shall not reduce the required yard by more than 50% of the otherwise required yard. In no case shall the yard requirement be smaller than any required use setback or buffer yard for that particular use.
- E. Maximum height. The maximum height of a structure on property zoned CI or B3 in the Chesapeake Science and Security Corridor shall be 6 stories. Heights for structures located in zoning districts other than B3 and CI in the Chesapeake Science and Security Corridor shall be as provided in the Harford County Code, as amended.
- F. Revitalization, redevelopment or expansion of shopping centers constructed prior to 1982. Shopping centers and Integrated Community Shopping Centers (ICSC) constructed under the standards of Ordinance 6 may be structurally altered, revitalized or redeveloped, wholly or in part, through administrative approval of a Site Plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:
 - (1) The gross square footage of a building does not increase more than 20%.
 - (2) The gross square footage of a building may be increased by up to 40% provided that the following improvements occur on the existing and the expanded portion of the site:
 - (a) New signage, which is cohesive and unifying, be installed throughout the entire site, pursuant to §267-33 (Signs); and

(b) Landscaping shall meet the requirements of §267-29 (Landscaping). Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsection F(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced, or considered the most appropriate and safest conditions, as a result of the expansion, as determined by the State Highway Administration. Linkages for bicycle, pedestrian and transit access shall be provided.

(4) The new construction shall meet the setback standards of §267-79 (Integrated Community Shopping Center (ICSC)) or shall extend no closer to the property lines and public roads than the existing structures, whichever is smaller.

(5) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or no less than 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure.

(6) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.

G. Modifications, revitalization, redevelopment or expansions of ICSC's constructed after 1982. An ICSC approved under the standards of §267-79 (Integrated Community Shopping Center (ICSC)) may be modified, revitalized, redeveloped or expanded through administrative approval of a Site Plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

(1) The gross square footage of a building may be increased by up to 20% provided that:

(a) All design standards of §267-79 (Integrated Community Shopping Center (ICSC)) must be met to the fullest extent possible; and

(b) All conditions of the prior approval, except square footage, can be met.

(2) The gross square footage of a building may be increased by up to 40% provided that all the conditions of Subsection G(1) are satisfied and that the following improvements occur on the existing and the expanded portion of the ICSC:

(a) New signage which is cohesive and unifying be installed throughout the entire ICSC, consistent with §267-33 (Signs); and

(b) Landscaping shall meet the requirements of §267-29 (Landscaping). Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

(3) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsections G(1) and g(2) are satisfied and that the access points to U.S. Route 40 are consolidated and reduced, or considered most

appropriate and safest conditions, as a result of the expansion, as determined by the State Highway Administration. Linkages for bicycle, pedestrian and transit access shall be provided, if appropriate.

(4) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure.

(5) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.

H. Chesapeake Science and Security Corridor shopping center approvals. An ICSC shall be permitted in the B2, B3 and CI districts in the Chesapeake Science and Security Corridor. For the properties within the Chesapeake Science and Security Corridor, the approval for location of an ICSC by the Board of Appeals shall be required only when the gross floor area exceeds 100,000 square feet. The development plans for shopping centers in the Chesapeake Science and Security Corridor shall be reviewed and approved by the Director of Planning with regard to site design and architectural compatibility.

I. Mixed use centers in the Chesapeake Science and Security Corridor. Mixed use centers shall be permitted, in conformance with Article VIII, in conformance with the standards established in §267-76 (Mixed Use Center).

J. Redevelopment of existing business uses. Existing business uses located within the Chesapeake Science and Security Corridor may be structurally altered, revitalized or redeveloped, wholly or in part, provided new construction meets the minimum yard requirements or extends no closer to the property lines and public roads than the existing structures, whichever is smaller. The minimum yard requirements may be reduced as permitted by §267-64 (Chesapeake Science and Security Corridor) of these regulations. All other provisions in the Code shall be applicable unless otherwise stated.

K. Residential uses in business districts. Residential uses may be integrated into business developments located in B3 and CI districts provided that square footage of residential use does not comprise more than 75% of the total building square footage proposed for the site. Such residential uses may include residential apartments located above retail and service uses or single-family attached or multi-family units incorporated into the design of the business development. Approval of such a mixed use center by the Director of Planning shall be based on architectural and site design elements, landscaping and buffering.

L. Additional residential uses in the B3 district, notwithstanding Subsection K of this section, lot line dwellings, patio/court/atrium dwellings, townhouse dwellings, multiplex dwellings and row duplex dwellings shall be permitted within the B3 district subject to the following conditions:

(1) Residential lots which abut 1 or more collector or arterial roads, the required front yard from the right-of-way shall be 25 feet from a collector road and 25 feet from an arterial road.

(2) Density. The maximum density permitted shall be 20 units per gross acre.

- (3) Dwelling units per building block. A building block shall be a series of attached dwellings. The minimum number of dwelling units per building block shall be 2. The maximum number of dwelling units per building block shall be 12, excluding apartment units.
- (4) Building block length. The maximum length of a building block shall not exceed 180 feet, excluding apartment units.
- (5) Distance between building blocks. The minimum distance between building blocks shall be 20 feet.
- (6) Maximum building coverage. The maximum building coverage (percent of total lot) shall be 40% of the gross site area.

M. Emergency access. The design of the project shall provide that all multi-family and nonresidential structures be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way. The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded. A security vault, approved by the fire chief of the volunteer fire and ambulance company located closest to the site, shall be installed on each multi-family and nonresidential structure.

§ 267-65. Edgewood Neighborhood Overlay District. [Amended by Bill 21-23]

- A. Purpose and intent. The intent of this district is to implement the Edgewood Community Plan adopted by Harford County. This district is intended to provide incentives as well as establish standards to encourage quality redevelopment consistent with the Community Plan.
- B. Existing zoning. Unless otherwise specified in this section, the permitted uses and design standards for parcels in the Edgewood Neighborhood Overlay District (ENOD) shall be those of the underlying zoning district. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.
- C. Applicability. This district includes all land situated between Maryland Route 152 and Otter Point Creek, north of the Aberdeen Proving Ground and south of the Chesapeake Science and Security Corridor as defined in §267-64 (Chesapeake Science and Security Corridor).
- D. Streetscape design standards. The following streetscape requirements must be reviewed and approved by the Department of Planning and Zoning, with concurrence from the Department of Public Works:
 - (1) Sidewalks, at least 5 feet in width (except for Main Street Districts), shall be provided and constructed of similar materials consistent with adjacent sites.
 - (2) Street trees of a minimum 3-inch caliper shall be planted at 30 foot staggered intervals along sidewalks. Shrubs or planters may be used when street trees are not feasible. For protection of utilities refer to §267-29 (Landscaping).
 - (3) Pedestrian scaled streetlights shall be provided.
 - (4) Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.
 - (5) Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.
 - (6) Outdoor cafes and sidewalk displays shall maintain a clean, litter free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.
 - (7) The Director of Planning shall approve the development plans, including architectural design, landscaping, parking and circulation.
- E. Parking standard modifications. Parking standards shall not be reduced by more than 30% of the required number of spaces. The off-street parking requirements for any given use shall be established per §267-26 (Off-street Parking and Loading) of the Harford County Code, as amended. The Department of Planning and Zoning, with concurrence from the Department of Public Works, may authorize a modification of the parking space requirements as follows:

- (1) If parking lots are screened from the public right-of-way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.
- (2) If parking is located in the rear, the parking standards may be reduced up to 10%.
- (3) If pedestrian linkages to transit stops are provided, the parking standards may be reduced up to 10%.
- (4) If on-street parking is provided, the parking standards may be reduced up to 5%.
- (5) If bicycle connections are provided, the parking standards may be reduced up to 10%.

F. Shared parking provisions. A portion of the required parking may be provided on an adjacent property provided that:

- (1) The underlying zoning of the adjacent property permits parking for the principal use of the site being developed.
- (2) There is adequate parking to meet the parking requirements for all uses served by the parking.
- (3) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.
- (4) The shared parking area is subject to a shared parking written agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. This agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking must also contain a provision for maintenance of the parking area.
- (5) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.
- (6) The required parking area shall be paved with a structured pervious surface.
- (7) Parking for residential uses shall be clearly designated.

G. Development standards.

- (1) Main Street. The standards shall be applicable to all properties fronting the Main Street designated in the adopted Community Plan and shall take precedence over conflicting requirements.
 - (a) Minimum standards.
 - [1] Shared access drives along Edgewood Road are encouraged. Required side buffer yards are waived in areas of shared drives.
 - [2] Landscaped parking lots are to be located in the front of the buildings. A 5 foot landscaped strip shall be located between the sidewalk and the parking area along the property frontage.

Interconnection between parking areas on adjacent properties is encouraged.

- [3] Side yard setbacks are to be 1/2 of those specified for other areas in the same zoning category in the Code.
- [4] Buildings shall be oriented to face the street, with entrances and display windows at street level. A direct and convenient pedestrian connection shall be provided from sidewalk to building entrance.
- [5] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.
- [6] Sidewalks at least 10 feet in width shall be provided the entire length of the property fronting the main street. Connections to existing sidewalks adjacent to the property shall be provided when appropriate.

- (b) Live/work units are permitted provided that no more than 50% of the gross square footage of the structure is limited to residential use.
- (c) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
- (d) Buffer yards shall comply with the requirements sets forth in §267-30 (Buffer Yards).

- (2) Mixed use centers in the Edgewood Neighborhood Overlay District. Mixed use centers shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-76 (Mixed Use Center).
- (3) Planned employment centers in the Edgewood Neighborhood Overlay District. Planned employment centers shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-77 (Planned Employment Centers).
- (4) Traditional Neighborhood Developments in the Edgewood Neighborhood Overlay District. Traditional Neighborhood Developments shall be permitted, pursuant to Article VIII, in conformance with standards established in §267-78 (Traditional Neighborhood Developments).
- (5) Housing for the Elderly Developments in the Edgewood Neighborhood Overlay District. Housing for the Elderly Developments shall be permitted, pursuant to Article VIII, in conformance with the standards established in §267-82 (Housing for the Elderly) except that the project must be directly accessible from 1 or more existing or planned arterial, collector, primary residential or minor residential roads.

(6) Conventional with Open Space (COS) Developments in the Edgewood Neighborhood Overlay District. Conventional with Open Space (COS) Developments shall be permitted, pursuant to Article VIII, in conformance with the standards established in §267-70 (Conventional with Open Space (COS)) except that the project must be directly accessible from 1 or more existing or planned arterial, collector, primary residential or minor residential roads.

§ 267-65.1. Magnolia Neighborhood Overlay District. [Added by Bill 16-029 As Amended; and Bill 18-34]

- A. Purpose and intent. The intent of the Magnolia Neighborhood Overlay District ("MNOD") is to encourage the development of residential communities which shall utilize Traditional Neighborhood Design, while providing for flexibility in housing types, allowing limited retail uses and encouraging innovative designs that foster a sense of community.
- B. Application. The MNOD includes all land situated south of the Chesapeake Science and Security Corridor (CSSC) as defined in §267-64 (Chesapeake Science and Security Corridor), west of MD Route 152 (Mountain Road), east of Trimble and Haverhill Roads, and north of the Aberdeen Providing Grounds (APG). A map of the MNOD, which is incorporated by reference herein, is on file at the Department of Planning and Zoning. If the owner of property subject to this Subsection B herein chooses to opt out of the MNOD, the provisions of Section 267-65.1 (Magnolia Neighborhood Overlay District) shall not apply to the property. The development thereof shall only be governed by, and subject to, the provisions set forth in this Part 1 and Part 2 for its zoning district, exclusive of this Section. If the property owner does not opt out of the MNOD, the development of the property shall be governed by, and subject to, the provisions set forth in this Section 267-65.1 (Magnolia Neighborhood Overlay District).
- C. Existing zoning. The permitted uses shall be those set forth in Subsection F below. The allowable densities for residential development shall be based on conventional development standards for the underlying zoning district. Unless otherwise specified in this section, the design standards for residential uses in the MNOD shall be those of the Conventional with Open Space (COS) design option in the R4 zoning district. The design standards for all other uses shall comply with the Design Requirements for those uses in the B3 zoning district. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.
- D. Objectives.
 - (1) To encourage development and redevelopment in the Joppa/Joppatowne area.
 - (2) To encourage land assemblage in order to maximize potential at opportunity sites.
 - (3) To promote integrated and connected communities with a mix of housing types.
 - (4) To promote affordability and life-cycle housing.
 - (5) To encourage the integration of neighborhood scale retail and service uses.
 - (6) To encourage high quality design architecture and site design that shall incorporate Traditional Neighborhood Design concepts.
 - (7) To promote walkability and physical activity through the incorporation of safe and accessible pedestrian and bicycle amenities.

E. General Requirements.

- (1) If the property owner has not opted out of the MNOD, the development of the property shall be subject to the requirements of this section, except:
 - (a) The permitted uses for developments less than 20 acres shall be only those of the underlying zoning district.
 - (b) For residential developments less than 20 acres, the design standards of the next most dense residential zoning district shall apply.
- (2) The development must be served by public water and sewer.
- (3) The Director of Planning and Zoning shall approve the proposed signage for all uses within the development. Electronic message boards are prohibited. A signage plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. All signage shall be standardized and coordinated throughout the development.
- (4) Lighting on any non-residential use shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto adjacent residential uses. A lighting plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. Lighting fixtures shall be coordinated throughout the development. Dark-sky friendly lighting practices shall be utilized in the design of the lighting plan.

F. Permitted uses. Pursuant to Subsection C above, the permitted uses within the MNOD shall be the following:

- (1) Permitted residential uses include single-family detached dwellings, attached dwellings and multi-family dwellings.
- (2) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens, mews and squares; and linkages to regional recreation and open space systems.
- (3) The following institutional uses shall be permitted within developments in the MNOD provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres:
 - (a) Daycare centers.
 - (b) Community Centers.
 - (c) Fire station with assembly hall.
- (4) If the Director of Planning and Zoning approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards

and requirements shall be enforceable as any other standard or requirement of this Part 1.

(5) Commercial uses. Commercial uses proposed in a residential district shall be part of an overall redevelopment or development plan and shall not exceed 100 square feet of gross floor area for every dwelling unit. The following commercial uses shall be permitted in a MNOD development:

- (a) Agricultural retail.
- (b) Restaurants; excluding drive through restaurants.
- (c) Personal services; excluding tattoo parlors, massage parlors, and establishments typically engaged in the sale and/or use of tobacco products.
- (d) Professional services.
- (e) Convenience goods stores, excluding stores with motor vehicle filling stations. The sale of tobacco or similar products and alcoholic beverages shall be prohibited in a convenience goods store located within the MNOD.
- (f) Health clubs and gyms.

G. Site design.

- (1) The project shall be designed such that distinctive residential neighborhoods are defined; large tracts of homogeneous housing types are discouraged.
- (2) The project shall utilize Traditional Neighborhood Design concepts to provide a variety of housing types and open space uses to achieve a balanced and integrated community.
- (3) With respect to any development within the MNOD, no more than 15% of the acreage shall be developed as multi-family units, and no more than 35% of the acreage shall be developed as attached dwelling units.
- (4) The project shall be designed with adequate buffers to minimize the visual impact between residential and all other uses. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary plan review. A minimum buffer yard of 15 feet shall be provided between residential uses and all other uses in the development. The Director of Planning and Zoning may modify the buffer requirement if innovative design concepts are utilized, or a complimentary mix of uses negates the need for a buffer. All other requirements set forth in §267-29 (Landscaping) of the Harford County Code as Amended shall apply.
- (5) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy for adjoining residential uses.

- (6) The project shall be designed so that vehicular and pedestrian connections are provided to surrounding developments.
- (7) A paved shared use path at least 8 feet in width and separated from the roadway shall be provided and connect to all phases of the development. The location of the shared use path shall be approved by the Director and Planning and Zoning and the Director of Public Works.
- (8) Streetscape design standards shall be submitted for review and approval at the time of preliminary or site plan review. The approved design standards shall be followed throughout each phase of the development.
- (9) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way.
- (10) A security vault, approved by the Fire Chief of the Volunteer Fire and Ambulance Company, located closest to the site, shall be installed on each multifamily and nonresidential structure.
- (11) Projects within the MNOD shall be designed to facilitate and encourage future transit ridership.

H. Vehicular and pedestrian circulation and access.

- (1) Road connections between all developments within the MNOD are required unless it is demonstrated to the Director of Planning and Zoning and the Director of Public Works that a connection is not feasible. In addition, any development within the MNOD shall provide connections to any adjacent property or properties within the MNOD by road, sidewalk, walking rails and/or bicycle access. A circulation plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
- (2) The project shall be designed such that on-street and off-street parking areas do not impede the access of emergency vehicles

I. Parking. The off-street parking requirements for any use shall be those set forth in §267-26 (Off-street Parking and Loading) of the Harford County Code, as Amended. The Department of Planning and Zoning, with concurrence from the Department of Public Works, may authorize a modification of the parking space requirements for nonresidential uses.

- (1) Parking standards for nonresidential uses may be reduced up to a total of 20% of the required number of spaces under the following scenarios:
 - (a) If parking areas are screened from the public right-of-way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.

- (b) If on-street parking is provided, the parking standards may be reduced up to 5%.
- (c) If bicycle connections or amenities are provided, the parking standards may be reduced up to 10%.

(2) Guest parking for attached and multi-family dwelling units shall be provided at a ratio of 1 guest parking space per 4 dwelling units. Guest parking may be provided within parking lots for commercial and institutional uses, provided that:

- (a) The guest parking is located within 1,500 feet of the residential units it is intended to serve.
- (b) The guest parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. The agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking agreements must also contain a provision for maintenance of the parking area.

J. Design standards.

- (1) Parking areas are to be located to the rear or side of all nonresidential uses. Interconnection between parking areas on adjacent properties is required.
- (2) All nonresidential buildings shall be oriented to face the street, with entrances and display windows at street level. A direct and convenient pedestrian connection shall be provided from sidewalks to building entrances.
- (3) Commercial or mixed-use buildings shall have similar architectural features as the residential uses in the development and shall not exceed twice the height and massing of adjacent buildings.
- (4) Architecturally harmonious building materials, colors, textures and treatments shall be used for all exterior walls of all buildings in the MNOD, and shall be harmonious with the building materials, colors, textures and treatments throughout the MNOD. Brick or stone shall be used on the front elevations of all buildings. The use of split face block, standard EIFS or similar cladding material shall be prohibited. Rear and side elevations shall be of finished quality and shall be consistent in color with the rest of the building. Architectural renderings or elevations shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
- (5) A consistent building line should be maintained at the setback line along the street. However, projections of porches, bay windows, stoops, and other architectural features into the required setback may be permitted in order to create character.
- (6) In areas of mixed residential types, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building.

(7) Front load garages shall be prohibited along any existing or proposed collector roads. For dwellings located along internal roads, a garage may be oriented towards the road provided that it is located a minimum of twenty (20) feet behind the front façade of the principal structure. Freestanding garages and carport structures for multiple dwelling unit buildings must be designed to be integral with the building design or sited so as to avoid long and monotonous rows of garage doors or building walls.

(8) The project should be designed so that off-street parking and garages are visually unobtrusive.

K. Open space.

(1) Developments within the MNOD shall provide open space as follows:

MINIMUM OPEN SPACE	
District	Percent of Parcel Area
R1	10
R2	10
R3 (for single family attached or detached)	15
R3 (for all other dwelling types)	20
R4	20

(2) Recreational facilities shall be provided in each phase of development to meet the needs of the residents.

(3) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.

(4) All open space shall be provided pursuant to §267-31 (Open Space) of the Harford County Code as Amended.

§ 267-66. Water Source Protection Districts.

A. Purpose and intent. Harford County recognizes that the provision of a safe drinking water supply is essential to maintaining the public health, safety and the quality of life within the community. These standards protect high-quality, low-cost water for domestic, municipal, commercial and industrial needs for the users of Harford County and protect local resources. Water source protection areas in Harford County include the Perryman wellfield, community water systems and nontransient water systems as mapped by the Maryland Department of the Environment. The areas surrounding these water supplies contribute not only water to the supply source but also the potential for contaminants that result from land use activities. These areas are referred to as "contributing areas". Activities occurring within the contributing areas may impact the water sources at varying time frames, therefore necessitating different requirements for each contributing area. The goals of these standards are:

- (1) Protect the quality and quantity of the groundwater and surface water that provide drinking water to the general public.
- (2) Manage land use and development activities within the contributing areas in a manner that sustains the quality and quantity of the water source for the long term.
- (3) Foster environmentally sensitive development within the contributing areas by setting forth standards that prevent negative impacts and by establishing mitigation measures that minimize the likelihood that the water sources will be impacted.
- (4) Utilize other water resource protection regulations throughout this Part 1, such as §267-29 (Landscaping), §267-30 (Buffer Yards), §267-62 (Natural Resource District), §267-53D(4)(c) (AG District), §267-59C(7)(e) (B1, B2 and B3 Business Districts), §267-89D (Sanitary Landfills) and §267-90D (Rubble Landfills).
- (5) Promote and encourage implementation of Watershed Restoration Action Strategies (WRAS) of Harford County.

B. Applicability. In order to carry out the provisions of this Subsection, districts have been established. The Department of Planning and Zoning shall maintain a map, a copy of which is incorporated herein by reference, delineating the location of these sources as most currently designated by Maryland Department of the Environment. Said map shall be known as the Harford County Water Source Protection District Map. In conjunction with existing zoning regulations and districts, the requirements of this section shall apply to all development and redevelopment within the contributing areas for the following districts:

- (1) Perryman wellfield district.
- (2) Community water system districts.
- (3) Nontransient noncommunity water system districts.

C. General regulations.

(1) Prohibited uses.

(a) The following uses are considered to pose a high risk to groundwater and surface water and shall be prohibited within all watersource protection districts:

- [1] New or expanded mining or quarry activities.
- [2] New or expanded sanitary landfills and rubble landfills.
- [3] New or expanded hazardous waste collection, transfer or disposal facilities.
- [4] Class V injection wells.
- [5] New underground storage tanks (UST). This restriction applies to any tank or combination of tanks of any size, including underground pipes connected to the tank, where 10% or more of the combined volume of the pipes and tank(s) is underneath the surface. This includes tanks regulated by the Maryland Department of the Environment (MDE) through Code of Maryland regulations (COMAR) 26.10.02 and unregulated tanks (e.g., farm or residential less than 1,100 gallons). It does not include the following:
 - [a] A storage tank located in an underground area such as a basement, if the storage tank is located on or above an impervious surface such as a concrete floor;
 - [b] Wastewater collection systems;
 - [c] Stormwater management facilities; or
 - [d] Propane tanks.
- [6] Surface impoundments, ponds or lagoons. Except for stormwater detention and retention ponds and ponds used for recreational or landscaping purposes.
- [7] Manufacturing and production of paving, roofing and other construction materials using petroleum-based coating and preserving materials.
- [8] Dumping of snow from outside the water source protection district.
- [9] Bulk storage of hazardous materials except as follows:
 - [a] Materials needed for normal household use;

- [b] Waste oil retention facilities required by statute, rule or regulation;
- [c] Materials needed for emergency generators; or
- [d] Materials used in water treatment plants.

[10] Motor vehicle repair shops and motor vehicle filling and service stations, except when located within a designated rural village area as shown on the most recent version of the Land Use Plan, provided all COMAR regulations are met.

- [11] Junk yards.
- [12] Dry cleaning establishments.
- [13] Metal plating establishments.
- [14] Miscellaneous chemical storage or manufacturing.
- [15] Petroleum refining.
- [16] Lubricating oils and greases.
- [17] Offal or dead animal disposal or processing services.

(2) Exemptions. The following activities are exempt from regulation under this Subsection:

- (a) Transportation of hazardous materials. The transportation of hazardous materials shall be exempt from the provisions of this Subsection.
- (b) Application of herbicides and pesticides. The application of herbicides and pesticides associated with recreation, agriculture, pest control, roadside maintenance and aquatic weed control shall be exempt from the provisions of this Subsection provided that:
 - [1] The application is completed in strict conformity with the use requirements as set forth in the EPA substance registries. Herbicides and pesticides can only be used according to its labeling and according to pertinent Federal and State laws.
 - [2] The application of herbicides and pesticides shall be noted in the records of an applicator certified by the Maryland Department of agriculture. Records shall be kept of the date and the amount of these substances applied at each location and said records shall be available for inspection.

D. Perryman wellfield protection district.

(1) Application. The Perryman wellfield protection district is designated on the Harford County Water Source Protection District Map.

(2) Impervious surface limitations.

(a) New impervious surfaces shall be prohibited within 100 feet of all County-owned wells within the district.

(b) For all new nonresidential development and redevelopment within the Perryman wellfield protection district, the amount of impervious surface shall be limited to 50%. Existing lots of record with impervious surface coverage of 50% or greater shall minimize the amount of impervious surface associated with the redevelopment of the site. In no case shall the amount of impervious surface exceed 75% or the amount currently on the site, whichever is less.

(c) For residentially zoned parcels, the amount of impervious surface shall be limited to the following:

[1] On undeveloped lots, new impervious surfaces shall not exceed 50% of the parcel or lot. However, if the lot of record is $\frac{1}{2}$ acre or less in size, the amount of impervious surface may exceed the 50% limit by 25% or 500 square feet, whichever is greater.

[2] The redevelopment or expansion of existing residential uses on lots of record shall be permitted provided they do not exceed the 50% limit on impervious surfaces, except as provided in paragraph [3] below.

[3] Existing lots of record having impervious surface coverage of 50% or more may increase the amount of impervious surface on site by 500 square feet.

[4] For new residential subdivisions, impervious surfaces may not exceed 50% of the overall development.

(d) Hydraulic connectivity shall be maintained between impervious surfaces.

(3) Stormwater management.

(a) For all new development and redevelopment, stormwater management shall be designed to minimize the impact of pollutants to the wellfield.

(b) Natural Resource District areas and significant/special natural features shall be preserved.

(c) Stormwater management systems shall mimic, as closely as possible, the runoff process of the site in its natural state. This shall include, at a minimum, natural storage, infiltration and pollutant filtering functions.

[1] Grass swales, vegetated filter strips, bioretention, constructed stormwater wetlands, sand filters and closed sand filters shall be used where possible.

- [2] Runoff from service stations, towing and vehicle storage areas and maintenance areas with gasoline pumps shall not be infiltrated.
- (d) All new development and redevelopment on nonresidentially zoned lands shall:
 - [1] Meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended;
 - [2] Meet the requirements for stormwater management as detailed in Stormwater Management Activities: Developing Pollution Prevention Plans and Best Management Practice (U.S. EPA 1992);
 - [3] Meet the requirements of COMAR 26.08.01 industrial surface water discharge permits;
 - [4] Provide stormwater management systems that capture and pretreat the stormwater runoff from all impervious areas; and
 - [5] Design and install stormwater Best Management Practice (BMPs) as an integrated system. BMPs shall be used sequentially in the wellfield protection districts to provide an effective treatment hierarchy. In applying a treatment hierarchy, priority shall be given to implementing the following approaches:
 - [a] Impervious surfaces shall be minimized where appropriate. Certain sites shall require impervious surfaces to act as containment areas for toxic and hazardous materials;
 - [b] Runoff shall be pretreated before entering a stormwater facility or before it is channeled to an infiltration facility;
 - [c] Flows shall be attenuated in vegetated swales and bioretention storage areas;
 - [d] Runoff shall be infiltrated on site, depending on the soil characteristics of the site and the quality of the runoff; and
 - [e] Excess stormwater shall be managed by detention and/or retention devices.
- (e) All new development and redevelopment on residentially zoned lands shall:
 - [1] Meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended; and
 - [2] Design and install stormwater best management practices as an integrated system. BMPs shall be used sequentially to provide an effective treatment hierarchy. In applying a treatment hierarchy, priority shall be given to implementing the following approaches:

- [a] Impervious surfaces shall be minimized where appropriate;
- [b] Runoff shall be infiltrated on site, depending on the soil characteristics of the site and the quality of the runoff;
- [c] Flows shall be attenuated in vegetated swales and bioretention storage areas; and
- [d] Excess stormwater shall be managed by detention and/or retention devices.

(4) Aboveground storage tanks.

- (a) Aboveground storage tanks associated with nonresidential uses are allowed, provided they meet the requirements of COMAR 26.10.02.12.
- (b) New aboveground storage tanks for residential heating fuel shall be allowed in all zones, provided that the tank is:
 - [1] Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
 - [2] Sheltered to prevent the intrusion of precipitation; and
 - [3] Located so as to allow for routine visual inspections for leaks.
- (c) All aboveground storage tanks shall be located at least 100 feet from all County wells.

(5) Landscaping standards. Landscaping shall be provided consistent with the standards set forth in §267-29 (Landscaping).

E. Community water system protection district.

- (1) Applicability. The community water system protection district applies to those recharge areas designated as community water systems on the Harford County water source protection district map.
- (2) Impervious surface limitations.
 - (a) New impervious surfaces shall be prohibited within 100 feet of all community wells.
 - (b) The amount of impervious surface for all new nonresidential development shall be limited to 50% of the parcel or lot. Existing lots of record with impervious surface coverage of 50% or greater shall minimize the amount of impervious surface associated with the redevelopment of the site. In no case shall the amount of impervious surface exceed 75% or the amount currently on the site, whichever is less.
 - (c) For residentially zoned parcels, the amount of impervious surface shall be limited to the following:

- [1] On undeveloped lots, new impervious surfaces shall not exceed 50% of the parcel or lot. However, if the lot of record is $\frac{1}{2}$ acre or less in size, the amount of impervious surface may exceed the 50% limit by 25% or 500 square feet, whichever is greater.
- [2] The redevelopment or expansion of existing residential uses on lots of record shall be permitted provided they do not exceed the 50% limit on impervious surfaces, except as provided in paragraph [3] below.
- [3] Existing lots of record having impervious surface coverage of 50% or more may increase the amount of impervious surface on site by 500 square feet.
- [4] For new residential subdivisions, impervious surfaces may not exceed 50% of the overall development.

(d) Hydraulic connectivity shall be maintained between impervious surfaces.

(3) Stormwater management.

- (a) For all new development and redevelopment, stormwater management shall be designed to minimize the impact of pollutants to the wellfield.
- (b) Natural Resource District areas and significant/special natural habitats shall be preserved.
- (c) Stormwater management systems shall mimic, as closely as possible, the runoff process of the site in its natural state. This shall include, at a minimum, natural storage, infiltration and pollutant filtering functions.
 - [1] Grass swales, vegetated filter strips, bioretention, constructed stormwater wetlands, sand filters and closed sand filters shall be used where possible.
 - [2] Runoff from service stations, towing and vehicle storage areas and maintenance areas with gasoline pumps shall not be infiltrated.

(d) All new development and redevelopment shall meet the requirements for stormwater management as specified in Chapter 214 of the Harford County Code, as amended.

(4) Landscaping standards. Landscaping shall be provided consistent with the standards set forth in §267-29 (Landscaping).

(5) Aboveground storage tanks.

- (a) All new aboveground storage tanks shall be located at least 100 feet from all community wells.
- (b) New aboveground storage tanks shall be:

- [1] Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
- [2] Sheltered to prevent the intrusion of precipitation; and
- [3] Located so as to allow for routine visual inspections for leaks.

F. Nontransient noncommunity water system protection area.

- (1) Applicability. The nontransient noncommunity water system protection district applies to those recharge areas designated as nontransient noncommunity water systems on the Harford County Water Source Protection District Map.
- (2) Impervious surface requirements.
 - (a) New nontransient noncommunity wells. New impervious surfaces are prohibited within 100 feet of new wells designated as nontransient noncommunity wells by Maryland Department of the Environment as of the date of this Part 1. The impervious surface requirement must be achieved using the following criteria:
 - [1] The well, and the 100-foot impervious surface requirement for the well, must fall within the limits of the property being served by the well; or
 - [2] The property owner of the property being served by the well must obtain an easement from any property that is affected by the 100-foot impervious surface standard; or
 - [3] An additional pervious area buffer must be maintained, on the property being served by the well, equal in surface area to the size of the buffer extending off of the property.
 - (b) Existing nontransient noncommunity wells. Existing impervious surfaces located within 100 feet of a nontransient noncommunity well, as designated by Maryland Department of the environment prior to the date of this Part 1, shall be permitted to remain provided there is no increase in impervious surfaces within 100 feet of the well.
- (3) Stormwater management requirements, as specified in Chapter 214 of the Harford County Code, as amended, shall be met. The use of stormwater credits for innovative Site Planning, in the 2000 Maryland Stormwater Management Design Manual, Volumes I and II, shall be used to the greatest extent practicable.
- (4) New aboveground storage tanks shall be:
 - (a) Located on an impervious pad or container of sufficient volume to capture and contain spills and leakage;
 - (b) Sheltered to prevent the intrusion of precipitation; and

(c) Located so as to allow for routine visual inspections for leaks.

G. Variances. The Board may grant a variance from the provisions of this section upon a finding by the Board that the proposed development will not have a significant adverse effect on the water source protection district. Prior to rendering approval, the Board shall request advisory comments from the Director of Planning, the Harford County Health Department, the Department of Public Works and the Maryland Department of the Environment.

H. Notification. The procedure for notification of proposed new noncommunity nontransient well construction must be followed as described in §268-20 (Community Input Meetings) of the Subdivision Regulations for Harford County.

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ARTICLE VIII. Design Standards for Special Developments

§ 267-67. Purpose.

The purposes of this Article are:

- A. To encourage innovations and design excellence in development by permitting variety in type, design and layout of buildings.
- B. To provide opportunities for recreation and open space.
- C. To encourage efficient use of land and public services.
- D. To provide flexibility in land development and protection of sensitive environmental and agricultural features.

§ 267-68. Approval. [Amended by Bill 12-48 as amended]

- A. Administrative approval. The following special developments shall be subject to review and approval by the Director of Planning:
 - (1) Conventional with Open Space (COS).
 - (2) Conservation Development Standards (CDS).
 - (3) Agricultural/commercial.
 - (4) Garden and mid-rise apartment dwellings.
 - (5) Nursing homes and assisted living facilities in the Chesapeake Science and Security Corridor.
 - (6) Mixed Use Centers in the Development Envelope, as defined on the most recently adopted Land Use Plan.
 - (7) Planned employment center in the ENOD only.
 - (8) Traditional neighborhood design in the ENOD only.
 - (9) Integrated Community Shopping Center (ICSC) 100,000 square feet or less in the Chesapeake Science and Security Corridor only.
 - (10) Mobile Home Subdivision (MHS) in the R3 and R4 districts only. At the time of submission of an application for approval of a MHS, the property owner shall notify all adjacent property owners of the intent to develop an MHS. In considering the application for an MHS, the Director of Planning must consider the Limitations, Guides and Standards outlined in §267-9 (Board of Appeals).
 - (11) Housing for the elderly.
 - (12) Continuing Care Retirement Community (CCRC).
 - (13) Corporate Office Park (COP).
 - (14) Retail/service/office uses in the RO district.
 - (15) Animal shelters.

B. Board approval. The following special developments shall be subject to approval of the Board pursuant to this section and §267-9 (Board of Appeals):

- (1) Planned Residential Development.
- (2) Mobile home park.
- (3) The location on a parcel or a portion thereof for a proposed ICSC. The development plans for any Integrated Community Shopping Centers shall be approved by the Director of Planning in accordance with this Article.
- (4) The location on a parcel or portion thereof for a Chesapeake Science and Security Corridor shopping center over 100,000 square feet.

c. Prior to approval by the Board of the special development identified in Subsection B(1) and (2), the Board shall determine that the proposed project complies with the development and design standards set forth herein and is consistent with the purpose of this section and the limitations, guides and standards noted in §267-9 (Board of Appeals):

- (1) The Board shall consider the report of the Director of Planning regarding the project's compliance with this section upon the applicant's submission of information as required in §267-12A(2) (Concept Plan).
- (2) The Director of Planning may approve modification or amendment of the project plan after Board approval upon a finding that the modification or amendments comply with the requirements of this section.

D. Prior to approval of the location of an ICSC, the Director of Planning shall prepare a report regarding the project's compliance with the standards in §267-9 (Board of Appeals). To provide adequate information for this report, the Director of Planning may require the submission of a Concept Plan for the site, a traffic impact study, a market feasibility study and other information as needed to determine project compliance. The Board shall consider the report of the Director of Planning and specific recommendations contained therein in its decision regarding the location of a shopping center.

§ 267-69. General Design Standards. [Amended by Bill 12-48 as amended]

The following general requirements shall be applicable to all projects developed under this Article:

- A. The protection of trees shall be considered in determining the location of open space and development areas.
- B. The project shall be designed to minimize earthmoving, erosion and the disturbance of environmentally sensitive features.
- C. The road system shall be designed as harmonious with the topography and adjacent public roads and designed to allow for a network of roads which interconnect throughout the development.
- D. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines in §267-73 (AG Commercial), §267-72 (Conservation Development Standards) and §267-85.1 (Animal Shelters).
- E. All public roads and intersections and parking areas and areas of high pedestrian use shall be adequately lighted and arranged to direct light away from residences.

- F. All other requirements of this Part 1 shall apply. In the event of a conflict with other sections of this Part 1, the specific provisions of this Article shall apply, except in water source protection areas, in which case the most restrictive shall apply.
- G. Projects developed under this Article shall be consistent with the Harford County Subdivision Regulations.

§ 267-70. Conventional with Open Space (COS).

- A. Eligibility. A COS shall have a minimum parcel size of 5 acres in the R1, R2, R3 and R4 districts.
- B. Permitted uses. The uses permitted in a Conventional with Open Space development shall be those uses permitted in the appropriate district.
- C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).
 - (1) Site design.
 - (a) The project shall be designed with regard to the soils, topography and natural features of the parcel.
 - (b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
 - (c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).
 - (d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed COS development. The Department shall determine the appropriate buffer yard.
 - (e) No building shall be located within 10 feet of the road right-of-way.
 - (f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.
 - (2) Vehicular circulation and access.
 - (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
 - (3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:
 - (a) In a Conventional with Open Space development, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R1	10%
R2	10%
R3 (single-family attached and detached)	15%
R3 (all other dwelling types)	20%
R4	20%

(b) All open space shall be provided pursuant to §267-31 (Open Space).

(4) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

§ 267-71. Planned Residential Development (PRD).

A. Eligibility. A PRD shall have a minimum parcel size of 5 acres in the R3 and R4 districts.

B. Permitted uses. The uses permitted in a PRD shall be those uses permitted in the appropriate district. Business uses in a Planned Residential Development project developed in the R4 district are permitted provided that such uses do not exceed 1,000 square feet of gross floor area for every 100 dwelling units.

C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

(1) Site design.

(a) The project shall be designed with regard to the soils, topography and natural features of the parcel.

(b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.

(c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).

(d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed PRD development. The Department shall determine the appropriate buffer yard.

(e) No building shall be located within 10 feet of the road right-of-way.

(f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.

(2) Vehicular circulation and access.

(a) The project roads shall be designed to provide a logical road network adequate for internal movement.

(b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.

(3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:

(a) In a PRD, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R3	20%
R4 (except high rise)	25%
R4 (high-rise)	30%

(b) All open space shall be provided pursuant to §267-31 (Open Space).

(4) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

(5) The Board may approve modifications to the design requirements listed on Tables 55-3.1, 55-3.2, 55-4.1, 55-4.2 and 55-4.3 in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

§ 267-72. Conservation Development Standards (CDS).

A. The provisions of these development standards may be applied to single-family detached subdivisions located within the agricultural district.

(1) In order for a parcel to be developed under Conservation Development Standards, it must be a minimum of 35 acres in size.

(2) Allowable densities under Conservation Development Standards shall be that set forth in this §267-53 (AG Agricultural District).

(3) The developable area shall not exceed 25% of the total parcel, including all land necessary to accommodate utilities and infrastructure, including roads, water, wastewater and electric lines. The preservation area shall not be less than 75% of the total parcel.

(4) The developer shall submit a scaled drawing of the property. The drawing shall include the property boundaries, the general lot designs, road locations, forested areas, steep slopes, wetlands, streams and other sensitive areas. In addition, the drawing shall show the remaining agricultural use on the property, including agricultural buildings, cropland and pasture areas.

B. The following uses are permitted in the preservation area, pursuant to the lot and setback requirements of this section:

(1) Agriculture.

(2) Agricultural public events.

- (3) Agricultural retail sales.
- (4) Agricultural commercial.
- (5) Forestry.
- (6) Public service use.
- (7) Greenhouses and nurseries, commercial.
- (8) Park.
- (9) Wildlife refuge.

C. The uses allowed in the developable area shall be limited to single-family residential dwellings.

D. Design standards.

- (1) Development shall be designed in a manner that will minimize the effect on cropland, pasture, forest and areas of other significant value.
- (2) The preservation area should be determined with reference to the location of forested and agricultural land or preservation areas on adjacent properties so as to maintain contiguity where feasible.
- (3) All land in the preservation area, whether part of the created subdivision or platted and recorded separately, shall be subject to an easement in perpetuity in a form to be approved by the Department of Law and recorded in the Land Records of Harford County, Maryland, restricting any future development on that property, except those permitted in Subsection B.
- (4) If future public necessity warrants, the property owner and the County may agree to amend the terms of the easement, subject to the following requirements:
 - (a) The land may be developed only for a nonresidential use that is beneficial to the community, as specified in the amended easement;
 - (b) The agreement of the County Council shall be evidenced by legislative act of the Council; and
 - (c) An amended easement shall be effective only upon its recordation in the Land Records of the County.
- (5) Public roads shall be designed in a manner that is consistent with the Harford County Road Code and with the surrounding rural character.
- (6) The easement shall not provide for public access to any privately-owned land.
- (7) Landscaping and buffering. Landscaping and buffering in developable areas shall conform to the regulations in §267-29 (Landscaping) and §267-30 (Buffer Yards).

§ 267-73. Agricultural/Commercial. [Amended by Bill 13-52; Bill 15-23 as amended; Bill 15-39 as amended; Bill 17-04; Bill 19-15 as amended; and Bill 21-20 as amended]

A. General provisions. The following general requirements shall be applicable to all projects developed under this Article:

- (1) Must be approved by the Director of Planning.
- (2) Except as otherwise provided in this Subsection, the parcel shall be a minimum of 10 acres.
- * (3) For the 3 years prior to application for approval, gross agricultural income shall have been at least \$15,000 annually, as set forth on Internal Revenue Code Schedule F, or as set forth on any other financial documentation requested and approved by the Department of Planning and Zoning. Gross agricultural income shall remain at least \$15,000 annually as set forth in this Subsection (3).

* Note: *Per Section 2 of Bill No. 15-23 as amended, The requirements of this Act shall not apply to projects that have applied for preliminary or site plan approval prior to September 15, 2015.*

- (4) The parcel shall be zoned and assessed agricultural.
- (5) Meets the specific criteria for the use.
- (6) Must be owner or tenant operated.
- (7) Safe and adequate access shall be provided for vehicular traffic, as determined by the State Highway Administration or Harford County.
- (8) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.
- (9) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (10) Buildings in which animals are housed shall comply with §267-53 (AG Agricultural District).
- (11) Setbacks for these uses shall be a minimum of 100 feet from any property line except road frontage and 200 feet from any off-site residence. A buffer yard shall be provided between any parking or storage area and any public road and any off-site residence.
- (12) Written approval from the record owner is necessary if someone other than the owner of record is operating the use.

B. Amusements.

- (1) Commercial riding stables.
 - (a) Parking shall be provided a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence.
 - (b) Pursuant to §267-30 (Buffer Yards), the property on which the commercial stable is located shall be buffered with a type "C" buffer. The buffer yard may be included in the setback area.
- (2) Private parties and receptions.

- (a) Unless located entirely within an enclosed building, this use shall not be located less than 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- (b) Adequate parking shall be provided on site and screened from any off-site residence.
- (c) Hours of operation are not permitted between 12:00 midnight and 6:00 a.m.

(3) Farm breweries.

- (a) Adequate parking shall be provided on site and screened from any off-site residence. No off-site parking shall be permitted.
- (b) The parcel shall be at least 25 acres.
- (c) The parcel upon which the farm brewery is located shall produce a minimum of 2 acres of grain, hops, fruit, or other ingredient, excluding water, that is utilized in the brewery production of the alcoholic beverages. Alternatively, the crops utilized by the brewery may be grown on an off-site parcel provided it is owned and operated by the owner of the farm brewery. Starting no later than 3 years following the receipt of all necessary approvals, the farm brewery shall brew a minimum of 35% of its total brewery product on the parcel where the brewery is physically located.
- (d) Hours of operation are permitted between 10:00 a.m. and 10:00 p.m.
- (e) Any enclosed structure, or portion thereof, to be used for tastings, sales or events shall not exceed 2,500 square feet. Calculation of the 2,500 square feet devoted to tastings, sales and events will be based on the floor area devoted to customer service, excluding restrooms and storage.
- (f) Events designed to promote the farm brewery shall be permitted on the property, subject to the applicable requirements and conditions set forth in The Alcoholic Beverages Article of the Maryland Annotated Code, as amended.
- (g) The owner shall obtain all other necessary and required Federal and State licenses and approvals prior to operating.
- (h) In the event the farm brewery will be accessed by a private road upon which other property owners have an easement to use, the owner of the farm brewery shall submit affidavits of support from all easement owners. The form of the affidavit shall be approved by the Department of Planning and Zoning prior to signature.
- (i) Any building used in connection with the farm brewery shall be located a minimum of 300 feet from any lot line.

C. Industrial uses associated with agricultural uses as provided for in the use charts.

(1) Any new buildings or additions shall be located a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence. Existing buildings shall be exempt.

(2) Outside storage is permitted provided it is a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

D. Motor vehicle.

(1) Commercial or construction vehicles and equipment storage, service and repair, used in the farming operation and owned by the farmer or tenant operator may be located on the property provided that the parcel is a minimum of 20 acres. The storage of commercial or construction vehicles and equipment shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

(a) Farm vehicles or pieces of equipment may be located on the farm property provided that the parcel is a minimum of 20 acres.

(b) Storage of these vehicles or equipment for repair shall be a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

(2) School buses. A maximum of 25 school buses may be located on the property provided that the parcel is a minimum of 20 acres. School buses shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

E. Retail trade.

(1) Feed and grain storage and sales.

(a) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(b) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.

(2) Farm markets, private.

(3) Auction houses – animal and agricultural related products or non-agricultural related.

(a) Auctions shall be limited to 2 sales per month.

(b) Adequate on-site parking shall be provided.

(c) Outside sales or storage shall be a minimum of 100 feet from any lot line.

(d) Sales items shall not be stored outside for more than 30 days.

F. Services.

(1) Veterinary practice, large animals.

(a) Hours of operation shall not be limited for this use.

(b) The entire use must be setback 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(2) Restaurants and Brewery, Pub.

- (a) Shall not have seating capacity to accommodate more than 30 patrons.
- (b) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (c) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- (d) Shall not be in operation between 10:00 p.m. and 6:00 a.m.

§ 267-74. Garden and Mid-Rise Apartment Dwellings (GMA). [Amended by Bill 11-04, as amended and Bill 23-27, as amended]

- A. Purpose. To provide for development of multi-family dwelling unit projects in the R4 and B3 zoning districts. In the B3 zoning district, garden apartments are limited solely to locations entirely within the boundaries of the Chesapeake Science and Security Corridor (CSSC).
- B. Objectives.
 - (1) To provide opportunity for new residential and mixed use development in the Development Envelope.
 - (2) To encourage quality design and incorporation of limited business uses within a single development.
 - (3) To assure compatibility of the proposed land uses with internal and surrounding uses.
- C. Development standards.
 - (1) Permitted uses. The following uses shall be permitted:
 - (a) Garden apartments. In the B3 zoning district, garden apartment uses shall be permitted as a Special Development only in the Chesapeake Science and Security Corridor (CSSC).
 - (b) Mid-rise apartments. In the R4 district, retail and service uses may be incorporated into the overall project for up to 30% of the gross square footage. Business uses shall be located on only the first floor of any building. No more than 1 restaurant or bar shall be permitted per project. Freestanding signs advertising the business uses shall be limited to 120 square feet in size per project.
 - (2) Access. Primary access to the GMA site shall be from a primary residential or higher functionally classified road.
 - (3) Design. The proposed project shall be designed with buildings which are compatible and harmonious with surrounding uses. Efforts shall be made to minimize the impact and maximize the aesthetics to adjoining or surrounding properties. The design shall provide for adequate buffers, pursuant to §267-30 (Buffer Yards).
 - (4) Open space. The open space shall constitute at least 20% of the parcel area, of which at least 10% shall be suitable for and devoted to active recreation. The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy and quiet for adjoining residential uses. All open space shall be provided pursuant to §267-31 (Open Space).

- (5) Landscaping. Any area not used for buildings, structures or parking shall be landscaped and properly maintained, pursuant to §267-29 (Landscaping).
- (6) For development of garden apartments in the B3 zoning district, which is located entirely within the boundaries of the Chesapeake Science and Security Corridor (CSSC), the R4 Conventional with Open Space (COS) Design Standards shall be used. The permitted density shall not exceed 20 dwelling units per acre.

§ 267-75. Nursing Homes and Assisted Living Facilities.

These uses may be granted in the R2 and CI districts in the Chesapeake Science and Security Corridor, provided that:

- A. A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
- B. The setbacks of the district for institutional uses shall be met.
- C. The density shall not exceed 20 beds per acre of the parcel.
- D. In the CI district, consideration shall be given to protection of the residents from impacts of nearby industrial uses:
 - (1) To minimize exposure to noise and other emissions from roads, parking areas and industrial activities, outdoor active and passive recreation areas shall be buffered with a combination of evergreen and deciduous trees that are at least 6 feet high at the time of planting.
 - (2) Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the 3 closest volunteer fire and ambulance companies.
 - (3) The Director of Planning may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the residents.

§ 267-76. Mixed Use Center. [Amended by Bill 11-04, as amended]

- A. Purpose. To provide opportunities and incentives for high quality mixed use development that creates a synergy of uses, attractive and efficient design and a reduction of vehicle miles traveled by locating a variety of uses in one location in the B1, B2, B3, CI, GI, LI and R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- B. Objectives.
 - (1) To encourage orderly, staged development of comprehensively designed mixed use centers.
 - (2) To create a mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, where all related structures, parking and open spaces are designed to function as a cohesive and integrated site, while protecting the residential character of surrounding neighborhoods.

- (3) To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
- (4) To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
- (5) Encourage harmonious and coordinated development of sites, considering the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.
- (6) Encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design and a reduction of vehicle miles traveled.

C. Eligibility.

- (1) In order for a project to utilize the mixed use center development standards, the property must be located in the B1, B2, B3, CI, GI, LI or R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- (2) Any project utilizing the mixed use center development standards must utilize public water and sewer.
- (3) A minimum parcel area of 5 acres must be established.

D. Permitted uses.

- (1) Any use permitted in the B1, B2, B3, CI, GI, LI and R4 zoning districts shall be permitted regardless of the underlying zoning district of the property.
- (2) Mix of uses. The following percentage of floor area proposed on site as shown on all plans shall not exceed the following:

Residential uses	75%	In accordance with B3 or R4 requirements as a PRD or COS development
Service uses	75%	In accordance with B3 or CI requirements
Retail trade	50%	In accordance with B3 or CI requirements
Institutional	50%	In accordance with B3, R4, CI, LI or GI requirements
Industrial	50%	In accordance with CI, LI or GI requirements
Motor vehicle/related	25%	In accordance with B3 or CI requirements
Warehousing, wholesaling	25%	In accordance with CI, LI or GI requirements
All other uses	25%	In accordance with B3, R4 or CI, LI or GI requirements

E. Site design.

- (1) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.

- (2) The project shall be designed with regard to the topography and other natural features of the parcel.
- (3) Site design shall incorporate elements that foster community interaction, including outside plazas and eating areas, focal points such as a pond or fountain, public art or other amenities that generally serve the public.
- (4) The mixed use center may include the subdivision of individual building sites or the creation of lease spaces for freestanding buildings. The project must function as a cohesive commercial center with pedestrian linkages between the buildings. The architecture, site design, lighting and signage shall incorporate consistent design and theme elements, such as pedestrian courtyards.
- (5) Minimum yard requirements. As specified in the underlying zoning district.

F. Building design. An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:

- (1) The patterns for placement of windows and doors and use of traditional design elements such as facade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
- (2) Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

G. Parking.

- (1) Parking requirements in a mixed use center may be calculated by the use of the following chart. This chart takes into account that different uses have their peak parking generation periods at different times and sharing of parking spaces may be used.

Use	Weekday		Weekend		
	Day 6am to 6pm	Evening 6pm to 12mid	Day 6am to 6pm	Evening 6pm to 12mid	Nighttime 12mid to 6am
Industrial	100%	10%	10%	5%	5%
Retail and Service	60%	90%	100%	70%	5%
Hotels	75%	100%	75%	100%	75%
Restaurants	50%	100%	100%	100%	10%
Movie Theaters	40%	100%	80%	100%	10%
All Other Uses	100%	100%	100%	100%	100%

(2) Using the parking requirements from the Harford County Zoning Code, the highest parking requirement for any given time period is calculated using the chart above. This requirement becomes the parking requirement for the nonresidential uses in the mixed use center. All requirements for shared parking shall be addressed in any mixed use center utilizing shared parking in accordance with the Zoning Code. Residential parking requirements shall be determined from the parking requirements in the Harford County Zoning Code, as amended.

(3) The Director of Planning may approve the use of landscaped pavers or other pervious material for a portion of the required parking not to exceed 25% of the total parking.

H. Pedestrian circulation plan. Each mixed use center shall provide a pedestrian circulation plan identifying improvements that are reviewed and approved by the Department of Public Works and accomplish the following:

- (1) Minimizes conflict between pedestrians and moving motor vehicles.
- (2) Channels pedestrian flows to crossing areas and delineates paths across major roadways through the use of textured surfaces, striping and signage.
- (3) Creates safe and convenient pedestrian paths from all parking areas to the buildings and between the buildings through the use of landscaped buffer areas, islands, walkways, crosswalks and traffic control devices.
- (4) Connects internal pedestrian walkways to existing walkways and/or makes provisions for connection to future site walkways.
- (5) Provides convenient and safe access to surrounding residential neighborhoods and commercial areas.

I. Vehicular circulation plan. Each mixed use center shall provide a vehicular circulation plan identifying improvements that accomplish the following:

- (1) At principal vehicular access points, service drives, turn-out lanes, traffic separation devices and merging lanes may be required based on the anticipated flow of traffic. Such service drives or turn-out and merging lanes may be allowed as part of the required yard adjacent to a collector or arterial street. No such service drive or lane, and no vehicular entrance or exits, shall be counted as part of any required landscaped area.
- (2) Loading and service areas. Loading and service areas shall be separated from the pedestrian and customer parking areas. Service areas shall be located away from roadways to the greatest extent possible. If exposed to view, due to unusual site conditions, service areas shall be buffered from public view to the greatest extent possible.

J. Lighting. Each mixed use center shall provide a lighting plan identifying the following:

- (1) A description of the type and location of lighting fixtures and the light intensity and shielding provisions to be used.
- (2) The lighting fixtures shall be designed to assure compatibility with the building style.

(3) Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent lots.

K. Modifications. The Director of Planning may approve modifications to the approved plans for the mixed use center, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Director of Planning may require the applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

§ 267-77. Planned Employment Centers.

A. Purpose. Planned employment centers are an option for projects located in the R4, B3, LI, CI or GI zoning districts to promote a higher quality of economic development opportunities within the Edgewood Neighborhood Overlay District (ENOD).

B. Objectives.

(1) To promote a coordinated employment center in a variety of zoning districts that would compliment adjacent land uses.

(2) To encourage harmonious architecture and design standards within a project with a select number of land uses under a diverse set of residential, industrial and business zoning classifications.

(3) To establish a standard for employment opportunities as an integral part the community.

C. Eligibility. All planned employment center developments are subject to Site Plan approval and the following:

(1) A minimum parcel size of 20 acres.

(2) A common area to include a community green area with pedestrian walkways maintained with strict covenants by a property manager or landowner.

(3) The original user and any subsequent users must initially create and make reasonable efforts to maintain a minimum of 75 full-time equivalent employment opportunities.

(4) The maximum impervious surface coverage on the developed parcel shall be 75%.

(5) Trash containers/dumpsters shall be buffered on all sides exposed to street view. Construction materials for buffering shall be consistent in color and texture to the main building, pursuant to §267-30 (Buffer Yards).

(6) No outside display or storage is permitted.

(7) Loading facilities shall be buffered from public view.

(8) Access to the site shall accommodate anticipated traffic volumes. Pedestrian and bicycle circulation plans shall be submitted with Preliminary Plans indicating on-site amenities and linkages to adjacent sites. The Department of Planning and Zoning shall approve such access with concurrence from the Department of Public Works.

D. Permitted uses.

- (1) Corporate offices.
- (2) Professional services.
- (3) Laboratory research and development.
- (4) Educational/training.
- (5) Retail and service uses are limited to 10% of the gross square footage of the overall project and located on the ground level.

E. Building design. An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process. The rendering shall demonstrate how the project will meet the following standards and objectives:

- (1) The patterns for placement of windows and doors and use of traditional design elements such as facade offsets, covered porticoes, recessed or projected entries and other appropriate architectural features and details is encouraged to provide relief to buildings over 40 feet in length or width.
- (2) Architecturally harmonious materials, colors, textures and treatments should be used for all exterior walls. Contrasting colors that accent architectural details and entrances are encouraged. Preference shall be given to brick or frame buildings with the use of architectural grade (high profile dimensional) shingles and standing seam metal roofs as a unifying element. Rear facades shall be of finished quality and shall be consistent in color with the rest of the building.

§ 267-78. Traditional Neighborhood Developments.

A. Purpose. To provide for flexibility in modifying housing types, limited retail uses and site design standards and to allow innovative designs that foster a sense of community within the Edgewood Neighborhood Overlay District (ENOD).

B. Objectives.

- (1) To promote the concept of community through the design of a variety of housing types and the development of adequate open space.
- (2) To encourage design flexibility in housing types and the architectural style of buildings within the development.
- (3) To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating different standards of land planning and site design than could be accomplished under conventional zoning categories.
- (4) To provide for an enriched and enhanced natural environment in a community by the preservation of trees, natural topographic and geological features, wetlands, watercourses and open space.
- (5) To encourage development in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

C. Eligibility. A Traditional Neighborhood Development shall have a parcel size of 10, 5, 3 and 3 acres in the R1, R2, R3 and R4 district, respectively.

D. Permitted uses. The following uses shall be permitted:

- (1) Permitted uses include single-family detached dwellings, single-family attached dwellings and multiple-family dwellings.
- (2) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens and squares; or linkages to regional recreation and open space systems.
- (3) Institutional uses that are permitted within the R1, R2, R3 and R4 district may be incorporated within a Traditional Neighborhood Development. Developments for the following uses will be permitted provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres.
 - (a) Fire station with assembly hall.
 - (b) Day care centers.
 - (c) Community centers.
 - (d) Civic service clubs.
 - (e) Private schools.
- (4) If the Director of Planning approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards and requirements shall be enforceable as any other standard or requirement of this Part 1.
- (5) A Traditional Neighborhood Development shall not apply to the Main Street area as defined by the ENOD and may include the following additional permitted uses:
 - (a) Residential.
 - [1] Country inns and resorts.
 - [2] Nursing homes and assisted living.
 - (b) Commercial. Any commercial use proposed in a residential district shall be part of an overall redevelopment or development plan. Development for these uses will be permitted provided that such uses do not exceed 50 square feet of gross floor area for every dwelling unit. The inclusion of the following business uses shall not affect the overall residential density calculations.
 - [1] Neighborhood market.
 - [2] Specialty shops.

- [3] Antique shops, art galleries and museums.
- [4] Health services and medical clinics.
- [5] Personal services.
- [6] Professional services.
- [7] Restaurants.

(6) Live/work units are permitted provided no more than 50% of the gross square footage of the structure is utilized for professional or retail services.

E. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

F. Site design.

- (1) The project shall be designed with regard to establishing distinctive residential neighborhoods that are defined by special places and buildings rather than homogeneous housing types.
- (2) The project shall be designed to provide a variety of housing types and open space uses to achieve a balanced and integrated community. A variety of housing types are not required in the R1 district.
- (3) The project shall be designed with adequate buffers to minimize the visual impact of the proposed project to adjoining properties, pursuant to §267-30 (Buffer Yards).
- (4) The project design and arrangement of buildings, streets, open space, landscaping and other elements should emphasize, enhance and incorporate scenic views, existing slopes, forests, geological features, wetlands, streams and other natural features of the site.
- (5) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy and quiet for adjoining residential uses.
- (6) The design of the development should be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height and setbacks.
- (7) The site design shall provide for buffering, sight breaks and buffers between the buildings on the site and adjacent buildings of different architectural styles.
- (8) The project shall be designed so that the traffic generated by the development does not have a significant adverse impact on the surrounding development.
- (9) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-

bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way. The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded. A security vault, approved by the Fire Chief of the volunteer fire and ambulance company, located closest to the site, shall be installed on each multi-family and nonresidential structure.

G. Vehicular circulation and access.

- (1) The project should be designed so that off-street parking and garages are visually unobtrusive.
- (2) The project shall provide for a through network of roads that allows for circulation and community integration.
- (3) The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded.

H. Open space.

- (1) In a Traditional Neighborhood Development, open space shall be provided as follows:

Minimum Open Space	
District	Percent of parcel area
R1	10%
R2	10%
R3 (for single-family attached or detached)	15%
R3 (for all other dwelling types)	20%
R4	20%

- (2) Recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- (3) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
- (4) All open space shall be provided pursuant to §267-31 (Open Space).

I. Specific requirements. Prior to or at the time of recordation of a plat for a Traditional Neighborhood Development subdivision in the Land Records of the County, the owner shall also record all use and development restrictions that the subdivision is subject to under the approved Preliminary Plan. The subdivision restrictions shall be reviewed and accepted by the Department of Law prior to recordation to ensure that all lots created on the property will be subject to all the restrictions.

J. A pedestrian and bicycle circulation plan shall be provided indicating on-site amenities and linkages to adjacent sites.

§ 267-79. Integrated Community Shopping Center (ICSC).

A. Development standards.

- (1) Permitted uses. The uses permitted shall be those permitted in the appropriate district.
- (2) Site design.
 - (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
 - (b) The project shall be designed with regard to the topography and other natural features of the parcel.
 - (c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
 - (d) Outside storage shall be limited as applicable in the appropriate district.
 - (e) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style.
 - (f) Landscaping should provide for a transition from surrounding uses to the uses on the site. All other requirements set forth in §267-29 (Landscaping) must be met.
- (3) Vehicular circulation and access.
 - (a) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
 - (b) A comprehensive pedestrian circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
- (4) Loading and service areas.
 - (a) All establishments must have vehicular service access, either from an individual service drive or from a common service yard.
 - (b) All such service areas must be segregated from public areas and buffered from public view.
 - (c) Establishments over 10,000 square feet in area must have loading berths at the rate of 1 berth per 20,000 square feet or part thereof.

B. Specific design requirements. An ICSC shall meet the following requirements:

- (1) Minimum road frontage of 300 feet.

(2) Maximum building coverage not to exceed:

District	Percentage
B2	40%
B3	45%
CI	45%

(3) Maximum impervious surface not to exceed:

District	Percentage
B2	85%
B3	85%
CI	85%

(4) No building shall be within 40 feet of the public road rights-of-way or 10 feet of parking areas.

(5) No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.

§ 267-80. Mobile Home Park (MHP).

A. Eligibility. A mobile home park shall be at least 10 acres and located in the R3 or R4 districts.

B. Development standards.

(1) Permitted uses.

(a) This project may include mobile homes of single or multiple width, single-family detached homes or any combination thereof but shall not include recreational vehicles or travel trailers.

(b) Any project containing more than 100 dwelling units shall provide a community meeting room and an enclosed recreation area containing a minimum of 20 square feet of gross floor space per dwelling unit. A sales and management office and a convenience goods store, not to exceed 5 square feet of gross floor space per dwelling unit, may be maintained within the same structure.

(2) Density. The maximum density shall be 5.0 units per gross acre in an R3 district and 6.5 units per gross acre in an R4 district.

(3) Site design.

(a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.

(b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.

- (c) No structure shall be less than 50 feet from the property lines of the project, and a type "C" buffer shall be provided along all property lines at the periphery of the project, pursuant to §267-30 (Buffer Yards).
- (4) Vehicular circulation.
 - (a) The right-of-way for private roads shall be 40 feet. The pavement width of interior roads, whether intended to be public or private, shall be a minimum of 26 feet. In the event that off-street parking is provided, this may be reduced to 20 feet where on-street parking is prohibited and the roadway serves not more than 20 dwelling units.
 - (b) The long side of a dwelling unit may not be located within 25 feet of the right-of-way of any interior road, and the end (or short side) of a dwelling unit may not be located within 15 feet of the same. Not more than 6 homes in a row shall have the same setback. Such setbacks shall differ by at least 6 feet.
- (5) Parking.
 - (a) There shall be 2 parking spaces, measuring at least 9 x 18 feet, for each dwelling unit.
 - (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be buffered from adjacent projects and public roads.
- (6) Open space and recreation.
 - (a) Twenty percent of the parcel area shall be reserved as open space or buffer yards.
 - (b) Adequate recreation facilities shall be provided in each phase of development to meet the needs of the residents.
 - (c) All open space shall be provided pursuant to §267-31 (Open Space).

C. Specific design requirements.

- (1) Area requirements:
 - (a) Minimum parcel size: 10 acres.
 - (b) Minimum road frontage: 200 feet.
 - (c) Minimum dwelling unit lot area: 5,000 square feet for an R3 district and 4,500 square feet for an R4 district.
 - (d) Minimum lot width: 50 feet for an R3 district and 45 feet for an R4 district.
 - (e) Maximum impervious surface ratio: 45%.

(2) Setback requirements.

- (a) Front setback: 33 feet from the center line of unreserved right-of-way or 20 feet from the public right-of-way.
- (b) Rear setback: 20 feet; 10 feet when adjacent to open space.
- (c) Side setback: 10 feet on side, total of 20 feet.

§ 267-81. Mobile Home Subdivision (MHS).

- A. Eligibility. A MHS shall be at least 5 acres and located in an R3 or R4 district.
- B. Development standards.

- (1) Permitted uses.
 - (a) This project may include mobile homes but shall not include recreational vehicles or travel trailers.
 - [1] The mobile home unit shall be placed on a permanent foundation unpierced, except for required ventilation and access. Installation shall include a positive surface water drainage away from each unit.
 - [2] All wheels, axles, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
- (2) Site design.
 - (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
 - (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.
 - (c) No structure shall be less than 50 feet from the property lines of the project. A type "C" buffer shall be provided along all property lines at the periphery of the project, pursuant to §267-30 (Buffer Yards).
 - (d) A landscaping plan shall be submitted in accordance with §267-29 (Landscaping).
- (3) Vehicular circulation. The project roads shall be designed to provide a logical road network adequate for internal movement.
- (4) Parking.
 - (a) There shall be 2 parking spaces, measuring at least 9 x 18 feet, for each dwelling unit.
 - (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened from adjacent projects and public roads.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. The following open space requirements shall be met:

(a) Open space shall be provided as follows:

District	Minimum Open Space (percentage of parcel area)
R3	15%
R4	20%

(b) All open space shall be provided pursuant to §267-31 (Open Space).

(6) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

C. Density and lot characteristics. The density, lot sizes and design requirements for a mobile home subdivision shall be those permitted for a conventional development of single-family detached dwellings in the zoning district in which the project is located.

D. For Conventional with Open Space and Planned Residential Developments, where a mobile home subdivision is part of a COS or PRD project, the requirements of §267-70 (Conventional with Open Space (COS)) or §267-71 (Planned Residential Development (PRD)), respectively, shall apply in addition to the requirements of this section. All regulations applicable to both the MHS and to the COS or PRD shall be met.

§ 267-82. Housing for the Elderly. [Amended by Bill 17-04 and Bill 19-30]

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

- (1) In the B2, B3 and CI districts, the minimum lot size shall be 10 acres. In the R2, R3 and R4 districts, the minimum lot size shall be 4 acres.
- (2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.

B. Development standards.

- (1) Permitted uses. The accessory uses permitted in a housing for the elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include single-family detached dwellings, townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.
- (2) Density. The maximum density shall be 7 units per gross acre in R2 districts and 14 units per gross acre in the R3, R4, B2, B3 and CI districts.

(3) Site design.

- (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
- (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
- (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-30 (Buffer Yards). In the B2, B3 and CI districts, a buffer yard 20 feet wide shall be provided.
- (d) No building shall be located within 10 feet of the private road right-of-way and parking areas.
- (e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.

(4) Vehicular and pedestrian circulation and access.

- (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
- (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
- (c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.
- (d) Adequate access shall be provided for emergency vehicles and personnel.
- (e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. Open space shall be provided in accordance with the provisions of §267-70C(3)(a).

- (a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.

(b) Notwithstanding the provisions of §267-31B(1), the active recreation space shall be a minimum of $\frac{1}{2}$ acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The required active open space may be reduced by the Director of Planning based upon the specific program proposed by the developer.

(c) Notwithstanding the provisions of Subsection B(5)(b) above, all open space shall be provided pursuant to §267-31 (Open Space).

(6) Minimum conditions and covenants regarding age restrictions. The following conditions and covenants are required, at a minimum, to be contained in deeds of covenants, conditions and restrictions to be recorded at the time that a plat for the housing for the elderly development is recorded:

(a) The project is intended to constitute housing intended and operated for occupancy by at least one person 55 years of age or older per unit, to the extent required by the housing for older persons act of 1995 and Section 807(b)(2)(c) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(c)) (the "Fair Housing Act").

(b) Subject to the provisions of paragraph (f) below, and exceptions otherwise authorized and approved by the Board, each unit must be occupied by at least one resident who is 55 years of age or older.

(c) Residents under 19 years of age or younger are not permitted unless such person is:

[1] Necessary to provide a reasonable accommodation to a handicapped resident; or

[2] Is a handicapped dependent of a resident, only to the extent permitted and/or required by the provisions of the Fair Housing Act.

(d) Guests of owners or residents who are under 19 years are permitted to stay in the unit for periods of time not to exceed a total of 60 calendar days for each such guest in any one calendar year (with each calendar year being measured from January 1 through December 31 of any given year).

(e) Nothing contained herein shall be deemed to prohibit the daily visitation by persons not otherwise permitted to occupy a unit (including persons under 19 years of age who are family members or guests of the owner or occupant of a unit), provided such visitation shall not be for a period of more than 72 continuous hours.

(f) Subject to the provisions of the fair housing act, a surviving spouse of an owner or resident who was 55 years of age or older may retain the occupancy of the unit without regard to the age of the surviving spouse provided, however, that the continued occupancy of the surviving spouse does not violate the requirements of the fair housing act that at least 80% of the units be occupied by a person who is 55 years of age or older. In the event that less than 80% of the units are occupied exclusively

by persons who are 55 years of age or older, the owners or residents may be required by the entity named in the covenants and restrictions as having such authority (hereinafter referred to as "the Board") to vacate the units in order to comply with the requirements of the fair housing act. In the event that the Board requires that an owner or resident vacate their unit, the owner or resident must vacate within 180 calendar days from the date of notification by the Board.

- (g) The Board shall have the authority to adopt such rules and regulations as it may deem necessary or desirable to implement the foregoing restrictions and to ensure that the property otherwise complies with the fair housing act and any corresponding State or local law or ordinance (and any regulations promulgated thereunder). In the event that the exemptions relating to "housing for older persons" under the fair housing act or any State or local law or ordinance, as applied to the property, shall be modified, expanded, supplemented, clarified, defined, explained and/or limited, the Board shall have the authority to adopt rules and regulations modifying such restrictions to the extent deemed necessary or desirable by the Board in response thereto provided, however, that no such rule or regulation shall cause or allow the property to no longer qualify for exemption under the fair housing act or any State or local law or ordinance without the express prior written consent of the declarant.
- (h) Each owner or occupant of a unit, if and when requested to do so by the Board, shall promptly furnish the Board with the names and ages of all occupants of the unit and shall complete and submit such affidavits and other documents as the Board may reasonably request to verify the age of all unit occupants.

C. In order to modify any of the conditions contained in Subsection B(6) herein, the entity designated in the covenants and restrictions as having such authority must receive the written approval of Harford County. Any such modification must be recorded in the Land Records of Harford County, Maryland to be effective.

D. Specific design requirements.

- (1) Front, rear and side yards and maximum height shall be as shown on Table 55-4.2, Design Requirements for Specific Uses/R4 Urban Residential District for Residential: PRD.
- (2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.
- (3) Maximum building coverage. The maximum building coverage shall be as follows:

Dwelling Types	Maximum Building Coverage (percent of total lot)
Patio/court/atrium, townhouse and multiplex, single-family detached	40%
Garden and mid-rise apartments	30%

- (4) Impervious surface ratio. The maximum impervious surface for any housing for the elderly project shall not exceed 50% of the total parcel area.
- (5) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 4 stories in the R2 zoning district and 5 stories in R3, R4 and CI zoning districts.

§ 267-83. Continuing Care Retirement Community (CCRC). [Amended by Bill 13-35]

A. Eligibility. CCRC's shall have the following eligibility requirements:

- (1) The project developer shall have filed a statement of intent to provide continuing care facilities in accordance with the Human Services Article of the Annotated Code of Maryland, as amended. The project shall be developed in accordance with and regulated by The Human Services Article of the Annotated Code of Maryland, Continuing Care Contracts (the "state CCRC act"), as amended.
- (2) The minimum lot size shall be 20 acres.
- (3) The project shall be served by public water supply and public sewer facilities.
- (4) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads.

B. Development standards.

- (1) Permitted housing types. For purposes of this section only, a variety of housing types may be permitted on a single parcel. These may include garden or mid-rise apartments, patio, atrium or court dwellings, multiplex units, duplex units, townhouses, single-family detached dwellings or other units which meet the needs of the residents. Dwelling units shall include independent living units along with assisted living and skilled care facilities. The maximum number of beds in the skilled care facility may not exceed 20% of the total number of independent dwelling units approved for this project by Maryland Office on Aging. For additional beds, application can be made for a Certificate of Need ("CON") with the State of Maryland.
- (2) Permitted uses. Ancillary uses, including community convenience stores, branch banks, auditoriums, TV studios, theaters, retail gift shops and professional, medical, health and personal services, dining facilities and meeting rooms and other resident activity facilities are permitted, provided:
 - (a) The uses are located within the residential buildings or within community buildings that are architecturally compatible with the residential structures and are for the use and benefit of the residents of the community, their guests and the employees.
 - (b) There are no advertising signs indicating the uses placed along the boundary of the community.

(c) No individual retail accessory use may exceed 1,500 square feet, and the total retail accessory uses shall not exceed 150 square feet per dwelling unit.

(3) Density. The CCRC use shall be permitted in the R1, R2, R3, R4 and CI zoning districts. For the purposes of calculating density, the number of beds in the assisted living and skilled care facilities shall be divided by the average household size (2.79) to determine the equivalent number of dwelling units. No more than 2,000 units shall be permitted in any such project. The maximum density shall be as follows:

District	Units Per Gross Acre
R1	25
R2	25
R3	30
R4	30
CI	30

(4) General site design.

(a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.

(b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.

(c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide adequate buffer yards, pursuant to §267-30 (Buffer Yards).

(5) Vehicular circulation and access.

(a) The project roads shall be designed to provide a logical road network adequate for internal movement.

(b) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements, with efforts directed to reduce speed wherever possible.

(c) Adequate emergency access shall be provided for both vehicles and personnel.

(d) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

(6) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 33% of the total parcel area shall be in open space.

- (a) Age appropriate recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. A recreational plan shall be submitted with the Preliminary Plan and shall identify facilities and programs for the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.
- (b) The required age appropriate active recreation space shall be a minimum of 2 acres and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The minimum acreage may be reduced by the Director of Planning based upon the specific program proposed by the developer.
- (c) All open space shall be provided pursuant to §267-31 (Open Space).

C. Specific design requirements.

- (1) The project design shall incorporate design elements found in residential uses in the neighborhood.
- (2) Setbacks. The minimum setback to adjacent residential lots for the main structures shall be twice the building height. The use setback, including all structures, parking and drive areas, shall be 50 feet with a 15-foot landscaped buffer yard. Setbacks from all internal rights-of-way or private roads shall be a minimum of 15 feet.
- (3) The height of each structure, other than garden or mid-rise apartments, shall not exceed the height requirement of the district. The height of a garden or mid-rise apartment is limited to 4 stories in the R1 and R2 zoning districts and 5 stories in R3 and R4 zoning districts.
- (4) Building length. The maximum length of a building block shall not exceed 250 feet without offset. To exceed the maximum building block length, any building shall have offsets of 4 feet minimum for each additional 200 feet of length.
- (5) Distance between building blocks. The distance between buildings shall be a minimum of 30 feet. The enclosed walkways or pedestrian bridges shall not be construed as part of the building. However, the construction of such walkways must comply with all applicable building requirements or the applicable sections of the Harford County Code, as amended.
- (6) Maximum building coverage. The maximum building coverage shall be 40% of the total parcel area.
- (7) Impervious surface ratio. The maximum impervious surface for any CCRC project shall not exceed 60% of the total parcel area.

§ 267-84. Corporate Office Park (COP).

These uses may be granted in the CI and LI zoning districts. A Corporate Office Park shall be developed in accordance with the provisions of this Article.

A. Purpose. Corporate Office Park development standards are established to provide for a park-like employment center of high technology industries, research and development facilities, corporate and business offices, limited retail, service and residential uses. It is intended that this development option is to provide higher design standards and a more flexible approach to development in industrial zoning districts.

B. Objectives.

- (1) To attract corporate office locations in desirable areas in the County which have a positive affect on economic development and professional job opportunities.
- (2) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.
- (3) To provide enhanced performance standards in Corporate Office Parks, which establish a high quality of design.
- (4) To assure compatibility of the proposed land use with internal and surrounding uses by incorporating innovative standards of land planning and site design.
- (5) To reduce traffic congestion by encouraging the clustering of buildings near internal streets, the provision of service uses and the development of pedestrian networks to reduce dependence on single occupant automobiles and to better accommodate such transportation alternatives as transit service and carpooling in a project.

C. Eligibility. Corporate Office Parks shall have a minimum parcel size of 100 acres located in the CI or LI districts. Corporate Office Parks may be permitted on parcels less than 100 acres if contiguous to an existing Corporate Office Park.

- (1) The project shall have direct access to 1 or more existing or planned collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.
- (2) The project must be located within a Priority Funding Area within the Development Envelope.
- (3) the project must utilize public water and sewer service.

D. Height requirements. Maximum building heights of a structure in a Corporate Office Park development shall be 4 stories. Maximum building heights of a structure in a Corporate Office Park development may be increased to a maximum of 8 stories if the impervious surface standards are met:

Stories	CI	LI
1 – 4	85%	85%
5 – 8	55%	55%

E. Development standards.

- (1) Vehicular circulation.

- (a) Loading and service areas shall be separated from the pedestrian and employee parking areas. Service areas shall be located away from roadways to the greatest extent possible.
- (b) The internal vehicular circulation system must follow a pattern of intersection streets that provide alternative routes. Cul-de-sacs are discouraged.
- (c) Points of external access and alignments of internal roadways must facilitate use of public transit. This may include rights-of-way sufficient for bus pull outs and bus shelters as well as transit easements on private streets.
- (d) A comprehensive pedestrian and bicycle circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
- (e) Transit alternatives and transportation demand management strategies must be provided which achieve a goal reduction of auto trips for Corporate Office Park developments of 10% below the peak hour trip generation rates as identified in the ITE Trip Generation Manual (current edition). These strategies include carpooling incentives, transit/bus services, vanleasing and flexible work schedules.

(2) Parking standards.

- (a) All parking areas must be effectively buffered from adjacent roadways and adjoining residential areas, through the use of berms, plantings or the depression of parking areas below surrounding grades.
- (b) Parking areas should be broken up into lots of no more than 150 cars. The lots should be separated by landscaped islands.
- (c) The number of parking spaces provided and overall design and layout of parking lots must be in accordance with §267-26 (Off-street Parking and Loading) of the Harford County Code, as amended.
- (d) No direct access to any lot is allowed from a collector or higher functional classification road as defined in the Harford County Transportation Element Plan.
- (e) All access points from a Corporate Office Park shall be consolidated wherever feasible.

(3) Landscaping.

- (a) Facilities for refuse disposal shall be enclosed by solid walls incorporated into the design of the buildings. Landscaping shall be installed around the perimeter.

- (b) Every effort should be made to avoid formality in plantings except as it may be integral to an architectural concept. Emphasis should be placed on the natural grouping of groves of trees, and every opportunity should be taken to emphasize or take advantage of natural terrain features.
- (c) Islands and other landscaping alternatives shall be incorporated into parking areas to add visual interest. The use of islands, perimeter or roof-top gardens designed and landscaped to serve as bioretention facilities is encouraged.

(4) Building design standards.

- (a) A typical architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process.
- (b) Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the Corporate Office Park. All sides of the building are to be built with finish materials, including, but not limited to, brick, natural stone and ornamental block.
- (c) Mechanical equipment should be located within the building or within a mechanical equipment penthouse. If mechanical equipment is located on the roof or is freestanding on the site, it must be effectively screened from view by means fully compatible with the architecture. Mechanical equipment must be screened from view from all sides.
- (d) Outdoor storage is prohibited.

(5) Accessory/auxiliary uses – are uses intended for the primary use of employees and/or clients of the principal use.

- (a) Uses and structures which are normally and customarily incidental to any of the principal uses permitted in the CI or LI zoning district.
- (b) Retail and service uses may be incorporated into the overall project for up to 25% of the nonresidential gross square footage not to exceed 200,000 square feet. Retail and service uses within a Corporate Office Park project shall not be considered an Integrated Community Shopping Center (ICSC).
- (c) Residential uses may be incorporated into the overall acreage up to 40%. The R4/COS design and density requirements shall be used for residential development within a Corporate Office Park. The permitted number of stories will be determined by §267-84D (Height Requirements).
- (d) Accessory/auxiliary uses must be integrated into the overall design of the project. A phasing plan will be required in order to establish timeframes that allocate the area of uses in a manner in which the percentage of uses or amount of area allocated for accessory/auxiliary uses do not exceed the area of the principal use during the development of the Corporate Office Park project.

- (e) The Director of Planning must approve an overall development plan that allocates the amount of area for each use.
- (6) Lighting.
 - (a) The lighting fixtures shall be designed to assure compatibility with the building style.
 - (b) Lighting shall be designed, installed and maintained in a manner not to cause a glare or reflection on residential lots.
- (7) Open space.
 - (a) Corporate Office Parks shall include a minimum of 30% of the parcel area preserved as vegetated open space. The buffer yards and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 25 feet is maintained.
 - (b) All open space shall be provided pursuant to §267-31 (Open Space).
- (8) Signage. Signage shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.
 - (a) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. The signage shall be compatible in quality, style, color and materials to the building(s). Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
 - (b) Freestanding identification signs shall be limited to 2 signs for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet, and signs must be set back a minimum of 10 feet from the road right-of-way line.
 - (c) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto, not exceeding 1 square foot for each horizontal linear foot of wall facing on the street on which the sign faces.
 - (d) Directional information signs shall be adequately provided and design coordinated.
 - (e) The following types of signs shall not be permitted for any project located in a Corporate Office Park development:
 - [1] Billboards.

[2] Revolving, rotating or changing-light- intensity or changing-color signs.

[3] Temporary or portable signs after issuance of use an occupancy permit.

F. Modifications. The Director of Planning may approve modifications to the approved plans for the Corporate Office Park, provided that the overall theme and intent of the project remains intact. Should modifications constitute a substantial change to the project, the Director of Planning may require the applicant to hold additional public meetings and/or may require the Development Advisory Committee review the amended project.

§ 267-85. Retail/Service/Office Uses in the RO District.

A. Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purpose of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.

B. Development standards.

(1) Design. An architectural rendering of the building facade and elevations of the structure shall be submitted. The rendering shall demonstrate how the project meets the following standards and objectives:

(a) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction.

(b) Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.

(c) Design requirements. See Tables 56-1.1 and 56-1.2.

(2) Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.

(3) Use limitations. The uses permitted under this section shall comply with the following:

(a) Enclosed building. All uses permitted shall be conducted within an enclosed building except parking, loading, unloading or as otherwise permitted.

- (b) Storage restriction. The outside storage of material or equipment shall not be permitted.
- (c) Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.

(4) Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.

§ 267-85.1. Animal Shelters. [Added by Bill 12-48 as amended]

A. Eligibility. Animal shelters shall have the following eligibility requirements:

- (1) In the AG, B2, B3, and CI districts, the minimum lot size shall be 20 acres in the AG district and 2 acres in the B2, B3 and CI districts.
- (2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs shall be provided in a system approved by the County Health Department.

B. Development standards.

- (1) In the AG district:
 - (a) All buildings for the shelter of domestic animals and all runways for domestic animals shall be located 200 feet from any lot line.
 - (b) All other uses for domestic animals shall be located 50 feet from any lot line.
- (2) In the B2, B3 and CI districts, all buildings and uses shall be located 25 feet from any adjacent residential lot.
- (3) Parking shall be provided at 1 space per 300 square feet of gross floor area.

ARTICLE IX. Special Exceptions

§ 267-86. Purpose.

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

§ 267-87. General Regulations.

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

§ 267-88. Specific Standards. [Amended by Bill 09-31, as amended; Bill 10-03; Bill 11-04, as amended; Bill 13-04 as amended; Bill 16-07; Bill 17-04; Bill 18-35; Bill 19-15 as amended; Bill 19-16 as amended; Bill 21-01 as amended; Bill 22-08; and Bill 23-27 as amended]

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

A. Amusements.

- (1) Arenas and stadiums. These uses may be granted in the B3, CI, LI and GI districts, provided that:
 - (a) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
 - (b) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.
 - (c) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
 - (d) A minimum parcel area of 75 acres is established.
 - (e) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.

(2) Club, recreational. These uses may be granted in the AG, RR, R1, R2, R3, R4 and GI districts, provided that:

- (a) No off-street parking or loading area shall be located within any required yard or within 25 feet of any parcel boundary.
- (b) Off-street parking and loading areas, swimming pools and tennis courts shall be buffered from adjacent residential lots.
- (c) The principal access shall be provided from an arterial or collector road.
- (d) No more than 20% of the land area upon which such a use is conducted may be located in the GI district.
- (e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.

(3) Fairgrounds, racetracks and theme parks. These uses may be granted in the AG, CI, LI and GI districts, provided that:

- (a) A minimum parcel area of 75 acres is established.
- (b) The principal access shall be provided from an arterial or collector road.
- (c) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
- (d) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.
- (e) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
- (f) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.

(4) Marinas and boat launching, storage and repair. These uses may be granted in the AG, RR, R1, R2, R3, R4, B1, B2 and LI districts, provided that:

- (a) In the urban residential districts, such facilities shall be a part of a Conventional with Open Space (OCS) development or a Planned Residential Development (PRD).
- (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot and along any public road.

(5) Motor vehicle recreation, ATV and go-cart tracks. These uses may be granted in the AG and GI districts, provided that:

- (a) A minimum parcel area of 25 acres is established.
- (b) Proper sediment control measures are used for any stormwater runoff.
- (c) The primary activity takes place a minimum of 500 feet from any adjacent residential lots.

- (d) No adjoining property is participating in the agricultural preservation program.
- (e) Hours of operation shall be established by the Board of Appeals.

(6) Outdoor theaters. These uses may be granted in the AG district, provided that:

- (a) Such theaters shall be for live productions only.
- (b) All structures shall be located at least 200 feet from any adjacent residential lot.
- (c) Parking areas shall be buffered from adjacent residential lots by a type "C" buffer, pursuant to §267-30 (Buffer Yards).

(7) Indoor shooting ranges. These uses may be granted in the AG district, provided that:

- (a) Adequate measures are taken to ensure that no loaded firearms will be brought into or taken out of the building.
- (b) The sale, consumption or possession of alcoholic beverages on the premises is forbidden.
- (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
- (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to neighboring uses.

(8) Golf driving ranges and miniature golf courses. These uses may be granted in the AG and VB districts, provided that:

- (a) The use shall not be within 50 feet of any lot line or within 200 feet of any adjacent residential lot.
- (b) A minimum parcel area of 6 acres shall be provided for golf driving ranges.

(9) Trap, skeet, rifle or archery ranges, outdoor. These uses may be granted in the AG, CI and GI districts, provided that:

- (a) A minimum parcel area of 75 acres shall be required for all rifle and pistol ranges. A minimum parcel area of 25 acres shall be required for all trap, skeet and archery ranges.
- (b) Discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.
- (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
- (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to residential neighborhoods.
- (e) The facilities shall be designed so that the topographic features of the parcel are used to enhance safety and minimize firearm noise.

(10) Indoor theaters. These uses may be granted in an AG district, provided that:

- (a) Such theaters shall be for live productions only.
- (b) The proposed uses shall be located on an historic site or within an historic structure.
- (c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission.
- (d) The project shall respond to and be protective of natural and historic features of the site.
- (e) All structures shall be located at least 200 feet from any adjacent residential lot.
- (f) Parking areas shall be buffered from adjacent residential lots. Sufficient parking to accommodate all patrons on the site shall be provided.
- (g) A minimum parcel area of 3 acres is established.
- (h) Activities or uses on the site shall be limited to those approved by the Board.

(11) Riding stables, commercial or club. These uses shall be granted in the AG district, provided that:

- (a) No stable shall be located within 50 feet of any residential lot.
- (b) A minimum parcel area of 5 acres is established.

(12) Agricultural resource center. This use may be granted in the AG district, provided that:

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

(13) Entertainment and events center. This use may be granted in the B2, B3, CI, LI, GI and MO zoning districts provided that:

- (a) A minimum parcel area of 5 acres is established.
- (b) The entertainment and events center shall be served by public water and sewer facilities.
- (c) The use shall be setback a minimum of 100 feet from residentially zoned parcels.
- (d) In the CI, LI and GI zoning districts, a 200-foot setback shall be established from any established industrial use that manufactures chemical, petroleum products including refining and lubricating oils and greases, ammunition ordnance and accessories, steel or metal manufacturing, reclaimed rubber, recycling centers, secondary smelting and refining, or tire and inner tubes.
- (e) Pursuant to §267-30 (Buffer Yards), a type "E" buffer shall be established along all residential lot lines and a type "A" buffer shall be established along all non-residential lot lines, excluding adjoining public or private rights-of-way.
- (f) No outdoor activities are permitted between 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between 11:00 p.m. and 8:00 a.m. Friday and Saturday.
- (g) Any lighting shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into the residential lots or buildings and may be used only during the permitted hours of operation.
- (h) The site shall provide a minimum of 1 of the permitted uses from the Amusements Classification on the Permitted Uses Chart as set forth in Subsection [1] below and shall be designed to integrate a minimum of 2 other permitted uses as set forth in Subsection [2] below:
 - [1] Amusements.
 - [a] Commercial amusement and recreation.
 - [b] Gymnasiums and health clubs.
 - [c] Nightclubs, lounges, bars and taverns.
 - [d] Private parties and receptions.
 - [e] Indoor theaters.
 - [f] Outdoor theaters.
 - [2] Retail trade and services.
 - [a] Brewery, micro.
 - [b] Brewery, pub.
 - [c] Distillery, limited.

- [d] Restaurants.
- [e] Restaurants, take-out.
- [f] Shoppers merchandise store.
- [g] Specialty shop.
- [h] Liquor store.
- [i] Personal service, excluding tattoo parlors.
- [j] Professional services.

(i) One use from the Amusements classification on the Permitted Use Chart as set forth in Subsection [1] above, as well as a minimum of 2 additional permitted uses as set forth in Subsections [1] and [2] above, shall be operational at all times.

B. Industrial uses.

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

(7) Ordnance and accessories. These uses may be granted in the LI district, provided that:

- (a) The Board of Appeals shall establish the hours in which the operation and testing shall occur.
- (b) The trajectory of any weapons being tested outdoors be directed away from any buildings within site-line, within 1/2 mile.
- (c) Underground testing must occur within approved containment devices.
- (d) Air drops of ordnance and accessories is prohibited.
- (e) Appropriate off-site signs shall be posted within standard limits, warning of explosions and radio-wave interference.
- (f) Facilities testing self-propelled machinery shall be buffered with a 100-foot landscaped buffer yard that provides a 100% opaque screen year-round.

(8) Laboratory research, experimental or testing. These uses may be granted in the AG district, provided that:

- (a) A minimum parcel area of 10 acres is required.
- (b) The research activity is directly linked to agricultural research or requires the cultivation of crops or the keeping of animals or requires a rural setting to perform the work activities.

(9) Biological Products. These uses may be granted in the CI, LI and GIS districts, provided that:

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

C. Institutional uses.

(1) Cemeteries, memorial gardens and crematories. These uses may be granted in the AG, RR, R1, R2, R3, R4, VR, VB, B1, B2, B3, CI and LI districts, provided that:

- (a) A minimum parcel of 20 acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.
- (b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than 50 feet from any road bounding the cemetery and not less than 50 feet from any other lot line.
- (c) All graves or burial plots shall be set back not less than 30 feet from any public road right-of-way and not less than 50 feet from any adjacent lot line.
- (d) Such use shall be subject to the approval of the State Department of health and mental hygiene.

(2) Club, non-profit. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:

- (a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 25 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.
- (b) Total building coverage shall not be more than 30% of the parcel area.
- (c) No parking area shall be located in any required front yard.
- (d) A type "D" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.

(3) Community centers or assembly halls. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:

- (a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 50 feet.
- (b) Total building coverage shall not be more than 30% of the parcel area.
- (c) No parking space shall be located in any required front yard.
- (d) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.

(4) Day-care centers.

- (a) These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR districts, provided that:
 - [1] A minimum parcel area of $\frac{1}{2}$ acre is established.
 - [2] Access to the facility shall be from an arterial or collector road.
 - [3] All outdoor play areas shall be located in a fenced area in the rear of the building. A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.
 - [4] The operation may be conducted in a previously existing structure, or, if a new structure is constructed, the architecture of the building shall be harmonious with other architecture within the neighborhood.
 - [5] If the operator of a day-care center operated in a church, private school or public school has obtained a zoning certificate under the provisions of §267-28 (Accessory Uses and Structures), the day-care center is exempt from the requirements of this Subsection C(4).
- (b) These uses may be granted in the CI, LI and GI districts, provided that:
 - [1] Access to the facility shall be from a public road.

- [2] In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be fenced. A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided around the play area.
- [3] Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the 3 closest volunteer fire and ambulance companies.
- [4] The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.

(5) Fire station, with fire station assembly hall. This use may be granted in the RR, R1, R2, R3, R4 and VR districts, provided that:

- (a) A minimum parcel area of 3 acres is established.
- (b) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 100 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.
- (c) Total building coverage shall not be more than 30% of the parcel area.
- (d) No parking space shall be located in any required front yard or less than 50 feet from any adjacent residential lot.
- (e) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.

(6) Hospitals. These uses may be granted in the R2, R3, R4 and RO districts, provided that:

- (a) A minimum parcel area of 15 acres is established.
- (b) The hospital complies with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
- (c) The hospital must be serviced by public water and sewer systems.
- (d) Any structure is located at least 300 feet from any adjacent residential lot.
- (e) Any parking area shall be at least 25 feet from any adjacent residential lot.
- (f) Access to the use shall be from an existing or proposed arterial or collector road.
- (g) A type "C" buffer yard (see §267-30 (Buffer Yards)) shall be provided along any boundary with an adjacent residential lot.

(7) Schools, colleges and universities, excluding Harford County Public Schools and Harford Community College, offering general academic instruction. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3 and CI districts, provided that:

- (a) It is located on a parcel of at least 1 acre. An additional 800 square feet of parcel area is required for each student in excess of 30.

- (b) It is located on a parcel frontage of at least 200 feet.
- (c) A front yard depth of at least 50 feet, a side yard depth equal to at least 2 times the height of the tallest structure located on the parcel which is proximate to the side yard and a rear yard depth of at least 50 feet.
- (d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately buffered.
- (e) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot.

D. Motor vehicle and related services.

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

(3) Salvage and junk yards. These uses may be granted in the GI district, provided that:

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

E. Natural resource uses.

(1) Mineral extraction and processing. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2 and B3 districts, provided that:

- (a) A permit for such use has been approved by the Maryland Department of the Environment.
- (b) No building or structure shall be located within 100 feet of any road right-of-way or adjoining property line.
- (c) The following buffer requirements shall be maintained:
 - [1] In addition to §267-30 (Buffer Yards), all areas in which extraction activities occur shall maintain a minimum 1,000 foot buffer from any adjacent road and a minimum buffer of 1,500 feet from any adjacent residentially zoned parcel. Within the required buffer yard, a minimum 20 foot recreational buffer shall be maintained;
 - [2] The storage of overburden shall not be visible above the tree line and shall be properly screened from any adjacent road or residentially zoned parcel; and
 - [3] Blasting activities shall not be permitted within 2,000 feet of any residentially zoned parcel or designated historic landmark.
- (d) Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by the selective cutting, transplanting and addition of trees, shrubs and other ground cover for the depth of the front yard setback. Where it is determined that landscaping is not practical because of soil and/or operation conditions, other buffering shall be provided.
- (e) Any use authorized as a conditional use pursuant to Board of Appeals approval prior to the effective date of this Part 1 shall comply with the conditions as previously established. Any use authorized after the effective date of this Part 1, as amended, may proceed, subject to the conditions of this section. Where a conditional use or special exception has been granted, any modification or change of operations affecting the conditions or expansion of the use shall be subject to approval by the Board of Appeals.
- (f) The Director of the Department of Planning and Zoning annually shall require all active mining operations that operate subject to a Board of Appeals decision to submit to the Department a Certificate of Compliance. The Certification shall be signed by the Chief Executive

Officer and the Plant Operator/Manager of the company which owns the property and shall state whether the mining operation is in compliance with all of the conditions in the Board's decision. The Certificate of Compliance shall include detailed information to address the conditions imposed as part of the Board of Appeals case. The Director of the Department of Planning and Zoning may require any additional information needed to verify compliance, such as a property line or topographic survey or part or all of the property sealed by a Professional Land Surveyor or Registered Property Line Surveyor.

- (2) Sawmills, firewood processing and distribution. These uses may be granted in the AG and B3 districts, provided that:
 - (a) A minimum parcel area of 10 acres is required.
 - (b) Storage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high.
 - (c) A type "E" buffer yard (see §267-30 (Buffer Yards)) shall be provided along any adjacent road right-of-way or adjacent property.
 - (d) No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.
- (3) Mulch processing, storage and sales. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 10 acres is required.
 - (b) Storage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high.
 - (c) A type "E" buffer yard (see §267-30 Buffer Yards) shall be provided along any adjacent road right-of-way or adjacent property.
 - (d) No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.

F. Residential uses.

- (1) Apartments, high-rise. These uses may be granted in the R4 district, provided that:
 - (a) A minimum parcel area of not less than 3 or more than 20 acres shall be established.
 - (b) The density shall not exceed 30 dwelling units per acre for high-rise apartments, and the maximum building coverage shall be 30% of the total parcel for high-rise apartments.
 - (c) The location is suitable for apartment dwellings with regard to traffic, access, efficiency and convenience of land use and safety.
 - (d) The proposed project is designed with properly arranged traffic flow, pedestrian linkages and parking; buildings which are compatible and harmonious with surrounding uses; and minimum obstruction to the view of those who live in the surrounding area.

- (e) The open space shall constitute at least 35% of the parcel area, of which at least 40% shall be suitable for and devoted to active recreation.
- (f) Any area not used for buildings, structures or parking shall be landscaped and properly maintained.

(2) Camps, retreats and recreational vehicle parks. These uses may be granted in the AG district, provided that:

- (a) Recreational vehicle parks shall contain electrical and water outlets for individual sites, 1 or more central sanitary stations, toilets and shower facilities.
- (b) The parcel shall have a minimum frontage of 200 feet on a collector or arterial road.
- (c) The maximum density permitted shall be 10 campsites or rooms per acre, with a minimum campsite size of 3,000 square feet. All campsites shall be at least 50 feet from any property line.
- (d) The only permitted permanent residential occupancy shall be for the resident owner or manager.

(3) Country inns, tourist homes and resorts. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:

- (a) Eating and sleeping facilities for at least 3 guests on a daily or weekly short-term basis shall be provided.
- (b) The project shall be responsive to the natural and historic features of the parcel.
- (c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission, consistent with Article XIII.

(4) Group home for sheltered care. This use may be granted in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:

- (a) A minimum parcel area of 3 acres is required in the AG district. A minimum parcel area of 2 acres is required in the RR and R1 districts.
- (b) Density is limited to 8 residents per acre.

(5) Nursing homes and assisted living facilities. These uses may be granted in the AG, RR, R1, R2, VR, VB and B1 districts, provided that:

- (a) A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
- (b) The setbacks of the district for institutional uses shall be met.
- (c) The density shall not exceed 20 beds per acre of the parcel.

(6) Personal-care boarding homes. This use may be granted in the AG, RR, R1, R2, R3, R4, RO, VB and VR districts, provided that:

- (a) The proposed use shall be located in a single-family detached dwelling.

- (b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.
- (c) A maximum density of 1 Boarder per 2,000 square feet of lot area shall be maintained.
- (d) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.
- (e) All applicable State and County laws and regulations are satisfied.

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

- (a) The main roof of each unit shall be pitched, having at least 1 foot of rise for each 4 feet of horizontal. The roofing material shall be compatible with residential dwellings within the neighborhood in which the mobile home is to be located.
- (b) The exterior finish of the unit shall be of a color, material and scale which are harmonious with the existing residential dwellings within the neighborhood in which the mobile home is to be located. In no case shall the degree of reflectivity of exterior finishes exceed that of semi-gloss white paint. Siding, trim and features shall be compatible with other materials used in construction of the mobile home unit.
- (c) The mobile home unit shall be placed on a permanent foundation in accordance with the manufacturer's specifications. Installation shall include a positive surface water drainage away from each unit.
- (d) All wheels, axels, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
- (e) The lot size and yard requirements applicable to single-family detached dwellings in the respective zoning district shall apply to mobile homes.
- (f) In the VR and VB districts, mobile homes shall have a minimum width of 24 feet and a minimum length of 48 feet.

G. Retail trade.

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

H. Services.

- (1) Construction services and suppliers. These uses may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 5 acres in the AG district and .5 acres in the VB district is required.
 - (b) If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
 - (c) All parking and storage areas must be paved.
 - (d) A type "C" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
- (2) Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 2 acres in the AG district and .5 acres in the VB district is required.
 - (b) All parking areas must be paved.
 - (c) A type "C" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.
 - (d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.
- (3) Small engine repair. This use may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 2 acres is required.
 - (b) All equipment must be stored within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
- (4) Funeral homes and mortuaries. These uses may be granted in the AG district, provided that:
 - (a) The proposed use shall be located in a building which is residential in character.
 - (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any residential lot or public road.
 - (c) Access for such use shall be from an arterial or collector road.
 - (d) A minimum parcel area of 3 acres is established.
- (5) Kennels. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 5 acres must be provided.
 - (b) All buildings for the shelter of animals and all runways shall be located at least 200 feet from any lot line.

- (6) Pet grooming. This use may be granted in the AG district, provided that:
 - (a) The activity takes place inside a completely enclosed building.
 - (b) No animals may be kept overnight, except those owned by the proprietor.
- (7) Personal services. These uses may be granted in the VR district, provided that:
 - (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed 5,000 square feet.
- (8) Professional services. These uses may be granted in the VR district, provided that:
 - (a) A type "B" buffer, pursuant to §267-30 (Buffer Yards), must be provided between the parking area and any adjacent residential lot.
 - (b) Gross floor area shall not exceed 5,000 square feet.
- (9) Restaurants and Brewery, Pub. These uses may be granted in the VB and B1 districts, provided that:
 - (a) The use is located with direct access to an arterial or collector road.
 - (b) A type "A" buffer, pursuant to §267-30 (Buffer Yards), must be provided along the public road(s) and any adjacent residential lot.
- (10) Veterinary clinics or hospitals or veterinary practice, large animals. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 3 acres is required.
 - (b) The use shall be located with direct access to an arterial or collector road.
 - (c) A type "A" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any adjacent residential lot.
 - (d) Any runways or outdoor holding areas shall be set back at least 200 feet from any lot line.
- (11) Health services and medical clinics. These uses may be granted in the RO district, provided that:
 - (a) The structure shall be of a size, scale and facade compatible with the surrounding residential neighborhood.
 - (b) All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses.
 - (c) A type "A" buffer yard, pursuant to §267-30 (Buffer Yards), shall be provided between the parking area and any adjacent residential lot.

I. Transportation, Communications and Utilities (TCU).

- (1) Aircraft landing and storage, private. This use may be granted in the AG, CI, LI and GI districts, provided that:

- (a) The airfield is designed in accordance with design criteria required for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, SubTitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- (b) The approach and landing paths are in accordance with the requirements for private use airports as set forth in the current Code of Maryland Regulations, Title 11, Department of Transportation, SubTitle 03, Maryland Aviation Administration, Chapter 04, Aeronautical Regulations.
- (c) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.
- (d) The length of the runway is sufficient for the aircraft to stop safely without thrust reversal after aborting takeoff at takeoff speed.
- (e) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.
- (f) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.
- (g) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.

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

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

- [1] If such airport is an integral part of or will interfere with the general plan of airports for the Maryland-Washington regional district.
- [2] If the takeoff and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of any nearby airport.

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

(i) No more than 50% of the land area upon which the commercial operation is conducted may be located in the AG district. The commercial operation includes all buildings, pavement areas, airport approach and landing paths, aircraft parking and storage areas.

(j) Notwithstanding the number of trips per day generated, prior to submission of an application to the Board of Appeals, a community input meeting shall be held, as provided for in Section 268-20, as applicable.

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

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

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

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

either side of any designated scenic by-way on any County or State maintained roadway.

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

- [4] A decommissioned CSEGS site shall be restored to its original predevelopment condition within 12 months of notification and inspected by the Department of Planning and Zoning.
- [5] Failure to comply with the requirements of this Section shall authorize, but not require, the County to remove the CSEGS and restore the site to its predevelopment condition and charge the property owner all associated costs.
- [6] As a condition of Special Exception approval, the owner and/or operator agree to allow entry to remove an abandoned or decommissioned CSEGS facility.

(o) Financial assurance.

- [1] Prior to the issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit or other financial assurance in a form acceptable to the Department of Planning and Zoning to secure payment of 125% of the anticipated cost of removal of all associated site improvements and restoration of the site to its predevelopment condition. The financial assurance shall remain in full force and effective while the CSEGS remains in place.
- [2] The County shall review the amount of the security every 5 years and may require additional security or reduce the amount of the posted security if it determines, in its sole discretion, that the posted security no longer equals 125% of the decommissioning costs.

J. Warehousing, wholesaling and processing.

- (1) Abattoirs and slaughterhouses. These uses may be granted in the AG district, provided that:
 - (a) A minimum parcel area of 20 acres is established.
 - (b) The use is provided with direct access from arterial or collector roads.
- (2) Petroleum and gas products, sales or storage. Underground petroleum and gas products storage not in excess of 25,000 gallons' capacity may be granted in the B3 district, and aboveground and underground petroleum and gas products storage in excess of 25,000 gallons' capacity may be granted in the GI district, provided that:
 - (a) The applicant demonstrates that the best practicable means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance and protect against fire and explosion shall be employed.
 - (b) The parcel is located at least 300 feet from any railroad siding or bulk storage area for other volatile or explosive materials.
 - (c) The tanks are set back at least 100 feet from any public road right-of-way, and the premises are enclosed by a secure fence of at least 8 feet in height.
 - (d) The tanks are located at least 400 feet from any institutional use and at least 300 feet from any adjacent residential or business use.
 - (e) All properties adjacent to the facility must be served by public water.

ARTICLE X. Landfills

§ 267-89. Sanitary Landfills.

This use is permitted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The site must be included in the most recently adopted Harford County Solid Waste Management Plan.
- B. The site must be a minimum of 100 acres in size.
- C. A Site Plan shall be developed to consider and address topography of the area, ability to effectively buffer the landfill area and such other factors as the Departments of Planning and Zoning and Public Works and the County Council deem relative in conformity with §267-91 (Board of Appeals, Limitations, Guides and Standards).
- D. A buffer area, designed to adequately buffer the landfill activities from view of adjoining properties, shall be maintained between the fill area and adjoining property lines. If the existing vegetation within the buffer area does not adequately screen the landfill activities, a landscaped earth berm shall be constructed within the buffer area to provide adequate screening. The distance shall be determined by the County Council after the Site Plan is developed. For any landfill, or landfill expansion, receiving a permit from the Maryland Department of the Environment after the effective date of this act, a minimum buffer area of 1,000 feet shall be maintained between the fill area and any adjoining residential property line, not including properties owned by the entity operating the landfill. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road. Prior to commencement of landfilling activities, a minimum 20 foot recreational buffer shall be established within the required buffer yard.
- E. An undisturbed buffer area of 1,000 feet shall be maintained between the fill area and the banks of the Deer Creek.
- F. The Department of Public Works shall cause, prior to submission of the Site Plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the County. The notice shall identify the location of the site, the acreage and physical description of the site.

§ 267-90. Rubble Landfills.

This use is permitted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The site is at least 100 acres in size and must be included in the most recently adopted Harford County Solid Waste Management Plan.
- B. The Department of Public Works shall cause, prior to submission of the Site Plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the County. The notice shall identify the location of the site, the acreage and physical description of the site.
- C. An undisturbed buffer area, designed to adequately buffer the landfill activities from view of adjoining properties, shall be maintained between the fill area and adjoining property lines. The distance shall be determined by the County Council after the Site Plan is developed and shall be a minimum of 1,000 feet from adjoining property lines. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided next to any adjacent residential lot and along any public road. Prior to commencement of landfilling activities, a minimum 20 foot recreational buffer shall be established within the required buffer yard.

- D. All areas in which solid waste is deposited are at least 500 feet from the Floodplain District established by Chapter 131 of the Harford County Code, as amended.
- E. All areas in which solid waste is deposited are at least 1,000 feet from any lawfully permitted off-site residential or institutional building.
- F. The rubble landfill is contoured to substantially conform to the original grade of the site and, in any case, the height of the landfill does not exceed the height of the tallest structure, excluding towers, or natural feature within 2,500 feet of the parcel.

§ 267-91. Solid Waste Transfer Stations. [Amended by Bill 11-62, as amended]

This use may be granted in the AG, B3, CI and GI districts, provided that:

- A. The site must be included in the most recently adopted Harford County Solid Waste Management Plan. The site must be at least 3 acres in the AG district and at least 1 acre in the B3, CI or GI district.
- B. A 150 foot buffer shall be provided next to any adjacent residential lot and along any public road. Ancillary uses may be allowed within the buffer including access roads; stormwater management; utilities; wetland mitigation and reforestation; site security measures; and landscaping.
- C. Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.
- D. Outside storage of materials or equipment shall be completely buffered from view of adjoining residential properties and public roads.
- E. To the extent possible, all buildings on the site shall be located and configured in a manner to maximize the distance between the buildings and adjacent residential lots.
- F. Fencing shall be erected and maintained around the facility.

§ 267-92. Other County Solid Waste Processing Facilities. [Amended by Bill 11-62, as amended]

These uses only include County operations associated with the collection of yard waste and recyclable materials. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2, B3, CI, LI and GI districts, provided that:

- A. The facility must be located on County-owned property and operated by the Harford County Department of Public Works.
- B. The facility is for the sole purpose of collecting yard waste, as defined by the solid waste management plan, and other recyclable materials.
- C. A 150 foot buffer shall be provided next to any adjacent residential lot and along any public road. Ancillary uses may be allowed within the buffer including access roads; stormwater management; utilities; wetland mitigation and reforestation; site security measures; and landscaping.
- D. Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings.
- E. Outside storage of materials or equipment shall be completely buffered from view of adjoining residential properties and public roads.

ARTICLE XI. Telecommunications Facilities

§ 267-93. Purpose.

The County finds that the provisions of this Article are necessary in order to:

- A. Minimize the number of communications towers in Harford County.
- B. Encourage the co-location of telecommunications facilities.
- C. Encourage the use of existing buildings, towers, lights, utility poles, water towers and other similar structures for antennas.
- D. Allow telecommunications providers to build out their systems over time.
- E. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the County.
- F. Require the County to create a government information system database that contains information regarding the location of all communications antennas, the location of all communications towers and information relative to the carrying capacity of each tower.
- G. Ensure that all telecommunications facilities, including towers, antennas and ancillary facilities, are installed in such a manner as to minimize disturbance to existing vegetation and designed to include suitable landscaping to buffer the facility, where necessary.
- H. Ensure that if a new communications tower must be built, the tower should be:
 - (1) Constructed to accommodate 3 or more providers when practical;
 - (2) Erected in a medium or high intensity commercial zone when practical;
 - (3) Located and designed to minimize visibility from residential properties; and
 - (4) Available for co-location for a government sanctioned public safety use prior to its availability to another provider.

§ 267-94. Accessory Uses.

Communications antennas may be placed, as accessory uses, upon any existing structure in any district as a matter of right, subject to the following restrictions:

- A. Communications antennas and any related mounting structures may not be more than 12 feet in total height without a variance.
- B. No communications antennas shall be placed upon any single-family residence.
- C. If the addition of communications antennas to an existing structure triggers a governmental lighting requirement, with respect to a facility that is not already subject to

such a requirement, the addition will be allowed only by special exception through the granting of an area variance.

- D. A building permit shall be required.
- E. Certification from the applicant that its equipment will meet all applicable Federal standards governing the emission of energy.
- F. Equipment buildings that do not exceed 560 square feet per building, per provider, or a single equipment building that does not exceed 560 square feet, per provider, are permitted in any district as accessory uses.

§ 267-95. Communications Towers. [Amended by Bill 17-18, As Amended]

- A. Communications towers shall be allowed by right, up to 199 feet, in the B3, CI, LI, GI and MO districts.
- B. A communications tower shall be allowed by right within an existing overhead transmission line right-of-way provided that the height of the communications tower does not exceed the height of the existing structure by more than 20%.
- C. Communications towers shall be allowed by special exception, up to 199 feet, in all other districts.

§ 267-96. Provisions Applicable To All Communications Towers. [Amended by Bill 17-18, As Amended]

- A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of the structure to allow for the placement of antennas for 3 or more carriers. This provision may be waived by the approving body if it is determined that a co-location design will have an adverse impact on the surrounding area.
- B. No aviation-related lighting shall be placed upon any communications tower unless specifically required by the Federal Aviation Administration or other governmental entity.
- C. Monopoles shall be the preferred communications tower structure type within the County.
- D. To the extent practical, communication towers shall have suitable landscaping in order to buffer the site from adjoining properties.
- E. The only signage permitted on any communications tower shall be a single sign, no larger than 6 square feet, affixed to the equipment building or fence enclosure that identifies the tower owner, each locating provider and the telephone number for the person to contact in the event of an emergency.
- F. All zoning certificate applications for the construction of new communications towers shall be subject to the Development Advisory Committee (DAC) review process, with the following additional requisites:

- (1) Whether an applicant has satisfied the radio frequency need requirements identified in this section shall be reviewed by a radio frequency engineer. The engineer shall be retained by the County from an approved panel of such engineers to be created and maintained by the County. The engineer shall determine whether the applicant has shown a radio frequency need, based on coverage and/or capacity issues or other engineering requisites, to construct a new communications tower.
- (2) When the communications tower is permitted by right, the engineer's determination shall be made in the ordinary course of DAC review.
- (3) When the communications tower is allowed by special exception, the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-1.D of the Harford County Code, as amended. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues.
- (4) The County's radio frequency engineer shall ensure that any new tower does not interfere with or obstruct existing or proposed communications towers designed for public safety use.

G. The applicant shall be responsible for maintaining the communications tower in a safe condition.

H. Communications towers shall be utilized continuously for wireless communications. In the event that a communications tower ceases to be used for wireless communications for a period of 6 months, the approval will be revoked. In the event that the Director of Planning is presented with evidence that further viability of the tower is imminent, the Director of Planning may grant 1 extension of the approval for a period not to exceed 6 months beyond the revocation of the use. The applicant shall take all necessary steps to dismantle the tower and remove and dispose of all visible remnants and materials from the subject parcel within 90 calendar days after termination. The applicant shall ensure removal of the tower and all associated accessory structures by posting an acceptable monetary guarantee with the County on forms provided by the Department of Planning and Zoning. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director of Planning for the removal of the tower, plus a 15% contingency.

I. Every application for the construction of a new communications tower shall include the following:

- (1) Information demonstrating the applicant's radio frequency need for the facility, including computer modeling information, an explanation as to why co-location is not feasible and a list of alternative sites considered;
- (2) A checklist prepared, in conformity with Section 106 of the National Environmental Policy Act, and any other documents filed by the applicant with the FCC related to this site if requested by the Department;
- (3) A Site Plan, including the layout of the site, a drawing or other physical depiction of the proposed communications tower and any equipment buildings, and a map showing the area within a 1 mile radius of the tower;

- (4) A description of the number of carriers' equipment that the tower can accommodate and a statement as to whether the applicant will allow other carriers to co-locate on the facility;
- (5) Documentation demonstrating the tower shall be designed and constructed in accordance with any applicable American National Standards Institute Standards;
- (6) Proof that the applicant owns, or otherwise has permission to use, the site, along with any easements necessary to access the site;
- (7) A Certification from each carrier that will utilize the facility that its equipment will meet all applicable Federal standards governing the emission of energy from such facilities; and
- (8) A nonbinding 5-year plan showing the applicant's existing and proposed communications network within the County. In accordance with State law on access to public records, §10-611 *et seq.* Of the State government Article, the Department shall treat the 5-year plan it obtains as confidential and shall not permit public inspection of that information.

J. When proposing a new communications tower, the applicant must demonstrate a radio frequency need for such a facility by showing:

- (1) That the applicant has researched the co-location possibilities in the area, including in its research a review of the County's database of structures; and
- (2) That due to the absence of sufficiently tall structures in the search area, the absence of structural capacity on existing structures or other valid engineering or economic factors, no viable co-location opportunities exist in the search area.

K. Communication towers shall not be located within 1,000 feet of a historic landmark.

L. Communications towers shall be set back from existing dwellings and any structures attached thereto by a distance equal to 125% of the height of the tower.

§ 267-97. Additional Special Exception Requirements. [Amended by Bill 17-18, As Amended]

An applicant proposing a new communications tower in the RR, R1, R2, R3, R4, RO, VR, VB, B1, B2 or AG districts shall demonstrate that the request complies with the following conditions:

- A. The placement of the communications tower, at the proposed location, will not have a material negative impact on the value, use or enjoyment of any adjoining parcel.
- B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower or nonresidential building or structure.
- C. The applicant shall provide the following additional information in support of its application:
 - (1) Photographs of existing site conditions;

- (2) Photographs demonstrating that a balloon test has been conducted, or other evidence depicting the visual impact of the proposed tower within a 1 mile radius of the tower; and
- (3) A map describing the topography of the site and the area within a 1 mile radius of the proposed tower.

§ 267-98. Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, R3, R4, RO, VR, VB, B1 and B2 Districts. [Amended by Bill 17-18, As Amended]

Applications proposing new communications towers in the RR, R1, R2, R3, R4, RO, VR, VB, B1 and B2 districts shall be presumed not to be favored unless the applicant can demonstrate that no suitable alternative site exists. In order to obtain a special exception in one of these districts, the applicant must demonstrate, in addition to the requisites applicable to all other tower requests, the following:

- A. There exists no suitable alternative location in a B3, CI, GI, LI or AG district identifying with particularity any other sites considered;
- B. There is something unique about the proposed location, such as its size, the nature of surrounding uses or other factors, that negates the presumption that such facilities are generally incompatible with residential zoning; and
- C. That due to the location, elevation, engineering, technical feasibility or inability to obtain a lease or ownership of a location elsewhere, the construction of a tower at the proposed location is warranted.

§ 267-99. Public Safety Uses. [Amended by Bill 17-18, As Amended]

The construction of communications towers, determined to be necessary, in accordance with a plan approved by the County Council, for government-sanctioned public safety use or the mounting of communications antennas for government-sanctioned public safety use is exempt from the provisions contained in §267-97 (Additional Special Exception Requirements) and §267-98 (Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, R3, R4, RO, VR, VB, B1 and B2 districts) of this legislation. Public safety use is defined as local and State law enforcement agencies and Emergency Operations Center, including the oversight of the fire companies and medical services, designed to protect the health, safety and welfare of the public but does not include the operations of the Department of Inspections, Licenses and Permits or the Humane Society.

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ARTICLE XII. Applicability of Provisions

§ 267-100. Approved or Pending Zoning Certificates or Building Permits.

- A. The requirements of this Part 1 shall not apply to any building, structure or use established pursuant to a zoning certificate or building permit approved prior to the effective date of Bill 08-44, provided that any such building, structure or use shall commence within 12 months of said date.
- B. The requirements of this Part 1 shall not apply to any building, structure or use proposed to be established pursuant to a zoning certificate or building permit application pending as of said date, provided that:
 - (1) The requirements of the Zoning Code in effect at the time of application apply;
 - (2) The zoning certificate or building permit is approved within 60 calendar days after said date; and
 - (3) Any such development shall commence within 12 months of the date of the approved zoning certificate or building permit and diligently pursued to a final action.

§ 267-101. Board of Appeals Approvals.

- A. The requirements of this Part 1 shall not apply to any variance or special exception approved by the Board pursuant to the regulations in effect at the time of the Board's approval.
- B. Any substantial modification not in accordance with the terms of this Article shall require the approval of the Board, pursuant to §267-9 (Board of Appeals).
- C. The requirements of this Part 1 shall not apply to any zoning case pending before the Board or Courts of this State and diligently pursued to a final action.

§ 267-102. Approved Preliminary and Site Plans.

- A. Preliminary Plans approved prior to the effective date of this Part 1 may proceed provided that the lots have been recorded within 2 years of the date that the plan was approved.
- B. Site Plans approved prior to the effective date of this Part 1 may proceed provided that a building permit has been obtained within 2 years of the date that the plan was approved.

§ 267-103. Effect of Declaration of Invalidity.

Should all or part of any comprehensive zoning map legislatively adopted on or after the effective date of the Part 1 be declared invalid, the zoning restrictions applicable prior to the date of invalidation shall apply to the property affected by such declaration of invalidity, pending further action by the County Council.

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PART 2. MISCELLANEOUS PROVISIONS

ARTICLE XIII. General Provisions for Historic Landmarks

[Amended by Bill 09-01; Bill 09-11; Bill 10-30; Bill 11-44; Bill 14-9; Bill 15-17; Bill 17-04 and Bill 19-04 as amended]

§ 267-104. Purpose.

- A. It is a public purpose in Harford County to preserve sites, structures and districts of historical, cultural, archeological or architectural significance together with their appurtenances and environmental settings.
- B. It is the further purpose of this Article to preserve and enhance the quality of life in Harford County by:
 - (1) Safeguarding the County's historic and cultural heritage through the preservation of sites, structures and historic districts that reflect elements of cultural, social, economic, political, archeological or architectural history;
 - (2) Strengthening the local economy;
 - (3) Stabilizing and improving property values of such sites, structures or historic districts and in the County generally;
 - (4) Fostering civic pride in the beauty and accomplishments of the past; and
 - (5) Promoting the preservation and appreciation of historic sites, structures and historic districts for the education and welfare of the residents of Harford County.

§ 267-105. Historic Preservation Commission.

The Historic Preservation Commission shall be established pursuant to Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as Amended.

§ 267-106. Applicability.

This Article may not be construed to:

- A. Prevent any routine maintenance or repair of an exterior feature which involves no change in design, material or outward appearance of a structure proposed or designated as a Historic Landmark;
- B. Prevent the construction, rehabilitation, restoration, reconstruction, alteration or demolition of any exterior features of a Historic Landmark which the Department of Inspections, Licenses and Permits determines is required for the public safety because of an unsafe or dangerous condition; or

C. Prevent or prohibit the owner or occupant, if any, of a Historic Landmark from using that site or structure in any lawful manner, so long as the use does not involve the demolition of the structure or the alteration of its architectural features.

§ 267-107. Maintenance of Lists.

A. The Department of Planning and Zoning shall maintain:

- (1) A list of the County's Designated Historic Landmarks.
- (2) A list of sites, structures and historic districts of known or potential historic, archeological, architectural or cultural significance to Harford County.

B. Both lists are made available for public inspection at the Department of Planning and Zoning and in duplicate with the Maryland Historical Trust.

§ 267-108. Designation.

The County Council of Harford County may designate the boundaries of sites, structures or areas as Historic Landmarks or Historic Districts if:

A. The Historic Preservation Commission has recommended a site, structure or area for designation as a Historic Landmark or Historic District in accordance with §267-110 (Procedure for Designation) set forth below; and

B. The site, structure or area qualifies for designation in accordance with the criteria for designation set forth in §267-109 (Criteria for Designation).

§ 267-109. Criteria for Designation.

A site, structure or area shall be at least 50 years of age or older, have sufficient integrity of location, design, materials and workmanship and meet one or more of the following criteria:

A. Historical and cultural significance:

- (1) Is associated with events significant in the past;
- (2) Is associated with the lives of persons significant in the past;
- (3) Has character, interest or value as part of the heritage or culture of Harford County, the State of Maryland or the United States; or
- (4) Has the potential to provide important information about history or prehistory.

B. Architectural and design significance:

- (1) Embodies the distinctive characteristics of a particular architectural style, period or method of construction;
- (2) Represents the work of a notable architect or master builder;
- (3) Possesses high artistic value; or

- (4) Represents a significant and distinguishable entity whose components may lack individual distinction.

§ 267-110. Procedure for Designation.

A. Nomination:

- (1) Historic Landmark nominations shall be made to the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, and may be submitted by a member of the Historic Preservation Commission, owner of record of the nominated property or structure or any other person or organization.
- (2) A nomination for an individual site, structure, building, object or property shall be filed by or with the written consent of the legal property owner.
- (3) Within 90 calendar days from receipt of a completed nomination in proper form, the Historic Preservation Commission shall determine if the nominated site, structure or area is eligible for designation based on the criteria for designation as set forth in §267-109 (Criteria for Designation).

B. Notice and hearing.

- (1) The Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, shall conduct public meetings to consider sites, structures or areas to be designated as Historic Landmarks or Historic Districts.
- (2) For each structure or group of structures, a sign shall be conspicuously posted giving notice of the public meeting on whether a site, structure or area should be officially designated.
- (3) The public meeting shall be held within 14 calendar days after the sign is posted.
- (4) The Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, shall recommend the eligible site, structure or area to the County Council for designation as a Historic Landmark or Historic District.
- (5) Upon designation by the County Council, the Historic Landmark shall be identified by name and historic inventory number and shall be added to the Harford County Historic Landmarks list kept on file and available for public inspection at the Department of Planning and Zoning.

C. Interim control. No building permit shall be issued by the Department of Inspections, Licenses and Permits for alteration, construction, demolition or removal of a nominated Historic Landmark from the date of meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the County Council, unless such alteration, removal or demolition is authorized by formal resolution of the County Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 90 calendar days.

§ 267-111. Amending and Rescinding Designations.

A designation may be amended or rescinded upon petition to the County Council and compliance with the same procedure and according to the same criteria set forth herein for designation.

§ 267-112. Designated Historic Landmarks.

The Harford County Historic Landmarks list shall be kept on file and available for public inspection at the Department of Planning and Zoning.

§ 267-113. Certificate of Appropriateness Required.

- A. A Certificate of Appropriateness shall be required from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, for any undertaking that:
 - (1) Requires a permit from the Department of Inspections, Licenses and Permits;
 - (2) Results in a change to a Historic Landmark or to any site or structure located within a Historic District;
 - (3) Alters an exterior feature of a Historic Landmark or a site or structure located within a Historic District;
 - (4) Adversely affects the integrity of a Historic Landmark or any site or structure located within a Historic District; or
 - (5) Materially impairs the historic, archaeological, architectural or cultural significance of a Historic Landmark or to a site or structure within a Historic District.
- B. The Department of Inspections, Licenses and Permits shall not issue a building or demolition permit without the applicant first obtaining a Certificate of Appropriateness from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission.
- C. Notwithstanding the above, if the Director of the Department of Inspections, Licenses and Permits, the Director of the Department of Public Works and the County Health Officer determine, after consultation with the Department of Planning and Zoning, that a Historic Landmark or site or structure located within a Historic District constitutes an immediate danger to the health, welfare and safety of the public, the Director of Planning and Zoning may approve the demolition or alteration of the Historic Landmark or site or structure within a Historic District.
- D. An undertaking permitted under Subsection C shall be only to the extent necessary to remove the immediate danger constituted by the Historic Landmark or site or structure within a Historic District.
- E. Historic Landmarks that are the property of the state, shall be subject to the requirements of this Subsection in so far as possible.

F. The Director of a County Department that is responsible for the maintenance of a Historic Landmark shall submit an annual report stating the condition of the Historic Landmark to the Director of Planning and Zoning.

- (1) Minor changes for County-owned Historic Landmarks, to resolve safety or State law requirements, may be approved by the Department of Planning and Zoning, upon consultation with the Department of Inspections, Licenses and Permits.
- (2) Any demolition of a County-owned Historic Landmark shall require approval by the Harford County Council by a vote of at least 5 members.

G. Any Historic Landmark located within the boundaries of a municipality are not subject to this article.

H. Routine maintenance. A Certificate of Appropriateness is not required to undertake routine maintenance to or on a Historic Landmark or a site or structure located within a Historic District.

§ 267-114. Applications and Review.

A. Applications. Before beginning an undertaking for which a Certificate of Appropriateness is required under §267-113 (Certificate of Appropriateness Required), a person shall file an application for a Certificate of Appropriateness with the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, on forms and in substance as may be prescribed by the Department of Planning and Zoning.

B. Review. When reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission:

- (1) Shall consider only the exterior features of a Historic Landmark or a site or structure within a Historic District;
- (2) Shall apply the design guidelines and criteria for review found in §115 (Guidelines and Standards for Review); and
- (3) Shall consider:
 - (a) The historic, archeological, architectural and cultural significance of the Historic Landmark, or of a site or structure within a Historic District;
 - (b) The relationship between the Historic Landmark or sites or structures within a Historic District and the historic, archeological, architectural and cultural significance of the surrounding area;
 - (c) The relationship between the exterior features of the Historic Landmark or sites or structures within a Historic District and the remainder of the Historic Landmark or Historic District and its surrounding area;
 - (d) The general compatibility of the proposed undertaking in design, scale, proportion, arrangement, texture and materials; and
 - (e) Any factors, including aesthetics, which the Historic Preservation Commission deems pertinent.

§ 267-115. Guidelines and Standards for Review.

- A. The Historic Preservation Commission shall use the United States Secretary of Interior's Standards for the Treatment of Historic Properties as a guide for reviewing applications for a Certificate of Appropriateness.
- B. The Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, shall prepare design guidelines and criteria that adhere to the United States Secretary of Interior's Standards for the Treatment of Historic Properties to implement the standards and requirements of this article.

§ 267-116. Historic Preservation Commission Action.

- A. Following its review of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall:
 - (1) Approve the application;
 - (2) Approve the application subject to conditions or modification as the Historic Preservation Commission determines necessary; or
 - (3) Deny the application.
- B. Issuance of Certificate of Appropriateness.
 - (1) Upon approval, or approval with conditions or modifications, of an application made under this section, the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, shall:
 - (a) File with the Department of Inspections, Licenses and Permits, a Certificate of Appropriateness for the proposed undertaking which shall specify any conditions or modifications determined necessary by the Historic Preservation Commission; and
 - (b) Send written notice to the applicant of the Historic Preservation Commission's Action.
 - (2) Upon denial of an application made under this Section, the Historic Preservation Commission shall:
 - (a) File with the Department of Inspections, Licenses and Permits, a written notice of its denial of the proposed undertaking and of the application for a Certificate of Appropriateness; and
 - (b) Send written notice to the applicant of the Historic Preservation Commission's action denying the application, which shall be accompanied by a statement of the reasons for the denial. The Historic Preservation Commission shall make recommendations to the applicant concerning changes, if any, that could resolve any issues. The applicant may resubmit an amended application or reapply for a Certificate of Appropriateness that takes into consideration the recommendations of the Historic Preservation Commission.

C. The Department of Inspections, Licenses and Permits shall not issue a building permit for any undertaking for which the receipt of a Certificate of Appropriateness is required under §267-113 (Certificate of Appropriateness Required), unless the Department of Inspections, Licenses and Permits has received from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, a Certificate of Appropriateness for the undertaking.

§ 267-117. Development Requirements.

Except when the Historic Landmark is County owned or operated, the following requirements must be met:

A. If a proposed use will be on a property that is adjacent to, or within 500 feet of, a Historic Landmark, the proposed use shall have a buffer and landscaping in accordance with this section.

B. The Historic Preservation Commission shall make buffer recommendations to the Director of Planning and Zoning and shall consider the following:

- (1) The nature and extent of the proposed use, the degree of compatibility between the proposed use and the Historic Landmark.
- (2) The extent to which the bufferyard will help to preserve the character of the Historic Landmark.
- (3) The size of the property on which the proposed use will be located.
- (4) The distance of the proposed use from the Historic Landmark.
- (5) The size of the property on which the Historic Landmark is located.

C. After reviewing the Historic Preservation Commission's buffer recommendation, the Director of Planning and Zoning or his or her designee shall determine the required width and landscaping of the buffer:

- (1) The width shall be up to 75 feet.
- (2) Landscaping shall be provided consistent with the criteria put forth in §267-29 (Landscaping).

§ 267-118. Fees.

Fees, if any, shall be as established in Chapter 157 of the Harford County Code, as amended.

§ 267-119. Violations and Penalties.

The County may proceed with appropriate enforcement actions, pursuant to §267-14 (Violations and Penalties).

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ARTICLE XIV. Official Harford County Zoning Maps

§ 267-121. Publication.

The zoning districts, as established by law, shall be published in the form of official zoning maps, and the maps shall be referred to as the "Zoning Maps of Harford County, Maryland."

§ 267-122. Contents.

The official zoning maps shall designate, in a clear and precise manner, the zoning classification of all land in Harford County governed by the provisions of this Chapter.

§ 267-123. Incorporation by Reference. [Amended by Bill 09-23 As Amended, Bill 17-015 As Amended and Bill 25-002 As Amended]

The 2025 Official Zoning Maps are the maps enacted by and incorporated into County Council Bill No. 25-002.

§ 267-124. Certification; Availability to Public.

All official zoning maps shall be permanently kept on file with the Council Administrator and a copy of the maps shall be on file in the Department of Planning and Zoning. The maps shall be made available to the public for public inspection during normal County business hours, and the Department of Planning and Zoning shall provide for the sale of the maps to the general public.

§ 267-125. Amendments.

Zoning maps may be amended by the County Council pursuant to applicable law and rules and regulations.

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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.

- [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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