COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 25-O-16

Date Introduced:	December 15, 2025
Sponsored by:	Council President Adam Hiob and Councilman Darin Wassum
Public Hearing:	January 12, 2026
Amendments Adopted:	March 9, 2026
Date Adopted:	March 9, 2026
Date Effective:	March 30, 2026

AN ORDINANCE concerning

DEVELOPMENT CODE REVISION

FOR the purpose of comprehensively revising the City of Aberdeen Development Code.

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article I, General Provisions
Sections 4.B. and 7
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article II, Administration and Enforcement
Sections 9.A., 10, 11, 13, 14, 15.A. and B., and 16
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 235. DEVELOPMENT CODE
Article II, Administration and Enforcement
Section 12
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article III, Zoning Districts
Sections 17.A., and 18
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article IV, Provisions Applicable to All Districts
Sections 235-20, 21, 22, 23, 24, 25, 26, 27, 29.C., and 30
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 235. DEVELOPMENT CODE
Article IV, Provisions Applicable to All Districts
Sections 235-28.I.
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article V, Special Developments and Regulations
Sections 235-31, 32, 33, 34, 36, 37. A. and C., 38, 39, 39.1.C., 39.2.E., and 40
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article VA, Sign Regulations
Sections 40.1, 40.2, 40.3, 40.4.B., 40.4.C., 40.6, 40.7.D., 40.8, and 40.14.A.
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 235. DEVELOPMENT CODE
Article VA, Sign Regulations
Section 235-40.11.F
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Article VI, Transitional Provisions
Section 235-41.A., B., and C.
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Exhibit 1, Table 1, Permitted Signs by Type and Zoning District
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Exhibit 2, Table 2, Number of Signs per Recorded Lot or Business by Zoning District
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. DEVELOPMENT CODE
Exhibit 3, Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235, DEVELOPMENT CODE
Appendix A Table of Use Regulations
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:
Italics indicate matter added to existing law.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment.
* * * indicates existing unmodified text omitted from Ordinance.
Bold text within Appendix A, Tables 1-3, and Exhibits 1-3, indicate new matter added to existing law.

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 4.B, and 7 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article I, General Provisions, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article I, General Provisions

§ 235-4 **Applicability; conversion of buildings.**

B. Conformance required. Except as specified in this chapter, no land, building, structure, or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be located, relocated, erected, reconstructed, extended, enlarged, converted, or altered, except in conformance with this chapter, ((the)) Subdivision *of Land* regulations,

((and overlay district)) *Growth Management* regulations, ((and design requirements)) and upon the issuance of a building permit and/or certificate of use and occupancy.

§ 235-7 **Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Where this chapter refers to Transit Oriented Development Illustrations, Maps and Regulating Plan, those illustrations, maps and regulating plan are set forth in § 235-42 and incorporated by reference.

* * *

CHANGE OF USE
Any use which differs from the previous use of a building or land.

CITY-SCALE CHARACTER
The physical, social, and economic characteristics of the city, and how they are related to its size and population.

CLASS A SELF-STORAGE FACILITY
Multilevel and climate-controlled/-conditioned space.

* * *

CONSTRUCTION SERVICES AND SUPPLIERS
Establishment for the installation and servicing of such items as air conditioners, electrical equipment, *doors, windows,* flooring, heating, painting, plumbing, roofing, tiling, and ventilation; establishment for the planting and maintenance of gardens, grounds, and yards, such as landscape contractors and lawn maintenance services; and construction and demolition services.

* * *

DEVELOPMENT PLAN
A development plan is a detailed plan that shows the proposed development on a site and includes public utilities and roads, sidewalks, parking areas, buildings, landscaping, open space, recreational facilities, and meets the City's requirements for submission.

* * *

FLOODPLAIN
Any land area susceptible to being inundated by floodwaters from any source.

FLOOD INSURANCE RATE MAP (FIRM)
An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as digital FIRMs (DFIRM).

FLOOR AREA, GROSS
The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

* * *

GRANDFATHERED RIGHTS
The right to continue a legally established nonconforming use, structure, or lot under prior regulations.

GROSS LEASABLE AREA/SPACE
The total floor area designed for owner or tenant occupancy exclusive use. It is expressed in square feet, measured from the center lines of joining partitions and exteriors of outside walls.

GROUP HOME
A home licensed by the State of Maryland and designed to accommodate up to three persons suffering from a mental disorder or other disability and provide supportive personal services.

GROUP HOME, LARGE PRIVATE
A home designed to accommodate between nine and sixteen persons suffering from a mental disorder which is licensed by the State of Maryland as a "large private group home" pursuant to Maryland Annotated Code Health General Article Sections 10-514, et seq.

* * *

HOME OCCUPATION
A business, profession, occupation, or trade conducted for gain or support within a residential building or its accessory buildings, which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See § 235-28, Home occupations.)

HOMELESS SHELTER
A facility that provides temporary housing for individuals and families who are experiencing homelessness. A homeless shelter also provides meals. ((An individual's length of stay is determined by their unique needs, and the availability of transitional housing.))*A homeless shelter may also be known as a warming center or station, drop-in center, congregate shelter, or emergency housing. The length of stay for individuals can be no longer than thirty (30) days.* This definition excludes small and large group homes.

HOMEOWNERS' ASSOCIATION
As defined by Real Property Article 11B, the Maryland Homeowners Association Act.

* * *

LOT DEPTH
The maximum horizontal distance between the front lot line and the rear lot line or other parallel lot line of a lot, measured within the lot boundaries.

LOT, DOUBLE FRONTAGE
A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

LOT FRONTAGE
That portion of a lot extending along a street.

* * *

NONCONFORMING USE
((Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this chapter or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this chapter or any amendment hereto governing use for the zoning district in which such land, building or structure is located.)) *A land use or building lawfully established prior to the adoption of this chapter or any amendment that no longer conforms to current regulations.*

* * *

PET STORE
A pet shop or pet store is a retailer which is licensed to keep, maintain, and sell certain live animals, birds, and fish and pet care products to the public. A variety of animal supplies and pet accessories are also sold in pet stores, including food, treats, toys, collars, leashes, cat litter, cages, and aquariums.

PLACES OF RELIGIOUS WORSHIP AND AFFILIATED SCHOOLS
A building used for worship and religious instruction, including a meeting house, mission, temple, cathedral, synagogue, mosque, chapel, shrine or convent. This definition shall not include a homeless shelter, warming center or station, drop-in center, congregate shelter, or emergency housing.

PLANNING COMMISSION
The City of Aberdeen's Planning Commission established pursuant to the Land Use Article of the Annotated Code of Maryland.

* * *

TRANSFER OF OWNERSHIP
Any conveyance of property, including sale, inheritance, gift, or transfer of controlling interest in an entity holding title.

* * *

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.

WARMING CENTER OR STATION
A temporary public or private facility opened during extreme cold or dangerous weather to provide immediate shelter to homeless individuals, unsheltered, or unhoused individuals.

WETLANDS
An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 9.A., 10, 11, 13, 14, 15.A. and B., and 16 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article II, Administration and Enforcement, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article II, Administration and Enforcement

§ 235-9 **Zoning Administrator.**

A. The Director of Planning and Community Development shall be the Zoning Administrator. The Zoning Administrator or duly approved designee shall be vested and charged with the power and duty to:

* * *

(7) Regulate all land development activities and enforce the provisions of this chapter, *Chapter 275 Floodplain Management, Chapter 280 Forest Conservation, Chapter 302 Growth Management, and Chapter 475 Subdivision of Land.*

* * *

§ 235-10. **Planning Commission.**

A. The Planning Commission is established pursuant to the Land Use Article of the Annotated Code of Maryland.

B. The Planning Commission shall consist of seven members appointed by the Council who shall serve without compensation. The term of each member shall be five years or until a successor takes office. If a seat on the Planning Commission becomes vacant, the Mayor shall appoint a member, with concurrence of the Council, to fill the remaining term of the vacancy. *Consideration will be made to have geographical representation for Planning Commission members. Future members of the Planning Commission shall reside in the City of Aberdeen and existing members shall be grandfathered if they no longer reside in Aberdeen.*

C. The Planning Commission shall elect a Chairperson and Deputy Chairperson from its members for terms of one year commencing *at the meeting where the elections occur* with eligibility for reelection.

D. All business before the Planning Commission shall be submitted for review *thirty (30)* days before the Planning Commission's scheduled meeting.

E. The *Planning* Commission shall hold one *(1)* regular public meeting each month and such other special meetings as may be determined. *The Planning* Commission agendas, *supporting documents,* and meeting minutes shall be posted on the City's website. *The Planning Commission* ((It)) shall adopt procedures for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. *The Department of Public Works, Aberdeen Volunteer* Fire *Department, and Aberdeen P*((p))olice *Department are encouraged to participate in the meetings((*, emergency operations, and departmental personnel shall attend the meetings of the Planning Commission and act as consultants)). *The Director of the Department of Planning and Community Development and/or Planner shall attend all Planning Commission meetings. In the event the Director or Planner cannot attend a Planning Commission meeting, a designee from the Department shall be in attendance.*

F. A majority of the *duly appointed* members ((four)) of the *Planning* Commission shall constitute a quorum for the transaction of business.((, and a))*A* majority vote

of ((those))*the quorum* present at ((any))*a* meeting((, but not less than the number necessary for a quorum,)) shall be sufficient for any official action taken by the *Planning* Commission.

G. Powers and duties of the *Planning* Commission. The Commission shall:

(1) Have such powers and duties as set forth in the Land Use Article of the Annotated Code of Maryland.

(2) Adopt rules of procedure for the conduct of its business.

(3) Make and approve a Comprehensive Plan prepared in accordance with the Land Use Article of the Annotated Code of Maryland and recommend the plan to the Council. The Commission shall:

(a) Make a preliminary report about the Comprehensive Plan and hold at least one public hearing. *The public hearing shall be published in a local newspaper and on the City's website.*

(b) Consult public officials and agencies; civic, educational, professional, and other organizations; and citizens with relation to protecting or executing the plan.

(c) Prepare, adopt, and file a final report on the *Comprehensive* ((plan")) *Plan* with the Mayor and Council in accordance with the Land Use Article of the Annotated Code of Maryland.

(d) Recommend changes or amendments to the Aberdeen Comprehensive Plan.

(e) Promote public interest in and understanding of the plan.

* * *

(13) Review as needed, or a minimum of every six *(6)* years, the Development Code and Zoning Map to determine whether it is advisable to amend the regulations or the Map, or both, to ((more closely)) conform to the objectives of the adopted Comprehensive Plan, to take advantage of new techniques, to correct deficiencies, or for other appropriate reasons.

* * *

(18) Enter upon any land ((and make)) *to perform official* examinations and surveys.

(19) Have such powers to enable it to fulfill its functions, promote planning or execute the purposes of the Land Use Article of the Annotated Code of Maryland.

§ 235-11. **Board of Appeals**.

A. The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland.

B. The Board of Appeals shall consist of five *(5)* members and one *(1)* alternate member, who ((may be empowered to)) *shall* sit on the Board *and attend hearings, but be empowered to vote only* in the absence of any member of the Board.((, who)) *The members* shall serve without compensation. The terms of all members shall be three *(3)* years. If a seat on the Board of Appeals becomes vacant, the Mayor ((will)) *shall* appoint a member, with concurrence of the Council, to fill the remaining term of the vacancy. All members may be eligible for reappointment.

C. The Board of Appeals shall elect a Chairperson and a Deputy Chairperson from its members for terms of one year with eligibility for reelection.

D. A quorum shall not be fewer than three (3) members, and an affirmative vote of three (3) members of the Board shall be required to reverse any decision, ruling, or determination of the Zoning Administrator or to approve any special exception or variance.

E.((D.)) The Board shall:

(1) Administer oaths and conduct hearings, including receipt of evidence and stipulations.

(2) Adopt rules and regulations for the conduct of its hearings.

(3) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.

(4) Hear and decide applications for special exceptions and variances as authorized under this chapter.

(5) Issues subpoenas for and compel the attendance of witnesses.

F. ((E.)) Meetings, notice and hearings.

(1) The Board shall adopt rules for the conduct of its business, which shall be made available to the public. ((A quorum shall not be fewer than three members, and an affirmative vote of three members of the Board shall be required to reverse any decision, ruling or determination of the Zoning Administrator or to approve any special exception or variance.)) All hearings and deliberations shall be open to the public, unless permitted to be closed under the Open Meetings Act.

(2) The Board shall hold meetings at the call of the Chairperson and at such other times as the Board may determine.

(3) The Board shall ((keep minutes of its proceedings and other actions, showing))*maintain a record of all matters which it has jurisdiction, including, setting forth* the vote of each member upon each question. The Board shall ((keep records))*maintain a record* of its examination and other official actions, all of which shall be filed in the ((City office))*Department of Planning and*

Community Development and shall be a public record. The Chairperson or, in his/her absence, the Deputy Chairperson may administer oaths and compel the attendance of witnesses, *pursuant to the Board's rules of procedure as required under this Section.*

(4) Upon receipt of a completed application, the Board shall schedule a public hearing and provide notice in one newspaper of general circulation in the City at least 14 days prior to the hearing and on the City's website.

(5) All contiguous property owners shall be notified of the public hearing date by regular and certified mail.

(6) *All Board of Appeals hearings shall have a court reporter in attendance, who shall administer oaths and provide copies of transcripts upon request. The costs of appeal, including the copy of the transcript, shall be paid by the Applicant.*

(7) *When the Board determines that multiple applications of a similar nature are being submitted for consideration, such that the frequency indicates a potential misalignment between this chapter and prevailing development practices, the Board shall prepare and transmit a report to the Planning Commission and City Council for review. The report shall identify the recurring applications of a similar nature and make recommendations for text amendments to the Planning Commission and City Council. The Planning Commission will consider the Board's recommendations for text amendments and propose changes accordingly or the City Council may initiate text amendments and request the Planning Commission review and make a recommendation. Any recommended text amendments shall align with the goals of the adopted Comprehensive Plan and current community needs.*

G. ((F.)) In addition to such other rules and regulations as may be adopted by the Board, the hearing shall be conducted as follows:

(1) Applicant's case.

(2) Report of the Department of Planning and Community Development and other public agency representatives.

(3) Any opponent's case in chief.

(4) Applicant's case in rebuttal.

H. ((G.)) The Board may impose such conditions regarding the locations and other features of the proposed structures or uses as it may deem necessary, consistent with the purposes of the code, the limitations, guides, and standards and the laws of the City and State of Maryland.

I. ((H.)) Decision of the Board.

(1)Lapse of special exception or variance. After the Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of two years if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period than two years for good cause shown, and the provision of these regulations shall thereafter govern.

(2)The Board shall issue a written decision or determination on any application or appeal within 30 days following the close of the record. This time may be extended by the Chairperson for an additional 60 days.

J. ((I.)) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of a court of competent jurisdiction after notice to the Zoning Administrator and on good cause shown.

K. ((J.)) If the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, then the Board shall take no further action on another application for substantially the same relief until six months from the date of such disapproval or dismissal, whichever shall last occur.

L. ((K. A special exception use may be granted by the Board only upon proof by the applicant that:

(1) The proposed use is compatible with the principal permitted uses within the district.

(2) The use does not adversely affect public health, safety and welfare of adjoining or neighboring properties.))

Special exceptions. A special exception may be granted when the Board of Appeals finds from the evidence of record that the proposed use:

(1) Is a permissible special exception compatible with similar uses in the zoning district and that the Board of Appeals application complies with all procedural requirements set forth in this Section.

(2) Complies with all standards and requirements specifically set forth for such use as may be contained in this section and in the zoning district within which the intended use will be located.

(3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood, and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare, or physical activity.

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures, as well as the

intensity and character of activity, traffic and parking conditions and number of similar uses.

(5) Will be consistent with the Comprehensive Plan or other planning guides or capital programs for the physical development of the district.

(6) Will not adversely affect health, safety, security, morals, or general welfare of residents, visitors, or workers in the area.

(7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads, and other public improvements.

(8) Will consider the environmental impact, the effect on sensitive features and opportunities for recreation and open space.

(9) Will consider the preservation of cultural and historic landmarks.

(10) That the Applicant has demonstrated a need for the requested use.

M. Special exception implementation, modification, and abandonment.

(1) The Board of Appeals shall prescribe a time limit in which the special exception is required to be completed.

(2) The Board of Appeals shall conduct a public hearing upon the failure to complete the special exception within the prescribed time, and following the public hearing may terminate the special exception. The Board may, upon written request and for good cause shown, extend the time for completion of the special exception.

(3) The Board of Appeals is authorized to amend or modify the terms or conditions of a special exception upon the request of the special exception holder or upon recommendation of any City Department or the Planning Commission.

(4) A special exception shall be deemed abandoned, irrespective of the intent of the Applicant, where the cessation of the use approved or the activities incident to the operation of the special exception have been discontinued for a period of at least one (1) year after implementation thereof.

N. ((L.)) Criteria for approval of variances.

(1) Variances from the provisions or requirements of this Chapter ((may be granted if the Board finds that:))*will be considered by the Board of Appeals.*

(2) To better understand the requirements for requesting a variance, these facts should be considered by the Applicant:

a. The Applicant bears the burden of providing competent, substantial, and relevant evidence to convince the Board of Appeals that the property meets all the standards for a variance.

b. A variance is an exception to this Chapter's requirements.

c. Financial hardship does not justify a variance.

d. Only showing some hardship is insufficient.

e. A variance is determined on a case-by-case basis and the Board considers all evidence presented before deciding.

f. A variance should not be granted if a similar condition or hardship is shared by the neighborhood or the community. For example, if all the houses on the same street shared a similar hardship, a variance would not be appropriate. The City Council, upon recommendation of the Department of Planning and Community Development, could address the similar hardship issue with an amendment to this Chapter.

(3) The Board may grant a variance if it finds that these standards have been met by the Applicant:

a. The literal enforcement of the Code would result in undue hardship.

i. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply to other properties or uses in the same zoning district.

ii. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same neighborhood.

b. The variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of this chapter, or the public interest and the character of the district will not be changed by the granting of the variance.

c. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of this chapter.((

(1) The literal enforcement of the code would result in undue hardship.

(2) The variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of this chapter or the public interest and the character of a district will not be changed by the granting of the variance.

(3) No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of this chapter.))

O. ((M)) Appeals from a decision of the Board *of Appeals* may be filed by any interested person to the *Harford County* Circuit Court in the manner prescribed by law within *thirty (*30*)* days from the date of the Board's *written* decision.

P. ((N)) A fee shall be charged for filing and handling each application or appeal provided for in this article, in an amount to be determined by the *City* Council. All costs associated with the application must be paid to the City when the application is filed. The costs of appeal, including the copy of the transcript, shall be borne by the applicant.

Q. ((O)) The Board *of Appeals*, upon application for an interpretation of the Development Code or Zoning Map, ((after notice to the owners of the properties

affected and public hearing,)) may render an interpretation *after following the requirements of this Section for the public hearing notification.*

§ 235-13 **Rezoning for individual parcels.**

A. The Zoning Administrator, as an agent of the City, may initiate a rezoning request if the Zoning Administrator determines that a mistake in the zoning has occurred during the last comprehensive rezoning or that there has been a substantial change in the character of the neighborhood. The Zoning Administrator shall be deemed an interested party and subject to the same submittal and notification requirements as a property owner.

B. Request initiated by property owner. Any request for a rezoning to the property by a property owner or contract purchaser, with the consent of the property owner, shall be submitted to the Zoning Administrator and shall include:

* * *

(1) The location and size of the property, *tax identification number, tax map and parcel number*.

* * *

C. A concept plan shall be *independent of any proposed uses of the property and* submitted with the application. The concept plan shall illustrate the proposed general nature and distribution of land uses *on the property* but need not include drawings prepared by an engineer.

D. The Planning Commission shall review applications for rezoning and submit its recommendation to the Council prior to *the scheduled* public hearing.

E. Notice of public hearing shall be provided *thirty (*30*)* days prior to the scheduled *public* hearing *in a newspaper of general circulation in the City and posted on the City's website*. A complete record of the hearing and the votes of all the Council shall be kept.

* * *

I. The public hearing notice shall be mailed to the property owners that own property within 500 feet of the property proposed to be reclassified. The public hearing notice will be posted on the City's website and information on the rezoning shall be available at the City offices upon request.

§ 235-14 **Comprehensive zoning review.**

A. The Zoning Administrator may recommend revisions to the Zoning Map as needed for consideration and review by the Planning Commission and approval by the Council. Proposed revisions to the Zoning Map shall be prepared by the Zoning Administrator based on a review and study of existing land use and future land use needs, population, economics, transportation patterns, public facilities and services, and other relevant planning factors.

B. Notice of a public hearing before the Council shall be provided *thirty (30)* days in advance and published at least one time in a local newspaper. A copy of the public hearing notice shall be sent by regular mail to all property owners contiguous to those lots or parcels of land affected by a proposed change to the current zoning.

C. *A comprehensive zoning review shall follow the adoption of the Comprehensive Plan, at a minimum of every 10 years.*

§ 235-15 **Annexation policy and procedure.**

A. Policy. The following principles shall govern annexation:

(1) The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City ((in order)) to promote the health, safety, welfare, and economic development of the City.

(2) The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.

(3) The annexation must ((contribute to the realization and/or furtherance of)) *be consistent with* the ((goals and objectives)) *Land Use and Municipal Growth chapters* of the Comprehensive Plan.

(4) The location ((relative to)) *of* existing public facilities and a review of the City's ability to provide public facilities or the potential of alternative nonpublic facilities to serve the annexation area.

(5) The development of relevant conditions for the protection and benefit of the residents of the City.

(6) The annexation will not result in an adverse fiscal impact upon the City.

(7) Annexation only to increase municipal revenue is inappropriate without an ability to provide municipal services.

(8) Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.

B. Procedures. The following procedures shall govern annexation and the zoning of land so annexed:

(1) Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland, shall be signed by the owner of the property and any contract purchaser(s) and shall be filed with the City Clerk, together with 15 copies of the petition, *an electronic copy,* and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following:

(a) Descriptive data.

i. A legal description of the property with metes and bounds.

ii. Name and address of all members, stockholders, partners, or other individuals having a legal or equitable interest in the entity that owns an interest in the property.

iii. The names and addresses of all persons residing in the area to be annexed.

(b) Exhibit showing:

i. The legal boundaries of the property, to include complete parcels and all property lines ((in order)) to

eliminate noncontiguous land that may be annexed in the future.

ii. The existing land use conditions surrounding the subject property.

iii. Existing Harford *C*((c))ounty zoning *and land use designation,* and the petitioner's proposed City zoning.

iv. A property tax map *indicating the parcels proposed for annexation.*

v. An aerial photographic map at an appropriate scale.

vi. Topographic map of the property at an appropriate scale.

vii. Existing public facilities and improvements.

viii. Existing reserved or public areas.

(c) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by certified mail and first-class mail to the address listed in the assessments records, within 10 days prior to filing of the petition, a summary ((in a format provided by the City))*of the petition filing contents*.

(d) Concept plan:

(1) Showing the boundary of the area to be annexed.

(2) Showing the general location of each proposed land use (residential with type, commercial, open space, etc.) on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.

(3) Providing a table listing densities and land use by type, including the area of each.

(4) Showing the density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.

(5) Showing existing and proposed arterial and collector streets adjoining (where applicable) and their relationship to the principal land uses on the site, consistent with the adopted *Comprehensive Plan, Chapter 7* Transportation ((Element in the Comprehensive Plan)) for the City.

(6) Showing existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.

(7) Showing contour lines at a maximum of five *(5)*((-))foot intervals.

(8) Showing significant natural or man-made features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases.

(e) Description of municipal services that may need to be upgraded, initiated, or extended, together with a recommendation regarding the priority for accomplishing the improvements and a recommendation as to possible sources of funding and recoupment for any capital improvements.

(f) Estimation of the potential revenue that will be generated from the development of the area to be annexed and which will be realized by the City. *A cost benefit analysis may be requested at the discretion of the City.*

(g) Description of the social and economic characteristics of the proposed area to be annexed and the surrounding area.

(h) Identification of existing environmental characteristics (floodplains, wetland delineations, endangered flora, and fauna, etc.) of the proposed area to be annexed and the surrounding area with information relating to any environmental impact which annexation and development might have upon these characteristics.

(i) Description of any unique characteristics (i.e., historical, archaeological, institutional, etc.) situated in the area to be annexed and a surrounding area within a one-mile radius of the area to be annexed, with an analysis of how these characteristics would be impacted by annexation.

(j) A detailed statement as to whether the land uses and densities permitted under the proposed City zoning classification and the land uses for the annexed area and densities permitted under the current Harford County zoning classification are, or are not, substantially different as that term is defined in § 4-416 of the Local Government Article of the Annotated Code of Maryland.

(2) Community informational meeting (CIM). Within *forty-five (45)* days prior to the petition filing date, the petitioner shall hold a

CIM. This meeting will be facilitated by the City planning staff and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property(ies) at its boundary with a public road, or at the closest public road intersection, and in a news publication of general weekly circulation in the Aberdeen area. The staff shall coordinate the attendance of a liaison from the Planning Commission and the City Council. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The petitioner shall submit a summary of comments (meeting minutes) made by the citizens to the City at the CIM at least *ten (*10*)* days prior to the scheduled Planning Commission ((hearing))*meeting* regarding the petition. The petitioner also shall include a certification that the CIM was advertised.

(3) Petition preliminary review. Within *ninety (*90*)* days following the date of the filing of a petition and all required attachments, the Director of Planning and Community Development shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning and Community Development shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning and Community Development may direct the petitioner to submit additional information within ((a thirty-day period))*thirty (30) days* or to take other reasonable steps with regard to the petition, including:

(a) Supplementation of the information required to be submitted in the petition.

(b) Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.

(c) Provision for any other studies necessary for the proper consideration of the petition.

(d) Additional mailing, posting, or advertising notice requirements.

(4) Petition review by Planning Commission.

(a) Upon completion of the review, the Director of Planning and Community Development shall forward the petition package to the Planning Commission no less than *thirty (*30*)* days prior to the next scheduled Planning Commission meeting. At this time, the Director shall advertise the agenda of the

Planning Commission in a news publication of general weekly circulation in the Aberdeen area. The petitioner shall supply *fifteen (*15*)* copies and one *(1)* digital-format copy of the completed petition package to the Director prior to this submittal.

(b) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.

(c) The Planning Commission shall submit its recommendation to the City Council within *sixty (*60*)* days of the Planning Commission meeting.

(5) Payment for processing and review.

(a) The petitioner shall be responsible for *reimbursement*((payment)) for all studies required by the Director of Planning and Community Development, *Director of Public Works*, and reimbursement of all staff and *City* Attorney time necessary for review of the petition and all studies.

(b) The staff shall keep an accounting of their time spent on the annexation review reflecting the hourly rate of each employee established by the City.

(6) Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.

(7) Public hearing.

(a) When the petitioner has complied with the requirements as specified by the Director of Planning and Community Development following the review and the annexation has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.

(b) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.

(c) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in § 4-406 of the Local Government Article of the Annotated Code of Maryland.

(d) At the hearing, the recommendations of any board, commission, or agency shall be considered evidence.

(8) Conditions. In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the

public interest, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.

(9) Annexation agreement.

(a) The City Council may, prior to voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.

(b) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than *ten (10)* calendar days prior to the public hearing.

(c) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees, and assigns.

(d) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within *thirty (30)* days of the date the annexation resolution becomes final.

(10) Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this chapter and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.

(11) Approval or rejection.

(a) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.

(b) The City Council may reject the petition for any reason or for no reason. The City Council is not required to make any finding of fact in the event it rejects the petition.

(12) Other applicable law. This procedure is in addition to any other provisions of the City Charter and Code of the City of Aberdeen and of the Annotated Code of Maryland that govern annexation.

§ 235-16 **Violations and penalties; abatement.**

A. ((A violation of this chapter or any condition attached to a special exception or variance shall constitute a municipal infraction and shall be subject to the provisions of § 95-1 et seq. of the City Code.

B. In the event of a violation of any of the provisions of this chapter or any amendment or supplement thereto, the Zoning Administrator, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may file for injunction, written court order, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

C. Notice of violation shall be sent by certified mail and first-class mail to the owner of the property as listed on the real estate tax records of the State Department of Assessments and Taxation and by posting on the property and shall provide a five-day notice to correct unless the violation causes imminent peril to life or property.

D. Upon reasonable notice, the Zoning Administrator or authorized designee shall have the right to enter upon any land and to abate any zoning violation for which notice has been provided and to impose the cost of such abatement as a lien upon the property, to bear interest, be collected and enforced, and in all respects be treated in the same manner as City real property taxes.))

Complaints regarding violations. Whenever the Zoning Administrator or designee receives a written or verbal complaint alleging a violation of this Chapter, he/she shall investigate the complaint and take whatever action is warranted.

B. Persons liable. The owner, tenant and/or occupant of any building, structure or land or part thereof who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Chapter may be held responsible for the violation and be subject to the remedies provided in this Section.

C. Violation notice procedures.

(1) Whenever the provisions of this chapter have been violated, the Zoning Administrator or designee shall send a written notice to the owner and occupant of the property alleged to be in violation, indicating the nature of the violation and ordering corrective action within fifteen (15) days. An additional written notice may be sent at the Zoning Administrator's discretion.

(2) The notice shall state what action the Zoning Administrator intends to take if the violation is not corrected and advise that the Zoning Administrator's decision may be appealed to the Board of Appeals in accordance with § 235-11 of this Chapter.

(3) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Chapter or pose a danger to the public health, safety or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Subsection D of this Section.

D. Penalties.

(1) Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Chapter is guilty of a municipal infraction and shall be subject to a fine of not more than $400.00 for each offense, in accordance with Chapter 95 Municipal Infractions. Each day of a continuing violation shall be considered a separate municipal infraction.

(2) The City may recover damages in a civil action for violation of this chapter and may adopt procedures for the imposition of civil penalties as authorized by State law.

(3) In the event of a violation of any of the provisions of this Chapter or any amendment or supplement, thereto, the Zoning Administrator may institute a suit for injunctive relief or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

E. Approval/permit revocation. A zoning, building or sign permit, final site plan, variance, or special exception may be revoked by the City of Aberdeen in accordance with the provisions of this subsection, if the approval/permit recipient, or its successors or assigns, fails to develop, use or maintain the subject property, building or structure in accordance with the approved plans or any additional requirements lawfully imposed by the approval body.

(1) Before a zoning, building or sign permit, final site plan, variance, or special exception may be revoked, all notice and hearing requirements provided in this subsection shall be complied with.

(a) Before a zoning, building or sign permit, final site plan, variance or special exception may be revoked, the Zoning Administrator shall give the approval/permit recipient ten (10) days' prior written notice of intent to revoke the approval/permit. The notice shall state the reasons for the revocation and the right to obtain a hearing before the Board of Appeals on the matter, if warranted.

(b) The Zoning Administrator shall follow the procedures provided in § 235-11 Board of Appeals.

(2) No persons may continue to make use of any property, building or structure in the manner authorized by any zoning, building or sign permit, final site plan, variance, or special exception approval/permit after such approval/permit has been revoked in accordance with this subsection.

F. Judicial Review. Any Board of Appeals, Planning Commission, or City Council decision denying or revoking an approval of a permit; or granting or denying a final site plan, interpretation by the Zoning Administrator, variance or special exception shall be subject to appeal. If such a decision is appealed, a petition for judicial review shall be filed with the Circuit Court of Harford County within thirty (30) days of issuance of the written decision.

G. In the event that the City files any action in the courts of Harford County, Maryland to abate any zoning violation or enforce any provision of the Development Code against any real property and is successful in obtaining court relief, it shall be entitled to be reimbursed its attorney's fees and court costs as well as any cost or expense, including hourly rates of City officers and employees, to remediate the zoning violation or enforcement. All such attorney's fees, court costs and costs or expenses of abatement or enforcement shall be assessed to the defendant and/or owner of such real property and shall be a lien upon such real property until paid, to be collected in the same manner as municipal taxes are collected. Liens hereby established shall be subject only to liens for state, county, and municipal real estate taxes.

SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that new Section 12 is hereby added to the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article II, Administration and Enforcement, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article II, Administration and Enforcement

§ 235-12. ***Limitations, Guides and Standards***

1) In addition to the specific criteria provided in § 235-10 Planning Commission and § 235-11 Board of Appeals, these Boards will be guided by the following standards. Notwithstanding any of the provisions of the Code of the City of Aberdeen, Chapter 235 Development Code, the Planning Commission and Board of Appeals shall not approve an application if it finds that the proposed development, building, addition, extension of building, or change of use would adversely affect the public health, safety, and general

welfare or would result in failing intersections and roads that would have an impact on traffic conditions.

2) *The Planning Commission and Board of Appeals may impose conditions or limitations on any approval, regarding any of the following items:*
   a. *Adequate facilities for schools, police, fire protection, water, and sewer infrastructure, and refuse collection and disposal and the ability of the City to supply such services.*
   b. *The degree to which the development is consistent with engineering and planning principles and practices.*
   c. *The effect of odors, gas, smoke, fumes, vibration, glare, and noise upon the use of surrounding properties.*
   d. *The environmental impact, the effect on sensitive natural areas such as floodplains and non-tidal wetlands.*
   e. *The number of people living or working in the immediate area.*
   f. *The orderly growth of the neighborhood and community and the fiscal impact on the City; the need for the proposed use within the community.*
   g. *The preservation of historic landmarks as identified in the National Register of Historic Places, an official listing of the Nation's historic places.*
   h. *The adopted Comprehensive Plan and the Code of the City of Aberdeen regarding Chapter 235 Development Code, Chapter 302 Growth Management, Chapter 475 Subdivision of Land, and other chapters as applicable.*
   i. *The size of the parcel and the effect of the proposed use on adjoining properties.*
   j. *Sidewalk connectivity and crosswalks for safe pedestrian travel; addition of bicycle lanes; adequate parking facilities and passive recreation facilities.*

SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 17.A., and 18 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article III, Zoning Districts, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article III, Zoning Districts

§ 235-17 **Maps of Zoning Districts.**

A. Zoning districts. Zoning districts established by this chapter are bounded and defined as designated on the Official Zoning Map((s)) and subsequent modifications thereto. Said Zoning Map((s)), properly attested, and maps indicating the results of zoning cases conducted hereunder shall be and remain on file in the office of the Zoning Administrator.

§ 235-18 **Zoning districts and boundaries.**

In conformity with the purposes of this chapter, the following zoning districts are established:

* * *

D. B-1 Neighborhood Business District. The purpose of this district is to provide limited retail and service facilities convenient to residential neighborhoods. ((To this end, uses)) *Uses* are limited primarily to ((convenience goods)) *retail, restaurant,* and *business* services ((facilities)) satisfying the household and personal needs of the residents of abutting residential neighborhoods. Standards are established compatible with low-density residential districts resulting in similar building bulk and low vehicular traffic.

E. B-2 ((Central Commercial))*Limited Business* District. The purpose of this district is to provide retail and office development within the ((central))*limited* business district of the City. ((Appropriate uses are generally the same as for the B-1 District, but with altered yard requirements and altered off-street parking requirements in recognition of the practical difficulty of providing off-street parking in the central business district and in recognition of the collective responsibility to provide off-street parking for smaller establishments.)) Development/redevelopment in this district shall be compatible with the existing historic, aesthetic and pedestrian character of the downtown area in terms of scale and design. Residential uses are appropriate in this district.

F. B-3 ((Highway Commercial)) *General Business* District. The purpose of this district is to provide for a number of retail and office establishments and commercial services for use by the traveling public on or near major roads or streets in the City and ((at the same time is intended to maintain the appearance of the highways and)) their access points by limiting outdoor advertising and establishing high standards for development. Commercial development in this district shall be in the form of well-

planned and ((heavily)) buffered commercial concentrations as opposed to traditional forms of ((highway)) strip commercial.

G. M-1 Light Industrial District. The purpose of this district is to provide for light manufacturing, fabricating, warehousing and wholesale distributing ((in low-rise buildings)) with off-street loading and off-street parking for employees and with access by major thoroughfares or rail. Commercial uses are permitted, primarily for service to employees in the district.

H. ((M-2 Heavy Industrial District. The purpose of this district is to provide for industrial operations of all types which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from uses specifically permitted.)) Downtown Revitalization Overlay District. The purpose of this district is to enhance the existing assets located in downtown, through the application of design requirements. Properties located within the Transit Oriented Development Districts are ((not)) subject to the Downtown Revitalization Overlay District regulations and design requirements.

I. ((J.)) Residential Overlay (RO) District. The purpose of this district is to recognize existing uses within certain R-3 Zones within the City; to grant principal permitted use status to existing uses; to avoid creation of nonconforming uses; and to prohibit multifamily uses within the district except those uses existing as of the effective date of this section.
   (1) Multifamily uses in the overlay district existing prior to the enactment of this section shall be deemed principal permitted uses and not subject to restrictions applicable to nonconforming uses.
   (2) Multifamily uses, including apartments, garden apartments, mid-rise apartments and townhouses, other than those existing at the time of the enactment of this section, shall be prohibited in the Residential Overlay (RO) District. Existing multifamily uses destroyed after enactment of this section may be reconstructed as a principal permitted use.
   (3) Single-family and duplex dwellings are principal permitted uses within the Residential Overlay (RO) District.
   (4) The lot area, width and yard requirements in the Residential Overlay (RO) District shall be the same as the R-3 District.

J. ((K))Integrated Business District.
   (1) The purpose of the Integrated Business District (IBD) is to provide residential, recreational, educational, retail, entertainment, and other commercial uses in an aesthetically

pleasing and functionally compatible manner, to complement existing residential areas, to blend development with the environmental characteristics of the land, and to facilitate the efficient delivery and use of public services. The object is to use site plan and architectural guidelines to promote land use flexibility and design creativity, to create comfortable and harmonious development that appeals to people living, working, shopping, and socializing within the IBD. The IBD will seek to maintain a common theme and character through the use of specific zoning regulations, design requirements, and architectural review procedures established to encourage flexibility in land planning and generally to align the design, character, and quality of mixed uses. The IBD ((area west of the I-95 interchange will))shall encourage mixed-use development *that is* consistent with the ((degree and intensity of Ripken Stadium and University Center))existing uses and the architectural and design standards ((known already)) to attract social interchange through commercial, educational, entertainment, and recreational activity.

(2) IBD site development requirements. All permitted uses within the IBD shall be subject to the following site development requirements:

(a) Site plan review ((will))*shall* be in accordance with ((the Aberdeen Development Code)) *this Chapter,* ((and)) *Chapter 475,* Subdivision *of Land* ((Regulations)), the Aberdeen overlay district regulations and design requirements, and the overall development goals of the IBD.

(b) Sidewalks ((shall be provided))*are required* as an integral component of the development's articulation, design, and landscaping.

(c) Development within the IBD shall include pedestrian and vehicular connections to public roads serving existing or planned public transit, adjacent communities, and other off-site destinations.

(3) Building setbacks. Unless otherwise noted, refer to § 235-21.

(a) Major arterial road rights-of-way, such as Churchville Road (MD 22), shall have a minimum building setback of *twenty-five (*25*)* feet and shall have a *ten (10) foot* landscaped area ((included in the))*in addition to the building* setback ((area)).

(b) Collector roads, such as Technology Drive and Long Drive, shall have a minimum building setback of *twenty-five (*25*)* feet and shall have a *ten (10) foot* landscaped

((buffer)) area ((included in the))*in addition to the building* setback ((area)).

(c) Local roads, such as Gilbert Road and Aldino-Stepney Road, shall have a minimum building setback of *twenty-five (*25*)* feet and shall have a *ten (10) foot* landscaped area ((included in the)) *in addition to the building* setback ((area)).

(d) A minimum twenty((-foot))*(20) feet* landscaped area in addition to the building setback for the district shall be required for any commercial use adjacent to an existing residential use. Buildings *and parking lots* cannot be located in the required landscaped area.

(e) All residential development shall be in accordance with the R-3 residential requirements.

(f) Refer to § 235-30. Landscaping, outdoor lighting, and buffer yards for additional requirements.

(4) Height. The maximum height of any building shall be as follows:

(a) For properties fronting on MD 22, the maximum height shall be ((40))*fifty (50)* feet.

(b) ((For all other properties located within the IBD, the maximum height shall be 80 feet.))Residential dwellings ((located)) in the IBD *that do not front on MD 22* shall ((not exceed a height of 40 feet, except for stacked townhouses which may)) have a maximum building height of *fifty (50) feet, except that garden apartments, mid-rise apartments, high rise apartments and* ((except for))stacked townhouses ((which))may have a maximum height of *ninety (*90*)* feet((, regardless where located in the district)).

(c) Except as provided in paragraphs (4) (a) and (b) above, the maximum height for buildings located within the IBD shall be eighty (80) feet.

(d) Accessory use structures shall not exceed a height of *twenty (*20*)* feet.

(5) Permitted drive-through lanes for any building in the IBD shall be located at the side or rear of the building. Access and stacking lanes serving the drive-through shall be located at the side or rear of the building.

(6) Landscaping. The district shall include landscaping to enhance the streetscape, to form public spaces, to improve the quality of the natural environment, and to break up the impervious surface of parking lots. A minimum of ((10))*20%* landscaping shall be required for all commercial and institutional uses. (See the Aberdeen overlay district regulations and design requirements for the IBD.)

(7) Any side of a building facing a public way or a public space shall be finished with the same type of materials as the front facade of the building.

(8) Truck parking and loading spaces shall not be visible from MD 22, *Gilbert Road,* and Long Drive.

(9) Screening for dumpster enclosures and pads may be visible from MD 22 and Long Drive.

(10) Open space ((may))*shall* be designed for active recreation *uses to include* ((passive recreation,)) *walking trails, gazebos, community parks and playgrounds,* pathways (other than sidewalks), *forest* conservation areas, and/or natural *environmental* buffers. *Open space does not include public roads and sidewalks, drainage and utility easements, or cluster mailbox areas. The Planning Commission may consider unusual circumstances such as topography and the location of utility easements and stormwater management facilities for the design of active recreation uses in meeting the open space requirements.*

(11) Permitted uses in the IBD are provided in Appendix A, Table of Use Regulations.

(12) Freestanding artistic elements shall be permitted in the IBD, and the Architectural Review Committee shall have final design approval prior to building permit approval. The height of any artistic element shall not exceed *twenty-five (25)* feet.

(13) The applicant shall prepare a preliminary site plan in accordance with the site development requirements in this section and/or the requirements of the Aberdeen Development Code, Subdivision *of Land*((Regulations)), and the Aberdeen overlay district regulations and design requirements for review first by the Department of Planning and Community Development staff and the Architectural Review Committee prior to review and recommendation by the Planning Commission.

(14) The Planning Commission shall hold a review of the preliminary site plan along with the Department of Planning and Community Development staff and Architectural Review Committee recommendations and make recommendations to the Mayor and City Council on the preliminary site plan upon finding that the preliminary site plan accomplishes the purposes, minimum standards, and requirements of the IBD.

(15) Off-street parking and loading requirements shall comply with § 235-25 unless otherwise noted.

(16) Class A self-storage facilities are subject to the following regulations:

(a) A plan of development shall be submitted to the Planning Commission and thereafter the Mayor and City Council,

indicating the location of the building(s), lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.

(b) The lot size shall be a minimum of ((two))*five (5)*acres.

(c) No outside storage is permitted.

(d) The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, ((supplemental use regulations 343)) medical waste, municipal solid waste, septage, or used oil is prohibited.

(e) No business activity other than the rental of storage units shall be conducted on the premises.

K. I-95 Overlay District. The purpose of this district is to provide for residential, *retail,* office, research and educational uses ((in a campus-like setting)) with complementary commercial/recreational uses. The Ripken Stadium and Ripken ((Academy))*Baseball* are the major landmarks for this district and ((will)) attract interest across the United States ((and around the world)). ((Thus, the)) *The* principal vision for this area is to attract new development that will complement the ((strong aesthetic appeal of the Ripken complexes))*existing uses, uses that are permitted in the district, and previous Land Use studies approved by the City*. The I-95 Overlay District boundaries are described as the properties bordering MD 22 (Churchville Road), Gilbert Road, *Long Drive, Aldino-Stepney Road,* and I-95 located within the ((current City)) corporate limits. This district is subject to design requirements *and review by the Architectural Review Committee*.

L. ((M.))Transit Oriented Development District.

(1) The intent of the Transit Oriented Development (TOD) District is to implement and encourage the redevelopment of properties within the Aberdeen TOD. The TOD District is shown on the TOD Designated Area Map (June 20, 2012) that is referenced in § 235-42.

(2) The TOD District provides specific standards necessary to promote the goals and objectives of the Aberdeen Comprehensive Plan and the Aberdeen TOD Master Plan (adopted by Resolution No. 12-R-01, May 7, 2012) that appears in § 235-42. These regulations are designed to maximize the development potential of the Aberdeen TOD to foster a mix of vertical and horizontal land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly sidewalks and multimodal streets, encourage upper-story residential and office uses, and provide on-site parking facilities in the rear and accesses when possible through rear alleys or side

streets. ((The Aberdeen Comprehensive Plan Land Use Element Goals and Objectives specifically call for the adoption of development regulations to implement the TOD. These provisions have been further refined in the Aberdeen TOD Master Plan. In the event of a conflict between Subsection O and the remainder of the Development Code, Subsection O prevails.)) The TOD District allows ((a range of uses that may be permitted for properties within these areas to include)) a mix of residential, commercial and institutional uses *to support transit oriented development and redevelopment*. A complete listing of uses permitted in the TOD District is contained in Appendix A, Table of Use Regulations, in this chapter.

(3) The TOD District regulations illustrate the types of streets, buildings, heights, and mixes of use that create the desired "form" presented in the *TOD* Master Plan. ((TOD Master Plan Land Use Concepts (adopted by Resolution No. 12-R-01, May 7, 2012) was utilized as the basis for establishing the TOD Districts.)) The TOD District regulations provide for((, among other subjects,)) the establishment of building type and orientation, site design, and other standards that apply to all development proposed to be constructed *or redeveloped* in the TOD District. The TOD District is transect-based with a corresponding regulating plan that prescribes the appropriate permitted uses, building heights, site design, building type, building frontage types, pedestrian environment and streetscape in the TOD Designated Area, based on the parcel's location. (See Aberdeen TOD Regulating Plan that appears in § 235-42.)

(a) The following TOD Districts are established:

1. TOD Neighborhood (TOD-N). The TOD Neighborhood District (TOD-N) consists of mixed uses but primarily residential and provides for a transition in development size from the adjacent TOD Districts to adjacent residential areas. Buildings range from two to four stories, include a variety of uses and building frontage types. Building placement and landscaping are variable, and streets include curbs and sidewalks to create a highly walkable district. This area is classified as the Transect Zone 4 and identified as "(T4)" on the Aberdeen TOD Regulating Plan.
2. TOD Corridor (TOD-C). The TOD Corridor (TOD-C) is an area in which parcels are generally within one block of US 40/Philadelphia Boulevard to promote a mix of commercial and residential redevelopment and to enhance areas

adjacent to Aberdeen's compact, walkable downtown. An active primary frontage edge is created through vertical mixed use as well as residential and workplace buildings. Street-fronting uses are required and will be supported by streetscapes that create a highly walkable zone. Buildings range from two to six stories with bonus provisions for up to two additional stories, *to* include a variety of uses and building frontage types. Building frontages are configured and oriented to public streets. This area is classified as the Transect Zone ((five))*5* and identified as "(T5)" on the Aberdeen TOD Regulating Plan.

3. TOD Downtown (TOD-D).
   a) The TOD Downtown (TOD-D) is an area of the highest intensity and greatest variety of uses, and is generally located within a one-block area of the Aberdeen MARC/Amtrak train station and the intersection of US *Route* 40 and West Bel Air Avenue. This area is classified as the Transect Zone 6 and identified as "(T6)" on the Aberdeen TOD Regulating Plan.
   b) The TOD-D is ((intended to be the heart of))*central to* the TOD area and provide*s* a highly visible presence and identity for *downtown* Aberdeen along the US 40/Philadelphia Boulevard corridor ((and create))*with* a high-intensity, highly walkable mixed-use district with the following features:
      i. Buildings ranging from two *(2)* to eight *(8)* stories in height with bonus provisions for up to four additional stories.
      ii. Ground-floor shopfronts, with wide sidewalks to promote a highly walkable district.
      iii. Improved public spaces including public plazas, street trees, pedestrian-scale lights, *planters, benches,* and public art.
      iv. The majority of parking is consolidated in structures, at curbs of public streets and behind buildings.
4. Special District (SD).
   a) Special Districts (SD) are areas with buildings that by their function, disposition or configuration cannot or should not conform to the requirements

of any of the TOD District zones or combination of zones. Examples include Aberdeen City Hall, the *Harford County* library, *Aberdeen Volunteer Fire Department,* ((and)) the Aberdeen MARC/Amtrak train station and supporting parcels. Conditions for redevelopment or development for SD areas shall be subject to review and approval by the Architectural Review Committee, Planning Commission and City Council.

b) Park. Parks are public spaces ((that are available as recreational spaces))*for passive and active recreation uses* ((that are accessible to, and adequate for, the recreational function and persons they are designed to serve)), such as Festival Park((Square)).

(4) TOD District site development requirements. All permitted uses with*in* the TOD District shall be subject to the following site development requirements. The provisions of the Aberdeen Development Code shall apply except as modified herein.

(a) Site plan review will be in accordance with this chapter and subdivision regulations.

(b) All development, redevelopment or additions to existing buildings within the TOD District shall be subject to review by the Architectural Review Committee for conformance with the standards established in this chapter.

(c) Streets within the TOD District shall be maintained or improved to enhance pedestrian, bicycle and vehicular connections.

(d) Street types reflect the character of the intensity of anticipated developments within the TOD District and are utilized to guide development standards such as minimum sidewalk widths, building siting, frontage type, and height.

(e) Sidewalks shall be provided and treated as an integral component of the development's design, landscaping and pedestrian connectivity. (See Illustrations 2 to 13.)

(5) Building placement. All building frontages in the TOD District shall be constructed at the required build to line to maintain the street edge and shall be oriented to the primary frontage of the lot. (See Illustration 22, Building Frontages.)

(a) Streets in the TOD Districts have been classified ((consistent)) with the following typologies. (See Illustration I, Street Typologies.)

1. Arterial streets.

a) Regional connector.

b) Commercial primary.
c) Village Center mixed-use.
d) Residential.

2. Collector streets.
a) Neighborhood principal streets.
b) Village Center streets.
c) Neighborhood minor streets.

(b) Build to lines (BTL).

1. Build to lines within the TOD District are governed by the district designation as identified on the Regulating Plan, Street Typologies, and the identification of principal frontages (See Illustrations 1 to 18). Build to lines are determined by the location of the parcel in relation to the street types and width of sidewalk that serve the parcel as identified in the street profiles.
2. Placement of future buildings will need to reflect either:
a) Location of back of existing sidewalks consistent with the street profiles depicted in the Illustrations 2 to 17;
b) Location of back of sidewalk following street reconstruction; or
c) If street/sidewalk improvement has not yet taken place, approved City plans for sidewalk reconstruction/location that locate the back of the sidewalk.
3. Build to line/primary building frontage.
a) The Build to line (BTL)/primary building frontage requires the implementation of minimum sidewalk improvements as depicted in Illustrations 2 to 17. This dimension is located at the line at the back of the sidewalk along a primary street and is the BTL as shown in Illustration 23, Frontage Build to Line.
b) The BTL shall not exceed the maximum dimensions necessary to satisfy any required right-of-way. BTL shall be measured from the back of curb, rather than parcel line, and shall consist of the following widths and are further identified on the applicable Illustrations 2 to 17 for the street that the lot's frontage is located on:

	Build To Line	
Street Frontage Types	**Minimum (feet)**	**Maximum (feet)**
Village Center mixed-use arterial		
North Philadelphia Boulevard (US 40N)	12	20
South Philadelphia Boulevard (US 40S)	20	24

Street Frontage Types	Build To Line Minimum (feet)	Build To Line Maximum (feet)
Village Center collector streets		
Main Street (MS)	8	20
Festival Street (FS)	10	50
Neighborhood principal streets		
Street with limited on-street parking (STL)	10	14
Street with no on-street parking (STN)	10	14
Neighborhood street (NS)	10	14
Neighborhood minor streets	10	14

4. Secondary frontage build to line (BTL). Secondary frontage BTL is applicable when a parcel is a corner lot bordered by two streets. This dimension is located at the line at the back of the sidewalk and is the secondary frontage BTL as shown in Illustration 23, Frontage Build to Line. Building frontage standards are those noted above for primary building frontage and further defined on the applicable Illustrations 2 to 17 for the street that the lot's secondary frontage is located on. The secondary frontage BTL shall maintain a minimum of *ten (*10*)* feet.
5. Festival Square buffer BTL. To preserve large growth trees ((and/or areas appropriate for forest conservation)), the BTL may be adjusted to provide a *larger* buffer *area* ((of up to 50 feet)) on parcels fronting a Festival Square street as provided in Illustration 28, Festival Square Buffer.

(c) Building disposition. The placement of a building on its lot is governed by the property's TOD District designation. Building types are identified by building style and the corresponding yard type. Building types include edgeyard, sideyard, rearyard, and courtyard (See Illustration 21, Building Disposition). The rearyard building type is the most common type found in the TOD area and is characterized with shopfront facades continuously lining the street and with parking provided in the back.

(d) Building frontages.

1. Allowable extensions beyond the build to line. Awnings, porches, stoops, stairs and entrance overhangs, are permitted to extend beyond the build to line, provided a minimum of at least five *(5)* feet of unobstructed sidewalk is maintained. Examples of

extension are shown in Illustration 22, Building Frontages. Balconies, upper-story bay windows, eaves and building entrance overhangs such as canopies and awnings may extend beyond the build to line up to a maximum of seven feet along Village Center mixed-use arterials, up to six feet along Village Center collector streets and up to five *(5)* feet along alleys, and neighborhood minor and principal streets. All permitted overhangs must provide a minimum of eight *(8)* feet clear height above sidewalk grade.

2. Frontage buildout. In the TOD-C and TOD-D Districts, the minimum frontage buildout shall be 80% of the lot frontage. In order to connect the public sidewalk with courtyards and parking lots in the interior or at the rear of a parcel, development may incorporate a passage that counts towards the frontage coverage requirements. The minimum width of a passage shall be eight *(8)* feet and not exceed 20% of the lot frontage. (See Illustration 27, Open Space Types, and Illustration 29, Passage.)
3. Retail/commercial shopfronts and opacity requirements.
   a) Buildings that front streets identified as primary frontages on the Retail/Commercial Shopfronts Illustration 19, are required to provide a shopfront at the sidewalk level along the entire building frontage that is designed to support retail and commercial uses. Buildings that front streets identified as secondary frontages (Illustration 19, Retail/Commercial Shopfronts) are encouraged to provide a shopfront at the sidewalk level along the length of the entire building frontage. The shopfront shall be no less than 70% glazed in clear glass. (See Illustration 20, Opacity/Windows.)
   b) High-quality materials should be used for shopfronts such as crafted wood, stainless steel, bronze, and other ornamental metals. Detailing such as carved woodwork, stonework, or applied ornament should be used, to create noticeable detail for pedestrians and patrons. Doors may be flanked by columns, decorative fixtures or other details.

4. Expression line. An expression line shall delineate the division between the first story and the second story. A cornice shall delineate the tops of the facades. Expression lines shall either be moldings extending a minimum of two *(2)* inches, or jogs in the surface plane in the building wall greater than two *(2)* inches. Cornices shall extend a minimum of *ten (*10*)* inches from the cornice wall. See Illustration 43, Expression Line, and Illustrations 38 and 39, Height Variations with Two-Story Building.
5. Build-to-corner. Buildings must "hold the corner" of the parcel at the intersection of two primary streets. The build-to-corner location is defined by the required build to lines. Where the build-to-corner building placement is required, new development *or redevelopment* must meet this requirement by siting the building at its street corner. Where an intersection is formed with a state road, state sight distance criteria shall also be applied. (See Appendix B.)

(e) Side yard setback. There is no minimum side yard setback between buildings or minimum space between buildings. In TOD-C and TOD-D Districts, the maximum side yard setback is ((24))*ten (10)* feet.

(f) Rear setback.
1. Rear setbacks must be maintained to accommodate rear alley maintenance.
2. Maintenance of Aberdeen's existing interconnected rear alley system is vital to street network and ensuring mobility within these TOD Districts.
3. The minimum rear setback shall be *ten (*10*)* feet. When abutting residential uses, the minimum rear setback shall be consistent with § 235-30, Buffer yards.

(g) Alley setback. Alley setback is the minimum distance from the alley edge of pavement to any building. The minimum alley setback shall be *ten (*10*)* feet.

(h) Space between buildings. There is no minimum space between buildings *unless the International Building Code or International Residential Code requires spacing between buildings.*

(6) Height.

(a) To implement the ambiance and scale of the TOD area, no building or structure shall be erected or altered to exceed the following dimensions:
1. In the TOD-N, the maximum building height shall be limited to a maximum of 52 feet or four stories; the minimum building height shall be *twenty (*20*)* feet or two

(2) stories. (See Illustration 30, TOD-N Height, and Illustration 35, Floor Heights by Story.)

2. In the TOD-C, the maximum building height shall be limited to a maximum of *seventy-six (*76*)* feet or six *(6)* stories; the minimum building height shall be *twenty-one(* 21*)* feet or two *(2)* stories. (See Illustration 31, TOD-C Height, and Illustration 35, Floor Heights by Story.)
3. In the TOD-D, the maximum building height shall be limited to a maximum of *one hundred (*100*)* feet or eight *(8)* stories; the minimum building height shall be *twenty-one (*21*)* feet or two *(2)* stories. (See Illustration 32, TOD-D Height, and Illustration 35, Floor Heights by Story.)

(b) Bonus height. As an incentive to include structured parking in new buildings and preserve and publicly dedicate parks and open space, additional bonus stories may be granted for only one of the following provisions:

1. Parking bonus. Within the TOD Districts, if structured parking is incorporated into the building, a parking height bonus of one *(1)* additional building story may be approved for every floor of parking, ranging from one *(1)* to four *(4)* additional stories in TOD-D and from one *(1)* to two *(2)* additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)
2. Preservation-of-open-space bonus. If public parks and/or plazas are dedicated and preserved within the TOD Districts, an open-space height bonus may be approved ranging from one *(1)* to four *(4)* additional stories in TOD-D and from one *(1)* to two (2) additional stories in TOD-C. (See Illustrations 33 and 34, Open Space and Parking Bonus Height, and Illustrations 36 and 37, Floor to Ceiling Heights.)

(c) Two-story minimum. A minimum building height of two *(2)* enclosed floors of use is encouraged for all new development and redevelopment in the TOD Districts. Alternatively, when two *(2)* enclosed floors of use are not warranted, the structure must be designed to support future upper-story construction and provide minimum twenty-three((-))*(23)* foot front facade emulating a two((-)) *(2)*story structure. (See Illustrations 38 and 39, Height Variations with Two-Story Building.)

(7) Any drive-through windows and stacking lanes in the TOD Districts shall be located at the rear of the building ((in mid-block and alley accessed locations)) provided they do not ((substantially disrupt)) *impede* pedestrian activity or surrounding uses.

(8) Outdoor dining shall be permitted on parcels ((fronting West Bel Air Avenue and US 40)) *in the TOD-C and TOD-D Districts* in locations that provide sidewalks of at least *twelve (*12*)* feet in width and maintain a minimum ten((-foot))*(10 feet)* pedestrian and landscape area.

(9) Landscaping.

(a) Street trees and/or environmental site design (ESD) planting areas are required along all public frontages and must meet applicable stormwater management requirements. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)

(b) The use of street trees or ESD planting areas are encouraged to match on both sides of the block.

(c) One *(1)* street tree shall be planted in the landscaped area for every *twenty-five (*25*)* feet of street frontage. The planting area for the street tree shall be located at back of curb, and shall be a minimum of four *(4)* feet by four feet in size. Minimum size of the planting area varies by sidewalk depth based on street frontage type. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)

(d) Within the TOD Districts, the types of street trees permitted shall be deciduous, ornamental or flowering trees of two-inch *diameter* ((caliper or greater at the time of planting diameter)) at breast height (DBH) *or greater at the time of planting* and minimum of eight *(8)* feet in height. Tree species should be appropriate for height constraints associated with any urban overhead utilities or other obstacles. Planting of native species is encouraged.

(e) ESD areas shall consist of areas located at the back of curb which are a minimum of four *(4)* feet by four *(4)* feet in size and shall be located at least *twelve (*12*)* feet apart. Maximum size varies by street frontage type, due to required sidewalk widths. (See Illustrations 25 and 26, Sidewalk Widths, Planting Areas and ESD.)

(10) Open space. Open space within the TOD Districts shall consist of areas designated for active recreation, passive recreation, plazas, pathways, passages, ((sidewalks, ESD and tree planting areas,)) conservation areas, and/or natural buffers as provided in Illustrations 25 to 29.

(11) Signage. Signs in the TOD Districts shall be one of the types shown in Illustration 44, Signage, and shall be consistent with the provisions of ((the Aberdeen Sign Regulations)) *this Chapter, Article VA Sign Regulations*.

(12) Parking. Parking requirements in the TOD Districts are eliminated to encourage walkability and accessibility to retail, commercial, business services, and transit uses.

M. *Critical Area Overlay District*

(1) The purpose of this district is to establish the area located within the critical area to protect the Chesapeake Bay and its tributaries, consistent with the Maryland Critical Area Act of 1984 and the Chesapeake Bay Critical Area Program. The Critical Area Overlay District shall follow the Harford County, Chapter 267 Zoning §63 Chesapeake Bay Critical Area Program, §63.1 Implementation, and § 63.2 Administrative enforcement as adopted and enforced.

(2) The State of Maryland has recognized the Chesapeake Bay as a treasured natural resource and one of the world's most productive and largest estuaries. The City of Aberdeen adopted Resolution No. 09-R-01 on April 27, 2009, to implement a Chesapeake Bay Critical Area Program and elected to follow Harford County's Critical Area Program to implement and enforce Critical Area regulations within its municipal boundaries.

(3) The City of Aberdeen hereby adopts the latest version of the Statewide Base Map for the Critical Area, as provided by the Maryland Department of Natural Resources and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays as the official boundary map for Critical Area lands within Aberdeen.

(4) The latest version of the Statewide Base Map reflects a revised delineation of Critical Area boundaries within the City of Aberdeen. The City acknowledges that the updated Critical Area boundary includes either newly affected properties or properties with expanded affected areas due to proximity to wetlands.

(5) The provisions of this District shall apply to all development and redevelopment activities within the designated boundaries as shown on the official map and shall apply to areas considered for annexation.

(6) Within the Critical Area, all land is assigned one of the following designations based on land use and development in existence on April 27, 2009.

a. Resource Conservation Area (RCA)

b. Intensely Developed Area (IDA)

(7) The Critical Area Map may be amended by the Aberdeen City Council in compliance with amendment provisions of the Chesapeake Bay Critical Area Act and Title 27 of the Code of Maryland Regulations.

(8) The City of Aberdeen shall administer and enforce these provisions through its Department of Planning and Community Development and shall refer to the Harford County Chesapeake Bay Critical Area Program § 267-63 for all regulatory standards, processes, implementation, and enforcement.

(9) All proposed applications for development, subdivision, and site plan that is located wholly or partially within the Chesapeake Bay Critical Area District are subject to the submission requirements in accordance with COMAR 27.03.01.04 regulations.

(10) The City of Aberdeen hereby adopts and incorporates by reference the Harford County Code § 267-63 Chesapeake Bay Critical Area Program, including all sections and definitions, as amended.

(11) The following requirements are applicable for all development activities within Aberdeen's Critical Area Overlay District unless otherwise provided in COMAR 27.03.01.04 regulations:

a. Building permit and zoning certificate requirements for development projects.

b. A one hundred (100) foot Critical Area buffer that is associated with a nontidal wetland of special state concern, tidal waters, tidal wetlands, and tributary streams. All other nontidal wetlands require a twenty-five (25) foot buffer.

c. Expansion of buffer zones up to one hundred (100) feet in Resource Conservation Areas (RCA).

d. Requirements for delineation of the minimum one hundred (100) foot buffer and buffer management plans in accordance with COMAR 27.01.09 regulations.

e. No variances or special exceptions shall be granted by the Board of Appeals unless all requirements have been met in accordance with COMAR 27.03.01.04 regulations.

f. Tree and shrub replacement standards and buffer re-establishment requirements per COMAR 27.01.09.

g. Mandates for the use of native species in landscaping.

h. Considerations for accommodations under the Americans with Disabilities Act (ADA).

i. Inclusion and protection of wildlife corridor systems and conservation easements.

j. Design standards for water-dependent facilities and erosion and sediment control measures.

(12) The following activities are prohibited uses within the designated Critical Area Overlay District.

a. Establishment or expansion of landfills.

b. Establishment of fuel storage tanks and facilities.
c. Establishment of hazardous waste facilities.

(13) The City shall be responsible for the issuance of building and grading permits, subdivision approvals, and other land use decisions within the Critical Area Overlay District after review by the State of Maryland Critical Area Commission Chesapeake and Atlantic Coastal Bays.

(14) All applications for development within the Critical Area Overlay District shall be reviewed by the City of Aberdeen's Department of Planning and Community Development for compliance with the standards incorporated herein.

(15) The properties located in the Critical Area Overlay District are identified on the map located in Attachment 3 – Appendix C, which is hereby adopted.

SECTION 5. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 235-20, 21, 22, 23, 24, 25, 26, 27, 29.C., and 30 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article IV, Provisions Applicable to All Districts, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article IV, Provisions Applicable to All Districts

§ 235-20 **General lot requirements.**

A. Every building ((hereafter created)) *constructed*, reconstructed, converted, moved or structurally altered shall be located on a lot of record, and in no case shall there be more than one principal building on one lot except as provided below.
   (1) Apartment buildings.
   (2) Commercial or industrial buildings.
   (3) Condominiums.
   (4) Office/research/educational or industrial.
   (5) Public, semipublic or institutional buildings.
   (6) Shopping or retail centers.
   (7) Retirement community.
   (8) Stacked townhouses.
   (9) Any other government-owned buildings.

B. Construction of any building or portion thereof outside of the buildable area of the lot shall not be permitted.

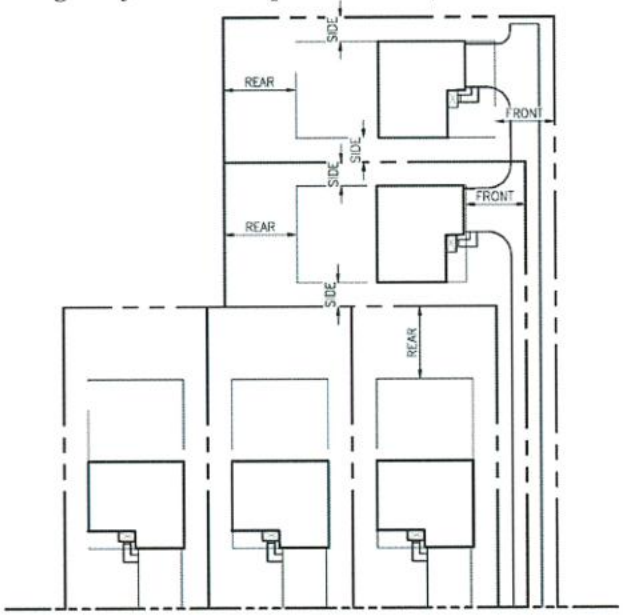
C. Access to public street.

(1) Every lot shall front on a public street and shall have the minimum width at the building setback line required for the zoning district.

(2) ((No panhandle lot shall be permitted.)) *Panhandle lots shall be permitted in all zoning districts to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access points to roads and streets, subject to the following requirements:*

(a) The panhandle shall abut a public road or street..

(b) The minimum width of a single panhandle shall be twenty-five (25) feet. The minimum lot area, lot width, and yard requirements for the zoning district are applicable to all panhandle lots. The dwelling shall be located on the panhandle lot so that the side yard abuts the adjoining rear yard of the dwelling that fronts on the public street. (See illustration below)



(c) Multiple adjacent panhandles (up to a maximum of four (4) allowed) shall have a minimum width of 12 ½ feet each.

(d) A common drive shall be constructed to serve any group of two (2) or more panhandle lots. Driveways for all panhandle lots shall access from the common drive.

(e) In all cases public water and sewer service shall end at the edge of the public right-of-way and will be extended to the public right-of-way at the cost of the property owner. No split water and sewer services will be allowed.

(f) All refuse receptacles will be taken to the public street for disposal.

(g) Where a common drive is required, the owner shall provide the City with a common driveway agreement, satisfactory to the City Attorney, which shall be applicable to all lots subject to the common drive plan. The agreement shall be approved by the City Attorney prior to the recordation of the final subdivision plat.

(3) With the exception of C.(2), all new dwellings will be constructed on an improved public street and have access to a sidewalk on either or both sides of the improved street in front of the ((residence))*dwelling.*

C. Sight triangle.

(1) Except in instances where traffic visibility is not impacted due to one-way traffic patterns, no sign, fence, wall, hedge, planting, structure, ((unit)) or other temporary or permanent obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, placed or maintained within the sight triangle of an intersection.

(2) Where an intersection is formed with a state *or county* road, ((state sight distance criteria shall also be applied. (See Appendix B.)) *any improvement to include sign, fence, wall, hedge, planting, structure, or other temporary or permanent obstructions will be erected outside of the designated right-of-way.*

(3) Poles, posts and ((guys))*guywires* for streetlights and other utility services shall not be considered obstructions to vision within the meaning of this subsection.

§ 235-21 **Lot area, width and yard requirements.**

Table I specifies the minimum lot area, width and yard requirements to be provided in the various residential zoning districts for the principal uses enumerated. Table II specifies the minimum lot area, width and yard requirements to be provided in the various commercial and industrial zoning districts for the principal uses enumerated. Table III specifies the minimum lot area, width and yard requirements for various institutional uses enumerated.

A. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create buildings or lots which do not comply with the requirements of this section.

B. Lack of public facilities. In any district where either a public water supply or public sanitary sewer is not accessible and where an acceptable community water supply and sewerage system is not provided, the required lot areas shall be determined in accordance with applicable State Department of Health and Mental Hygiene and Maryland Department of the Environment regulations, unless such regulations require a lot size less than the minimum otherwise specified for in the zoning district.

Table I: *Minimum* **Lot Area, Lot Width and Yard Requirements for Residential Districts**

Uses	**Lot Area (square feet)**	**Lot Width (feet)** *at Building Line*	**Lot Area Per Family**	**Front Yard Depth (feet)**	**Rear Yard Depth (feet)**	**Side Yards Least Width (feet)**	**Side Yards Sum of Widths (feet)**
Accessory dwelling unit, R-1					*10*	*15*	*30*
Accessory dwelling unit, R-2					*10*	*10*	*20*
Accessory dwelling unit, R-3					*10*	*7*	*14*
Age-restricted housing	*5,000*	*50*	*5,000*	*25*	*35*	*7*	*14*
Dwelling, accessory apartment			*500*		*20*	*10*	*20*
Dwelling, attached, R-2	*7,000*	*70*	*3,500*	*25*	*35*	*10*	*20*
Dwelling, attached, R-3	*6,000*	*60*	*3,000*	*25*	*35*	*7*	*14*
Dwelling, cottage cluster	*1,800*	*18*	*900*	*20*	*20*	*5*	*10*
Dwelling, detached, single-family, R-1	15,000	100	15,000	40	50	15	30
((Dwelling, detached, single-family, accessory apartment R-1))					((25))		

1

Uses	**Lot Area (square feet)**	**Lot Width (feet)** *at Building Line*	**Lot Area Per Family**	**Front Yard Depth (feet)**	**Rear Yard Depth (feet)**	**Side Yards Least Width (feet)**	**Side Yards Sum of Widths (feet)**
Dwelling, detached, single-family R-2	7,200	60	7,200	30	40	10	20
((Dwelling, detached, single-family, apartment R-2))					((20))		
Dwelling, detached, single-family R-3	5,000	50	5,000	25	35	7	14
((Dwelling, detached, single-family, accessory apartment R-3))					((20))		
Dwelling, duplex R-2	9,000	80	4,500	30	40	14	28
Dwelling, duplex R-3	7,000	70	3,500	25	35	12	24
((Dwelling, apartments R-3))	((7,500))	((75))	((2,500))	((25))	((35))	((10))	((25))
Dwelling, garden apartment	*9,600*	*120*	*2,400*	*30*	*40**	*20**	*40**
Dwelling, high-rise apartment	*12,800*	*100*	*1,200*	*35*	*35**	*25**	*50**
Dwelling, mid-rise apartment	*12,800*	*120*	*1,600*	*30*	*30**	*20**	*40**

2

1

Uses	**Lot Area (square feet)**	**Lot Width (feet)** *at Building Line*	**Lot Area Per Family**	**Front Yard Depth (feet)**	**Rear Yard Depth (feet)**	**Side Yards Least Width (feet)**	**Side Yards Sum of Widths (feet)**
Dwelling, neighborhood apartment	*7,500*	*75*	*2,500*	*25*	*35**	*20**	*40**
Dwelling, stacked townhouse	2,100	24	2,100	25	35	0	0
Dwelling, townhouses, per unit R-3, for interior units	2,000	20	2,000	25	35	0	0
Dwelling, townhouses, per unit R-3, for end units	2,000	24	2,000	25	35	15	30
Dwelling, triplex	*2,000*	*24*	*0*	*25*	*35*	*15*	*30*
Dwelling, quadplex	*2,400*	*50*	*0*	*25*	*35*	*12*	*24*
Dwelling, zero lot line R-2	5,500	55	5,500	30	40	0	25
((Dwelling, zero lot line R-3))	((4,500))	((50))	((4,500))	((25))	((35))	((0))	((20))

2 **See § 235-30 Landscaping, outdoor lighting and buffer yards.*

Table II: *Minimum* **Lot Area, Lot Width and Yard Requirements for Commercial, Industrial and Integrated Business Zoning Districts**

Uses	Lot Area (acres)	Lot Width (feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Widths (feet)
B-1	N/A	50	25	25*	*	*
B-2	N/A	50	5	10*	*	*
B-3	N/A	50	5	25*	*	*
M-1	1	200	50	50*	25*	50*
((M-2))	((1))	((200))	((50))	((50*))	((30*))	((70*))
IBD	N/A	N/A	25	25*	10*	20*

*See § 235-30 Landscaping, outdoor lighting and buffer yards.

Table III: *Minimum* **Lot Area, Lot Width and Yard Requirements for Specific Institutional Uses**

Uses	Lot Area (acres)	Lot Width (feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Widths (feet)
Churches R-1	3	200	40	50*	25*	50*
Churches R-2	3	200	30	40*	25*	50*
Churches R-3	3	200	25	40*	25*	50*
Schools	3	200	40	50*	25*	50*

**See § 235-30 Landscaping, outdoor lighting and buffer yards.*

C. Transit Oriented Development District. ((This section is not applicable within the Transit Oriented Development Districts))*Refer to § 235-18 Zoning districts and boundaries. L. Transit Oriented Development District.*

§ 235-22 **Minimum floor area.**

A. Every dwelling unit shall have a floor area not less than the area specified in Table IV for the dwelling type and zoning district in which it is located.

B. Floor areas shall be measured from outside walls enclosing usable finished floor space and shall not include unfinished basements, cellars, garages, unfinished attic space, attached storage buildings, open porches or steps.

Table IV: Minimum Floor Area Requirements for Dwelling Units

Dwelling Type (square feet)	***Area Required Per Unit***
Accessory dwelling unit	*500*
Apartment accessory to commercial use	*500*
Dwelling, accessory apartment	*500*
Dwelling, attached	*700*
Dwelling, cottage cluster	*500*
Dwelling, detached, single-family R-1	*1,200*
Dwelling, detached, single-family R-2	*900*
Dwelling, detached, single-family R-3	*720*
Dwelling, duplex R-2	*900*
Dwelling, duplex R-3	*720*
Dwelling, garden apartment	*600*
Dwelling, high-rise apartment	*500*
Dwelling, mid-rise apartment	*500*
Dwelling, neighborhood apartment	*600*
Dwelling, stacked townhouse	*900*
Dwelling, townhouse	*900*
Dwelling, triplex	*700*
Dwelling, quadplex	*500*

C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.

D. Dwellings located in other than residential zoning districts shall comply with the minimum floor area requirements ((of the R-3 Residential District unless otherwise noted)) *for the dwelling type*.

E. Any permitted accessory apartment shall not exceed 50% of the above grade living area of the principal use or structure as shown in the records of the Maryland Department of Assessments and Taxation.

§ 235-23. **General yard requirements.**

A. Front yard depth. The minimum front yard depth, shall be measured in the following manner:

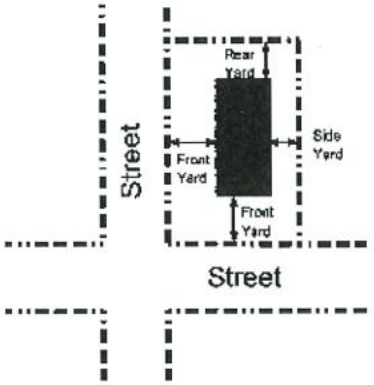
(1) From the proposed or established public road right-of-way line.

(2) In the case of panhandle lots, the front yard setback shall be measured along the property line that most closely parallels the street to which the panhandle connects.

(3) Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the

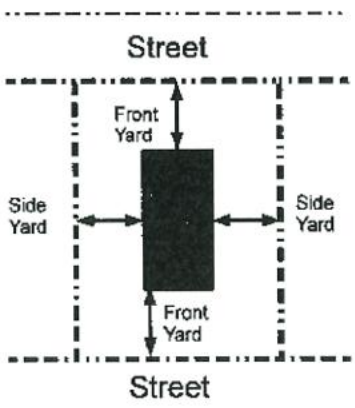
narrowest point is not less than 80% of the minimum yard requirement for the zoning district.

B. ((A.))Corner lots. ((The same front yard depth shall be required of both front lot lines))*All yards of a lot that abut a street must comply with the applicable front yard setback.*



CORNER LOT

C. ((B.)) Through lots. The same front yard depth shall be required of both front and rear lot lines.



THROUGH LOT

D. ((C.)) Side and rear yard depth. The minimum side and rear yard depth shall be measured in the following manner:

(1) ((Perpendicularly from rear or side lot lines a)) *A*t the closest points to the proposed *improvement* or existing structure.

(2) For any project without individual lots, the side and rear yard shall be measured along the boundaries of the parcel.

(3) When measured from an alley, ½ of the alley width may be included as a portion of the rear or side yard.

E. ((D. For irregular lots, the front, rear and side yard widths shall be measured from the portion of structure closest to the lot line.))*Irregular lots.*
(1) The rear yard shall be measured from the portion of the structure closest to the lot line.
(2) The front yard may be measured from the portion of the structure closest to the lot line or in accordance with § 235-23. A. (3).
(3) The side yard may be measured from the portion of the structure closest to the lot line or may be averaged. Side yard averaging may be utilized where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise required minimum width, provided that such yard shall not be narrower at any point than ½ the otherwise required minimum width or narrower than three (3) feet in all cases. Any minor offset, broken or irregular part of a structure which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not included in the computation of the average side yard width.
(4) The Zoning Administrator will make a determination based on the information presented for a building permit application if there are any questions regarding irregular lot measurements.

F. Additions to the principal dwelling must comply with the setback requirements for the zoning district.

G. ((E.)) Exceptions and modifications to minimum *yard* requirements ((for projections into yards)). *Recorded easements may restrict the location of these improvements.* The following structures ((shall be allowed to project)) may *encroach* into the minimum required yard setback not to exceed the following dimensions:

(1) Awnings, canopies, cornices, eaves or other architectural features: three *(3)* feet.

(2) Bay windows, balconies, chimneys ((, porches)): ((three)) *five (5)* feet.

(3) Stairs or porches covered or uncovered and necessary landings: ((six)) *ten (10)* feet.

(4) Patios and decks *both enclosed and unenclosed* ((not enclosed not exceeding 240 square feet may extend 15 feet into)) *may be constructed within ten (10)* feet *of* ((into))the rear yard ((setback))*lot line. The side yard setback requirements are determined by the zoning district. A gazebo or pergola may be added to a deck or patio but must meet all building code requirements.*

(5) Corner lots may have additional restrictions due to sight distances from the intersecting streets and will require an on-site inspection from the Department of Planning and Community Development before approval.

(6) Handicap ramps will be permitted but exempt from setback requirements.

(7) Outdoor dining areas shall be permitted to encroach up to, but not to exceed, 50%, of the side, rear or front yard setback requirement for the B-1, B-2, B-3, M-1, and IBD districts.

(8) Electric vehicle charging stations shall be permitted to encroach up to, but not to exceed, 50% of the front, side or rear yard setback for the district.

H. ((*F.*)) Fences may be located in required yards in accordance with the following:

(1) Residential zoning districts.

(a) Front yards. Fences shall not exceed four *(4)* feet in height above ground elevation. No walls or chain-link fences are permitted in the front yard.
(b) Rear and side yards. Fences shall not exceed six *(6)* feet in height above ground elevation and may be located in any rear or side yard.
(c) *Due to sight distances from the intersecting streets, corner lots will require an on-site inspection from the Department of Planning and Community Development before approval.*
(d) All fences will be constructed with the finished side facing the neighboring parcel or the street.
(e) The use of barbed wire shall not be permitted in any residential district.
(f) Stormwater management facilities are required to be fenced and gated in accordance with stormwater management regulations. In residential districts, the fencing shall be approved by the Aberdeen Department of Public Works and will complement the architectural features of the neighborhood.
(g) All fences shall be maintained in ((a structurally sound manner))*good repair*.
(h) No temporary or permanent fence materials will be permitted to extend above the height of the fence.
(i) The property owner and/or fence installer shall be responsible for correctly locating property boundaries, easements, and established rights-of-way.

(j) Fences are permitted in forest conservation easement areas as long as the area is not disturbed and the fence material is wood.

(2) Commercial, or industrial zoning districts.

(a) Chain-link security fences not exceeding a total of eight *(8)* feet in height above the elevation of the surface may be located around commercial or industrial structures located in any commercial or industrial district or around any public utility substation.
(b) A barbed-wire guard not exceeding two *(2)* feet in vertical height may be added to such a fence, provided that no barbed wire may be placed less than eight *(8)* feet from the ground.
(c) The property owner and/or fence installer shall be responsible for correctly locating property boundaries.

(3) In the Integrated Business District (IBD) and Transit Oriented Development Districts (TOD):

(a) No front yard fences shall be permitted.
(b) No fences higher than six (6) feet are allowed in the side and rear yards beginning at the rear corner of the principal structure.
(c) All fences shall be maintained in good repair.
(d) Any fence located around a stormwater management facility, recreational fields, City-owned structures, public utilities, or dumpster enclosure are exempt from these requirements.
(e) The property owner and/or fence installer shall be responsible for correctly locating property boundaries.

I. Retaining Walls.

(1) A building permit shall be required for any retaining walls over four (4) feet in height measured from the bottom of the footing to the top of the wall. Plans shall be prepared by a professional engineer registered in the State of Maryland. Inspections will be required in conjunction with the approved building permit and plans.
(2) Retaining walls that meet the following requirements shall be exempt from these standards:
(a) Retaining walls less than four (4) feet in height.
(b) Retaining walls designed as part of a public capital improvement project.
(3) Standards and requirements.
(a) All retaining walls shall be located on private property and shall be built with the consent of the property owner, including Homeowner Associations, where applicable. The property owner and/or retaining

wall installer shall be responsible for correctly locating property boundaries.

(b) Retaining walls located near intersecting streets shall not be located in the sight distance triangle as referenced in § 235-23 H., in order to provide a reasonable degree of traffic visibility.

J. Sight distance triangle to provide visibility at intersections.

(1) No sign, fence, wall, hedge, planting or other visual obstruction erected, planted, or maintained in a corner lot shall extend more than three (3) feet above grade.

(2) The sight triangle is measured twenty-five (25) feet back from the intersecting streets.

((G.)) ((Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.))

§ 235-24 General height requirements.

A. Residential zoning districts.

(1) Requirements in the R-1 Zoning District:

(a) No principal structure shall exceed *forty (*40*)* feet in height.

(b) No accessory structure shall exceed *twenty (*20*)* feet in height.

(2) Requirements in the R-2 Zoning District:

(a) No principal structure shall exceed *forty (*40*)* feet in height.

(b) No accessory structure shall exceed *twenty (*20*)* feet in height.

(3) Requirements in the R-3 Zoning District:

(a) No principal structure shall exceed *fifty (*50*)* feet in height, except ((for)) *that garden apartments, mid-rise apartments, high rise apartments and* ((except for)) stacked townhouses ((which)) *may have a maximum height of ninety (90) feet* ((, regardless where located in the district stacked townhouses that shall not exceed 80 feet in height)).

(b) No accessory structure shall exceed *twenty* (20) feet in height.

B. Commercial and industrial zoning districts.

(1) Except as provided in Subsection C(1), buildings and structures shall not exceed *sixty* (60) feet in height in any B Districts.

(2) Except as provided in Subsection C, buildings and structures shall not exceed *sixty* (60) feet in height in an industrial district.

(3) The following residential uses permitted in the B-1, B-2, and B-3 Districts may have a maximum height of 90 feet: garden apartments, mid-rise apartments, and high-rise apartments.

(4) Neighborhood apartments permitted in the B-1, B-2, and B-3 Districts shall not exceed 40 feet in height.

C. Exceptions and modifications to maximum height requirements.

(1) General exceptions. The building height limitations shall not apply to the following:

(a) Fire or parapet walls, cell towers, steeples, flagpoles, *public utility structures,* and radio and television antennas.

(b) Bulkheads, roof structures, water tanks, ventilating fans or similar mechanical equipment required to operate and maintain the building.

(c) ((Integrated Business District.

(d) Transit Oriented Development Districts.))

(e) *(c)* Hospitals.

(d) City-owned buildings and structures, schools, activity or community centers, colleges, or stadiums.

(2) General modifications in industrial districts. Grain elevators, gas holders, and other similar structures may have a maximum height of *one hundred and twenty-five* (125) feet. Whenever any building or structure adjoins or abuts a residential district, such building or structure shall not exceed *sixty* (60) feet in height unless set back one *(1)* foot from all required lot lines for each foot of additional height above *sixty* (60) feet.

D. Integrated Business District and Transit Oriented Development Districts. The height requirements for these districts are provided in §

235-18 J. Integrated Business District and § 235-18 L. Transit Oriented Development Districts.

§ 235-25 Off-street parking and loading requirements.

A. ((Generally. No structure shall be erected, substantially altered, or its use changed unless permanent off-street parking and loading spaces have been provided in accordance with this chapter. In the I-95 and Downtown Revitalization Overlay Districts and the Integrated Business District, the special parking provisions described therein will apply unless noted otherwise for specific uses. Parking requirements are specified for particular uses in Subsection B of this section. Issuance of any building permits or use and occupancy certificates shall not be granted until a plot plan showing such off-street parking as is herein required is submitted and approved by the Zoning Administrator. The number of parking spaces required shall be based on the gross floor area of the use, excluding incidental storage, mechanical areas, preparation areas, and common areas such as public corridors, stairwells, and elevators.)) *Purpose. The purpose of this Section is to ensure the provision of adequate, safe, and convenient parking facilities while reducing visual impacts of parking, service and loading facilities.*

((1)) ((Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot.))

(1) To regulate the number of required off-street parking spaces for the needs and safety of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly.

((2)) ((Each required off-street parking space shall measure a minimum of nine feet in width by 18 feet in length. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA).))

(2) To minimize environmental impacts and promote sustainable practices by eliminating the unnecessary use of land for parking purposes.

(3) To promote mixed-use, walkability and reduce vehicle dependency for all redevelopment and new development projects located in the TOD and IBD Districts.

B. *Parking and loading requirements.*

(1) A sufficient number of parking spaces to accommodate the number of vehicles that would utilize a specific use shall be provided in all zoning districts. Parking requirements are specified for particular uses in Subsection C of this section.

(2) The number of parking spaces required shall be based on the net or gross floor area as defined in § 235-7 depending on the use.

(3) ((1))*Parking of vehicles in areas other than a driveway, garage, parking pad, parking lot or other City-owned public parking area shall be prohibited. On street parking will be permitted on all public streets unless it is restricted with official signage.* ((Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot.))

(4) ((2))Each required off-street parking space shall measure a minimum of nine *(9)* feet in width by *eighteen (*18*)* feet in length. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA). *Parallel spaces shall measure a minimum of eight (8) feet in width by twenty-two (22) feet in length.*

(5) ((3))In the B-1, B-2, and B-3 Districts, all commercial vehicles owned or possessed by an owner of property or the owner's tenants, including vehicles used in connection with a business on the property, must be parked in the rear of the property.

(6) ((4))All parking areas, loading areas and driveways shall be constructed of concrete or bituminous materials *unless the pervious surface is approved by the Director of Public Works and Planning Commission.*

(7) ((5))((All parking areas shall be marked to provide orderly and safe loading, parking, and storage.)) *All parking areas and lots shall be brought to minimum standards prior to issuance of a certificate of occupancy for any business use. Minimum standards include, but are not limited to landscaping, surface repairs, markings, curbing, bumper strips, safe pedestrian access, lighting, and signage as required by the Director of Planning and Community Development.*

(8) ((6))Parking lot landscaping requirement: 10% of the required parking area shall be landscaped. The parking area shall be set back a minimum of five *(5)* feet from collector road rights-of-way and *ten (*10*)* feet from arterial road rights-of-way. A landscape plan will be required and prepared by a licensed landscape architect and submitted to the Department of Planning and Community Development for review and approval.

(9) ((7))Common residential parking areas shall include access into adjoining properties.

(10) ((8))Two access points are required for more than ((100)) *40* residential dwelling units and hotels with more than ((100)) *60* rooms. *Unless there is complete vehicle access around the hotel so that*

emergency crews and equipment can access around the hotel from two directions. That is subject to review by the fire department to verify adequate clearance, turning radius or other concerns.

(11) ((9))The parking lot lighting shall be directed downward and not onto adjacent properties.

(12) ((10))Drive aisle widths shall be a minimum of *twenty-four (24)* feet in width.

(13) ((11))((Shared parking facilities may be allowed after reviewing the different uses within an individual building or adjacent buildings or properties located within 500 feet of the subject property's boundaries based on a parking impact study provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. If approved, a shared parking plan shall be enforced through written agreement and approved by the Zoning Administrator.

(a) Agreement for shared parking plan. A draft copy of the agreement between the owners of record shall be submitted to the Zoning Administrator, who shall forward a copy to the City's legal counsel for review. After approval, the agreement shall be recorded in the land records of Harford County and a copy presented to the Zoning Administrator prior to issuance of a certificate of occupancy. The agreement shall:

1) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
2) Provide a legal description of the land;
3) Include a site plan showing the area of the parking parcel;
4) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
5) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
6) Ensure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;
7) Describe the obligations of each party, including the maintenance responsibility for the parking area and any open space;
8) Incorporate the parking impact study by reference; and
9) Describe the method by which the covenant shall, if necessary, be revised.

10) Change in use. Should any of the shared parking uses be changed, or should the Zoning Administrator find that any of the conditions described in the approved parking impact study or agreement no longer exist, the owner shall have the option of submitting a revised parking impact study and an amended shared parking agreement in accordance with the standards of this subsection, providing the number of spaces required for each use as if computed separately.

11) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this chapter and shall specifically be cause for revocation of a certificate of occupancy.))

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

(a) The underlying zoning of the other property permits parking for the principal use of the site being developed.

(b) There is adequate parking to meet the parking requirements for all uses served by the parking.

(c) The shared parking area is located less than 500 feet from the entrance of the primary building located on the site being developed.

(d) The shared parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the land records of Harford County. The agreement shall be reviewed and approved by the City Attorney before it is recorded. All shared parking agreements must also contain a provision for maintenance of the parking area.

(e) The parking area must have safe vehicular and pedestrian access from the shared parking area to the subject property.

(f) The required parking area shall be paved with an impervious surface.

(g) Parking for residential uses shall be clearly designated.

(14) ((12)) General requirements for parking lot/driveway design, construction, and maintenance are as follows:

* * *

C. ((B))Parking space requirements. ((When determination of the number of required parking spaces results in a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as one parking space.)) Unless otherwise provided, the following off-street parking space requirements shall apply:

Required Off-Street Parking by Use/Activity

Use or Use Category	**Spaces Required** ((Per Unit))
Accessory dwelling unit	*1 space per dwelling unit*
Age-restricted housing	2 spaces per dwelling unit
Apartment accessory to a commercial use	((1.5)) *1* ((spaces)) *space* per dwelling unit
((Apartment accessory to primary residence	1 space per dwelling unit))
((Apartments/condos	
1 bedroom	1.5 spaces per dwelling unit
2 bedrooms	2 spaces per dwelling unit
For each bedroom over 2	1 space per bedroom))
Assisted living facility	1 space per staff and 1 space per 3 residents
Bed-and-breakfast *inn*	*1 space per family members residing in the dwelling and* 1 space per room or unit which is rented ((plus 1 space per employee))
Continuing care facility	1 space per staff and 1 space per 2 residents
Day care (family)	2 spaces per dwelling unit plus 1 space per employee
Dwelling, detached, modular	2 spaces per dwelling unit
Dwelling, detached, single-family	2 spaces per dwelling unit
Dwelling, attached, single-family (duplex and townhouse)	2 ((.5)) spaces per dwelling unit
Dwelling, cottage cluster	*1 space per dwelling unit*
Dwelling, garden apartment	*1 space per dwelling unit*
Dwelling, high-rise apartment	*1 space per dwelling unit*
Dwelling, mid-rise apartment	*1 space per dwelling unit*
Dwelling, neighborhood apartment	*1 space per dwelling unit*
Dwelling, stacked townhouse	((2.5)) *2* spaces per dwelling unit
Dwelling, townhouse	*2 spaces per dwelling unit*
Dwelling, triplex	*2 spaces per dwelling unit*

Dwelling, quadplex	*2 spaces per dwelling unit*
Halfway house	1 space per staff person and 1 space per 2 residents
Personal care home	3 spaces per every 5 beds
Retirement community	*See Continuing care facility*
Commercial	
Agricultural machinery sales and service	1 space per 200 square feet of retail area plus 1 space per 800 square feet of storage area
((Athletic facilities or clubs (indoor)	1 space per 200 square feet of gross floor area))
Auction house	1 space per 6 seats or 1 space per 400 square feet, whichever is greater
Automobile or boat sales/rental	1 space per 300 square feet of gross floor area (excluding storage areas)
Automobile car wash	1 space per 2 employees plus 7 stacking spaces per washing lane
Automobile repair shop	1 space per 100 square feet for the station, minimum of 8
((Automotive painting and body work	1 space per 200 square feet of gross floor area))
((Banks or financial institutions with or Without drive-through facilities	1 space per 300 square feet of gross floor area without drive-through facilities and stacking for 4 vehicles at each drive-through lane or automated teller machine (ATM))
Banquet facility	1 space per 3 ((seats, plus 1 space per every 1.5 Employees)) *persons permitted under the State Fire Code*
Brewery, micro	*1 space per 3* ((patron seats plus 1 space per employee)) *persons permitted under the State Fire Code*
Brewery, production	*1 space per 300 square feet of gross floor area plus1 space per each full-time employee*

Brewpubs	1 space per 3 ((patron seats plus 1 space per employee)) *persons permitted under the State Fire Code*
Business services	1 space per 200 square feet of gross floor area, plus 1 space per each full-time employee
Bus station, train station, taxi depot and transit center	1 space per 200 square feet of gross floor area, minimum of 10 spaces per facility
Cannabis dispensary	*1 space per 50 square feet of gross floor area*
CBD shop	*1 space per 50 square feet of gross floor area*
Cannabis grower	*1 space per employee*
Cannabis processor	*1 space per employee*
Catering services	*1 space per employee*
Class A self-storage facility	*1 space per employee*
Coliseums, ((arenas,)) stadiums and ((sports camp)) *accessory dormitory*	1 space per 4 seats (restaurant/banquet/retail to be treated separately) *and 1 space per 2 beds for dormitory*
Commercial, amusement, entertainment ((and)), recreational facilities, *and sports camps*	1 space per 300 square feet of gross floor area of any building; golf course, 4 spaces per hole; bowling alley, 4 spaces per lane
Conference center	1 space per 4 seats (restaurant/banquet to be treated separately)
Construction services and suppliers	1 space per 200 square feet of retail area, plus 1 space per ((800 square feet of storage area)) *full-time employee on site*
Convenience retail establishment with accessory fuel pumps	1 space per 300 square feet of gross retail floor area plus 2 stacking spaces per side of each fuel pump island
Creamery	*1 per 3 seats plus 1 per employee*
Day-care center (group)	1 space per employee and 1 space per 10 children/students

Day spa	1 space per 100 square feet of gross floor area
Dental office	5 spaces per dentist
Distillery, full and limited	*1 space per 3 persons permitted under the State Fire Code*
((Dormitory	1 space per 2 beds))
Financial institutions (banks, credit unions, and check cashing establishments)	*1 per 300 square feet of gross floor area and stacking for 4 vehicles at each drive-through lane*
Fortune-telling	1 space per 200 square feet of gross floor area *plus 1 space per each employee*
Fuel storage facility	1 space per each employee at largest shift
Funeral ((home)) *establishment*	1 space per 100 square feet of ((gross floor)) *viewing* area
Gas station	*2 spaces per gasoline pump and 1 space per 300 square feet of gross floor area*
Gourmet food establishment	*1 space per 200 square feet of gross floor area, excluding storage area*
Greenhouse/nursery	4 spaces per 1,000 square feet of gross floor area
Heliports and helistops	((1 space per pilot and passenger)) *None Required*
Hotel, full-service/motel	1 space for every room plus 2 spaces for each management staff (restaurant/banquet/retail in motel/hotel to be treated separately)
Kennel	1 space per 200 square feet of gross floor area
Liquor store	1 space per ((200)) *50* square feet of gross floor area
((Medical cannabis dispensary	1 space per employee at largest shift))
((Medical cannabis grower	1 space per employee at largest shift))
((Medical cannabis processor	1 space per employee at largest shift))

Medical services – *clinic, doctor's office, hospital, laboratory, and urgent care*	5 spaces per doctor, *1 space per 2 beds, and 1 space per 200 square feet of gross floor area excluding storage areas*
Medical spa	*1 space per 200 square feet of gross floor area*
((Microbreweries	1 space per 3 patron seats plus 1 space per employee))
Mini ((warehouse facilities)) *warehousing*	1 space per employee
Mobile home sales office	1 space per 300 square feet of gross floor area
Movie theaters	1 space per ((4)) *3 patron* seats
((Nightclubs, lounges, bars and taverns	1 space per 3 persons permitted under the State Fire Code))
Office building	1 space per 300 square feet of gross floor area
Open-air market (farm, craft and produce markets)	1 space per 200 square feet of lot area used for storage, display or sales
Personal services	1 space per 200 square feet of gross floor area
Pet day care services	*1 space per employee*
Pet store	1 space per 200 square feet of gross floor area
Pharmacy with or without drive-through facilities	1 space per 200 square feet of gross floor area and stacking for 4 vehicles at each drive-through lane
Radio and television station	1 space per employee at largest shift plus 4 visitor spaces
Restaurant	1 space per 3 patron seats plus 1 space per employee at largest shift and 2 spaces for carry-out service (if needed)
Restaurant with drive-through facility	1 space per 3 patron seats plus 1 space per employee at largest shift and 7 stacking spaces for drive-through window
Retail, *commercial stores* ((uses (unless specified otherwise))	1 space per 200 square feet of retail sales area
Shopping center*s*	*1 space per 250 square feet of gross leasable floor area*
((Under 400,000 square feet	4 spaces per 1,000 square feet))
((400,000 to 599,999 square feet	4.5 spaces per 1,000 square feet))

((600,000 square feet and above *Tobacco Shops*	5 spaces per 1,000 square feet)) *1 space per 50 square feet of gross floor area*
Tattoo parlors	1 space per 200 square feet of gross floor area
Truck repair, truck service station, or truck terminal	1 space per 200 square feet of gross floor area
Veterinary services	1 space per 300 square feet of gross floor area
Warehouse establishments	1 space per employee at largest shift
Welding and metal fabrication	1 space per 200 square feet of gross floor area
Wholesale establishments	1 space per employee at largest shift
Industrial	
Any manufacturing use	1 space per employee at largest shift *and on-site parking as necessary to accommodate traffic generated by the use*
Institutional	
Art galleries	1 space per 400 square feet of gross floor area designated for public use
Auditoriums/lecture halls/convention centers	1 space per 3 persons based on designed capacity of building
Club, nonprofit	*1 space per 3 persons permitted under the State Fire Code*
Club, private	*1 space per 3 persons permitted under the State Fire Code*
Club, recreational	*1 space per 3 persons permitted under the State Fire Code*
Community center	((1 space per 250 square feet of gross floor area))*1 space per 3 persons permitted under the State Fire Code*
Emergency medical service, fire station or police station	1 space per employee on largest work shift

Homeless shelter	*1 space per employee plus parking for vans or buses serving the shelter*
Hospital, nursing and other medical treatment or skilled care facilities	1 space per inpatient and/or outpatient bed plus 2 spaces per 3 employees on the largest work shift plus 1 space per staff doctor
Libraries and museums	((1 space per 400 square feet of gross floor area for public use)) *1 space per 250 square feet of gross floor area or 1 per 4 seats, whichever is greater*
Places of religious worship and affiliated schools	1 space per 3 seats in the main chapel plus 1 space for each teacher
Public or governmental buildings	1 space per employee at largest shift and designated visitor spaces
Public utilities	1 space per employee at largest shift ((and designated visitor spaces))
Schools, colleges and universities, elementary and secondary, trade and vocational	1 space per 3 college or university students; 1 space per every 6 high school students; 1 space per every 15 elementary students
((Social or fraternal clubs, lodges, union halls and similar uses))	((1 space per 3 persons permitted under Fire Code))
Warming Center or Station	*1 space per employee plus parking for vans or buses serving the shelter*

D.((C.)) Off-street loading areas.

(1) Any use which regularly receives deliveries or shipments must provide off-street loading areas in accordance with the requirements specified below.

(2) Retail uses, industrial uses, warehouses, and hospitals. Every retail establishment, industrial use, warehouse, or hospital having a gross floor area of 6,000 square feet or more shall provide minimum off-street loading facilities as follows:

Gross Floor Area of Building (square feet)	**Number of ((Spaces Required))***Berths*
((1,000 to 19,999)) *6,000 to 24,999*	1
((20,000)) *25,000* to 79,999	2
80,000 to 127,999	3
128,000 to ((191,999)) *197,999*	4
((192,000)) *198,000* to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7
392,000 and more	8

((Minimum dimensions of 12 feet by 55 feet and overhead clearance of 14 feet from street grade are required.))

(3) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from public rights-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space, parking lot aisle or pedestrian way.

(4) No loading and unloading areas may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading.

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

E. ((D.))((Parking and loading space reduction. A request for a reduction in the number of required parking or loading spaces may be made by filing an application for a waiver with the Zoning Administrator. Upon receipt of an application for a parking or loading space waiver, a public hearing shall be scheduled before the Board of Appeals. A waiver or reduction of the parking and loading requirements in any district may be permitted by the Board of Appeals whenever the character or use of the building is such as to make full provision of the specific parking and loading requirements unnecessary, or where adequate community loading facilities are provided on site, or where, due to problems of access or to the size of the lot, the provision of the required loading spaces is impractical.

(1) In permitting such a waiver for new construction, the Board of Appeals must find the following:
  (a) The requirements for parking and loading would result in particular or exceptional difficulties upon the owner of such property; and
  (b) Such relief can be granted without substantial impairment of the intent or purpose of this section.
(2) In permitting such a waiver for existing buildings, the Board of Appeals must find the following:
  (a) The proposed new use of the building would normally require fewer spaces than the prior use;
  (b) The reduced number of spaces will be adequate to accommodate the proposed use; and
  (c) Any such reduction in required spaces shall be restricted to such proposed new use only and shall not operate to permit a later occupancy of such building if the use is substantially changed or enlarged, unless approved by the Board of Appeals.
(3) A copy of the Board of Appeals decision on any approved parking and loading space reduction shall be attached to the building permit and/or any certificate of occupancy permit.))

There are no off-street parking requirements for the Transit Oriented Development Districts.

F. Parking standard modifications. The off-street parking requirements for any given use is established by § 235-2.C. Parking space requirements. The Planning Commission, may:

(1) Recommend a modification of the parking space requirements if they determine that, in the particular case, the specific nature of the use or the exceptional shape or size of the property or other exceptional situations or conditions warrant such a modification. Such a modification shall not reduce the number of parking spaces to less than 50% of the required spaces. This reduction may be taken with a recommendation from the Planning Commission and approval from the City Council.

(2) If pedestrian access, bicycle access and parking or connections to multi-modal transportation are provided on site from the public right-of-way to the primary building, the required parking standards may also be reduced by up to 10%. This reduction may be taken with a recommendation from the Planning Commission and approval from the City Council.

§ 235-26 **Outdoor storage.**

A. Outdoor storage in commercial, industrial, *IBD,* and TOD districts must meet the following requirements:

(1) Outdoor storage areas must be surrounded by a uniformly finished fence or wall not to exceed the height of the building.

(2) Such wall or fence shall be maintained in good repair.

(3) The items being stored within the wall or fence shall not exceed or be stacked to exceed the height of the wall or fence.

(4) Storage of cars and trucks used in connection with the permitted trade or business shall be permitted without restriction.

(5) Trailers for storage or shipping containers shall be prohibited.

(6) Construction services and suppliers as defined in § 235-7 of this Chapter may store any equipment or supplies associated with the business within a wall, fence, or behind an on-site building so long as the equipment or supplies does not exceed the height of the wall, fence, or building.

B. Storage of construction equipment is not permitted in the R-1, R-2, R-3, B-1, IBD or TOD Districts.

C. Temporary storage containers or similar storage units shall be permitted for no more than 30 days with an approved building permit.

D. Storage lots for abandoned vehicles, junk vehicles, tractor trailers, trailers, or any other registered vehicle are prohibited in all zoning districts.

§ 235-27 Accessory uses and other restrictions.

A. Generally. Except as otherwise restricted by this chapter, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. *A building permit is required for accessory uses and structures, short-term guest occupancy and temporary occupancy created by a hardship or emergency of a recreational vehicle as provided in § 235-27 I. (2).(g) and (i).*

B. No accessory use *or structure* shall be permitted without a principal use.

C. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.

D. No accessory use or structure shall increase any impervious surface area beyond the ((maximum)) permitted *setback requirements or as provided in other sections of this Chapter*.

E. No accessory use or structure on any lot shall be established within the required front yard, except signs, fences, walls or parking area, and projections or garages as specified in the exceptions and modifications to minimum yard requirements.

F. No accessory use or structure, except fences, shall be located within any recorded easement area.

G. An accessory structure shall be located at least six *(6)* feet from any other building on the same lot and at least six *(6)* feet from side and rear property lines.

H. Accessory uses in residential districts. The following accessory uses *or structures* shall be permitted in residential districts:

(1) For the purpose of this section, accessory structures are detached garages, pole-barns, gazebos, pergolas, carports, and sheds. Accessory uses would be in ground and above ground swimming pools, fences, retaining walls, decks, porches, and patios.

((1)) *(2)* Swimming pools shall be located not less than *ten (*10*)* feet from any side or rear lot line. A walk space at least three *(3)* feet wide shall be provided around pool walls, and a safety fence with self-closing gate at least four *(4)* feet in height shall be installed. In the case of aboveground pools more than three *(3)* feet in height above the yard surface, no fence is required. If the swimming pool is located within the side yard it must be fully screened *with a fence or hedge* from adjacent properties and streets.

(1) *(3)*The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or person engaged in a home occupation as defined herein, provided that the individual concerned resides on the premises and that not more than 25% of the entire floor space on the lot shall be used for such purpose.

(2) *(4)*A private detached garage not exceeding 1,200 square feet.

(3) *(5)*The keeping of small animals, insects, reptiles, fish, or birds as pets or for household use and not as a business shall be permitted. The

breeding, raising, or possessing of poultry or farm animals shall not be permitted in any district. Notwithstanding the previous sentence, chickens other than roosters or cockerels may be kept for household use or as household pets in accordance with the following provisions:

* * *

(4) *(6)*Doghouse for up to five dogs.

I. Restrictions in residential districts.

(1) The total number of accessory ((use)) structures shall not exceed ((two and the total square feet of said structures shall not exceed)) 50% of the square footage of the principal use or structure as shown in the records of the Maryland Department of Assessments and Taxation.

(2) ((Recreational vehicles, trailers, and boats shall be regulated in the following manner:)) *Except as otherwise permitted by this section or § 235-28, no RV, boat, camper, trailer, or accessory structure shall be used, either permanently or temporarily, for living quarters, the storage of contractors' equipment or the conducting of any business.*

(a) Definitions. As used in this section, the following terms shall have the meanings indicated:

* * *

(f) ((No occupancy, either permanent or temporary, of an RV, boat, camper, or trailer shall be permitted.))*Except as otherwise expressly permitted by this section or § 235-28, no RV, boat, camper, or trailer shall be occupied for living or sleeping purposes, either permanently or temporarily.*

(g) Short-Term Guest Occupancy. A recreational vehicle may be occupied for short-term guest use on private property for a period not to exceed thirty (30) consecutive days, provided the property contains a legally established principal dwelling unit.

(h) The placement of the recreational vehicle shall be at the discretion of the Zoning Administrator and shall consider public safety and access.

(i) Hardship or Emergency Occupancy. Temporary occupancy of a recreational vehicle may be permitted when a principal dwelling unit is rendered uninhabitable due to fire, flood, natural disaster, or other verified hardship. Such occupancy shall be subject to approval by the

Zoning Administrator for no more than thirty-one (31) days with a maximum period of six (6) months, with one (1) extension being granted upon a determination that the hardship continues to exist.

As a condition of approval, the applicant shall submit a plan for the safe and lawful disposal of gray water and black water. The approved plan shall comply with all applicable local and state health and sanitation regulations.

(j) Board of Appeals Approval. Any person seeking to occupy a recreational vehicle beyond the time periods permitted above may apply to the Board of Appeals, which may approve such occupancy upon finding that the request is due to a demonstrated hardship or unique circumstance and will not adversely affect the public health, safety, or welfare or adjoining properties. Any approval shall be limited in duration and subject to reasonable conditions.

J. Accessory uses in business and industrial districts.

* * *

K. Transit Oriented Development District. Accessory uses or structures in TOD Districts shall be permitted and shall be subject to the same side yard and rear setbacks as required for the principal structure.

L. Integrated Business District. Accessory uses or structures are permitted in residential developments as provided in Subsections A-I of this Section.

M. For townhouses and zero-lot line dwellings, detached accessory structures shall be located:

(1) Three feet from side or rear yard lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.

(2) For lots with recorded easements, accessory structures shall not be permitted within the easement and the setback shall be five feet from the easement.

§ 235-29 **Temporary use permits.**

Temporary uses as specified in the Table of Uses shall be permitted subject to the following:

C. Specific temporary uses. The temporary uses described below shall be subject to the following duration limitations:

(1) A carnival, circus, craft show, animal show, flea market, festival, fair or similar event shall be allowed for a maximum period of seven *(7)* consecutive days and *fifteen (*15*)* cumulative days in a twelve-calendar-month period.

(2) Contractor's office and construction equipment sheds or accommodations for security incidental to a construction project shall be removed upon completion of the project.

(3) A real estate sales office for rental or sale of dwellings in a project shall be removed upon initial sale of all units.

(4) When a fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted for a period of *twelve (*12*)* months, but only if water and sanitary facilities are approved by the City of Aberdeen's Department of Public Works. The Zoning Administrator may extend the permit an additional *sixty (*60*)* days, if necessary. The mobile home shall be removed from the property at the expiration of the permitted time or upon completion of the new or rehabilitated residence, whichever occurs first.

(5) Temporary stands for seasonal sales of products shall be allowed for a maximum period of *ninety (*90*)* days in any consecutive twelve((-)) *(12)* month period.

§ 235-30 **Landscaping, outdoor lighting and buffer yards.**

A. General landscaping *plan* requirements.

(1) *A landscape plan shall include certification, signature, seal and date by a landscape architect registered by the State of Maryland. For minor subdivisions of up to five lots, the plan is not required to be sealed by a landscape architect.*

(2) *The plan shall be drawn to scale with the scale noted.*

(3) ((1)) A landscape plan is required for all *new residential and* nonresidential development projects, *including any enlargement of a commercial or industrial building exceeding 1,000 square feet, and any construction of a new parking lot or expansion of an existing parking lot*.

(4) The landscape plan shall be reviewed and approved by the Department of Planning and Community Development and the Department of Public Works. The landscape plan shall:

(a) Include *native Maryland* plant materials, such as trees, shrubs, ground covers, and perennials ((, and other materials, such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture)).

(b) Specify the location, size, and species of plant materials, method of installation, and method for maintenance and retention of materials.

(c) Identify all streams, floodplain zones, and nontidal wetlands along with the preliminary site plan. The plan shall indicate all plans for tree maintenance, stormwater management, revegetation and establishment of vegetated buffers and the method of providing perpetual protection of any special flood hazard areas as required by Chapter 275, Floodplain Management, of the Code of the City of Aberdeen.

(d) ((Include street trees located outside of the public right-of-way wherever possible, emphasize the use of native vegetation, and incorporate sustainable development practices through the use of green roofs and associated sustainable planting practices wherever possible.)) *Landscaping within easements for public water, sewer, or storm drains is not permitted.*

(e) The location of all existing and proposed structures, fences, walls, streets, parking and loading areas, utilities, lighting, rights-of-way and easements.

(f) Types of trees recommended are deciduous and evergreens but not limited to include the following species: American Holly, Arborvitae, Eastern red cedar, Sweetbay Magnolia, Pines, American Beech, Hickory, Maple, Oaks, Sassafras, and Crape myrtle.

(g) No trees shall be planted under overhead service wires if their mature height will interfere with the wires.

(5) Any applicant seeking a modification to the approved landscape plan shall submit a written request to the Department of Planning and Community Development justifying the proposed change and a revised plan identifying the proposed modifications.

B. General planting requirements shall include the following:

(1) ((All deciduous trees shall have a minimum caliper of two inches.)) *Large street trees shall measure a minimum of one and one-half (1 ½) to two (2) inch caliper; and medium street trees shall measure a minimum of one (1) inch caliper.*

(2) The area between the trees shall be mulched and the landscaped beds with shrubs or ground cover shall be mulched in accordance with landscape industry standards.

(3) Trees shall be of substantially uniform size and shape.

(4) *Shrubs shall be container grown in not less than three (3) gallon containers at the time of installation, and shall never be pruned to less than five (5) feet in height.*

(5) ((Evergreen trees used as screening plantings shall be a minimum of five *(5)* feet in height.)) *Trees in the buffer yard shall be a minimum of four and one-half (4 ½) to six (6) feet in height.*

(6) Trees and shrubs shall be adequately supported when planted.

(7) All plant materials shall be healthy, vigorous, well-rooted and free of defects, decay, or disease infestations. All required plant materials shall be maintained by the property owner.

(8) Within one (1) year of planting, any dead or dying trees or plant materials shall be replaced one time by the applicant during the next planting season.

C. ((Specific landscape requirements for parking lots.)) *Parking lot planting requirements will apply to all zoning districts.*

(1) ((Ten percent of the required parking areas shall be landscaped.

(2) Planting islands should be used to define circulation patterns and parking bays. They should also be used to soften large expanses of paving.

(3) Landscaped islands should be distributed throughout the parking lot. In larger parking lots, fewer but larger islands may be used to provide greater visual relief and a healthier environment for tree growth.

(4) Trees in or at the edge of parking lots should be species that branch no lower than 12 feet from the ground at maturity to allow cars and trucks to circulate beneath the canopy without causing damage.

(5) Good visibility in parking lots is important for security and traffic safety. Plant materials at vehicular entrances should be located to maintain safe sight distances.

(6) All service, dumpster, storage, and utility areas shall be screened.))

(1) Planting islands should be used to define circulation patterns, break up rows of parking, and to soften the visual impact of large expanses of pavement.

(2) In general, impervious areas within parking lots should be evenly distributed throughout the parking lot to maximize shading.

(3) Islands should be provided at both ends of parking rows to protect parked cars from moving vehicles and to ensure more even distribution of shade throughout the parking lot.

(4) Trees in or at the edge of parking lots should be major shade trees that can be trimmed so that at maturity cars and trucks may circulate beneath the canopy without causing damage. Major shade trees are listed in Appendix 3, Plant Lists.

(5) Good visibility in the parking lot is important, both for neighborhood security and traffic safety. The use of landscaping elements and plants that restrict visibility, such as tall shrubs, evergreen trees, and low-branching trees, should be avoided.

(6) The use and location of plant materials at vehicular entrances should be placed to maintain safe sight distances.

(7) Plants in parking lots are subject to many adverse conditions and are not likely to receive consistent care. Accordingly, principles of sustainability should be considered when selecting plant materials. Specifically, plant material should be moderate-to-slow growing, require little maintenance, and tolerate such conditions as sun, wind, drought, glare, reflected heat, salt and chemicals, and restricted planting spaces.

(8) Planting spaces should be large enough to allow for healthy tree growth and should be protected from car overhangs and opening car doors.

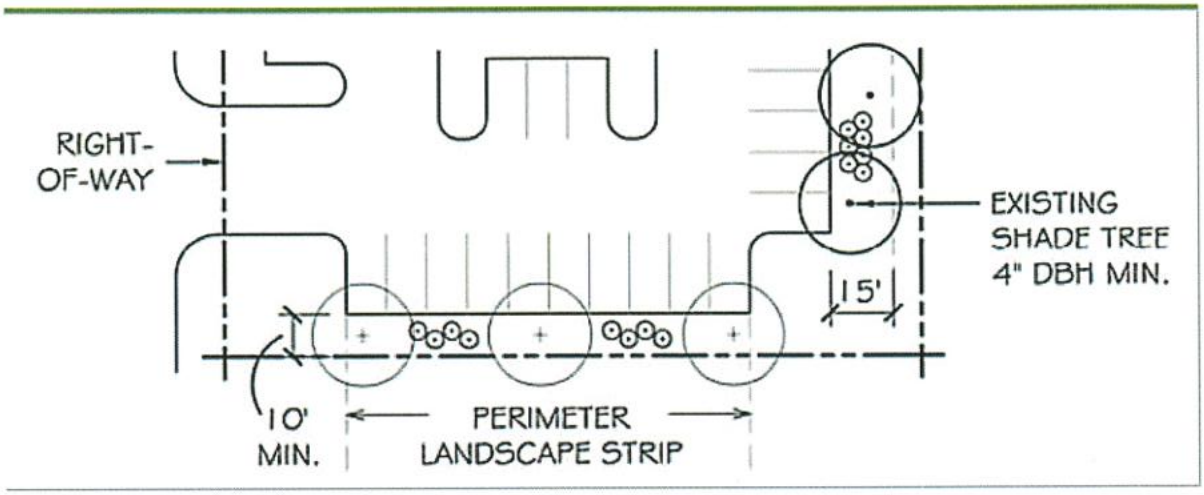
PARKING LOT INTERIOR PLANTING REQUIREMENTS	
PARKING LOT AREA	**PERCENT OF INTERIOR PLANTING AREA REQUIRED**

PARKING LOT INTERIOR PLANTING REQUIREMENTS	
PARKING LOT AREA	**PERCENT OF INTERIOR PLANTING AREA REQUIRED**
0-6,999 sq. ft.	2
7,000-49,999 sq. ft.	8
50,000-99,999 sq. ft.	10
100,000-149,999 sq. ft.	13
150,000 sq. ft. or larger	15

D. Parking Lot Perimeter Landscape Requirements

1. Ten-Foot-Wide with Shrubs and Trees: Provide a minimum ten-foot-wide landscape strip between the parking lot and any adjacent property line. Within this landscape strip, provide one (1) shade tree and ten (10) shrubs per thirty-five (35) linear feet of parking lot adjacent to a property line. (This does not mean that shade trees must be located thirty-five (35) feet on center.) Shrubs shall include a diversity of species and shall be arranged in an informal and naturalistic manner.

2. Any existing shade tree (except an invasive species) exceeding four (4) inches diameter at breast height (dbh) that is located within fifteen (15) feet of the edge of the parking lot may count at a rate of one-to-one toward fulfillment of this requirement, provided that seventy (70) percent or more of the critical root zone is undisturbed. Shrubs shall not be planted within the critical root zone, and the shrub requirement shall be waived for that portion of the parking lot perimeter when preserving existing vegetation (See Figure 1 below). Up to one-fourth (1/4) of the number of required shade trees may be substituted on a two-to-one basis with ornamental/evergreen trees.



((D)) *E.* Outdoor lighting requirements.

(1) Outdoor lighting fixtures shall be installed in a manner that minimizes negative impacts from light pollution, including light trespass, glare, and urban sky glow, in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination.

(2) Regulation of outdoor lighting is also intended to promote lighting design that provides for public safety and conserves electrical energy.

(3) All light fixtures, including security lighting, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road, except for:

(a) Residential entrance lights installed in accordance with the National Electrical Code and all subsequent amendments;

(b) Outdoor lighting fixtures less than ((4,050)) *5,000* lumens, including landscape lighting and decorative lighting;

(c) Outdoor lighting installed to meet Federal Aviation Administration requirements;

(d) A designated historical structure;

(e) Lighting for all outdoor athletic fields, courts, tracks, or sports fields;

(f) Outdoor illuminated signs; and

(g) Maintenance to existing outdoor lighting when the following applies:

(1) The work does not involve the installation of a new light standard, a new lighting fixture, or new wiring;

(2) The work does not result in an increase in electrical load; and

(3) Where applicable, the spacing of existing previously conforming light standards is greater than six times the mounting height of the existing outdoor lighting.

(4) Outdoor lighting shall not exceed a nominal 4000 Kelvin color-correlated temperature (CCT).

(5) Searchlights, laser source lights, strobe or flashing lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction.

(6) Lighting requirements for subdivisions and residential developments shall follow the requirements established by the Department of Public Works.

((E)) *F.* Buffer yard requirements.

(1) Buffer yards shall be located on the boundary of a project which adjoins the use to be buffered and shall be in addition to the setback areas or yards otherwise provided in this chapter. ((The buffer yard area specified in this section may be part of the open space requirements.))

(2) ((Buffer yards may be used for passive recreation, including trails, bike paths, and picnic areas, but shall not be used for active recreation.)) *The buffer yard is intended to be landscaped in a manner that provides an effective visual buffering on a year-round basis. The buffer yard is intended to increase the visual appeal within a district and to minimize the impact of noise between districts. No landscaping will be required for wetlands, non-tidal wetlands, and any land within Harford County jurisdiction. Walking trails and bike paths may be permitted within buffer yards provided all landscaping, screening, and visual buffering requirements are maintained.*

(3) The following minimum buffer yard requirements shall be applicable to all districts:

Proposed District or Use	***Adjacent District or Use***	***Buffer Yard Width (feet)***
R-1 and R-2	*R-3 (Single-family dwellings)*	*10*
R-1 and R-2	*R-3 (Multi-family dwellings)*	*20*
R-3 (Multi-family dwellings)	*R-1 and R-2 (Single-family dwellings)*	*20*
Residential rear yard	*Collector and arterial public roads*	*25*
Active Public Recreation over 2 acres	*Residential use*	*50*
Residential use	*Active Public Recreation over 2 acres*	*50*
B-1 District	*Residential (Single-family dwellings)*	*20*
Residential (Single-family dwellings)	*B-1 District*	*20*
B-1 District	*Residential (Multi-family dwellings)*	*15*
Residential (Multi-family dwellings)	*B-1*	*15*

Proposed District or Use	***Adjacent District or Use***	***Buffer Yard Width (feet)***
B-2 District	*Residential (Single-family dwellings)*	*35*
Residential (Single-family dwellings)	*B-2 District*	*35*
B-2 District	*Residential (Multi-family dwellings)*	*25*
Residential (Multi-family dwellings)	*B-2 District*	*25*
B-3 District	*Residential (Single-family dwellings)*	*50*
Residential (Single-family dwellings)	*B-3 District*	*50*
B-3 District	*Residential (Single-family dwellings)*	*50*
Residential (Single-family dwellings)	*B-3 District*	*50*
B-3 District	*Residential (Multi-family dwellings)*	*35*
Residential (Multi-family dwellings)	*B-3 District*	*35*
M-1 District	*Any Residential use*	*100*
Any Residential use	*M-1 District*	*100*
IBD (Commercial Use)	*Residential (Single-family dwellings)*	*25*
Residential (Single-family dwellings)	*IBD (Commercial Use)*	*25*
IBD (Commercial Use)	*Residential (Multi-family dwellings)*	*15*
Any use	*Wetlands, nontidal*	*25*
Any use	*If the watercourse has special flood hazard areas as shown on the Flood Insurance Rate Map*	*100*
Any use	*If the watercourse does not have special flood hazard areas shown on the Flood Insurance Rate Map*	*50*

(4) A buffer yard shall be landscaped to screen incompatible uses in accordance with any one of the following requirements:

(a) A planting strip at least *ten (*10*)* feet wide at or near the property line, including trees or shrubs at least two *(2)* feet high at the time of planting, which may be expected to form a year-round screen within three *(3)* years.
(b) A landscaped, rolling, earth mound of at least four *(4)* feet in height.
(c) A solid fence or wall of a minimum of five *(5)* feet in height without advertising, when designed with durable materials, texture and colors compatible with adjacent uses.

(5) Exemptions. This section does not apply to the following situations:

(a) The reconstruction of an existing building of which fifty percent (50%) or less of the floor area was destroyed or ruined by flooding, fire, or windstorm. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.

(b) Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage, nor requires structural modifications which would increase its volume or scale.

(c) Contiguous commercial parcels or land areas under common ownership, within one (1) development project.

SECTION 6. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that new Section 235-28.I. is hereby added to the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article IV, Provisions Applicable to All Districts, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article IV, Provisions Applicable to All Districts

§ 235-28 **Home occupations.**

Home occupations or professional offices within the home shall be allowed in accordance with the following criteria:

I. Notwithstanding subsections A-H, home occupations shall not include automobile repair; selling of bait, crabs or fish; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; printing businesses; private clubs; radio stations; restaurants or carry-out food services; or gift stores.

SECTION 7. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 235-31, 32, 33, 34, 36, 37.A. and C., 38, 39, 39.1.C., 39.2.E., and 40 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article V, Special Developments and Regulations, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article V, Special Developments and Regulations

§ 235-31. Townhouses.

The following regulations shall apply to townhouses.

A. The townhouse unit shall comply with the minimum lot requirements for the development of townhouses. Refer to *§ 235-21 Lot area, width and yard requirements;* Table I, Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts.

B. Townhouses shall not be located on a site with a total area of less than 43,560 square feet (one acre).

C. *Decks no larger than 400 square feet are permitted to encroach into the rear yard setback. Decks cannot be constructed over an easement.*

D. The maximum height of a townhouse unit shall be ((three stories or 36 feet.)) *fifty (50) feet unless otherwise noted in §235-18.*

E. Not fewer than three *(3)* and not more than eight *(8)* dwelling units shall be included in any one *(1)* townhouse building grouping.

F. Townhouse end units shall meet the front and side yard requirements.

G. For the purpose of the side yard requirements, a townhouse building shall be considered as one building with side yards required for end units only in accordance with the townhouse requirements.

H. No detached accessory ((building)) *structure* over 120 square feet shall be permitted. No attached accessory buildings shall be permitted.

I. Front or rear garages that are an integral part of the townhouse construction shall be permitted.

J. Required off-street parking shall be provided in the front or rear yard.

K. ((A minimum of 20% of the gross land area to be developed as townhouses shall be used for)) *For* open space purposes *see Section 235-36*. ((Open space purposes shall include passive walking and biking trails and/or playgrounds.))

L. A minimum of 10% of each townhouse lot shall be landscaped. The landscaped area shall include a minimum of one tree at least 2.5 inches in caliper and four shrubs, and the yard areas shall be maintained in "green space" unless it is a driveway or designated parking area.

M. The City's Department of Planning and Community Development and Department of Public Works shall approve the landscape plan for the overall townhouse development as part of the approval process.

N. Townhouse development shall be of such quality construction and materials to ensure that buildings will neither look dated or worn over time nor require excessive maintenance. Fifty *(50)* percent of the exterior building materials used on unit walls of a townhouse group facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick, or decorative concrete masonry block. Exterior building materials shall be compatible with material and colors of nearby structures. Window and door openings shall not be included in calculating the fifty ((-)) *(50)* percent building materials requirement. *Windows shall be required on the side wall of all end townhouse units.*

O. Site plan approval shall be in accordance with ((the))*this Chapter and the* Subdivision *of Land* ((Regulations))*requirements*.

§ 235-32. Zero lot line housing.

Zero lot line housing lawfully constructed prior to the enactment of this chapter will be permitted, and the following regulations will apply:

A. Each zero lot line dwelling unit shall have off-street parking of two spaces.

B. The City may impose conditions on its approval of zero lot line developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.

C. Decks or porches shall be permitted into the larger side yard, provided that ((a minimum of 12 feet from the extreme edge of the deck or porch to the closest side yard property line is maintained.)) *the deck or porch is within five (5) feet of the public right of way and does not create a line-of-sight issue. The Department of Planning and Community Development may conduct a site visit to determine the public right of way and line-of-sight before permit approval.*

D. Decks or porches *enclosed or unenclosed may be constructed within ten (10) feet of the rear yard lot line. Decks or porches may not be constructed over an easement.* ((shall be permitted by this chapter and shall not be enclosed on the side yard. Solid walls around the deck or porch are prohibited.))

((E.) No roof or canopy shall be constructed over a deck.))

E. ((F.)) *Detached or attached* ((Garages)) *garages* shall be permitted, provided that the structure does not exceed 25% of the principal structure. *Detached garages must be a minimum of six (6) feet from any structure or property line. Detached or attached garages may not be constructed over an easement.*

F. ((G.)) The following setbacks are established:

Zoning	Lot Area (square feet)	Lot Width (Feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Smallest (feet)	Side Yards Sum (Feet)
R-2	5,500	55	30	40	1.5	25
((R-3	4,500	50	25	35	1.5	20))

§ 235-33. Shopping centers ((and office, research or educational parks)).

A. Purpose. This district is to encourage innovation and design excellence in the development of shopping centers ((and office, research or educational parks)).

B. Requirements. A shopping center shall ((have)) *meet* the following ((eligibility)) requirements:

(1) A minimum parcel size of three acres;

(2) Shopping centers may only be located in the B-3, Integrated Business District (IBD), or Transit Oriented Development (TOD) District.

(3) Only those uses which are permitted in the zoning district in which the shopping center is located will be allowed in a shopping center.

(4) Building gross floor areas of at least 20,000 square feet.

(5) ((Six or more business uses; and)) *Site design:*

(a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.

(b) The project shall be designed with regard to the topography and other natural features of the parcel.

(c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.

(d) Outside storage shall be limited as applicable in the appropriate district.

(e) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style.

(f) Landscaping should provide for a transition from surrounding uses to the uses on the site.

(g) Ten (10) percent of the required parking areas shall be landscaped and a landscape plan prepared by a licensed and registered Maryland architect presented to the Department of Planning and Community Development for review and approval.

(h) Dumpster areas shall be enclosed with screening to match the building materials for the project.

(i) Loading and service areas.

i. All establishments must have vehicular service access, either from an individual service drive or from a common service yard.

ii. All such service areas must be segregated from public areas and buffered from public view.

(j) Vehicular circulation and access.

i. The internal circulation system shall be designed to minimize through traffic and traffic conditions that conflict with pedestrian movements within the project.

ii. Pedestrian walkways shall be clearly marked on pavement and signage.

iii. Access around the building will be required by the fire department. Fire lanes will be provided and clearly designated with signage and curb markings.

(((2) An office, research or educational park shall have the following requirements:

(a) A minimum parcel size of 10 acres; and

(b) Building gross floor areas of at least 100,000 square feet.))

C. ((Development standards.

(1) Permitted uses. Those uses permitted in the zoning district in which the shopping center or office, research or educational park is located.

(2) Site design.

(a) The project shall provide a unified arrangement of buildings, service areas, parking. and landscaped areas.

(b) The project shall be designed with regard to the topography and other natural features of the parcel.

(c) Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.

(d) Outside storage shall be limited as applicable in the appropriate district.

(e) No building shall be located within 40 feet of the public rights-of-way or within 10 feet of parking areas.

(f) No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.

D. Vehicular circulation and access.

(1) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

(2) Safe pedestrian movement and the provision of sidewalks shall be considered in the vehicular plan.

E. Loading and service areas.

(1) All establishments must have vehicular service access either from an individual service drive or from a common service yard.

(2) All such service areas must be segregated from public areas and screened from public view.

(3) Loading berths must be provided for as required by this chapter.

F. Landscaping and outdoor lighting.

(1) Ten percent of the required parking areas shall be landscaped.

(2) Any lighting used to illuminate any off-street parking areas shall be so arranged as to direct the light away from adjoining residential properties and from any public rights of-way. All light fixtures, including security lighting, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source.

(3) Adequate lighting shall be provided in outdoor areas often used by occupants after dark, including areas around walkways, steps, ramps, and signs.

(4) Any part of the parcel not used for buildings or other structures or paved for parking or loading or pedestrian walks or utilized for outside storage shall be landscaped and properly maintained.

(5) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent residential districts by a landscaped buffer yard as provided in § 235-30.))

((G.))*C.* Approvals.

(1) The Planning Commission shall determine whether the preliminary site plan submitted for the shopping center ((or office, research or educational park)) *complies with all City requirements to include* the Subdivision *of Land* ((Regulations)), ((and)) the development and design standards set forth herein*, and will recommend the preliminary site plan to the City Council for review and approval.*

(2) The Zoning Administrator may approve minor modifications or amendments to the preliminary site plan after Planning Commission approval upon a finding that the modifications or amendments comply with the requirements of this section.

§ 235-34. Kennels and pet day care services.

The following regulations shall apply to kennels and pet day care services:

* * *

C. Pet day care services are permitted in the *B-2,* B-3, M-1, IBD, and TOD Zoning Districts.

* * *

F. In the *B-2,* B-3, M-1, and IBD Zoning Districts, pet day care services may have indoor activities or outdoor activities. Outdoor pet activities must take place within a fenced area and pet waste stations must be provided.

§ 235-36. Open space, *Recreation, and Neighborhood Parks.*

A. ((Open space may contain such complementary structures or improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Open space requirements may be met by including areas in wetlands.)) *Residential subdivision or residential site development more than five (5) lots shall be required to provide open space and to dedicate land necessary for recreational purposes to support the City of Aberdeen's Comprehensive Plan Chapter 3 Community Facilities.*

B. Open space ((area)) shall meet the following requirements:

(1) Open space ((areas shall be exclusive of parking lots and road rights-of-way/parking areas))*does not include public sidewalks adjacent to public rights-of-way, but may include internal walking*

trails, pathways, and bike paths within the open space area that provides recreational access for residents.

(2) Open space may serve recreational purposes and preserve significant site features *that are appropriate for the intended purpose.* ((The uses authorized shall be appropriate to the purpose intended to be served.)) Open space *shall be* designed to serve recreational purposes ((shall be)) *that are* appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.

(3) *Open space shall be suitably improved with buildings, structures, and amenities for its intended use, except that open space containing natural features requiring protection may be left unimproved.*

(4) *Open space uses may include walking trails, dog parks, community gardens, fishing ponds, disc golf, sports fields, playgrounds, water features, outdoor fitness stations, BBQ/picnic area, and shaded areas.*

(5) *The following percentages for active recreation must be included with open space for these zoning districts:*

Zoning District	*Minimum Open Space*
R-1 (single-family detached)	*15%*
R-2 (single-family detached and duplexes)	*15%*
R-3 (single-family detached and attached)	*15%*
R-3 (multi-family uses)	*15%*
IBD (single-family detached and attached)	*7.5%*
IBD (multi-family uses)	*10%*
TOD (multi-family uses)	*10%*
B-1, B-2, and B-3 (any multi-family uses)	*10%*

C. Neighborhood Parks Required

In order to implement the City of Aberdeen Comprehensive Plan Chapter 3 Community Facilities goals, neighborhood parks shall be required for all new residential development in accordance with § 235-36 A., B., D., and E of this Chapter.

D. Neighborhood Parks: Purpose and Standards.

(1) The purpose of the neighborhood park is to provide adequate active recreational facilities to serve the residents within the development.

(2) The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count towards satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, pickleball courts, basketball courts, swimming pools, exercise rooms, meeting or activity rooms within clubhouses, rock wall, and playground equipment.

(3) Each development shall satisfy its neighborhood park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of people who will likely reside in that development.

(4) Neighborhood parks shall be attractively landscaped and shall be provided with sufficient natural screening or at a minimum of a ten (10) foot buffer (to be included as open space) area to minimize and negative impacts upon adjacent residences.

(5) Each neighborhood park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those people in the surrounding neighborhood it is designed to serve.

(6) For a neighborhood park to be dedicated to the City of Aberdeen, the park shall have frontage on a public street. Access shall be of suitable configuration to allow for regular maintenance by the City and access by the general public.

(7) Except as provided in subsection E.3., neighborhood parks shall not be less than 5,000 square feet in size.

(8) *Each neighborhood park shall be constructed on land, the final grade of which shall not exceed a five percent (5%) slope, that is free of nontidal wetlands, floodplains, and capable of serving the purposes intended by this Section.*

((C.)) *E.* Ownership *and maintenance* of open space *and neighborhood parks* shall be handled in the following manner:

(1) It is the intent of this Section that the required open space and neighborhood parks in residential subdivision or residential site development be maintained by the developer and/or a homeowner association unless the neighborhood park is dedicated to the City of Aberdeen as referenced in subsection D.6 of this Section.

(2) It is the intent of this Section that the required open space and neighborhood parks for multi-family developments shall not be dedicated to the City of Aberdeen and will be maintained by the developer/owner or Homeowners Association.

(3) In the event a neighborhood park is dedicated to the City of Aberdeen, the park must be a minimum size of 1 acre and within 3 miles of the residential development. ((

(1) If joint use facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Homeowners' association agreements, covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessments provisions and guarantees that any association formed to

own and maintain open space will not be dissolved without the consent of the Planning Commission.))

(2) ((Unless the Planning Commission finds that the size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the City.

(3) Management of open space property.)) *T*he developer/*owner* shall ensure that the open space and *neighborhood parks* ((improvements)) not dedicated and accepted for public ownership are maintained and cared for, and the developer/*owner* shall provide for and establish an organization for the ownership, maintenance and preservation of open space *and neighborhood parks* which shall conform to the following standards and procedures:

(a) The homeowners' association shall be established by the developer/*owner* before sale or rental of dwelling units in the development and prior to final *subdivision or site plan* approval. ((of the development plan by the Planning Commission.))

(b) ((The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.))

Instruments in the form of deed restrictions and/or covenants shall be provided to ensure the purpose for which the open space and neighborhood park are provided. The instruments shall be approved by the City of Aberdeen prior to recording among the Land Records of Harford County. The homeowner's association documents shall be recorded in the Land Records of Harford County and a copy provided to the City of Aberdeen.

(((c)The homeowners' organization responsible for maintenance, preservation and improvement of open space and all property owners within the development shall be permitted to participate in such organization.))

(((4) Areas set aside to meet the open space requirement shall be adequately described. Deed restrictions or covenants approved by the City shall ensure the purpose for which the open space is provided.))

((D.))*F.* ((The following percentages of open space are required)) *Financial Surety for Improvements.*

((District))	**((Minimum Open Space (percent of parcel area)))**
((R-1))	((10%))
((R-2))	((10%))
((R-3 (single-family attached and detached)))	((15%))

((R-3 (all other dwelling types))) ((20%))

The developer shall provide the City of Aberdeen with a cost estimate of the physical improvements for open space and neighborhood park requirements. Prior to final approval of the development plan where open space and neighborhood parks are required, the developer shall submit a financial surety in a format acceptable to the City of Aberdeen in an amount as specified in the cost estimate, which surety shall secure an agreement to construct the required physical improvements such as but not limited to subsections B – D of this Section as identified on the approved plans.

§ 235-37. Nonconforming lots, buildings, structures and uses.

A. ((Generally. If within the zoning districts established by this chapter or amendments subsequently adopted there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this chapter or subsequent amendments and which would not conform to regulations and restrictions under the terms of this chapter or amendments thereto, or which could not be built or used under this chapter, such nonconformities may continue to exist subject to the regulations contained in this section. Notwithstanding anything else in this § 235-37, after the effective date of § 235-18O, all new development, redevelopment, construction or reconstruction of a building, structure or land located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District shall comply with the requirements in § 235-18O.))*Purpose and intent. The purpose of this section is to promote the orderly development of the city, ensure compatibility among land uses, gradually eliminate nonconforming uses that conflict with this Chapter and to promote the goals of the adopted Comprehensive Plan. This section establishes limitations on the continuation and transfer of grandfathered rights associated with nonconforming lots, buildings, structures, and uses.*

(1) It is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their continued existence. Such uses are declared by this chapter to be incompatible with permitted uses in the zoning district they are located.

(2) Nonconformities shall not be enlarged upon, expanded, or extended nor be used as grounds for adding other accessory structures or uses prohibited elsewhere in the same zoning district.

(3) A nonconforming use of a structure, land, or both, shall not be extended or enlarged after passage of this chapter, nor shall additional uses of a nature which would be prohibited in the zoning district involved be allowed.

(4) To avoid undue hardship, nothing in this chapter shall be construed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which

actual building construction has been diligently continued with inspections being conducted and the building permit has not expired.

B. Nonconforming lots.

(1) In any district a principal use, where permitted, may be erected on any nonconforming lot, provided that the front, side and rear yards shall conform to the regulations applicable at the time the final approved plat was recorded ((unless otherwise specified)) *prior to 1957. In this case, the Zoning Administrator shall determine the minimum front, side, and rear yard requirements based on the current zoning of the property and surrounding circumstances, including the requirements provided in § 235-12. Limitations, Guides, and Standards. 2) a.-j.*

(2) Any lot reduced in area or yard dimensions failing to conform to the requirements of this chapter by reason of realignment or dedication of any public road or by reason of a condemnation proceeding shall be a nonconforming lot. This provision shall not apply to roads created as part of *a* subdivision.

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

(1) No nonconforming use shall be changed to a use not permitted by this chapter in the particular district in which the building or structure is located, except that whenever a nonconforming use has been changed to a more restricted use, such use shall not thereafter revert to a less restricted use.

(2) Abandonment. If a nonconforming use ceases for a period of ((one year))*six (6) months* or more, then the nonconforming use shall be deemed abandoned and compliance with this chapter shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

(3) The Zoning Administrator will use all reasonable means available to determine when a nonconforming use has ceased. The Zoning Administrator shall not approve any building permit or process any site plan which would continue a non-conforming use which has been abandoned.

((3))*(4)* Any nonconforming building or structure which is damaged or destroyed may be reconstructed to its former dimensions on the same lot and with the same nonconforming use. The nonconforming building or structure must be reconstructed in compliance with the *current* Building, Electrical, Mechanical, and Plumbing Code requirements in effect. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe *by a professional engineer*.

((D. Enlargement or extension of nonconforming buildings, structures or uses. The Board of Appeals may authorize the extension or enlargement of a nonconforming use, building or structure, with or without conditions, provided that:

(1) The enlargement or extension does not exceed 75% of the gross square footage in use at the time of the creation of the nonconformity.

(2) The enlargement or extension does not violate the height or coverage regulations for the district.

(3) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.

(4) The Board of Appeals and Planning Commission shall consider the limitations, guides and standards set forth in this chapter.))

§ 235-38. Mobile home parks.

Mobile home parks may be approved as a special exception in an R-3 District, provided that the following minimum conditions are met:

A. Public water and sewerage shall serve the property and proper provisions shall be made for electrical connections, fire protection, and refuse collection. The Maryland State Department of Health and Mental Hygiene shall approve water and sewer systems.

* * *

G. Not less than 15% of the total area of a mobile home park shall be devoted to ((communal open space and)) recreational ((areas)) *uses such as playground, multipurpose field, and basketball/pickleball courts.*

H. Access to the park shall be from a major thoroughfare. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided that at least two entrances are available to assure access for emergency vehicles.

I. No mobile home site shall be designed for access to a street outside the boundaries of the park.

J. Interior access drives ((shall be hard surfaces)) *shall be bituminous asphalt*, adequately lighted, and ((not less than 30 feet in width.)) *must meet the Harford County road code standards.*

* * *

N. ((Storage buildings)) *Accessory structures* shall be located ((in the rear yard,)) no closer than six *(6)* feet to any lot line *or other structure.*

O. An entrance sign is required at each access point to the mobile home park.

§ 235-39. Bed-and-breakfast inns.

The purpose is to authorize and regulate the establishment and operation of bed-and-breakfasts in the City and to ensure the preservation of the character, integrity

and property values of surrounding areas within which such facilities are located and maintained.

A. All bed-and-breakfasts shall comply with the applicable provisions of the Life Safety Code and other applicable City codes. ((, such as noise, property maintenance and environmental control.))

B. The Bed-and-Breakfast Overlay District shall be established along West Bel Air Avenue from Mt. Royal Avenue to Middelton Road.

C. Bed-and-breakfasts shall be permitted in the Bed-and-Breakfast Overlay District, provided that the conditions set forth below are met. Bed-and-breakfasts shall be prohibited in *B-1, B-2,* ((B-3,)) *and* M-1 *Districts* ((and M-2 Districts)).

D. The applicant must provide the following information to the Director of Planning and Community Development and the Planning Commission:

(1) A ((sketch, drawn to scale, showing the)) floor plan of the dwelling, together with any proposed changes, renovations or additions to the *floor* plan ((same)) *prepared by a licensed architect.*

(2) A site plan delineating that portion of the applicant's property under consideration, as well as all parcels and streets within 100 feet of the applicant's property, and the current uses thereof.

(3) The site plan shall include the boundaries of the property, location of all buildings, driveways, parking areas, retaining walls, fences and hedges, location of the proposed sign and outdoor lighting, and location of proposed buffer and screening areas.

(4) The number of off-street parking spaces provided on site.

(5) Names and addresses of all abutting property owners *to be notified within thirty (30) days ((of)) before the Planning Commission meeting.*

E. The Planning Commission shall consider the following:

(1) Adequacy and arrangement of vehicle traffic and circulation.

(2) Location, arrangement, appearance and sufficiency of off-street parking.

(3) Location, arrangement, size and design of lighting and signs.

(4) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise deterring buffer between the site and adjacent or adjoining uses.

(5) The abutting property owners' comments at the meeting.

F. Requirements for approval of bed-and-breakfast.

* * *

(4) The number of paying guests accommodated per night shall not exceed local fire code requirements. ((No guest shall stay for a period of time in excess of 2 consecutive days or more than 30 days throughout a one-year period.))

(((5) Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector on or near the ceiling in the room or hallway from which each bedroom exits.))

G. The Director of Planning and Community Development or a designee of the City shall be given access upon notification to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations.

H. A single exterior sign may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed approximately six *(6)* square feet in area. No freestanding sign shall be located less than *fifteen (*15*)* feet from the front property line nor less than five *(5)* feet from the side property lines. Said sign shall be unobtrusive and illuminated to prevent glare.

I. The bed-and-breakfast shall be maintained and operated at all times so as to comply with all federal, state and local fire prevention, health and safety, building and zoning codes and the rules and regulations promulgated hereunder, as amended.

J. Any change, deviation, modification or variation of the structure must be approved by the Director of Planning and Community Development and the Aberdeen Planning Commission.

K. The minimum lot size requirement shall be ((15,000)) *10,000* square feet.

* * *

§ 235-39.1. Fortune-telling.

Fortune-telling may be approved as a special exception in an M-1 District, provided that the following minimum conditions are met:

A. Off-street parking is required for the business at the ratio of one parking space for 200 square feet of gross floor area, plus one parking space per each employee.

B. The use shall not be located closer than 1,000 feet from any school property line.

C. The use shall not be located within 1,000 feet of an existing fortune-telling establishment, church, ((or)) place of worship, *daycare center, school, or community center.*

* * *

§ 235-39.2. Assisted living facilities

Assisted living facilities may be approved as a special exception in the R-1 District, provided that the following minimum conditions are met:

* * *

E. The buffer yard and landscaping provisions of *§ 235-30 Landscaping, outdoor lighting and buffer yards.* ((245-30E(3) and (4) for residential (multifamily dwellings) in the R-1 District shall apply.))

§ 235-40. Overlay district regulations and design requirements; Architectural Review Committee.

A. General purpose.

(1) The purpose and intent of this section is to provide design requirements that promote a positive aesthetic appearance; maintain the character ((and small-town atmosphere)) of downtown; and ensure a harmonious blending of old and new architectural, structural, landscape, and lighting features.

(2) The design requirements of this section are intended for use in making consistent and fair decisions based on defined standards when construction or renovation of buildings is to be undertaken within the overlay districts of the City of Aberdeen.

(3) All development, redevelopment, or additions to existing buildings within the overlay districts shall be subject to the requirements of this section.

B. Architectural Review Committee.

(1) ((There is an)) *The* Architectural Review Committee (ARC) ((that)) consists of five members appointed by the Mayor and City Council. The ARC shall consist of at least two members who are ((registered))*licensed* architects or landscape architects, one member chosen from the citizenry of the City of Aberdeen at-large, one member from the Aberdeen business community, and one member with experience in planning and zoning. In the event the Mayor and City Council cannot find one or more qualified individuals to appoint as members meeting these criteria, the Council may appoint such members as close as possible to meeting the criteria. A majority of members constitute a quorum, but no approval actions shall be finalized without the favorable votes of at least three members of the Committee.

(2) Powers and duties of the ARC. The Committee shall:

(a) Review all applications for *new* development, redevelopment, renovations, or *building* additions *larger than that of 2,500 sq. ft.* ((to existing buildings)) within the overlay districts.

(b) Determine whether ((or not)) an application and the proposed construction are in accordance with the overlay district regulations and design requirements.

(3) General procedures.

(a) An application for new construction, development, redevelopment, and renovation within any overlay district,

including lighting and landscaping plans, shall be submitted to the Director of Planning and Community Development for initial review ((and)) before ((application for)) consideration by the *ARC* ((Planning Commission)).

(b) The Director of Planning and Community Development shall refer the proposal to the ARC for its consideration. The ARC shall make recommendations in accordance with the design requirements contained in this section and shall issue such recommendations to the Director within 30 days after all information is received for its review.

(c) The ARC shall be responsible for reviewing the proposal based on ((the)) characteristics and specific factors within the overlay districts that may not be ((part of)) the preliminary site plan ((review)).

(d) After review by the ARC, the Director shall *decide whether or not to* submit the proposal to the Planning Commission with the recommendations of the ARC.

(e) If the ARC fails either to approve or disapprove plans and proposals within *thirty (*30*)* days after the Director refers the proposal to the ARC, the plans and proposals shall be *held in abeyance until the ARC can hold a meeting to discuss the plans with the Applicant.* ((deemed approved.))

(f) ARC review and approval shall not *pertain to* ((be deemed to satisfy the requirements of)) any applicable building, health, or *fire* safety codes.

(g) The City shall issue no building permit ((unless)) *until* the ((provisions for)) ARC review ((as contained in this section)) *comments* have been ((met)) *addressed.*

(4) Items for review. The ARC shall review the following:

(a) The general scope of the plan and its compatibility with existing or proposed design themes.

(b) The conformity of the proposed project with the overall purpose of the design requirements.

(c) That signage is consistent with ((the purpose of the)) overlay design requirements and conforms to the type, location, and size of signs required ((therein)).

(d) That proposed landscaping conforms to the overlay design requirements regarding, but not limited to, trees, plantings, and other amenities.

(e) *That* ((Facades)) *facade*s of the proposed buildings or renovations and their orientation ((to the)) *blend with* existing buildings.

(f) *That* ((Color)) *color* ((scheme*)) schemes blend with* ((in relation to)) adjacent buildings and structures and *strengthen* the ((overall)) aesthetic of the overlay district *overall.*

(g) That parking and *pedestrian/bicycle* ((multi-modal)) circulation conforms to design *and function* recommendations ((and function)).

* * *

(6) Records.

* * *

(c) ARC agenda and meeting minutes shall be posted on the City of Aberdeen's website.

C. Overlay district regulations.

(1) ((Establishment of overlay)) *Overlay* districts impose((s)) additional regulations on properties located within the boundaries ((of a given district, in order)) to enhance the quality of growth and development *in the district*, and to protect the value of public and private investment. Overlay district requirements are in addition to those imposed by the specific zoning district in which the properties are located. In the case of a conflict among regulations, the strictest standard shall apply.

(2) The boundaries of each overlay district are described below and are indicated on the Official Overlay District Maps for each district as adopted by ordinance. The districts shall be known as the I-95 Overlay District, *and* the Downtown Revitalization Overlay District ((, and the Route 40 Corridor Overlay District)).

(a) I-95 Overlay District boundaries encompass the properties bordering Maryland Route 22 (Churchville Road), Technology Drive, Long Drive, *Gilbert Road, Aldino Stepney Road, Adamson Way* and Interstate 95 (I-95) located within the Aberdeen corporate limits.

(b) ((The)) Downtown Revitalization Overlay District boundaries *encompass the* ((are described as the)) properties bordering US 40, *Old Philadelphia Road, ((*Route)) *MD* 7, and ((Route)) *MD* 715. The Downtown Revitalization Overlay District boundaries ((do not)) *also* include properties located in the Transit Oriented Development District. ((All properties located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District are subject to the requirements § 235-18O and depicted on the Aberdeen TOD Designated Area Map included in § 235-42.))

(((c) Route 40 Corridor Overlay District boundaries are described as the properties along US 40 from Route 7 to the Route 22 overpass.))

(3) Design requirements. All development within the I-95 *Overlay*((,)) *and* Downtown Revitalization *Overlay* ((and Route 40

Corridor Overlay)) Districts shall comply with the provisions set forth in this section.

D. Overlay design requirements.

(1) Overlay design requirements are intended for consistency ((of development)) in the following areas:

(a) Building design, height, and mass.
(b) Building setbacks.
(c) Building materials.
(d) Awnings and canopies.
(e) Parking.
(f) Pedestrian/bicycle circulation.
(g) Lighting.
(h) Landscaping.
(i) Screening/loading/storage.
(j) Signage.
(k) Security.
(l) Open space.
(m) Noise impact.

(2) Building design, height and mass.

(a) Scale and design. Within the Downtown *Revitalization Overlay* District, buildings shall be built on a human scale and lend an intimate and personal feel to the streetscape. The scale of a project should be compatible with adjacent buildings and development.

(b) Architectural features. Predominant primary architectural features, materials, and colors of existing buildings, especially those built in accordance with these design requirements, shall be incorporated into the proposed architectural design. Building additions shall be compatible in scale, materials, and character to the main building.

(c) Relief and rhythm. Relief and rhythm should be used in the design to provide interest and variety and *to* avoid monotony. *See example below:*

(d) Exterior walls. Horizontal and vertical elements of exterior walls should vary in height and projection to provide

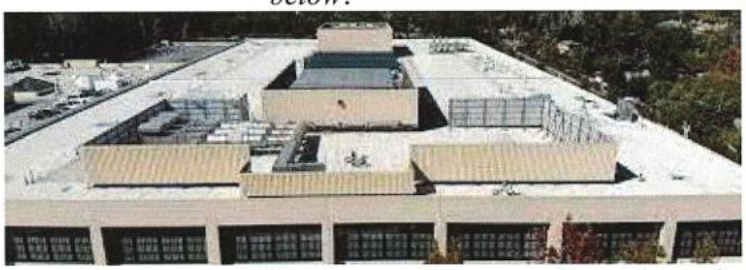
((substantial)) architectural interest and style. Such interest and style may be provided through, but not limited to, the treatment of windows, doors, eaves, rooflines, and parapets.

(e) Building accents. Building trim, accents, color, materials and style should be incorporated into primary design themes to promote architectural visual interest. *See example below:*

(f) Exterior elevations. Exterior elevations of buildings should be integrated into the architectural style of the particular overlay district.

(g) Details. Detailing should be used as a method of enhancing the character of a building, thereby adding interest to the development. ((Such details of a building elevation should continue)) *Details should be consistent with and support* the character of the project.

(h) Equipment. Equipment, such as, but not limited to, roof-mounted communications and mechanical equipment and venting, shall be screened from street view. *See example below*:



(i) Enclosures. Fences, walls, patio enclosures, and other such features visible from the street shall be compatible with the architectural character of the project. Dumpsters shall be enclosed or screened in such a way as to keep them from view, with use of similar building materials as those used in the overall project. Natural vegetation may be used ((as long as this achieves)) *to achieve* the proper level of screening. *See examples below:*

(j) Entryways. Building entryway design and placement should be integrated with the design of the project through the use of similar building materials, details, shapes, colors, or other architectural features.

[1] The building entrance should be easily identifiable and form a *smooth* transition between outside and inside areas.

[2] Building entries should be provided with adequate *security* lighting ((for security)).

(k) Roof variations. Roofline variations should be used to provide architectural style, character, and/or interest for commercial or industrial buildings that are limited in wall configuration (such as long, straight walls) due to functional constraints.

(l) Window and door placement. Patterns created by window and door placement can add variety and interest to the design. Attractive views should be emphasized and noncomplementary views avoided. Every effort should be made to have drive-through windows not face a public street. Where this is not practical or possible, additional landscaping or other screening methods shall be used.

(m) Walls and landscaped buffers. Walls and landscaped buffers shall be used to provide a physical separation between different projects and *different* uses to minimize the impact of unattractive or noisy areas and to act as a buffer between properties. Walls that front on a public street shall be designed to include colors, materials, forms, and architectural accents compatible with the main building or streetscape. *See examples below:*

(3) Building setbacks.

(a) Setback. The building setback shall adhere to the setback of the zoning district in which it is located.

(b) Infill sites. ((For infill sites,buildings)) *Buildings adjacent to infill sites* should be set back from the street in accordance with the predominant line of building setback along the street, so as to create a defined streetscape and sense of place. Buildings should be oriented toward the fronting street(s) wherever and whenever practical. *Seek to provide attractive* ((Provisions for public)) open space and/or landscaped areas *for public use* ((shall be accommodated)).

(4) Building materials.

(a) Materials. The building materials of a project shall be durable and ((be)) *of* the same or higher quality as surrounding developments.

(b) Texture. The texture of the building components shall enhance the function or appearance of the design.

(c) Color schemes. Color schemes shall be compatible with adjacent developments.

(d) Details. Details of the proposed colors and materials shall be shown on the building plans((.))*and samples provided for the ARC review.* ((with color samples at the time the project is submitted for ARC review)).

(e) Surfaces. Reflective surfaces shall not be used in locations which may produce excessive reflections or glare.

(5) Awnings and canopies.

(a) ((Use of awnings)) *Awnings* and canopies as design features to the front or rear of building windows and doorways *are*((is)) required and shall be installed in compliance with all applicable building, fire, and safety codes.

(b) The specific location of awnings and canopies, their color, applied signage, and materials used shall be subject to the approval of the ARC. *See example below:*

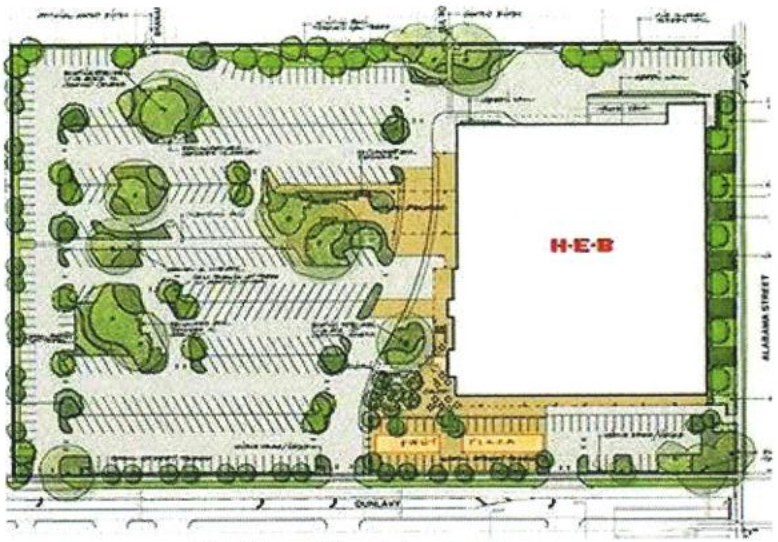
(6) Parking/shared parking.

(a) For sites or developments that include significant amounts of parking, ((site design should)) avoid large uninterrupted expanses of asphalt from the fronting streets so that vast amounts of surface parking do not dominate the view(s) from the fronting street(s) to the site's primary buildings.

(b) ((In keeping with the desire to avoid large areas of parking from the fronting streets))*Break up large areas of* parking ((should be broken up)) with landscaping and pedestrian walkways, with ((the majority of)) *most* parking directed to the rear and sides of the buildings or site. *Avoid ((*Single)) *single* large parking lots ((should be avoided)).

(c) Parking lots that face a street or alley shall be buffered or screened from the street by a low fence, wall, hedge, or vegetated buffer. If a parking lot fronts on an arterial or major collector and is of such a size that it dominates views from the fronting arterial/collector and detracts from the overall streetscape and community appearance, ((then it is required that)) the parking lot *must* be screened or buffered from view along the fronting roadway(s).

(d) Landscaping. *Separate ((*Parking)) *parking* aisles ((shall be separated)) from one another ((by)) *with* planted medians with trees or *with* other landscaping features. *See example below:*



(e) All parking lots shall have:

[1] ((Adequate)) *A safe and comfortable* pedestrian circulation system;

[2] ((Adequate)) *Safe* turning radii *for vehicles*;

[3] ((An efficient)) *A smooth efficient, and clearly marked* traffic movement pattern; and

[4] ((Integration of the)) *A design that integrates* parking with the character of the site and the proposed development.

(f) Access drives to parking lots should be minimized.

(g) On-site traffic lanes. Traffic aisles within a project shall provide a safe and convenient circulation pattern. Pedestrian movement and safety shall be ((incorporated into)) *paramount in* the project design.

(h) Proximity to structures. Parking areas shall ((be conveniently located to)) provide ease of access to all users, with short-term customer parking provided close to the building.

(i) Covered spaces and parking garages. Covered parking structures and garages shall have design features compatible with the overall character of the project.

(j) Parking lot lighting. Lighting shall provide adequate *safety* illumination ((but also)) *and* avoid direct illumination of adjacent residential districts.

(7) Pedestrian/bicycle circulation.

(a) Pedestrian facilities shall include, but not be limited to, sidewalks, handicap accessible ramps, crosswalks, and pedestrian signals.

(b) Site designs should balance the access needs of pedestrian, vehicular, and bicycle traffic.

(c) A network of convenient and safe pedestrian paths shall ((be provided to)) connect areas within the project, ((as well as to)) *and shall* connect the project to adjacent properties.

(d) Priority connections to bus stops, schools, parks, public facilities, and retailers should be provided.

(e) The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles shall ((be designed to)) maximize safety and convenience *for users* and shall be harmonious with proposed and existing buildings.

(f) Walkways shall be well lit to provide visibility, security, and a pleasant environment.

(g) Sidewalks shall be provided along the street frontage of the property in accordance with City standards.

(h) Pedestrian and bicycle crossings must be provided ((as necessary)) for pedestrian and cyclist safety, convenience, and to minimize automobile conflict.

(8) Outdoor lighting.

(a) Outdoor lighting shall provide security and visual interest with minimal impact on adjacent properties.

(b) Exterior lighting shall illuminate the building and its grounds for safety purposes, ((but)) *and must do so* in ((an)) *a pleasing and* aesthetic manner. Outdoor lighting shall be placed and screened to limit the emission of light beyond the development.

(c) Exterior lighting fixtures shall be appropriate to the building and *to* its surroundings in ((terms of)) style, scale, and *illumination* intensity ((of illumination)). Wall-mounted light fixtures should not extend above the height of the wall ((to))*on* which they are mounted.

(d) The height of light fixtures, as well as their position and intensity, shall be subject to ((the approval of the)) ARC *approval*.

(9) ((Standards for landscape)) *Landscape* design and development.

(a) General requirements.

[1] Landscaping must be installed as an integral feature of each project. Such landscaping includes finished grading, seeding, sodding, functional and decorative ground covers, shrubs, shade trees, flowering trees, and evergreen trees.

[2] ((The proposed landscape)) *Landscape* design ((concept)) must:

[a] Reinforce architectural design objectives, parking functions, and pedestrian activities within the site.

[b] ((Buffer)) *Screen* views of parking areas, service areas, dumpster areas, mechanical equipment, etc.,

with a combination of deciduous and evergreen trees and shrubs.

[c] Provide canopy trees along streets and parking aisles and within planting islands.

[d] Provide color, texture and visual interest.

[3] ((All required landscaped)) *Landscaped* areas must be planted with trees, shrubs and/or ground covers and *must* use shredded hardwood mulch or bark.

[4] The slope of any earth berm shall not exceed a vertical to horizontal ratio of 3:1 and shall be planted with a suitable ground cover to prevent soil erosion.

[5] Signs or sidewalks may *not* be located in required landscaped areas. ((, in addition to plantings, as part of the landscape design.))

[6] Landscaped areas adjacent to vehicular ((activity))*traffic* shall be protected by a continuous concrete curb or similar permanent barrier.

(b) The landscape plan.

[1] ((All landscape plans for development)) *Landscape plans* shall be prepared and sealed by a landscape architect ((registered))*licensed* in the State of Maryland or by any other ((registered or))licensed professional who is authorized by the state *of Maryland* to prepare landscape plans.

[2] The landscape plan shall indicate location, general type and quality of any existing vegetation, and methods ((for protection of)) *to protect* existing vegetation during construction.

[3] The landscape plan shall include location and identification of all proposed plants, as well as a plant list that includes botanical and common name, quantity, spacing, and size at time of planting.

[4] The landscape plan shall include the location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures and fountains, street furniture, lighting, and paved outdoor areas.

(c) Landscape standards.

[1] Public right-of-way. A landscaped strip shall be provided on the property adjacent to all public rights-of-way.

[a] Arterial street. A ten((-))*(10)* foot((-))wide landscaped strip is required adjacent to and parallel to the frontage of an arterial street.

[b] Non arterial street. A ten((-))(10) foot((-))wide landscaped strip is required adjacent and parallel to the frontage of a non-arterial street.

[c] Landscaped strips adjacent to the public right-of-way should be designed to include ground covers and other plant materials compatible with low maintenance and low-water-use standards.

[d] One (1) tree and three (3) shrubs shall be planted in the landscaped strip for every *twenty-five (25)* feet of street frontage.

[2] Perimeter landscaping.

[a] Landscaped areas are required adjacent to incompatible uses in accordance with § 235-30.

[b] A variety of deciduous and evergreen trees and shrubs shall be used when providing required screening between adjacent properties.

[3] Parking lots.

[a] Parking aisles should be separated from one another by planted medians with major shade trees and low-growing shrubs.

[b] Where the end of a parking space abuts a required landscaped area, the width of the landscaped area must be increased by five *(5)* feet, or *by* curb stops provided to prevent overhang of parked cars.

[4] Stormwater management facilities.

[a] Landscaping of stormwater management facilities shall be ((undertaken)) in accordance with the current Maryland Stormwater Design Manual.

[b] Stormwater management or retention areas must ((not detract from)) *enhance* the quality of the overall landscape design. Large areas for water retention should be utilized as a landscape element whenever possible.

(c) Green roof systems for meeting stormwater management requirements may be considered as part of the site design.

(d) Planting requirements.

[1] Minimum tree sizes ((at installation)) *when planted* shall be as follows. In certain locations, such as entrances, corners, ((and)) focal points, and for critical areas to be screened, larger trees or shrubs may be required.

[a] Deciduous canopy or shade trees: two-and-one-half *(2 1/2)* inch to three((-))*(3)* inch caliper, *twelve (*12) feet to *fourteen (*14*)* feet in height.

[b] Deciduous ornamental or flowering trees: two-inch *(2)* to two-and-one-half *(2 ½)* inch caliper, eight *(8)* feet to *ten (*10*)* feet in height.

[c] Evergreen trees: seven *(7)* feet to nine *(9)* feet in height.

[2] Required shrubs shall have a minimum mature growth height of 24 inches. At least 50% of required shrubs shall be a minimum of five((-))*(5)* gallon size upon *planting* ((installation)). In no case shall any shrub be less than one ((-))*(1)* gallon size.

[3] Ground cover.

[a] Required ground cover may be two types:

[i] Vegetative ground cover consisting of living plant materials characterized by horizontal as well as vertical growth, generally not exceeding *eighteen (*18*)* inches in height.

[ii] Inert ground cover consisting of gravel, decomposed granite, crushed rock, bark chips, or other approved materials.

[b] Substitution due to seasonal planting ((problems)) *constraints* or lack of plant availability may be made in accordance with the following:

[i] No reduction in the quantities of plant materials.

[ii] No significant change in size or location of plant materials.

[iii] New plant materials fall within the same general functional category of plants (shade trees, ornamental trees, evergreens, etc.) as the plant materials being replaced.

[iv] The proposed new plant materials are considered appropriate with respect to elements necessary for good survival, continued growth, and reasonable maintenance.

(e) Plant standards and guarantee.

[1] All material selected shall be equal to or better than the requirements of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen. All material shall be nursery grown under the same climatic conditions as the location of this project for at least two *(2)* years. Varieties shall be indigenous to this area, Zone 6, *and Zone 7*.

[2] All materials shall be planted according to the Landscape Specification Guidelines published by the Landscape Contractors Association, or its equivalent.

[3] All plant materials shall be installed during the first planting season after completion of site work.

[4] All plant material shall be guaranteed by the property owner or installer for the duration of one full growing season after final inspection and acceptance of the work. Plants shall be alive and in satisfactory growing condition at the end of the guarantee period.

[5] The property owner and/or lessee shall maintain all landscape materials and landscaped areas in accordance with the approved plan.

[6] All landscaping, buffering, and screening shall be maintained in a healthy condition ((at all times)). Dead or diseased plants shall be removed and replaced with new material by the owner within one growing season.

(10) Screening/loading storage.

(a) Trash and refuse collection areas. Areas that generate noise and odors shall be located where they will not disturb the residents or patrons within the project or *within* adjacent ((uses)) *areas* and shall not be the visual focal point of a driveway or parking area. *See examples below:*

(b) Loading and service bays. *Use* Landscaped)) *landscaped* areas, fencing, and walls ((should be used)) to decrease noise levels. These areas should also be separated from customer parking where possible.

[1] Service and loading bays (such as, but not limited to, automotive, service, tire, etc.) shall be oriented away from existing residences.

[2] Loading and service bays must be screened from view.

(c) Pedestrian loading and unloading areas. Pedestrian drop off locations shall be incorporated within the overall circulation patterns and should be convenient and safe for pedestrians.

(d) Emergency vehicle access. *Integrate ((*Access)) *access* for emergency vehicles ((should be integrated)) into ((the)) design of the project. Signage and striping shall be compatible with the overall *site* design.

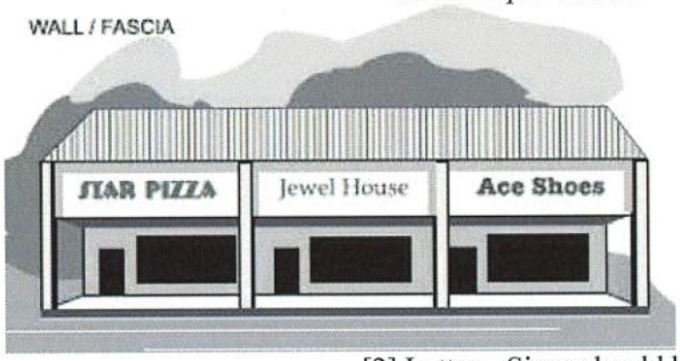
(e) Outside storage. Outside storage areas, if permitted, shall be screened from street view and from adjacent residential, office, and commercial districts. *See examples below:*

(11) Signage.

(a) Signs ((shall be in harmony with the style and character of the development and)) should be an integral design component of the building architecture, building materials, landscaping, and overall site development.

(b) The following signs will be permitted:

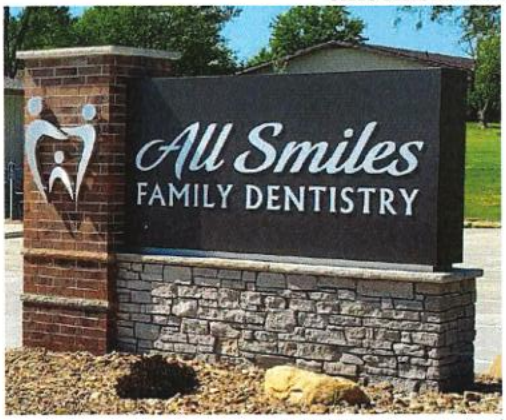
[1] Attached signs. Attached signs should be integrated with the primary physical features of the building and should complement the building architecture. *See example below:*



[2] Letters. Signs should be composed of individual letters, such as channel letters, upgraded cabinet forms, or other durable material, and should be mounted so that the attachment device is not visible or discernible. Raceways or similar mounting platforms should be the same color as the surface upon which they are placed. *See example below:*

[3] Monument signs shall, where feasible ((and desirable)), incorporate design features associated with the buildings or structures and should ((constitute an)) *represent the* architectural *design* ((component)) of the *project* overall ((development)).

(c) Monument signs shall be constructed with a base of metal or masonry ((construction)). Sign cabinets and sign faces mounted atop a base or other fixture shall ((be boarded or background by the)) *have* architectural *details reflecting the overall project design* ((features, materials, and embellishment of the entire sign)). *See examples below:*



(d) Sign copy shall not exceed a horizontal to vertical ratio of 2:1.

(e) Internally illuminated signs should provide an opaque background so that only the sign copy is illuminated, except where the background is colored to mute the amount of illumination or where the background is integral to the design of a corporate image or registered trademark.

(12) Security.

(a) Physical barriers, such as bollards, are permissible for security purposes. *See example below:*

(b) Doorways and windows should be located to maximize surveillance of entryways, pathways, and parking lots.

(c) Adequate outdoor lighting shall be provided throughout the ((development)) *project*.

(d) Landscaping shall not block *security* surveillance ((measures))*devices* or access and egress of safety vehicles and equipment.

(13) Noise impact.

(a) Site design shall include provisions for limiting noise so as not to interfere with the use of adjacent property. The occupants of a ((development)) *completed project* shall be protected from noise from ((both)) *inside and* outside ((and within)) the site through screening, setbacks, and noise reducing building materials.

(b) Noise-generating equipment shall be located to minimize ((impact)) *noise* on adjacent residential uses.

SECTION 8. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 235-40.1, 40.2, 40.3, 40.4.B, 40.4.C., 40.6, 40.7.D., 40.8, and 40.14.A. of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article VA, Sign Regulations, are repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article VA, Sign Regulations

§ 235-40.1. General purpose.

The purpose of this article is to regulate all exterior signs so as to protect property values and the character of the various neighborhoods; ((to preserve and enhance natural scenic beauty;)) to protect public safety; and to promote the general welfare. This article is supplemental to specific signage requirements applicable within individual zoning and overlay districts.

§ 235-40.2. Definitions and interpretations.

For the purposes of this article, the following words and phrases have the meanings provided below. Words and phrases not specifically included below are defined elsewhere in this article or chapter or, if not defined elsewhere in this article or chapter, shall have their usual and commonplace definitions.

AWNING — Canvas or other similar material stretched on a frame and used to keep the sun or rain off a storefront, window, or doorway.

BANNER SIGN — ((Any sign made of fabric or any nonrigid material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, county, or municipal flags, or the official flag of any institution or business shall not be considered banners.)) *A temporary sign*

displayed on cloth or similar flexible material and designed to be mounted on an open framework or hanging from posts, poles or wall-mounted, used as an advertisement.

* * *

CHANGEABLE COPY SIGN — A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by hand without altering the face or the surface of the sign. This definition does not apply to portable signs.
CONSTRUCTION SIGN - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
DIRECTORY SIGN — A sign utilized to identify the name, address, and/or occupants of a building or nonresidential development.
((DISTRICT — A zoning district.))
ELECTRONIC MESSAGE SIGN — A sign with a fixed or changing display that uses movement or change of illumination to depict action or create a special effect or scene.

* * *

ILLUMINATED SIGN — ((Any sign which has characters, letters, figures, designs, or outline lighted in any manner.)) *A sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed toward the sign.*

* * *

((PARAPET — The extension of a false front or wall above a roofline.))
OFF-PREMISES SIGN — A sign which directs attention to a business, professional activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises or parcel where such sign is located or within the building to which such sign is affixed.

* * *

((PRINCIPAL BUILDING — The building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages, and other clearly accessory uses *or structures* shall not be considered principal buildings.))

* * *

PRIVATE TRAFFIC CONTROL SIGN — A sign directing traffic movement onto and/or within a property.
PROJECT DEVELOPMENT SIGNS — Temporary signs for undeveloped parcels offering the sale or lease of the property.
PROJECTING SIGN — Any sign affixed to a building or wall in such a manner that its leading edge extends more than ((six)) *12* inches beyond the surface of such building or wall.

* * *

ROOF SIGN, INTEGRAL — Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
SANDWICH BOARD SIGN - An A-frame or easel sign used for advertising in front of a specific business.
SIGN — Any device, fixture, placard, or structure (including a banner and pennant) that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
TEMPORARY SIGN – Any sign that is not permanently mounted and *that is displayed* for a period not exceeding 30 consecutive days or 60 days in any one-year period.
WALL SIGN — A sign that is attached to the exterior wall of a building, projects not more than six inches from the wall, is confined within the limits of the wall, is supported by such wall or building, and displays only one sign surface. For purposes of this article, a sign painted on the surface of the wall is considered a wall sign.
WINDSAIL SIGN - Any temporary ground-mounted freestanding sign made of vinyl, canvas or similar flexible material fabricated as a large pennant for advertisement.
WINDOW SIGN — Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

§ 235-40.3. Sign permits and fees.

A. Permit requirements. A person may not erect, place, attach, sustain, alter, reconstruct, relocate, or modify any sign or other advertising structure without first obtaining a sign permit and making payment of the required fee. All illuminated or electronically operated signs shall, in addition, be subject to the provisions of the Harford County electrical code.

B. Permit exception. If the panel of a sign is modified to reflect a change in the logo or ad copy of an existing business at the same location, *or damaged by a natural weather event,* a new permit is not required.

C. Application. An application for a sign permit shall be filed with the Department of Planning and Community Development ((on a form prescribed by the Director of Planning and Community Development,)) to include such information and documentation as ((the Director)) may *be* required to ensure that the proposed sign or advertising structure will comply with this article. This information includes, but may not be limited to, the name and address of the sign/property owner; name and address of the applicant; name and address of the sign erector; drawings showing the copy, design, dimensions, heights, and location of the sign; and signature of the owner, tenant, or authorized agent.

D. Fees. Fees for sign permits shall be as established and specified in the Code of the City of Aberdeen, Chapter A550, Fees.

E. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within 12 months after the date of final approval of the permit.

F. Issuance and revocation. ((Provided the application is proper in form, is accompanied by all required information, and the applicable fee is paid, the Director of Planning and Community Development, or the Director's designee,)) *The Department of Planning and Community Development* shall approve the application and issue the permit within five *(5)* business days *after reviewing the required information and the applicable fee is paid.* The ((Director of the)) Department of Planning and Community Development,((or the Director's designee,)) may refuse to issue any permit or, after written notice and a reasonable opportunity to be heard, may revoke any permit issued upon failure to comply with any provisions of this article.

§ 235-40.4. Calculation of sign area. ***See Figure 1.***

B. Multifaced or curved surface signs. The sign *area* of a multifaced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.

C. Irregularly shaped signs. The area of irregularly shaped signs shall be calculated by totaling the area of one or more rectangles completely enclosing the extremities of the sign. *See figure below:*

Sign Area = A x B

§ 235-40.6. Miscellaneous provisions.

* * *

D. Freestanding signs.

(1) Freestanding signs shall be securely fastened to the ground.

(2) No commercial freestanding sign shall be placed within 50 feet of residentially zoned property.

(3) The height of any freestanding sign shall ((be no more than 25 feet above finished grade.)) *not exceed 30 feet above the road grade.*

(4) Freestanding signs may be located only in the front building setback area and shall be set back 1/3 of the required front building setback distance for the underlying zoning district and out of any right-of-way or easement.

(5) A freestanding sign must be set back *ten (*10*)* feet from the City's public utilities ((, plus 1/2 foot for every foot above 10 feet in height of the sign)).

(6) Nonconforming freestanding signs in designated overlay districts may remain as long as the only changes are to the sign copy. In the event a freestanding sign in a designated overlay district is to be replaced, it must be replaced with a monument sign adhering to the requirements in this article.

(7) Freestanding signs are ((not)) permitted in ((any))*all* overlay district*s*.

E. A temporary sign ((should)) *may* be placed on wooden stakes or ((on an A-frame type of placard)) *mounted to a building* and ((shall not be higher than three feet measured from the ground to the top of the sign)) *a sign permit is required prior to installation.*

F. Monument signs.

(1) ((Monument signs, as defined in this chapter, are mandatory in all overlay districts.)) *New signs erected in an overlay district may be a monument style sign.*

(2) Monument signs shall be securely fastened to the ground.

(3) No commercial monument sign shall be placed within 50 feet of residentially zoned property.

(4) Monument signs may be located only in the front building setback area and ((shall be set back 1/3 of the required front building setback distance for the underlying zoning district and)) out of the right-of-way or utility easement.

(5) A monument sign shall not exceed ((eight)) *twelve (12)* feet in height above finished grade.

(6) No monument signs may be placed in a recorded public easement.

(7) A monument sign must be set back *ten (*10*)* feet from the City's utilities or two times the depth of the utility, whichever is greater.

G. Signs that are not commercially produced will be prohibited in all zoning districts.

H. Project development signs shall be set back at least *ten (*10*)* feet from the road right-of-way, shall not exceed *ten (*10*)* feet in height above the road grade, and shall not exceed the sizes as ((expressed)) *provided* in ((Table 3.1)) *Exhibit 3, Table 3.* Project development signs must be removed within 15 days after sale or lease of the last lot in the development.

I. Vehicular signs on vehicles parked on a right-of-way are prohibited.

J. Projecting signs shall be at least two feet away from the vertical street curbline or improved shoulder edge of the travel way and shall project no more than 42 inches from the wall. There shall be a clearance of at least eight feet from the top of the sidewalk to the bottom edge of the sign, or 14 feet for vehicle access.

K. Real estate signs must be removed ((within seven calendar days of)) *after* the transfer, lease, or removal from the market of the real property. *The owner of the real property must give permission to place real estate signs or open house signs on the property and they must be removed within three (3) days of an event.*

L. Signs may be placed on four sides of a commercial or industrial building, except that a sign may not be placed on a side of a commercial or industrial building that faces a residential area *unless the buffer yard requirement has been met.*

M. Entrance signs shall not exceed ((six)) *eight (8)* feet in height above finished grade.

N. An off-premises sign for general identification ((in support of an office park or similar project)) in the B-3, ((and)) IBD, *and TOD* Zoning Districts is permitted, provided that such a sign is within 2,000 feet of the property line of the ((office park or)) project. This type of sign shall be limited to a maximum of ((25)) *fifteen (15)* feet in height above finished grade.

O. Electronic message signs are permitted as an attachment to a structure or placement as a freestanding sign with the following requirements:

(1) The maximum area of the electronic sign cannot exceed ((50)) *one hundred (100)* square feet.

(2) Only one *(1)* electronic message sign per business is permitted.

(3) Electronic message signs must be a minimum distance of *fifty (*50*)* feet from any residentially zoned property.

(4) Animation, flashing, blinking characters, scrolling text, or continuous movement is permitted as long as it does not impede, confuse, or distract motorists or pedestrians.

(5) No sounds can be emitted from electronic message signs.

(6) Electronic message signs are permitted in the Overlay Districts.

§ 235-40.7. General restrictions.

D. A sign shall not be placed within *ten (*10*)* feet of the road right-of-way and shall be placed in such a manner so as not to impede vision.

§ 235-40.8. Inspection, maintenance, and removal.

A. Inspection. Signs *shall* ((may)) be inspected by the ((Director of the)) Department of Planning and Community Development ((or the Director's designee)) for compliance with this article.

B. Maintenance. All signs, components, and supporting structures shall be kept in good repair, appearance, quality, and condition, and maintained to protect against breakage, material discoloration, and defects in or omission of material components. *The Department of Planning and Community Development will notify the owner of the sign that maintenance is required and must be completed within 45 days of notice.*

C. Removal.

(1) If any sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that location, that sign shall be considered abandoned *and shall be removed within 45 days after written notice from the Department of Planning and Community Development* ((within 90 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign)).

(2) If the message portion of a sign (other than a billboard sign) is removed, leaving only the supporting shell of the sign, the owner of

the property where the sign is located, or other person having control over such sign, shall, within 30 days of the removal of the message portion of the sign, remove the remaining components of the structure.

§ 235-40.14. Violations and penalties.

A. Any person that violates the provisions of this article shall be deemed to have committed a municipal infraction as set forth in Chapter 95, Municipal Infractions, of this Code, and subject to the following actions:

(1) Warning: A warning notice to correct the violation within *ten (*10*)* days from the date of the notice shall be mailed, by certified and regular mail, to the owner, occupant, or tenant.
(2) First offense: $100.
(3) Second offense: $250.
(4) Third offense: $*500.((*400.))
(5) Each subsequent offense: $*1000.((*400.))

SECTION 9. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that new Section 235-40.11.F. is hereby added to the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article VA, Sign Regulations, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article VA, Sign Regulations

§ 235-40.11. Illumination

E. As required by the United States Flag Code, the United States flag displayed on a flagpole must be illuminated at night. As further provided by the United States Flag Code, no other flag may be placed above the United States Flag on a flagpole.

SECTION 10. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 235-41.A., B. and C. of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article VI, Transitional Provisions, is repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article VI, Transitional Provisions

§ 235-41. Effect on pending or preexisting certificates, permits and regulations.

A. Approved or pending zoning certificates or building permits.

(1) The requirements of this chapter or amendment to this chapter shall not apply to any building, structure or use established pursuant to a valid building permit issued prior to the effective date of this chapter or amendment to this chapter, provided that substantial construction under the permit has commenced within three months after issuance of the permit

(2) The requirements of this chapter or amendment to this chapter shall not apply to any building, structure, or use proposed to be established pursuant to a valid building permit application pending as of the effective date of this chapter or amendment to this chapter, provided the permit application is approved and issued within *sixty (*60*)* days after the effective date of this chapter or amendment to this chapter, and any development initiated pursuant to the issued permit commences within three *(3)* months of the date of the issued permit. Failure to commence within the three ((-)) *(3)* month period shall subject the permit to the provisions of this chapter or amendment to this chapter.

B. Approved and pending preliminary plats.

(1) The requirements of this chapter and amendments to this chapter shall not apply to lots shown on a preliminary subdivision plat approved as of the effective date of this chapter or amendment to this chapter, provided that a final plat applicable to that parcel shall have been recorded in the land records of the county prior to the effective date of this chapter or amendment to this chapter or within *twelve (*12*)* months after such effective date.

(2) The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat pending approval as of the effective date of this chapter or amendment to this chapter, provided that the preliminary plat is *recommended for* ((approved)) *approval* by the Planning Commission *and approved by the City Council* within *sixty (*60*)* days from the effective date of this chapter or amendment to this chapter and a final plat applicable to that parcel is recorded in the land records of the county within *twelve (*12*)* months after the date of approval of the preliminary plat.

C. Board of Appeals approvals. The requirements of this chapter or amendment to this chapter shall not apply to any variance, *or* special exception ((, or conditional use)) approved by a final decision of the Board pursuant to this chapter, any amendment to this chapter, or any predecessor to this chapter, except that any request for a change to the prior approval shall be subject to this chapter or amendment to this chapter.

SECTION 11. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Chapter 235. DEVELOPMENT CODE,

Exhibit 1, Table 1, Permitted Signs by Type and Zoning District, Code of the City of Aberdeen (2010 Edition as amended), as attached to this Ordinance, is repealed and reenacted, with amendments.

SECTION 12. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Chapter 235. DEVELOPMENT CODE, Exhibit 2, Table 2, Number of Signs per Recorded Lot or Business by Zoning District, Code of the City of Aberdeen (2010 Edition as amended), as attached to this Ordinance, is repealed and reenacted, with amendments.

SECTION 13. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Chapter 235. DEVELOPMENT CODE, Exhibit 3, Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District, Code of the City of Aberdeen (2010 Edition as amended), as attached to this Ordinance, is repealed and reenacted, with amendments.

SECTION 14. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Chapter 235. DEVELOPMENT CODE, Appendix A Table of Use Regulations, Code of the City of Aberdeen (2010 Edition as amended), as attached to this Ordinance, is repealed and reenacted, with amendments.

SECTION 15. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that the Critical Area Map included in Attachment 3 – Appendix C and incorporated into this Ordinance by reference are hereby adopted.

SECTION 16. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that General Code Corporation, codifier of the Code of the City of Aberdeen, is authorized and directed, as part of the codification of this Ordinance, to make non-substantive edits to the codification of the provisions of this Ordinance to correct errors and ensure consistency in the codification scheme.

SECTION 17. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor

Adam M. Hiob, Council President

William H. Montgomery, III, Councilman

Tandra A. Ridgley, Councilwoman

Darin M. Wassum, Councilman

ATTEST: **SEAL:**

Monica A. Correll, City Clerk

Date March 9, 2026

Attachment 1

City of Aberdeen Appendix A
Table of Use Regulations

Key to Table:
P Permitted use
SE Use subject to special exception from the Board of Appeals
-- Not permitted
2nd floor Permitted on second floor and above T-5
Only permitted in TOD-C
SFD Single-family dwelling

Bold Italics – Added Uses
((Double Parentheses)) – Deleted Use

	Zoning District									
Use	**R-1**	**R-2**	**R-3**	**B-1**	**B-2**	**B-3**	**M-1**		**IBD**	**TOD**
Commercial										
Automobile or boat sales/rental	--	--	--	--	--	P	--		--	((P))
Cannabis dispensary and CBD shop	--	--	--	--	--	P	P		((P))	((P))
Liquor store	--	--	--	--	--	P	--		P	((P))
Tobacco shop	--	--	--	--	--	P	--		P	((P))
Institutional										
Warming Center or Station	--	--	--	--	--	--	***P***		--	--

235 Attachment 4

City of Aberdeen
Exhibit 1
Table 1, Permitted Signs by Type and Zoning District

KEY
P Allowed without sign permit
*P Noncommercial only
S Allowed only with sign permit
*I Institutional only
-- Not allowed

	Zoning District								
Type	**R-1**	**R-2**	**R-3**	**B-1**	**B-2**	**B-3**	**M-1**	**IBD**	**TOD**
Awning	--	--	--	S	S	S	S	S	S
Banner	*P	*P	*P	S	S	S	S	S	((--))**S**
Beacon	--	--	--	--	--	P	P	P	--
Billboard	--	--	--	--	--	--	S	--	--
Building Marker	P	P	P	P	P	P	P	P	P
Canopy	*I,S	*I,S	*I,S	S	S	S	S	S	S
Changeable Copy	--	--	--	S	S	S	S	S	S
Construction	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**
Directory	--	--	--	S	S	S	S	S	S
Electronic message	*I,S	*I,S	*I,S	((--))**S**	S	S	S	S	S
Entrance	*P,S	*P,S	*P,S	--	--	--	--	((--))**S**	--
Freestanding	--	--	--	S	S	S	S	**S**	S
Illuminated	--	--	--	S	S	S	S	S	S
Incidental	P	P	P	P	P	P	P	P	P
Marquee	--	--	--	S	S	S	S	S	S
Monument	--	--	--	S	S	S	S	S	S
Off-Premises	--	--	--	--	--	S	--	S	((--))**S**
Pennant	--	--	--	P	P	P	P	P	P
Political Campaign	P	P	P	P	P	P	P	P	P
Private traffic control	P	P	P	P	P	P	P	P	P
Project Development	S	S	S	S	S	S	S	S	S
Projecting	--	--	--	S	S	S	S	S	S
Public	P	P	P	P	P	P	P	P	P
Real Estate	P	P	P	P	P	P	P	P	P
Roof and roof, integral	**--**	**--**	**--**	**S**	**S**	**S**	**S**	**--**	**--**
Sandwich Board	**--**	**--**	**--**	**P**	**P**	**P**	**P**	**P**	**P**
Street	P	P	P	P	P	P	P	P	P
Suspended	--	--	--	S	S	S	S	S	S
Traffic Control	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Wall	((--))***I,S**	((--))***I,S**	((--))***I,S**	S	S	S	S	S	S
Windsail	**--**	**--**	**--**	**S**	**S**	**S**	**S**	**S**	**S**
Window	*P	*P	*P	P	P	P	P	P	P

DEVELOPMENT CODE Note: Highlighted Red **bold text** has been added and (( )) means deleted.

235 Attachment 5

City of Aberdeen

Exhibit 2

Table 2, Number of Signs per Recorded Lot or Business by Zoning District

KEY

A Per store front or building

B Per building

U Unrestricted number

*U Unrestricted number (noncommercial)

C 25% of the window may be covered with window signs

* Each entrance

* I(1) Institutional only

X Not allowed

	Zoning District								
Type	**R-1**	**R-2**	**R-3**	**B-1**	**B-2**	**B-3**	**M-1**	**IBD**	**TOD**
Awning	((X))*I	((X))*I	((X))*I	1	1	1**(A)**	1	1**(A)**	1**(A)**
Banner	1	1	1	1	1	1	1	1	((X))1
Beacon	X	X	X	X	X	U	U	U	X
Billboard	X	X	X	X	X	X	1	X	X
Building Marker	1	1	1	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)
Canopy	*1(I)	*1(I)	*1(I)	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)
Changeable Copy	X	X	X	1(B)	1(B)	1(B)	1(B)	1(B)	1(B)
Construction	***1**	***1**	***1**	**1**	**1**	**1**	**1**	**1**	**1**
Directory	X	X	X	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)
Electronic Message	*1(I)	*1(I)	*1(I)	((X))1	1	1	1	1	1
Entrance	*1	*1	*1	X	X	X	X	((X))**1**	X
Freestanding	X	X	X	2	2	2	2	**1**	1
Illuminated	X	X	X	U	U	U	U	U	U
Incidental	U	U	U	U	U	U	U	U	U
Marquee	X	X	X	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)
Monument	X	X	X	((2))**1**	((2))**1**	2	2	2	1
Off-Premises	X	X	X	X	X	2	X	1	((X))**1**
Pennant	X	X	X	U	U	U	U	U	U
Political Campaign	U	U	U	U	U	U	U	U	U
Private traffic control	U	U	U	U	U	U	U	U	U
Project development	*1	*1	*1	1	1	1	1	1	1
Projecting	X	X	X	1	1	1	1	1	1
Public	U	U	U	U	U	U	U	U	U
Real Estate	2	2	2	2	2	2	2	2	2
Roof and roof, integral	**X**	**X**	**X**	**1**	**1**	**1**	**1**	**X**	**X**
Sandwich Board	**X**	**X**	**X**	**1(A)**	**1(A)**	**1(A)**	**1(A)**	**1(A)**	**1(A)**
Street	U	U	U	U	U	U	U	U	U
Suspended	X	X	X	1	1	1	1	1	1
Traffic Control	**U**	**U**	**U**	**U**	**U**	**U**	**U**	**U**	**U**
Wall	((X))*I	((X))*I	((X))*I	1(A)	1(A)	((1(A)))**U**	((1(A)))**U**	((1(A)))**U**	((1(A)))**U**
Windsail	**X**	**X**	**X**	**1(A)**	**1(A)**	**1(A)**	**1(A)**	**1(A)**	**1(A)**
Window	*U	*U	*U	U	U	U	U	U	C

DEVELOPMENT CODE Note: Highlighted Red **bold text** has been added and (( )) means deleted.

235 Attachment 6

City of Aberdeen

Exhibit 3

Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District

KEY

U Unrestricted

*U Unrestricted (noncommercial)

I Institutional only

X Not allowed

C 25% of the window may be covered with window signs

	Zoning District								
Type	**R-1**	**R-2**	**R-3**	**B-1**	**B-2**	**B-3**	**M-1**	**IBD**	**TOD**
Awning	X	X	X	((X))**U**	(80))**U**	((80))**U**	((80))**U**	((80))**U**	((80))**U**
Banner	12	12	12	12	24	24	24	24	((X))24
Beacon	X	X	X	X	X	U	U	U	X
Billboard	X	X	X	X	X	X	80	X	X
Building Marker	6	6	6	6	6	6	6	6	6
Canopy	12(I)	12(I)	12(I)	24	24	36	24	24	24
Changeable Copy	X	X	X	50	50	50	50	50	50
Construction	**36**	**36**	**36**	**72**	**72**	**72**	**72**	**72**	**36**
Directory	X	X	X	50	50	50	50	50	50
Electronic message	32(I)	32(I)	32(I)	((X))**32**	80	80	80	((X))**32**	32
Entrance	80	80	80	X	X	X	X	((X))**80**	X
Freestanding	X	X	X	50	100	150	100	**50**	50
Illuminated	X	X	X	50	100	150	100	100	((50))**100**
Incidental	12	12	12	12	12	12	12	12	12
Marquee	X	X	X	100	150	150	150	150	150
Monument	X	X	X	128	128	128	128	128	128
Off-Premises	X	X	X	X	X	75	X	75	((X))**75**
Pennant	X	X	X	12	12	12	12	12	12
Political campaign	U	U	U	U	U	U	U	U	U
Private traffic control	6	6	6	6	6	6	6	6	6
Project development	36	36	36	72	72	72	72	72	36
Projecting ((sign))	X	X	X	36	36	36	36	36	36
Public	U	U	U	U	U	U	U	U	U
Real Estate	10	10	10	24	24	24	50	50	24
Roof and roof, integral	**X**	**X**	**X**	((X))**10 0**	**100**	**150**	**150**	**X**	**X**
Sandwich Board	**X**	**X**	**X**	**6**	**6**	**6**	**6**	**6**	**6**
Street	6	6	6	6	6	6	6	6	6
Suspended	X	X	X	36	36	36	36	36	36
Traffic Control	**6**	**6**	**6**	**6**	**6**	**6**	**6**	**6**	**6**
Wall	32(I)	32(I)	32(I)	((X))**100**	100	150	150	100	100
Windsail	**X**	**X**	**X**	**100**	**100**	**100**	**100**	**100**	**100**
Window	*U	*U	*U	U	U	U	U	U	C

Map Located in Attachment 3 - Appendix C