

HARFORD COUNTY BILL NO. 23-005 (As Amended)

Brief Title (Moratorium-Warehouse)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Mylena A. Devin
Council Administrator

[Signature]
Council President

Date 4/18/23

Date 4/18/23

BY THE COUNCIL

Read the third time.

Passed: LSD 23-013

Failed of Passage: _____

By Order

Mylena A. Devin
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 19th day of April, 2023 at 3:00 p.m.

Mylena A. Devin
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 4/19/23

BY THE COUNCIL

This Bill No. 23-005 As Amended having been approved by the Executive and returned to the Council, becomes law on April 19, 2023.

EFFECTIVE: April 19, 2023

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 23-005

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

Legislative Day No. 23-005 _____ Date: February 14, 2023

AN EMERGENCY ACT to create a ~~six-month~~ 90 DAY moratorium on the issuance of any approvals or permits for any development of any warehousing and wholesaling, processing, distribution and local delivery facilities on property zoned Village Business District - VB, General Business District - B3, Commercial Industrial District - CI, Light Industrial District - LI and General Industrial District - GI in Harford County so that Harford County Government can study and reconsider its zoning and development regulations with respect to such facilities.

By the Council, February 14, 2023

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

on: March 14, 2023

at: 6:00 PM

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

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 14, 2023, and concluded on March 14, 2023

Mylin A. Dixon, Council Administrator

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

1 WHEREAS, there is concern about the development of large warehouse facilities on the
2 remaining undeveloped property zoned Village Business District - VB, General Business District
3 - B3, Commercial Industrial District - CI, Light Industrial District - LI and General Industrial
4 District - GI in Harford County; and

5 WHEREAS, there is concern about warehousing being combined with wholesaling,
6 processing, distribution and local delivery in the Table of permitted uses in the Zoning Code; and

7 WHEREAS, large warehouse facilities ideally require connectivity with arterial roads via
8 major collector roads to properly service such facilities without significantly and detrimentally
9 impacting existing residential roads and community uses; and

10 WHEREAS, the nature and impact of modern warehousing facilities is significantly
11 different than the Zoning Code could have anticipated for warehousing uses that are permitted by
12 right; and

13 WHEREAS, large warehouse facilities provide little in the way of jobs and meaningful
14 economic growth and development for the local communities where such facilities are located;
15 and

16 WHEREAS, the owners of large warehouse facilities have been known to curtail the use
17 of such facilities after development as such owners do not have significant economic ties to the
18 locality where such facilities are located; and

19 WHEREAS, the remaining undeveloped properties zoned VB, B3, CI, LI and GI,
20 whether located in the Interstate 95 – Route 40 corridor or elsewhere in the County are a
21 valuable resource for meaningful economic development within Harford County; and

22 WHEREAS, the 2016 Master Plan calls for the development of a corridor capacity
23 management and preservation review that coordinates land use and transportation decisions that
24 has not been satisfactorily concluded; and

25 WHEREAS, there are additional public health, safety and welfare concerns with respect
26 to large warehouse complexes located on the Perryman peninsula, which contains large parcels

1 of undeveloped property zoned CI and LI, including:

2 A. The 2016 Master Plan identifies the need for traffic safety and congestion relief studies to
3 inform decision making and identify practical alternatives for improving conditions and
4 the development of a corridor capacity management and preservation program, neither of
5 which has been completed; and

6 B. The peninsula contains a large aquifer complex that supplies potable drinking water for
7 the County and consideration is required as to how large expanses of impervious surface
8 will impact the recharge of such aquifer complex; and

9 C. Whereas the peninsula is home to the Bush River watershed, and large expanses of
10 impervious surface may adversely impact this Chesapeake Bay tributary watershed; and

11 D. The primary access road to the peninsula has insufficient transportation capacity to
12 service existing development and the traffic associated with large warehouse
13 development; and

14 WHEREAS, the citizens of Harford County have been petitioning and requesting their
15 Harford County elected officials to reconsider its zoning and development laws with respect to
16 large warehouse facilities;

17 WHEREAS, the Harford Country Council introduced and unanimously adopted Bill No.
18 22-003, which provided for a moratorium on development of buildings for either a business or
19 industrial use on the Perryman Peninsula, which was vetoed by County executive Glassman; and

20 WHEREAS, Harford County government desires to comprehensively study and
21 reconsider how the development of warehousing and wholesaling, processing, distribution and
22 local delivery facilities impact existing infrastructure and enhance the economic development of
23 the County; and

24 WHEREAS, Harford County government desires to reconsider its zoning and
25 development laws and regulations with respect to the development of warehouse facilities within
26 Harford County;

**BILL NO. 23-005
AS AMENDED**

1 WHEREAS, this moratorium does not apply to other principally permitted uses where
2 warehousing and wholesaling, processing, distribution and local delivery is an accessory to the
3 principal use of the property;

4 NOW THEREFORE,

5 Section 1. Be It Enacted by The County Council of Harford County, Maryland that there be
6 and hereby is a temporary moratorium on the issuance of any approvals or permits for any
7 development of any warehousing and wholesaling, processing, distribution and local delivery
8 facilities so that Harford County Government can study and reconsider its zoning and
9 development regulations with respect to such facilities.

10 THE MORATORIUM SHALL NOT APPLY TO EITHER ANY PROJECT
11 WHICH HAS ACQUIRED A VESTED RIGHT THROUGH THE ACTUAL PHYSICAL
12 COMMENCEMENT OF A SIGNIFICANT AND VISIBLE CONSTRUCTION WHICH WAS
13 COMMENCED IN GOOD FAITH, WITH THE INTENTION TO COMPLETE THE
14 CONSTRUCTION AND WAS COMMENCED PURSUANT TO A VALIDLY ISSUED
15 BUILDING PERMIT OR ANY PROJECT WHICH HAS RECEIVED SITE PLAN
16 APPROVAL PRIOR TO THE EFFECTIVE DATE OF THIS BILL. THIS MORATORIUM
17 SHALL EXPIRE 90 DAYS AFTER THE EFFECTIVE DATE OF THIS BILL. THE
18 MORATORIUM, UPON THE SHOWING OF GOOD CAUSE, MAY BE EXTENDED BY A
19 SUBSEQUENT BILL FOR A PERIOD NOT TO EXCEED AN ADDITIONAL 90 DAYS.

20 THE MORATORIUM SHALL FUTHER NOT APPLY TO OTHER PRINCIPALLY
21 PERMITTED USES WHERE WAREHOUSING AND WHOLESALING, PROCESSING,
22 DISTRIBUTION AND LOCAL DELIVERY IS AN ACCESSORY USE TO THE PRINCIPAL
23 USE OF THE PROPERTY OR TO ANY DEVELOPMENT OR REDEVELOPMENT WHICH
24 IS LOCATED WITHIN AN EXISTING INDUSTRIAL PARK. AN INDUSTRIAL PARK, FOR
25 THE PURPOSES OF THIS MORATORIUM, IS DEFINED AS MORE THAN 4
26 CONTIGUOUS LOTS LOCATED IN EITHER A CI, LI, OR GI ZONING
27 CLASSIFICATION.

28 Section 2. And Be It Further Enacted that this Bill is adopted as emergency legislation to meet
29 emergencies affecting public health, safety and/or welfare. The exigencies that support adoption as
30 emergency legislation include, in addition to the factors set forth in the recitals, the following:

31 A. The compatibility of large warehouse development projects in various phases of planning
32 has been a topic of intense public debate for over one year and remains unresolved. In fairness to all
33 stakeholders, the applicable regulatory regime should be studied and adjustments should be made so
34 that development, transportation, historical, environmental, economic and community needs are

1 balanced in a manner that best serves the health, safety and welfare interests of the citizens of the
2 County.

3 B. Such projects will have immediate and long-term effects and impacts to transportation
4 safety along the existing road network impacted by such projects.

5 C. Such projects will have immediate and long-term quality-of-life impacts on existing
6 residential communities and businesses along the Interstate Route 95 and Route 40 corridor
7 and in other locations where there are undeveloped properties in VB, B3, CI, LI or GI
8 zoning districts. Additionally, such incompatible development could have economic and
9 quality-of-life or loss-of-welfare impacts on such communities and existing businesses.

10 D. Such projects in the Interstate Route 95 and Route 40 corridor will have immediate and
11 long-term quality of life impacts on the military community and businesses on and
12 servicing military projects on the Aberdeen Proving Ground, which has been a long-term
13 partner with the County and has impacted economic and community development within
14 the County for generations. Additionally, such incompatible development could have
15 economic and quality of life loss/welfare impacts on such military community and County
16 businesses that service military endeavors housed on the Aberdeen Proving Ground.

17 E. Inappropriate development of warehousing and wholesaling, processing, distribution and
18 local delivery facilities could detrimentally impact the Chesapeake Bay watershed and have
19 other detrimental immediate and long-term environmental impacts.

20 Section 3. And Be It Further Enacted that, as emergency legislation, this Act shall take effect
21 on the date it becomes law.

22 Section 4. And Be It Further Enacted that in the event the emergency nature of this Act is
23 effectually challenged, this Act shall take effect 60 calendar days from the date it becomes law.

**BILL NO. 23-005
AS AMENDED**

EFFECTIVE: April 19, 2023

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

Mylin A. Dixon

Council Administrator