

ARTICLE VII

Section 267-61 – MO Mixed Office District

Page

- 203 A. Purpose. No changes  
B. Objectives.  
(1), (2), (3), (4) – No changes  
C. General Regulations  
(1) No change.  
(2) In existing Code this applies to buffer yards. In draft Code it applies to Landscaping, Landscaping shall comply with §267-29.  
(3) New. Buffer yards shall comply with requirements of §267-30 Buffer yards.  
(4) New. Signage shall comply with requirements of §267-33 Signs.  
(5) New. Lighting shall be designed and controlled so any light shall be shaded, shielded or directed so 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.  
(6) is (3) in current Code. Access – no change.  
(7) is (4) in current Code – must have public water and sewer. No change.
- 204 D. Specific Requirements. Completely rewritten.  
(1) Omitted agriculture as a permitted use. New In draft Code, regulates minimum lot area, area per dwelling unit, building setback from adjacent residential lots, lot width, height.  
(2) Transient residential uses. No change.  
(3) Design Requirements.  
(a) Vehicular Circulation, [1], [2], [3], [4], No change.  
(b) Parking Standards:  
[1] Changed “screened” to “effectively landscaped and buffered pursuant to §267-29 (Landscaping) and 267-30 (Buffer yards).  
[2], [3], [4], No change.  
[5] No change.  
(c) is Landscaping section in current Code. Moved to 267-29.  
(c) New. Building Design Standards. Is (d) in current Code.  
[1] and [2] No change.  
[3] Changed “screened” to “buffered.”  
[4] No change.  
d) Retail/Service Uses. (Is (e) in current Code.  
[1], [2], [3], [4], No change.  
(e) Open Space. Is (g) in current Code. No Change.  
(f) In current Code applies to Lighting – Moved.  
(f) In new Code applies to Impervious Surface. No change.  
(h) In current Code applies to Signage. Moved.
- 205
- 206 Design Requirements for Specific uses – MO Mixed Office District – Table 61-1  
Amusements – Added 10,000 square feet minimum lot area. Increased maximum height from 35’ to 36’  
Institutional/Motor Vehicle – Increased maximum height from 35’ to 36’  
Natural Resources – Increased maximum height from 35’ to 36’  
Industrial – Omitted 4,500 square foot minimum area per dwelling or family unit  
**Retail Trade/Services – Increased maximum height from 35’ to 65’ (error)**  
(Note: Bill 05-39 states that under 267-53.4, communications towers are allowed by right up to 199 feet in the MO District)

**207 Section 267-62. NRD Natural Resource District**

(References in current Code to the A. Historic District, B. Agricultural Land Preservation District, and C. Floodplain District, were omitted)

A. Purpose - Omitted the word "overlay" preceding "district"

- (1) Omitted the words "for orderly development"
- (2) No change.
- (3) Added the words, "and water courses."
- (4) Added the words, "native/non-invasive vegetation."
- (5) No change.
- (6) No change.

B. Application - No change

- (1) No change.
- (2) Marsh Areas - Omitted
- (2) New. Non-tidal wetlands. Non-tidal wetlands shall not be disturbed by development. A buffer of at least 75' shall be maintained in areas adjacent to wetlands. Is (5)(e) in current Code.
- (3) Streams. Rewritten.

NOTE: (3) In current Code, Use Restrictions, completely omitted.

C. Permitted Uses.

- (1) Agriculture. Changed Soil Conservation Service to Soil Conservation District. Added, "are approved" prior to "and implemented."
- (2) Forestry. Rewritten.

NOTE: (c) in current Code: Utilities - omitted the current requirement that says:

**“Following the placement of utilities, the disturbed land area shall be stabilized and reseeded. Wherever technically feasible, a buffer of seventy-five (75) feet from the water's edge shall be provided along watercourses.”**

(d) in current Code: Stormwater Management - **Draft version opens up the NRD to all stormwater management facilities, without any restrictions.**

208 (3) New. There shall be no impact to the NRD with the following exceptions: (a) through (e)

D. Conservation Requirements

- (1) Changed "All development shall minimize soil disturbance. . ." to, "All permitted uses shall minimize soil disturbance . . ."
- (2) Added the words, "of permitted uses" following "development." Omitted: "Along streams a buffer with minimum width of fifty (50) feet, plus four (4) feet for each one-percent increase in slope, measured from the water's edge , shall be provided." Omitted: "Essential access roads may be permitted to traverse the buffer."
- (3) Changed "saturated soils" to "hydric soils." Omitted: "and designated scenic areas."

E. Variances. Changed Department of Natural Resources to Department of the Environment.

209 F. Development Adjustment. Omitted agricultural zoned property from allowable adjustment.

**Still permits automatic increases in density/zoning for residential-zoned properties within Natural Resource Districts, but omitted "When this adjustment is used development shall not occur on slopes in excess of 15% for an area of 40 000 square feet or more."**

NOTE: Omitted (8) Extension of District.

Omitted (9) Adjustment of District.

G. New. No portion of the NRD shall be allowed within privately-owned urban residential district lots. In lots adjacent to the NRD, rear yard setbacks may be reduced up to 50% but in no case shall be less than 20 feet.

H. No change.

**211. Section 267-63. Chesapeake Bay Critical Area Overlay District.**

A. Purpose and Intent. No change.

B. Creation. No change.

- C. Application. No change.
- 212 D. Changed Table XVI to Table 63-1.
- E. No change.
- F. (1) No change.
- (2) No change.
- (3) Development Activities. Changed, “in accordance with the following standards” to “in accordance with §267-63.”
- 213 (a) [1] IDA – Rewritten
- [2] Pollutant loadings – Rewritten
- [a] BMPs – No Change.
- [b] Mitigative Plantings – Added “and/or 1 shrub per 50 square feet.” Added Tree “and shrub plantings” shall be native species.
- [c] Mitigative landscaping fee-in-lieu. No change in old fee in lieu of only \$1.20 per square foot of impervious surfaces.
- [d] Changed “cover” to “disturb.”
- [3] Omitted: “. . . in consultation with the Director of the Department of Public Works and the Harford County Soil Conservation District, . . .”
- 214 [4] Added: “Any forest removed must meet the replacement standards set forth in 267-63F(3)(b)[5][b]-[f].”
- [5] New. “Low impact development techniques are encouraged to be utilized in the IDA to maintain pre-development hydrological conditions.”
- [6] Existing areas of public access to shoreline. No change.
- [7] Cluster Development. Omitted, “as defined in this section . . .”
- (b) [1] LDA Pollutant loadings. No change.
- [2] Man-made impervious surfaces. Omitted the words, “. . . proposed to be developed . . .”
- [a] No change.
- [b] No change.
- 215 [c] No change.
- [d] No change.
- [e] No change.
- [i] in current Code omitted. New impervious surfaces on the property have been minimized.
- [i] (Is [ii] in current Code). No change.
- [ii] (is [iii] in current Code). No change.
- [iii] (is [iv] in current Code). No change.
- [iv] (is [v] in current Code.) Changed “planted with at least one tree per 100 square feet, or one shrub per 10 square feet of impervious surface,” to: “planted with at least 1 ½ inch caliper tree per 100 square feet, or 1 3-5 gallon containerized shrub per 50 square feet of impervious surface . . .”
- [v] (is [vi] in current Code. No change.
- 216 [3] No change.
- [4] Omitted, hydric soils “less than 40,000 square feet in extent . . .”
- [5] [a] No change.
- [b] No change.
- [c] No change.
- 217 [d] Changed title from “Covenant and Surety Required” to “Performance Guarantee Required.”
- [e] No change.
- [f] Trust fund. Changed fees shall be maintained in the Harford County Critical Area Forestry Trust Fund Account, to fees shall be maintained in a “separate account,”
- 218 [6] No change.

[7] No change.

[8] No change.

(c) Resource Conservation Areas (RCA)

[1]

[2] Current Code: New industrial and commercial development shall be prohibited. Changed to: New industrial, commercial and institutional, except for County-owned parks and recreation facilities, development shall be prohibited.

[3] Rewritten. Added one residential structure shall be permitted on any existing undeveloped parcel OR LOT of record. Added, "For purposes of this subsection, 'dwelling unit' means 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 living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence."

[4] No change.

219

[5] New. Certain uses may be permitted in the RCA if it is determined by the Zoning Administrator, with the concurrence of the Critical Area Commission, that the impacts of the proposed use on plant and wildlife habitat and water quality would be minimized and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program.

(d) [1] Omitted: Clearing of forested areas GREATER THAN 5,000 SQUARE FEET. Added: AS SET FORTH IN THIS SECTION AND IN THE BUFFER AS SPECIFIED IN §267-63, CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT, Changed Section 267-41.1F(3)(b)[5][c]and[D], to §267-63 Chesapeake Bay Critical Area Overlay District.

(4) Agriculture.

(a) Omitted, "By May 13, 1991 . . ."

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) No change.

220

(5) Forestry Operations.

(a) Changed Maryland Forest Service to Department of Natural Resources.

[1] No change.

[2] Changed Maryland Forest Service to Department of Natural Resources.

[3] Changed Maryland Forest Service to Department of Natural Resources.

221

[4] Changed Maryland Forest Service to Department of Natural Resources.

(b) Changed Maryland Forest Service Department of Natural Resources.

(c) No change.

(6) Water-Dependent Facilities. No change.

(a) Rewritten. Current Code: Except as otherwise provided below, new or expanded development activities or uses may be permitted in the critical area buffer in IDA and LDA provided that it can be shown:

New: Except as otherwise provided in this regulation, new or expanded water-dependent activities may not be permitted in those portions of the buffer which occur in the RCA. Except as otherwise provided below, development activities or uses may be permitted in the Critical Area buffer in IDA and LDA provided that it can be shown:

[1], [2], [3], [4], No change.

(b) Omitted "WHICH INCREASE THE TOTAL IMPERVIOUS SURFACES BY MORE THAN 5,000 SQUARE FEET, OR INSTALLATIION OF NEW . . ."

[1], [2], [3], [4], [5], [6], [7], [8], [9], No change.

- 223 [10], [11] No change.
- (c) Changed “comprehensive water-dependent facility REPORT . . .” to  
“comprehensive water-dependent facility PLAN . . .”  
Added: “This plan must be approved by the Zoning Administrator.”
- (d) No change.
- [1] No change.
- [a] No change.
- [b] No change.
- (i) No change.
- (ii) No change.
- [c] Added, “. . . may be located in the RCA, LDA and IDA . . .”
- (i), (ii), (iii), (iv) No change.
- (v) Reworded. Current Code: If community piers or slips are provided  
as part of the new development, private piers in the  
development shall not be permitted. New: If community piers or  
slips are provided as part of a development built or constructed  
after June 24, 1988, private piers in the development shall not  
be permitted.
- (vi) No change.
- 225 [d] No change.
- [e] No change.
- [f] No change.
- [2] Added: “are allowed in the Critical Area buffer in the RCA, LDA AND IDA, . . .”
- [a], [b], [c], [d], [e], No change.
- 226 [f] No change,
- [3] Added: “Commercial water-dependent fisheries and shore based facilities  
necessary for aquaculture operations may be located in the buffer in RCA,  
LDA and IDA.”
- (7) Surface Mining.
- (a) No change.
- (b) [1], [2], [3], No change.
- 227 (c) Changed existing SAND AND GRAVEL OPERATIONS to existing SURFACE  
MINING OPERATIONS.
- [1], [2], [3], [4], [5], [6], No change.
- (8) Shore Erosion Control Measures. No change.
- (a) No change.
- (b) Changed “Where structural measures must be used, stone revetments . . .” to  
“Where NON-STRUCTURAL measures are ineffective or impractical, stone  
revetments . . .”
- (c) Changed Maryland Department of Natural Resources to Department of the  
Environment.
- (d) New. Slope Stabilization. Where erosion of the slope in the buffer is occurring  
above mean high water, stabilization of the slope may only occur in  
accordance with an approved Buffer Management Plan and in consultation with  
the Soil Conservation District and Critical Area Commission.
- (9) Natural Parks.
- 228 (a), (b), (c), (d), (e), No change.

G. Habitat Protection Areas.

- (1) No change.
- (2) No change.
- (a) No change.
- [1] No change.

- [2] Steep slopes
- (b) Nontidal wetlands. Omitted “A minimum area of 40,000 square feet is hereby established for designation as a non-tidal wetlands, is otherwise identified as a habitat protection area in this section or is shown to be hydrologically connected through surface or subsurface flow to streams and tidal waters.”
- 229 (c) (d) (e) (f) (g) No changes.
- (3) General Provisions.
- (a) No change.
- (b) Changed “reasonable” alternative to “feasible” alternative
- (c) [1], [2], [3] No change.
- (4) (a) [1] Omitted the word “NEW” preceding “development.”  
Added the words “AND MAINTAINED” preceding “. . . according to the Standards in the Forest Management Guide.”
- [2] No change.
- [3] No change.
- [4] Omitted, “. . . or for any cutting or clearing of land within the critical area buffer . . .” Changed Maryland Forest Service to Department of Natural Resources.
- [a] [b], [c], [d], [e], No change.
- [5] New. Except as specified below, any clearing of vegetation or removal of trees within the buffer is prohibited unless a buffer management plan is submitted and approved by the Department of Planning and Zoning prior to any clearing or removal. Any violation of this Section shall require mitigation at a ratio of 2:1.
- 231 [6] Is [5] in current Code. Omitted the words, “. . . OR MEASURE . . .”  
Added the word “APPROVED” preceding “slope erosion control measure.” Added, “. . . provided that a buffer management plan has been approved by the Department of Planning and Zoning.”
- [7] Is [6] in current Code. Changed “as approved by the Department of Planning and Zoning” to “as provided in a buffer management plan approved by the Department of Planning and Zoning.”
- [8] Is [7] in current Code. Changed “as approved by the Department of Planning and Zoning” to “as provided in a buffer management plan And approved by the Department of Planning and Zoning.”
- [9] Is [8] in current Code. Added: “Under the guidance of the Department of Natural Resources,” Added: “However, the clearing of understory may only be undertaken with a buffer management plan approved by the Department of Planning and Zoning.”
- [10] Is [9] in current Code. Added: “A buffer management plan approved by the Department of Planning and Zoning is required.”
- [11] Is [10] in current Code. **Buffer Exempt Areas.**  
Omitted: “for these buffer exempt areas, construction or placement of new or accessory structures, minor additions and associated new impervious surfaces on developed lots or parcels is permitted provided that:”  
Added new: “For purposes of this buffer exempt area Section, development refers to sites with less than 15% existing impervious surface and redevelopment pertains to sites with greater than 15% existing impervious surface.”
- 232 **NOTE: This Section was completely rewritten starting with subparagraph [a] through [f] in current Code, pgs. 204/205. In draft Code, pgs. 232 through 236,**

- 237 (b) **Nontidal Wetlands.**  
 [1] "A 75-foot buffer shall be established adjacent to nontidal wetlands."  
 Is [2] in current Code.  
 [2] Is [1] in current Code. Added " . . or the 75-foot nontidal wetland buffer."  
 [3] No change.  
 [4] No change.  
 [5] Reworded. Added: stormwater management measures not allowed in  
 nontidal wetlands AND THE 75 FOOT NONTIDAL WETLAND BUFFER  
 UNLESS IT IS DEMONSTRATED AND ONLY IF THE Zoning Administrator  
 concurs .  
 Added: All Federal and State wetland permits must be obtained.
- 238 (c) No change.  
 [1] Changed Maryland Fish, Heritage and Wildlife Administration to  
 Department of Natural Resources,  
 [2] No change.
- (d) Colonial Waterbird Nesting Sites  
 [1] Changed Maryland Fish, Heritage and Wildlife Administration to  
 Department of Natural Resources.  
 [2] Changed Wildlife Resource Conservation Service of the Department  
 of Natural Resources, to Department of Natural Resources.
- (e) No Change.  
 [1] [2], [3], No change.  
 [4] Changed Maryland Forest Service to Department of Natural Resources.
- 239 (f) [1], [2], [3], [4], [5], No change.
- H. Variances.  
 (1) and (2) combined are the same language as the Introduction to Variances in the  
 existing Code.  
 (3) (a) New. That special conditions or circumstances exist that are peculiar  
 to the land or structure within the County's Critical Area and a literal  
 enforcement of the Critical Area Program would result in an unwarranted  
 hardship.  
 (b) Is (1) in current Code. No change.  
 (c) Is (2) in current Code. No change.  
 (d) Is (3) in current Code. No change.  
 (e) Is (4) in current Code. No change.  
 (f) Is (5) in current Code. No change.  
 (g) Is (6) in current Code. No change.  
 (h) Is (7) in current Code. No change.  
 Paragraph (8) in current Code was omitted.  
 (4) New Section added to further explain variance procedure and  
 justification, burden of proof, evidence, etc.
- 240
- 241 I. Special Exceptions. No change.  
 J. Nonconforming Uses and Structures. No change.  
 K. Grandfathering Provisions. Added RCA to LDA for allowable development activities.  
 (1), (2), (3), (4), (5), No change.  
 L. Amendments to Management Area Boundaries. Added " . . AND PROVISIONS IN THE  
 CRITICAL AREA PROGRAM, . . " after (IDA, LDA, RCA),
- 242 Added new section:  
 (1) For purposes of this Section, the following definitions apply:  
 (a) New

- (b) New  
 [1], [2], [3], [4] – all new.
- (2) General Provisions
- (a) No change.  
 [1], [2], [3], No change.
- (b) Added: In addition, all proposed amendments to the County’s Critical Area program, including, but not limited to, the Zoning Code, Subdivision Regulations, and Critical Area maps, shall be consistent with the purposes, policies, goals and provisions of the Critical Area Law and all criteria of the Critical Area Commission.
- (c) Omitted, All applications for amendments shall be “REVIEWED ON AN ANNUAL BASIS.” Added: All applications for amendments shall be reviewed in the following manner:  
 [1] Added, Amendments involving a growth allocation OR OTHER AMENDMENT REQUEST shall be submitted to the Department of Planning and Zoning OMITTED BY JUNE 1.  
 [2] Omitted. This section required all other amendment requests to be submitted to P&Z by January 1. Sections [1] and [2] were combined into [1] above.  
 [2] is [3] in current Code.  
 [3] is [4] Omitted the requirement that Council SHALL HOLD A PUBLIC HEARING WITHIN SIXTY CALENDAR DAYS FOLLOWING RECEIPT OF THE PLANNING ADVISORY BOARD RECOMMENDATION. Added: THE DEPARTMENT OF PLANNING AND ZONING SHALL PUBLISH NOTICE OF THE date, time and place of the hearing . . .  
 Omitted: At any time after the hearing, the Council may approve or deny these proposed amendments “BY RESOLUTION.”  
 [4] is [5] in current Code. No changes  
 [5] New. The Chairman and the Commission shall determine if the request for program changes are consistent with the provision of the Critical Area Law and all criteria of the Commission.  
 [6] New. In accordance with the determination of consistency in [5], the Chairman of the Commission shall approve the proposed refinement or amendment and notify the County; deny the refinement or amendment; approve the proposed refinement or amendment subject to one or more conditions; or return the proposed refinement or amendment to the County with a list of changes to be made.
- (d) No change.  
 [1] No change.  
 [2] No change.  
 [a] No change.  
 [b] New. All relevant information necessary for the Chairman of the commission and as appropriate, the Commission, to evaluate the changes.
- (3) Fees. No change.  
 (a) No change.  
 (b) No change.  
 (c) No change.
- (4) No change.
- M. Expansion of Intensely Developed and Limited Development Management Areas.
- (1) No change.  
 (a) No change.

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- (b) No change.  
 [1] Rewritten. Changed “such areas” to “New LDA” areas . .  
 Added new: “New intensely developed areas shall be located in an  
 LDA or adjacent to an existing IDA or are an existing grandfathered  
 commercial, industrial or institutional use that existed as of the  
 date of the original local program approval.”  
 [2] No change.  
 [3] No change.  
 [4] No change.
- (2) Additional Requirements. No change.  
 (a) No change.  
 (b) Changed “Applicant’s Guide for 10% Rule Compliance – Urban  
 Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical  
 Area in Intensely Developed Areas (IDA) to: “Critical Area 10% Rule  
 Guidance Manual, Fall 2003.”  
 (c) No change.  
 (d) Omitted “ . . hydric soils less than 40,000 square feet in extent . . “
- 246 (3) (a) No change.  
 [1] No change.  
 [2] No change.  
 [3] No change.  
 [a] No change.  
 [b] No change.  
 [c] No change.  
 [d] No change.  
 [e] New. The use of conservation easements to permanently  
 protect natural areas; and  
 [f] New. “The use of low-impact development (LID) practices.  
 LID practices are described in the following documents, which  
 are hereby incorporated by reference: U.S. Department of  
 Housing and Urban Development, Office of Policy Develop-  
 ment and Research, The Practice of Low-Impact Development  
 (July 2003); Prince George’s County, Maryland Department of  
 Environmental Resources, Low-Impact Development Design  
 Strategies: An Integrated Design Approach (June 1999); and  
 Prince George’s County, Maryland Department of Environ-  
 mental Resources, Low-Impact Development Hydrologic  
 Analysis (July 1999), Low-impact development techniques are  
 encouraged as Environmentally Sensitive Development  
 Credits in the 2000 Maryland Stormwater Management  
 Design Manual, Volumes I and II.”
- 247 (b) Annexation Areas. No changes.
- N. Comprehensive Re view of the Critical Area Program.  
 (1) Rewritten. Current Code says the critical area program shall be reviewed at least  
 every four years beginning with the four-year anniversary of the program.  
 New: Changed to the critical area program shall be reviewed at least every six years.  
 (a) No change.  
 (b) No change.  
 (c) No change.
- (2) No change.  
 (a) No change.  
 (b) Added the word “calendar” preceding “days”

- 248 (c) Omitted the words “within sixty calendar days following receipt of the Planning Advisory Board recommendation” after “The Council shall hold a public hearing on the proposed amendment . . . “
- Omitted the words “by resolution” after “The Council must approve or deny these proposed amendments . . .”
- (d) No change.
- O. Civil Penalty for Zoning Violation.
- (1) Rewritten. Current Code: “The local County legislative body may provide a civil penalty for a zoning violation, which shall be enforced as provided in this subsection.”
- New: “In addition to any other penalty applicable under State or County law, a person who violates a provision of the Maryland Natural Resources Article, Title 8, Subtitle 18, or this Section, is subject to a fine not exceeding \$10,000.
- (2) No change.
- (a) No change.
- (b) No change.
- (c) No change.
- (d) No change.
- (e) No change.
- (f) No change.
- (3) Rewritten. Current Code: ‘A pre-set fine, not to exceed \$500, may be imposed for each violation. The county may establish a schedule of fines for each violation and may adopt procedures for collection of these fines.’
- New: “A fine may be imposed for each violation. The County may establish a schedule of fines for each violation and may adopt procedures for collection of these fines. In determining the amount of the penalty to be assessed under Paragraph (1), the County may consider the following:
- (a) the gravity of the violation;
- (b) any willfulness or negligence involved in the violation; and
- (c) the environmental impact of the violation.”
- (4) Added the word “calendar” preceding the word “days”
- 249 (5) Added the word “calendar” throughout preceding the word “days”
- (6) No change.
- (7) No change.
- (8) No change.
- 250 Harford County Erodible and Hydric Soils 2007
- 251 “ “ “
- 252 “ “ “