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

Council Administrator
Date 10/10/23

ENROLLED

Council President
Date 10/10/23

BY THE COUNCIL

Read the third time.

Passed: LSD 23-026

Failed of Passage: 

By Order

Council Administrator

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

Council Administrator

BY THE EXECUTIVE

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
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 Attachment 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” as a permitted use category: “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.
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: ___________________________________, 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.

_________________________________, 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.

BILL NO. 23-026 AS AMENDED
WHEREAS, there has been a moratorium on the issuance of permits for warehousing and wholesaling, processing and distribution and local delivery facilities and projects while the County studies the impact of existing projects and the impact of potential projects on undeveloped or redeveloped land where such use is a permitted use and has considered how such uses have changed and progressed since such use category was first created under the Zoning Code in 1982; and

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

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

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

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

NOW THEREFORE:

Section 1. Be It Enacted By the County Council of Harford County, Maryland that the definitions of "distribution and local delivery center", FREIGHT, "freight terminal", LOADING
ZONE, and "warehousing" are added to Section 267-4, Definitions, of Article I, General Provisions, of Part I, 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
§ 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
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
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
(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.

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

(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.

(e) (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.
(d) (4) THE BUFFER YARD SHALL BE LANDSCAPED WITH NATIVE TREES AND VEGETATION, INCLUDING EVERGREEN TREES (OTHER THAN WHITE OR LOBLOLLY PINE TREES), DECIDUOUS TREES, FLOWERING TREES, AND SHRUBS.

(e) (5) ALL AREAS OF THE BUFFER YARD NOT COVERED WITH PLANTINGS SHALL BE COVERED BY A WELL MAINTAINED, ALL-SEASON VEGETATIVE GROUND COVER SUCH AS GRASS.

(f) (6) EARTHEN BERMS SHALL BE CONSTRUCTED WITHIN BUFFER YARDS IN ACCORDANCE WITH SUBSECTION (e) (c), BERM REQUIREMENTS, HEREIN.

(g) (7) MINIMUM PLANTING REQUIREMENTS IN BUFFER YARDS:

(f) (a) NATIVE TREES AND SHRUBS SHALL BE PLANTED IN THE FOLLOWING MINIMUM QUANTITIES PER 100 LINEAL FEET OF BUFFER YARD, AS MEASURED PARALLEL TO THE BUFFER YARD.

(a) (1) TEN EVERGREEN TREES (OTHER THAN WHITE OR LOBLOLLY PINE TREES).

(b) (2) FIVE DECIDUOUS TREES.

(e) (3) THREE FLOWERING TREES.

(d) (4) TEN SHRUBS.

(2) (b) THIS LANDSCAPING SHALL BE PROVIDED IN ADDITION TO ANY LANDSCAPING REQUIRED BY OTHER COUNTY 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.
(b) (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.

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

(e) (4) THE BERM SHALL HAVE A MINIMUM TOP WIDTH OF 10 FEET.

(d) (7) OTHER REQUIREMENTS

(a) (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.

(b) (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.

(e) (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

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TO ADJACENT ROADWAYS.

(d) (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.

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

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

(2) (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.

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

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:

- 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.

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

(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.
§ 267-126. ADEQUATE PUBLIC FACILITIES

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

(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 subsection and the
County has [funded] 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. [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, 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[s] 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 ENVIRONMANTAL 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 8 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, HAS
AWARDED A CONTRACT FOR THE CONSTRUCTION OF
[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 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 [section]
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 IMPROVEMENTS IS COMPLETED AND SUCH ROAD/ROAD IMPROVEMENTS AND/OR INTERSECTION ARE COMPLETE AND OPERATIONAL. OPERATIONAL, EXCEPT FOR ANY ROAD OR ROAD IMPROVEMENTS REQUIRED BY THE MARYLAND STATE HIGHWAY ADMINISTRATION.

(2) [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 HARFORD COUNTY, [the subdivider,] 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) [(3)], whichever is [less] GREATER.

(3)[2] At the request of and with justification submitted by the DEVELOPER [subdivider], 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) [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 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) [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 (c) [(3)]

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

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

(c) If the TIA determines a DEVELOPER [subdivider] is subject to mitigate its portion of trips generated from the site, then the DEVELOPER [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 DEVELOPER [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 DEVELOPER [subdivider], then the DEVELOPER [subdivider] shall deposit into an escrow account with the County 150% [125%] 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) [5] Conditional review. If Paragraphs (4) [(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 (4) [(3)] (a) or (b) of this subsection no longer exists.

(7) [(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.

(8) [(7)] 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.

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, 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.

[Signature]
Council Administrator
### ZONING

**Sewage pumping stations**

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**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.

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.

#### Use Classification

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<th><strong>Zoning Districts</strong></th>
<th>AG</th>
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267 ATTACHMENT 19:21