

HARFORD COUNTY BILL NO. 23-026 (As Amended)

Brief Title Amendments to Zoning Code Sections 267-4 267-60 267-126-Warehouse)  
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

*Mylicia A. Dixon*  
Council Administrator

Date 10/10/23

**ENROLLED**

*John H. Vincent*  
Council President

Date 10/10/23

**BY THE COUNCIL**

Read the third time.

Passed: LSD 23-026

Failed of Passage: \_\_\_\_\_

By Order

*Mylicia A. Dixon*  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 11<sup>th</sup>  
Day of October 2023, at 3:00 p.m.

*Mylicia A. Dixon*  
Council Administrator



**BY THE EXECUTIVE**

*[Signature]*  
COUNTY EXECUTIVE

APPROVED: Date 10/13/23

**BY THE COUNCIL**

This Bill No. 23-026 having been approved by the Executive and returned to the Council, becomes law on October 13, 2023.

EFFECTIVE DATE: December 12, 2023

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 23-026

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

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

AN ACT to add the definitions of “distribution and local delivery center”, FREIGHT, “freight terminal”, LOADING ZONE, and “warehousing” to Section 267-4, Definitions, of Article I, General Provisions, of Part 1, Standards; that Section 267-60, CI, LI and GI Industrial Districts, of Article VII, District Regulations by amending the purpose of the Light Industrial District and the General Industrial District in Subsection A as amended, TO REPEAL AND REENACT WITH AMENDMENTS SECTION 267-60(C)(5), MODIFICATION OF HEIGHT REQUIREMENTS; and by adding additional general regulations in Subsection C(4)-(7) as amended; and to repeal and reenact, with amendments, Subsection B (3), Non-residential development, of Section 267-126, Adequate public facilities, of Article XV, Growth Management, of Part 2, Miscellaneous, all of Chapter 267, Zoning to clarify the public facility requirements that must be satisfied before issuance of permits and approvals; and by repealing and reenacting with amendments Permitted Uses Chart 19:20 and 19:21 by amending Permitted Uses Chart, Attachment 19:20, the “Freight terminal” row by deleting “freight terminal” as a permitted use in the B3 and LI use districts; and by amending Permitted Uses Chart Attachment 19:21 by deleting “Warehousing and wholesaling, processing, and distribution and local delivery” as a permitted use category, by adding a new permitted use category: “Warehousing, distribution and local delivery less than or equal to 150,000 square feet” and permitting such uses in the Village Business-VB, Business General-B3, Commercial Industrial-CI, Light Industrial LI and General Industrial GI use districts, and by adding a new permitted use category “~~warehousing~~ Warehousing, distribution and local delivery greater than 150,000 square feet and less than or equal to 250,000 square feet” that shall be permitted only in CI, LI and GI use districts and only pursuant to the special conditions in ~~Section 267-60C(4)(a)(4)~~ 267-60C(14)(5) in addition to all other applicable conditions under Chapter 267 Zoning as amended; AND BY ADDING A GRANDFATHERING PROVISION; all to read as follows and generally relating to zoning.

**BILL NO. 23-026  
AS AMENDED**

By the Council, September 5, 2023

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

on: October 2, 2023

at: 6:00 PM

By Order: *Mylin A. Dixon*, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 2, 2023, and concluded on October 2, 2023.

*Mylin A. Dixon*, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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AS AMENDED**

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AS AMENDED**

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

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

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

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

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

21          NOW THEREFORE:

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

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

**Chapter 267. ZONING**

**Article VI. General Provisions**

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**§ 267-4 – Definitions.**

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

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

**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.**

**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, AIRPLANE~~ 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.

**LOADING ZONE – LOCATIONS DESIGNED FOR THE LOADING AND UNLOADING**

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**OF FREIGHT. LOADING DOCKS ARE STRUCTURES WHICH ALLOW A TRUCK TO  
LOAD OR UNLOAD DIRECTLY FROM THE BED OF THE TRUCK.**

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.

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

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, [warehousing] and TECHNOLOGICAL DEVELOPMENT [service] uses. Retail sales are permitted as accessory to a manufacturing or distribution operation where the product is produced, PROCESSED or DEVELOPED AND STORED [warehoused] on site. Other retail sales or service uses are permitted as accessory to the principal permitted use provided that they are integrated into the overall project and shall not exceed 2,000 square feet.

(3) GI General Industrial District. This district is intended for industrial uses of a larger scale or more intensive ~~MANUFACTURING OR processing with large areas of~~

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~~unenclosed storage, which~~ **MANUFACTURING, PRODUCTION,**  
**HANDLING, CONSOLIDATION, DISTRIBUTION, AND/OR**  
**WAREHOUSING, OR WHERE ORDER PROCESSING OCCURS, THAT**  
**MAY INCLUDE LARGE AREAS OF UNENCLOSED STORAGE AND**  
**FULLFILLMENT 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~~  
**STORED PRODUCED, HANDLED, CONSOLIDATED, PACKAGED,**  
**DISTRIBUTED FROM,** [or warehoused] on site. Other retail sales or service uses  
are permitted as accessory to the principal permitted use provided that they are  
integrated into the overall project and shall not exceed 2,000 square feet.

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

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

**(5) MODIFICATION OF HEIGHT REQUIREMENTS. MAXIMUM**  
**BUILDING HEIGHT MAY BE EXCEEDED IF SIDE AND REAR YARDS**  
**ARE INCREASED IN WIDTH AND DEPTH BY [1] 2 ADDITIONAL**  
**[FOOT] FEET FOR EVERY 1 FOOT OF EXCESS HEIGHT.**

**(4) (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**



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(1) THE MAXIMUM BUILDING HEIGHT SHALL BE ~~42 FEET.~~ 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 ~~40%.~~ 55%.

(3) THE TOTAL MAXIMUM IMPERVIOUS COVERAGE SHALL BE ~~60%,~~ 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) THE MINIMUM LOT AREA SHALL BE 15 ACRES.~~

~~(b)~~ (A) ALL ACCESS POINTS SHALL BE A MINIMUM OF 250 FEET FROM ANY DWELLING.

~~(c)~~ (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.

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

~~(5)~~ (b) BUFFER YARDS

(a) (1) A ONE-HUNDRED-FOOT-WIDE BUFFER YARD 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 BUFFER YARD SHALL BE PROVIDED ALONG ANY PROPERTY LINE WHICH ABUTS A RESIDENTIAL OR AGRICULTURAL ZONING DISTRICT OR AN EXISTING RESIDENTIAL USE.

~~(b)~~ (2) THE BUFFER YARD SHALL BE MEASURED FROM THE PROPERTY LINE OR STREET RIGHT-OF-WAY LINE. WHERE A LOT LINE, DRAINAGE OR UTILITY EASEMENT IS REQUIRED, THE BUFFER YARD SHALL BE MEASURED FROM THE INSIDE EDGE OF THE EASEMENT.

~~(c)~~ (3) THE BUFFER YARD SHALL BE A LANDSCAPED AREA FREE OF ROADS, SIDEWALKS, DRIVEWAYS, PARKING LOTS, STORAGE, BUILDINGS, AND STRUCTURES OF ANY KIND, EXCEPT FOR NECESSARY ACCESS ROADS OR PATHWAYS AS MAY BE REQUIRED BY COUNTY CODE OR FIRE OR SAFETY REGULATIONS AND/OR AS MAY BE REQUIRED AND/OR APPROVED BY THE BOARD OF APPEALS.

1       ~~(4)~~ (4) THE BUFFER YARD SHALL BE LANDSCAPED WITH NATIVE  
2       TREES AND VEGETATION, INCLUDING EVERGREEN TREES (OTHER  
3       THAN WHITE OR LOBLOLEY PINE TREES), DECIDUOUS TREES,  
4       FLOWERING TREES, AND SHRUBS.  
5       ~~(5)~~ (5) ALL AREAS OF THE BUFFER YARD NOT COVERED WITH  
6       PLANTINGS SHALL BE COVERED BY A WELL MAINTAINED, ALL-  
7       SEASON VEGETATIVE GROUND COVER SUCH AS GRASS.  
8       ~~(6)~~ (6) EARTHEN BERMS SHALL BE CONSTRUCTED WITHIN  
9       BUFFER YARDS IN ACCORDANCE WITH SUBSECTION ~~(5)~~ (c), BERM  
10       REQUIREMENTS, HEREIN.  
11       ~~(7)~~ (7) MINIMUM PLANTING REQUIREMENTS IN BUFFER YARDS:  
12       ~~(a)~~ (a) NATIVE TREES AND SHRUBS SHALL BE PLANTED IN THE  
13       FOLLOWING MINIMUM QUANTITIES PER 100 LINEAL FEET  
14       OF BUFFER YARD, AS MEASURED PARALLEL TO THE  
15       BUFFER YARD.  
16       ~~(1)~~ (1) TEN EVERGREEN TREES (OTHER THAN WHITE OR  
17       LOBLOLEY PINE TREES).  
18       ~~(2)~~ (2) FIVE DECIDUOUS TREES.  
19       ~~(3)~~ (3) THREE FLOWERING TREES.  
20       ~~(4)~~ (4) TEN SHRUBS.  
21       ~~(b)~~ (b) THIS LANDSCAPING SHALL BE PROVIDED IN ADDITION  
22       TO ANY LANDSCAPING REQUIRED BY OTHER COUNTY  
23       REGULATIONS.

(3) (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.

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

(5) (e) EVERGREEN TREES SHALL HAVE A MINIMUM HEIGHT OF

EIGHT (8) FEET. DECIDUOUS TREES SHALL HAVE A

MINIMUM TRUNK CALIPER OF TWO (2) INCHES

MEASURED THREE FEET ABOVE THE TOP OF THE ROOT

BALL AND A MINIMUM HEIGHT OF TWELVE (12) FEET.

FLOWERING TREES SHALL HAVE A MINIMUM HEIGHT OF

SEVEN (7) FEET. SHRUBS SHALL HAVE A MINIMUM

HEIGHT OF THIRTY (30) INCHES. MINIMUM HEIGHTS

SHALL BE AS MEASURED FROM FINISHED GRADE AT THE

TIME OF PLANTING.

(6) (c) BERM REQUIREMENTS

(a) (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.

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1           **(b) (2)** THE BERM SHALL HAVE A MINIMUM AVERAGE HEIGHT OF 14  
2                           FEET MEASURED ABOVE EXISTING GRADE ON THE OUTSIDE  
3                           (NON-WAREHOUSE SIDE) OF THE BERM. THE BERM SHALL NOT  
4                           HAVE A COMPLETELY CONTINUOUS HEIGHT BUT SHALL VARY  
5                           IN HEIGHT BY ONE OR TWO FEET ALONG THE LENGTH OF THE  
6                           BERM.

7           **(c) (3)** THE BERM SHALL HAVE A MAXIMUM SIDE SLOPE OF THREE  
8                           FEET HORIZONTAL TO ONE FOOT VERTICAL.

9           **(d) (4)** THE BERM SHALL HAVE A MINIMUM TOP WIDTH OF 10 FEET.

10       ~~(7)~~ **(d)** OTHER REQUIREMENTS

11           **(a) (1)** ALL ACCESS POINTS FOR ALL WAREHOUSES SHALL BE TO AND  
12                           FROM A COLLECTOR OR ARTERIAL ROADWAY, BUILT TO  
13                           COUNTY STANDARDS AND DIRECTLY CONNECTED TO THE  
14                           NEAREST COLLECTOR OR ARTERIAL ROADWAY BUILT TO  
15                           THOSE STANDARDS.

16           **(b) (2)** IDLING RESTRICTIONS. THE USE SHALL INCLUDE SITE  
17                           FEATURES, AMENITIES, AND/OR SIGNAGE TO ENSURE  
18                           COMPLIANCE WITH LOCAL AND STATE LAWS CONCERNING  
19                           IDLING VEHICLES AND EQUIPMENT.

20           **(c) (3)** DRIVEWAYS, WALKWAYS, AND PARKING, STAGING, AND  
21                           LOADING AREAS SHALL BE DESIGNED TO MINIMIZE  
22                           POTENTIAL CONFLICTS BETWEEN CARS, TRUCKS, AND  
23                           PEDESTRIANS INTERNAL TO THE SITE AND AT ACCESS POINTS

1 TO ADJACENT ROADWAYS.

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

7 ~~(e)~~ (5) OFF-STREET PARKING, LOADING, AND STAGING SPACES AND  
8 LOADING DOCKS ARE REQUIRED AS FOLLOWS:

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

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

22 ~~(3)~~ (c) LOADING SPACES – ONE (1) 12-FT. X 75-FT. TRUCK  
23 AND/OR TRAILER LOADING SPACE FOR EVERY ONE (1)

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LOADING DOCK.

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

~~(a)~~ (1) NUMBER OF TRUCKS PER HOUR (AT THE PEAK HOUR OF THE USE) X TURNAROUND TIME PER TRUCK (IN HOURS) = NUMBER OF REQUIRED DOCKS.

~~(b)~~ (2) THE NUMBER OF DOCKS DETERMINED BY THE ABOVE FORMULA SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER.

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

~~(6)~~ (f) NO TRUCKS **AND/OR TRAILERS** SHALL BE PERMITTED TO PARK OR STAGE ON PUBLIC STREETS WHILE WAITING TO ACCESS A FACILITY.

~~(7)~~ (g) 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

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PROTECTION DISTRICT.

(g) (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 LANES. TURNING TEMPLATES SHALL BE PROVIDED FOR ALL ANTICIPATED VEHICLE TYPES AND ROUTES.

(h) (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.

(i) (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



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1 MARSHALL.

2 ~~(g)~~ (10) COMMERCIAL KNOX BOXES ARE REQUIRED TO PROVIDE  
3 PUBLIC SAFETY PERSONNEL ACCESS TO ANY SECURED AREAS  
4 OF THE SITE, THE PRINCIPAL BUILDING STRUCTURE, AND ANY  
5 ACCESSORY STRUCTURES. THE FINAL LOCATION(S) AND  
6 SPECIFICATIONS FOR KNOX BOXES SHALL BE SUBJECT TO  
7 REVIEW AND APPROVAL BY THE EMERGENCY SERVICES  
8 COORDINATOR AND/OR FIRE MARSHALL.

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

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

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

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

~~(3)~~ (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.

~~(4)~~ (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.

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

~~(6)~~ (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.

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

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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 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.**

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**(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.**

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

...

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

(3) Nonresidential ~~Development~~ 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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) Water.

21 (1) The County water system, A MUNICIPAL WATER SYSTEM or A  
22 community water system OPERATING IN ACCORDANCE WITH  
23 THE REQUIREMENTS OF THE ENVIRONMENTAL ARTICLE OF

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

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

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

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



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1 (d) Source and treatment facilities in the service area have sufficient  
2 available capacity to provide maximum day demand to the  
3 proposed development.

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

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

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1 the system NECESSARY to meet the requirements of (1)(a) and (b) of  
2 this subsection, ALL NECESSARY LAND OR RIGHTS-OF WAY TO  
3 CONSTRUCT THE NECESSARY FACILITIES HAVE BEEN  
4 ACQUIRED AND A NOTICE TO PROCEED WITH THE  
5 CONSTRUCTION WORK HAS BEEN ISSUED. NO CERFICATE  
6 OF OCCUPANCY SHALL BE ISSUED FOR DEVELOPER'S  
7 PROJECT UNTIL THE WATER SYSTEM IS OPERATIONAL AND  
8 CAPABLE OF PROVIDING A SUFFICIENT SUPPLY OF WATER  
9 TO DEVELOPER'S PROJECT.

10 (4) If the water system serving the proposed development is found to be  
11 inadequate, then preliminary subdivision plans, site plans and  
12 extensions of previously approved preliminary subdivision plans shall  
13 not be approved.

14 (5) Conditional review. If Paragraphs (1)(a), (b), (c) or (d) of this subsection  
15 prevents approval or the extension of a previous approval of a  
16 preliminary plan or site plan, the Department of Planning and Zoning  
17 may proceed with conditional review of the plan and place it on a  
18 waiting list arranged by date of completion of the review and, for  
19 previously approved plans, by date of the request for extension. Record  
20 plats, grading permits and public works agreements for utilities or roads  
21 shall not be executed by the County until the plan for the project is  
22 removed from the waiting list and preliminary approval or extension of  
23 the previous approval is granted. Removal from the waiting list shall

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1 occur only when the condition that prevented approval under paragraphs  
2 (1)(a), (b), (c) or (d) of this subsection no longer exists.

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

15 (c) Roads.

16 (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS  
17 SUBSECTION (C) ROADS, FOR PROJECTS THAT REQUIRE THE  
18 CONSTRUCTION, OR THE COMPLETION, OF A ROAD AND/OR  
19 INTERSECTION AS REQUIRED BY THE TRANSPORTATION  
20 ELEMENT OF THE HARFORD COUNTY MASTER PLAN OR THE  
21 SUBDIVISION REGULATIONS AND THAT IS IDENTIFIED AND  
22 ANALYZED WITHIN THE SCOPE OF A TRAFFIC IMPACT  
23 ANALYSIS FOR THE PROJECT, A GRADING PERMIT SHALL

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1 NOT BE ISSUED UNTIL ALL LAND OR RIGHTS-OF-WAY  
2 NECESSARY FOR THE CONSTRUCTION OF SUCH  
3 IMPROVEMENTS HAS BEEN ACQUIRED, A CONTRACT FOR  
4 CONSTRUCTION OF THE ENTIRE ROAD AND/OR  
5 INTERSECTION IMPROVEMENTS CALLED FOR IN THE  
6 MASTER PLAN HAS BEEN AWARDED, A NOTICE TO PROCEED  
7 HAS ISSUED AND CONSTRUCTION OF SUCH IMPROVEMENTS  
8 HAS BEEN SUBSTANTIALLY COMPLETED AND OPEN TO  
9 TRAFFIC. NO CERTIFICATE OF OCCUPANCY FOR  
10 STRUCTURES AND BUILDINGS ON THE PROJECT SHALL BE  
11 ISSUED UNTIL CONSTRUCTION OF SUCH ~~IMPROVEMENTS~~  
12 **IMPROVEMENTS** IS COMPLETED AND SUCH ROAD/ROAD  
13 IMPROVEMENTS AND/OR INTERSECTION ARE COMPLETE  
14 AND ~~OPERATIONAL.~~ **OPERATIONAL, EXCEPT FOR ANY**  
15 **ROAD OR ROAD IMPROVEMENTS REQUIRED BY THE**  
16 **MARYLAND STATE HIGHWAY ADMINISTRATION.**

17 (2) [1] Developments which generate more than 249 trips per day, based on  
18 the Institute of Transportation Engineers Trip Generation Manual  
19 (current edition), shall have prepared, by HARFORD COUNTY,  
20 [the subdivider,] a Traffic Impact Analysis (TIA) study to determine the  
21 level of service (LOS) of road intersections within the study area. THE  
22 DEVELOPER SHALL PAY IN ADVANCE ALL COSTS BEFORE  
23 THE COUNTY WILL ORDER THE PREPARATION OF THE TIA

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1 STUDY. The traffic study and procedures to be utilized for mitigating  
2 roadway impacts shall conform to the requirements outlined in the  
3 Harford County TIA guidelines, including:

4 (a) Expansion of the study area for developments which generate  
5 1,500 or more trips per day; or

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

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

13 (a) Minimal impact on traffic; or

14 (b) Excessive distance between the first arterial and next intersecting  
15 collector.

16 (4) [3] Existing state and County roads shall be considered adequate to  
17 accommodate the traffic projected to be generated by the proposed  
18 development if:

19 (a) Inside the development envelope the existing County and state  
20 roads in all directions from each point of entrance of the site  
21 through the intersection with the first arterial roadway to the next  
22 intersecting collector or higher functional classification road as  
23 defined by the Harford County transportation plan are capable

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1 of accommodating a projected level of service "D" or higher at  
2 the intersections as defined by the Highway Capacity Manual,  
3 Special Report 209, published by the Transportation Research  
4 Board.

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

13 **(5)** [4] Capital projects with 100% of the construction costs allocated in  
14 the County's current year adopted capital improvement program or  
15 approved for construction in the current year state consolidated  
16 transportation program may be utilized in the traffic analysis. Necessary  
17 improvements identified in the TIA to meet the LOS standards in (c) [(3)]

18 (4) must be provided by the [subdivider] DEVELOPER:

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

23 (b) If the TIA determines that the existing LOS is "D" or lower at an

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1 intersection outside the development envelope, the  
2 DEVELOPER [subdivider] needs only to mitigate the portion of  
3 trips generated from the subdivision site; and

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

23 (6) [5] Conditional review. If Paragraphs (4) [(3)] (a) or (b) of this

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1 subsection prevents approval or the extension of a previous approval of  
2 a preliminary subdivision plan or site plan, the Department of Planning  
3 and Zoning may proceed with conditional review of the plan and place  
4 it on a waiting list arranged by date of completion of the review and, for  
5 previously approved plans, by date of the request for extension. Record  
6 plats, grading permits and public works agreements for utilities or roads  
7 shall not be executed by the County until the plan for the project is  
8 removed from the waiting list and preliminary approval or extension is  
9 granted. Removal from the waiting list shall occur only when the  
10 condition that prevented approval under Paragraphs (4) [(3)] (a) or (b)  
11 of this subsection no longer exists.

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

20 (8) [(7)] Projects located within the Chesapeake Science and Security  
21 Corridor developments which have their primary access directly onto  
22 U.S. Route 40 and do not generate more than 1,500 trips per day, based  
23 on the ITE Manual, shall not be required to submit a traffic impact



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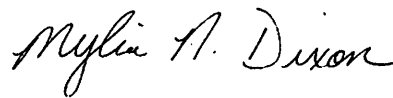
analysis. Projects that generate more THAN 1,500 trips must have a traffic impact analysis prepared and comply with all standards of this section.

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

~~Section 4.~~ **SECTION 3.** And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: December 12, 2023

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



Council Administrator

**(This Chart was stricken by  
Amendment No. 36 and removed  
from Bill No. 23-026 Only)**

- (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.

[illegible]

## ZONING

Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>KEY:</b>						<div>(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.</div> <div>(2) RO – maximum of 4 units.</div> <div>(3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.</div> <div>(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.</div>										
"P"	Indicates permitted subject to applicable code requirements															
"SD"	Indicates permitted subject to special-development regulations, pursuant to Article VIII.															
"SE"	Indicates permitted subject to special-exception regulations, pursuant to Article IX.															
"T"	Indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (Temporary uses).															
	A blank cell indicates that the use is not permitted.															
"SE**"	Indicates permitted subject to special-exception regulations, pursuant to Article XI.															

Use Classification	Zoning Districts															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
Solid waste transfer stations	P											P	P		P	
Taxi stands									P			P	P			
Train stations											P	P	P	P	P	
Truck stops or terminals												P	P		P	
<b>Warehousing[, Wholesaling] and Processing</b>																
Abattoirs, slaughterhouses	SE												P		P	
Bottling plants												P	P	P	P	
Creamery, cold storage	P								P		P	P	P		P	
Industrial laundries and dry cleaning												P	P		P	
Petroleum and gas products, sales or underground storage not to exceed 25,000 gallons' capacity												SE	P		P	
Petroleum and gas products, storage above ground and underground in excess of 25,000 gallons' capacity															SE	
[Warehousing and wholesaling, processing, distribution and local delivery]									[P]			[P]	[P]	[P]	[P]	
WAREHOUSING, DISTRIBUTION AND LOCAL DELIVERY CENTER ≤ 150,000 SQUARE FEET									P			P	P	P	P	
WAREHOUSING, DISTRIBUTION AND LOCAL DELIVERY CENTER ≥ 150,000 SQUARE FEET AND ≤ 250,000 SQUARE FEET													P	P	P	
Mini-warehousing									P			P	P			