

§267-62. NRD Natural Resource District.

A. Purpose. The intent of this (Omitted “overlay”) district is to preserve significant/special environmental features identified herein and to:

(1) Provide uniform guidelines for (Omitted “for orderly development and”) use of land within the Natural Resources District to protect the ecology of the area.

(2) Protect steep terrain.

(3) Protect water quality in streams, rivers (ADDED) and water courses .

(4) Minimize erosion/siltation and protect (ADDED) native/non-invasive vegetation.

(5) Protect nontidal wetlands.

(6) Protect persons and property from environmental hazards such as erosion, siltation and floodwaters.

B. Application. The Natural Resources 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) Non-tidal wetlands Nontidal wetlands shall not be disturbed by development. A buffer of at least 75 feet shall be maintained in areas adjacent to wetlands. Changed from “Marsh areas: any area of nontidal wetlands exceeding forty thousand (40,000) square feet, including but not limited to areas designated as "areas of critical state concern" by the Maryland Department of State Planning. The Natural Resources District boundaries under this provision shall include the buffers described in Subsection D(5)(e) below.

(3) Streams: As depicted on the Harford County Hydrology/Drainage Area map, which is incorporated herein by reference. 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, 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 Resources District boundaries under this provision shall include the buffer requirements of Subsection B(2). Changed from: “Streams: the following streams, including Broad Creek, Bynum Run, CarsinsRun, Deer Creek, Grays Run, Ahha Branch, Herring Run, Little Gunpowder Falls, Rock Run, Peddler Run, Swan Creek, Winters Run and their tributaries, as identified on the Harford County Hydrology Map (1976 Revised Maryland Geological Survey Base Map 1:62,500). Tributaries to the above streams which drain a subbasin of more than four hundred (400) acres are included in the Natural Resources District stream designation. The acreage of a subbasin is determined at the point of confluence with another stream identified on the County Hydrological Map. The Natural Resources District area for stream protection shall be a minimum distance of one hundred fifty (150) feet on both sides of the center line of the stream or fifty (50) feet beyond the one-hundredyear floodplain, whichever is greater, and along their tributaries for a minimum of seventy-five (75) feet on both sides of the center line of the tributary. The Natural Resources District boundaries under this provision shall include the buffer requirements of Subsection D(4)(b) and (5)(b) of this section.

This section has been omitted:

(3) Use restrictions. The following uses shall be prohibited:

(a) Mining or excavation, except existing operations of either, and dredging, except such dredging as may be permitted by state law.

(b) Deposit or landfills of refuse or solid or liquid waste, except manure. Acceptable fill permitted by the United States Army Corps of Engineers may be used for stream bank erosion control.

(c) Alteration of the streambed and bank of a waterway, except for best management practices to reduce stream erosion and maintenance of stream crossings for agricultural purposes.

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 (Changed

from Service) District (ADDED) are approved and implemented along watercourses, or, a 25 foot-wide grass filter strip or forested buffer, 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. (No change) 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.

Changed from: “(b) Forestry. Commercial timber operations shall be permitted, provided that a Forest Management Plan (FMP) is approved by the Maryland Forest, Park and Wildlife Service and the Department of Planning and Zoning. Along streams, a buffer of fifty (50) feet, plus four (4) feet for each one-percent increase in slope, measured from the water's edge, shall be provided. The restriction on harvesting within this buffer may be waived, provided that a site-specific Buffer Management Plan is prepared and approved as an amendment to the Forest Management Plan (FMP). 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.

NEW(3) There shall be no impact to the NRD with the following exceptions:

(a) Basic maintenance, including native plantings and invasive species removal.

(b) Passive recreation and 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.

(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.

FOH: The department's casual allowing of driveway and street crossings to cross wetlands makes this provision worthless. "Shall be minimized" means nothing as far as we can tell. No guidelines have been given as to when a crossing should not be allowed, such as when other areas exist for a crossing which will not affect wetlands.

(e) Stormwater management facilities.

FOH: We sincerely hope the old practice of digging and embanking impounding ponds for stormwater is over. These artificial fenced off ponds were the antithesis of wetlands. They were placed in wetlands but did not mimic or protect the flora or fauna of wetlands. They were looked at as land good for nothing but dumping runoff.

Omitted: (c) Utilities. The replacement of existing utilities or installation of new and accessory utilities will be permitted within the Natural Resources District. 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.

FOH: This section was not adhered to in development. No effort was made to reseed utilities. Roadways and crossings were considered utilities.

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

- (1) All (Changed from, "All development") 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 Resources District.

FOH: "Shall minimize" means nothing without some performance guidelines. "Consideration given to" means one should think about it.

- (2) Clearing or removal of natural ground cover and vegetation in preparation for development (ADDED) 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.

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."

FOH: "Shall be minimized" means nothing as far as we can tell. No guidelines have been given as to when a crossing should not be allowed such as that other areas exist for a crossing which will not affect wetlands

- (3) Sensitive environmental areas, including significant/special natural features, significant wildlife habitats, (Changed from "saturated soils") hydric soils, highly erodible soils shall not be disturbed during any development. (Omitted "and designated scenic areas.")

E. Variances. The Board may grant a variance to Subsections (C) or (D) upon a finding by the Board that the proposed development will not adversely affect the Natural Resources District. Prior to rendering approval, the Board shall request advisory comments from the Zoning Administrator, the Soil Conservation District and the (Changed from

Department of Natural Resources) Maryland Department of the Environment.

~~F. Development adjustment. If more than 30% of a parcel zoned residential (Omitted “or agricultural”), as of September 1, 1982, is within this district, 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. 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.”~~

FOH: Eliminate this “bumpup” as a density bonus for building on fragile land. One should not be rewarded for developing in these areas.
OR

- Increase NRD from 30% to 60% needed to trip the “bumpup”.
- Provide that there be no voluntary inclusion of land not meeting steep slopes, non-tidal wetlands and streams definition into the NRD by the developer in order to trip the density bonus.
- Do not allow for consolidation of separate parcels in order to trip the density bonus.
- If a development is built on multiple parcels, allow the density bonus only on those parcels that meet the percentage.
- If a development is being built on multiple parcels, allow the bumpup, require clustering but do not allow the NRD acreage to be used in the formula for the total number of houses. For example, if the total parcel is 100 acres, base the allowed number of houses on 70 acres only if the 30% figure is used.

OMITTED

(8) Extension of district. Upon presentation of factual information by the property owner demonstrating the existence of sensitive environmental features deserving protection, the Board may, pursuant to § 267-9, Board of Appeals, extend the boundaries of the district.

OMITTED

(9) Adjustment of district. The application of this district to the Zoning Maps shall be construed as general in nature and may be adjusted by

the Zoning Administrator upon the presentation of engineering data which delineate more precisely the boundaries of this district in conformance with Subsection D(2) above.

NEW G. No portion of the Natural Resource District shall be allowed within privately-owned urban residential district lots. 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.~~

FOH: We find no reason to allow a grandfathering clause where the protection of fragile natural resources are in danger.