

# Harford County, Maryland

## ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru April 22, 2014

*DEPARTMENT OF PLANNING AND ZONING*

Harford County, Maryland

FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

*and*

SUBDIVISION REGULATIONS, Chapter 268  
of the Harford County Code, As Amended

are included at the end of  
The Development Regulations.

**ZONING CODE  
AMENDMENT INFORMATION:**

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
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09-31AA	1/22/10		
09-33AA	1/22/10		
10-03	4/20/10		
10-30	12/13/10		
10-32AA	12/27/10		
11-04AA	5/23/11		
11-05AA	5/23/11		
11-03	5/31/11		
11-32	12/12/11		
11-44	12/19/11		
11-62AA	1/13/12		
12-07AA	5/14/12		
12-14	5/21/12		
12-44	1/26/13		
12-48AA	2/11/13		
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13-17	7/22/13		
13-35	1/21/14		
13-36	1/21/14		
13-50	2/18/14		

# Chapter 267. Zoning

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**§ 267-4. Definitions.** [Amended by Bill 09-19, as amended; Bill 11-04, as amended; Bill 11-05, as amended; Bill 11-32; Bill 12-44; Bill 12-48 as amended; Bill 13-35 and Bill 14-1]

**ABANDON** - To relinquish the right to use or to cease the use of property without the intention to either transfer rights in the property or to resume the use thereof.

**ABUT** - To physically touch, border upon or share a common property line.

**ACCESS** - An unobstructed way or means of approach to provide entry to or exit from a property.

**ACCESSORY STRUCTURE OR USE** - A structure or use of land, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot or parcel of land with such principal use.

**ADDITION** - Any construction that increases the size of a building.

**ADJACENT** - Parcels of land that abut one another.

**ADULT BOOKSTORE OR ADULT ENTERTAINMENT CENTER** - An entity or establishment that, as its principal business purpose, offers for sale, rental, exhibition or viewing, any printed, recorded, digitally analogued or otherwise viewable matter, any kind of sexual paraphernalia or any kind of live performance, entertainment or exhibition, that depicts, describes or relates to sexual conduct, sexual excitement or sadomasochistic abuse. For purposes of this definition: "sexual conduct" means human masturbation, sexual intercourse, or the touching of or contact with genitals, pubic areas or buttocks of a human, the breasts of a female, whether alone or between members of the same or opposite sex, or between humans and others; "sexual excitement" means the condition of human genitals, or the breasts of a female, when in a State of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity; and "sadomasochistic abuse" means flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained. Adult entertainment center includes an adult bookstore.

**AFFORESTATION** - The creation, in an area that is not presently in forest cover, of a biological community dominated by trees and other woody plants at a density of at least 100 trees per acre with at least 50% of the trees having the capability of growing to a DBH of 2 inches or more within 7 years.

**AGRICULTURAL PROCESSED PRODUCT** - An agricultural product that is treated in order to increase its market value, including but not limited to such processes as canning, milling, grinding, freezing, heating and fermenting.

**AGRICULTURAL PRODUCT** - Products grown or raised on a farm, intended for direct human or animal use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, jelly, jam, hay, bedding plants, and wool.

**AGRICULTURAL PUBLIC EVENTS** - Events related to agricultural vocations, other than temporary uses already permitted in this Article, including farm tours, animal rodeos, corn mazes, fee fishing and hunting, cross country skiing, sledding, pond ice skating and equestrian trail rentals.

**AGRICULTURAL RESOURCE CENTER** - An agriculturally oriented park which includes uses such as equine competitions and events, livestock sales and auctions, farm fairs, farmer's markets, trail riding and support services.

**AGRICULTURAL RETAIL** - The sale of agricultural products.

**AGRICULTURAL SERVICES** - Uses that serve or support agriculture, including farm equipment service, auction sales of animals, feed and grain mills, farmer's co-ops and agricultural products processing, animal hospitals and veterinary clinics.

**AGRICULTURE** - All methods of production and management of livestock, crops, vegetation and soil. This includes the related activities of tillage, fertilization, pest control, harvesting and marketing. It also includes the activities of feeding, housing and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses and poultry and handling their by-products.

**AIRPORT** - An area on land or water that is used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any.

**ALLEY** - A serviceway providing a secondary means of access to abutting property and not primarily intended for public access.

**ALTERATION** - Any interior or exterior change that would affect the architectural features of a site or structure.

**ALTERATION, HISTORIC** - Any exterior change that would affect the historic, archeological, or architectural significance of any portion of a designated site or structure, including construction, reconstruction, moving, or demolition.

**ALTERNATE LIVING UNITS** - Residential units for no more than 3 individuals organized to project a distinct family and home-like atmosphere.

**ANADROMOUS FISH PROPAGATION WATERS** - Streams that are tributary to the Chesapeake Bay, where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) occurs or has occurred. The geographic location of such streams has been identified by the Tidewater Administration, Maryland Department of Natural Resources.

**ANIMAL, DOMESTIC** - An animal that is accustomed to living in or about the habitation of man and is dependent on man for food or shelter, excluding livestock.

**ANIMAL RODEO** - A public performance featuring jousting, fox hunting, polo, horse shows, horse pulling, bronco riding, calf roping, steer wrestling, bull riding, point-to-point races and steeplechases.

**ANIMAL SHELTER** - A non-profit facility, as defined by the Internal Revenue Code as Amended, established for the purpose of providing shelter and care for domestic animals and livestock that have been abandoned or placed in the shelter by the Harford County Government or members of the public for permanent or temporary care. In addition to shelter and care, the facility shall provide evaluative care to determine the adoptability of animals, educational outreach programs on animal care for the community, on-site training programs for staff and volunteers, and areas for animals to exercise and socialize.

**APPLICANT** - A property owner or their designee applying for permits or other approvals required by this Chapter.

**AQUIFER** - A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

**ARCADE** - A structure housing 3 or more commercial mechanical or electronic devices used for amusement.

**AS-BUILT** - Scaled and dimensioned drawing done by a licensed surveyor or engineer that accurately depicts the location of all improvements on the property.

DWELLING - A building or portion thereof used primarily for human habitation or, where applicable, a single dwelling unit within such building.

DWELLING, ATTACHED - A dwelling unit attached to 1 or more dwelling units by walls or roof.

DWELLING, CARRIAGE COURT - A building containing 4 or more dwelling units, each with a separate entrance.

DWELLING, CLUSTER TOWNHOUSE - A building containing 4 or more attached dwelling units, not more than 2 stories, sharing common walls and designed to orient the building units around a central court.

DWELLING, DETACHED - A dwelling unit that is not attached to any other dwelling by any means.

DWELLING, DUPLEX - A building on a single lot containing 2 dwelling units, which do not share a common entry.

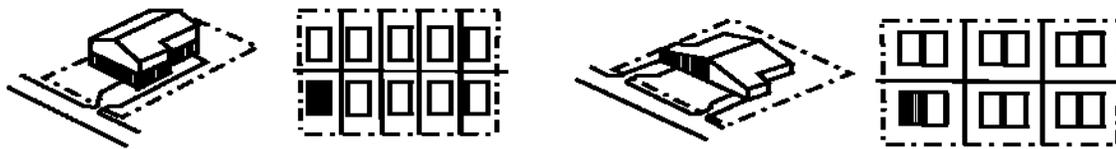


Figure 1 duplex dwelling

DWELLING, GARDEN APARTMENT - A building containing 4 or more dwelling units off a common entry and not more than 3 stories.

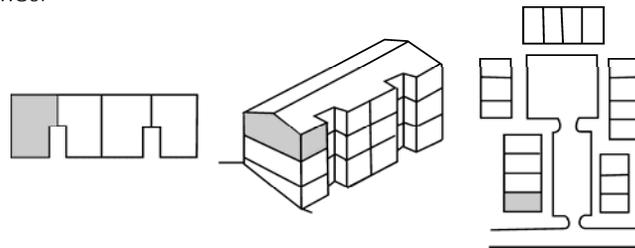


Figure 2 garden apartment

DWELLING, HIGH-RISE APARTMENT - A building containing 8 or more dwelling units, containing 6 stories, with a common entry.

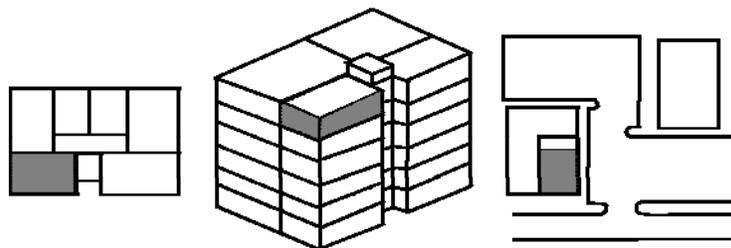


Figure 3 high-rise apartment

DWELLING, LOT-LINE - A building on a single lot containing 1 dwelling unit, located with 1 side on or near 1 side lot line and designed to orient interior living space to the other 3 yards.

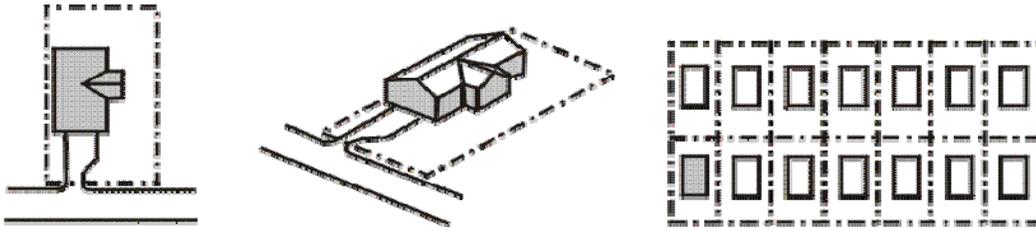


Figure 4 lot line dwelling

DWELLING, MID-RISE APARTMENT - A building containing 8 or more dwelling units off a common entry with either 4 or 5 stories.

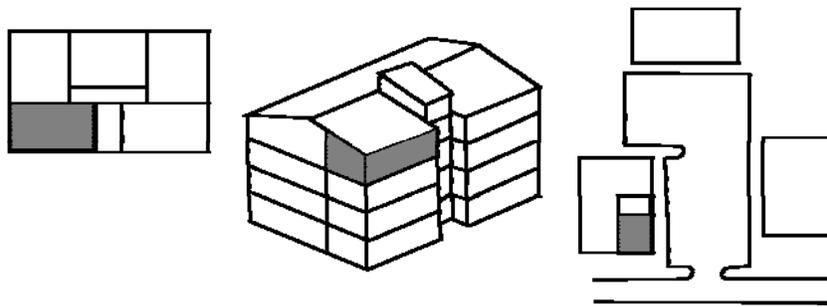


Figure 5 mid-rise apartment

DWELLING, MOBILE HOME - A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and if built after 1974, was constructed to the federal mobile home construction and safety standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development.

DWELLING, MULTI-FAMILY - Two or more dwelling units constructed on a permanent foundation, designed for 2 or more families and located on a single lot or parcel.

DWELLING, MULTIPLEX - A building containing 3 or more attached dwelling units having common walls and/or roof and a separate entry for each unit. For buildings containing more than 4 units, interior units access from the front and rear of the dwelling. End units are oriented to the area away from the interior units.

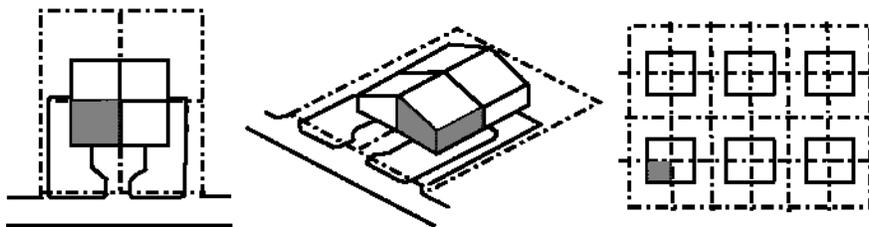


Figure 6 multiplex dwelling

INGRESS - An entry.

INTENSELY DEVELOPED AREAS - Those areas within the Chesapeake Bay Critical Area (CBCA) where residential, commercial, institutional and/or industrial developed land uses predominate and where relatively little natural habitat occurs. Such areas are to be at least 20 acres in size and have at least 1 of the following features:

- A. Housing density is equal to or greater than 4 dwelling units per acre.
- B. Industrial, institutional or commercial uses are concentrated in the area.
- C. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than 3 dwelling units per acre.

INTERCEPTOR - Sewer pipe lines 24 inches or larger in diameter.

INTERMITTENT STREAM - Surface waters, contained within a defined channel or bed that flow at least once per year. A stream that has been confirmed to be an intermittent stream through field verification, for purposes of these guidelines, includes 2 or more of the following characteristics:

- A. Defined or distinct channel;
- B. Hydric soils or wetlands within or adjacent to channel;
- C. Hydraulically sorted sediments;
- D. Removal of vegetative litter; or
- E. Loosely rooted vegetation by the action of moving water.

INTERSECTION - The crossing of 2 or more roads at grade.

JUNK - Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

JUNK- OR SALVAGE YARD - Any land or structure used for the storage and/or sale of junk or the collection, dismantlement, storage or salvage of 3 or more untagged or inoperative motor vehicles, including a salvaging operation, but excluding wrecked motor vehicles stored for a period of not more than 90 calendar days.

KENNEL - Any establishment, not part of an agricultural use, in which 6 or more domestic animals, such as cats, dogs and other pets, more than 6 months old are kept, groomed, bred, boarded, trained or sold.

LANDSCAPING - The improvement of property with lawns, trees, plants and other natural or decorative features.

LEACHABLE MATERIAL - Material, including salt and certain components of concrete, asphalt, tar, coal, etc., which is readily soluble in water and thus easily removed and transported in solution by meteoric and/or groundwater.

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LIMITED DEVELOPMENT AREAS - Those areas within the Chesapeake Bay Critical Area that are currently developed in low- or moderate-intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least 1 of the following features:

- A. Housing density ranging from 1 dwelling unit per 5 acres up to 4 dwelling units per acre.
- B. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space.
- C. Areas having public sewer or public water, or both.
- D. Areas meeting the definition of intensely developed areas except for being less than 20 acres in size.

LIVE/WORK UNITS - Structures that have professional offices or retail services on the first floor with residential uses on the second floor. The property owner or business operator must occupy the residence.

LIVESTOCK - Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other domestic animals.

LODGING HOUSE - A building offering transient dwelling accommodations where the facilities are multifaceted with a distinguished style, including marked upgrades in the quality of physical attributes, amenities and Level of Service and comfort provided. At a minimum, the lodging house shall include a lobby, a concierge, personal services, business center, pool and wireless internet in the common areas. Wireless internet shall be offered to each unit in the lodging house.

LOFT - An intermediate level located between the floor and ceiling of a story, open on at least 1 side to the room in which it is located.

LOT - A designated area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT, ADJACENT RESIDENTIAL - A lot that abuts another lot or parcel of land and is either within a residential district or is a lot of 2 acres or less intended for residential use.

LOT, AGRICULTURAL - A lot that is zoned agricultural and is 2 acres or more.

LOT AREA - The total area within the lot lines of a lot, excluding any road right-of-way or reservation.

LOT, CORNER - A lot abutting upon 2 or more roads at their intersection or upon 2 parts of the same road forming an interior angle of less than 135°.

LOT COVERAGE - The percent of a total lot or parcel that is:

- A. Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway;
- B. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement or any manmade material; or
- C. Covered or occupied by a stairway or impermeable deck.

Lot coverage does not include:

- A. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

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## ARTICLE V. Supplementary Regulations

### § 267-22. Lots. [Amended by Bill 09-31, as amended, Bill 13-50; and Bill 14-1]

- A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than 1 principal dwelling unit shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as Continuing Care Retirement Community on a single lot shall not violate this requirement.
- B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots that do not comply with the requirements of this Part 1.
- C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.
- D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.
- E. Minimum residential lot area with septic systems. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or County law or regulation.
  - (1) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system outside the 10-year sewer service area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 40,000 square feet and a minimum lot width at the building line of 100 feet.
  - (2) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system within the 10-year sewer area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 20,000 square feet and a minimum lot width at the building line of 100 feet.
- F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:
  - (1) Except in agricultural and rural residential districts, with regard to any parcel, as it existed on September 1, 1982, not more than 1 lot or 10% of the lots intended for detached dwellings may be panhandle lots.

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- (2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject to approval from the Director of Public Works that adequate water and sewer may be provided on the lots.
  - (3) A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive.
  - (4) The minimum width of a panhandle lot shall meet the following criteria:
    - (a) Single panhandles: 25 feet.
    - (b) Multiple panhandles: 12½ feet each.
  - (5) Where a common drive is required, the following shall apply:
    - (a) Prior to, or at the time of, recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.
    - (b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.
    - (c) The County shall bear no responsibility for the installation or maintenance of the common drive.
    - (d) In all cases public water service shall end at the edge of public right-of-way. Public sewer service shall also end at the edge of public right-of-way, except in those cases where the panhandle lots must be served by a public main as determined by the Division of Water & Sewer.
- G. Sanitary facilities shall comply with all State and County regulations for development on septic systems.

**§ 267-23. Yards.** [Amended by Bill 09-31, as amended]

- A. Front yard depth.
- (1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:

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**§ 267-27. Accessory Uses and Structures.** [Amended by Bill 09-19, as amended; Bill 12-44; Bill 13-51; and Bill 14-1]

- A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use.
- B. Zoning certificate required. All accessory uses and structures, whether or not specified in this section, require the issuance of a zoning certificate.
- C. Use limitations. In addition to the other requirements of this Part 1, an accessory use or structure shall not be permitted unless it strictly complies with the following:
- (1) In the AG, RR, R1, R2, R3, R4 and VR districts, an accessory structure shall neither exceed 50% of the square footage of habitable space or 1,000 square feet, whichever is greater. The height of the accessory structure shall not exceed the height of the principal structure. For properties greater than 5 acres in the AG district, an accessory structure shall not exceed 50% of the square footage of habitable space or 2,500 square feet, whichever is greater. For properties greater than 5 acres in the AG district, the height of an accessory structure shall not exceed 115% of the height of the principal structure.
  - (2) No accessory structure shall be used for living quarters, the storage of contractors' equipment or the conducting of any business unless otherwise provided in this Part 1.
  - (3) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
  - (4) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.
  - (5) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in §267-23 (Yards), and modifications to minimum yard requirements.
  - (6) Uses and structures.
    - (a) For agricultural lots, detached accessory structures must be located:
      - [1] A minimum of 10 feet from the side or rear lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
      - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 10 feet, whichever is greater.
      - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 10 feet, whichever is greater.
    - (b) For residential lots, accessory structures will be considered attached if they are within 3 feet of the principal structure and must meet the principal structure

- setback requirements. For residential lots, detached accessory structures shall be located:
- [1] A minimum of 3 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 drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 3 feet, whichever is greater.
  - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 3 feet, whichever is greater.
- (c) For townhouses and zero-lot-line dwellings, detached accessory structures shall be located:
- [1] Zero 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 drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement.
  - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement.
- (d) The front, side and rear yard setback for accessory uses and structures for business, industrial and Continuing Care Retirement Community uses shall be equal to the same setbacks required for the principal structure.
- (e) For institutional uses, the front, side and rear yard setback for accessory uses and structures shall be equal to the same setbacks required for the principal structure. This requirement may be reduced up to 50% for accessory structures less than 300 square feet, located in the side and rear yard.
- (f) Retaining walls, 4 feet or greater in height, shall require a zoning certificate.
- (7) Septic reserve areas may be permitted in any district to serve a use permitted and located in another district if the property is split-zoned and under the same ownership. These uses may also be permitted in a use setback. Stormwater management facilities may be permitted in any district to serve a use permitted and located in another district.
- (8) Fences shall be permitted in any recorded drainage and utility easement. The placement of all other accessory uses shall be allowed in any recorded drainage and utility easement, pursuant to the following:
- (a) The accessory use or structure shall meet the setback and square footage requirements contained in §267-27C (Use Limitations);

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- (b) The Department of Public Works shall approve the location;
  - (c) The accessory structure shall meet the applicable requirements of this section; and
  - (d) The applicant shall sign a hold harmless form, provided by the County.
- (9) Small Wind Energy Systems. In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in §267-4 (Definitions), and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that Small Wind Energy Systems are subject to the regulations as set forth herein. The purpose of this subsection is to oversee the permitting of Small Wind Energy Systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System. These provisions shall apply to all Small Wind Energy Systems located in Harford County.
- (a) Standards. A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:
    - [1] Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 40 feet from:
      - [a] Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
      - [b] Any duly recorded right-of-way, utility or stormwater management easement;
      - [c] Any overhead utility lines;
      - [d] All property lines; and
      - [e] Any existing guy wire, anchor or Small Wind Energy Tower on the property.
    - [2] Access.
      - [a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
      - [b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
    - [3] Electrical wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located underground.
    - [4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.

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- [5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished the color grey.
  - [6] Signs. The only signage permitted on any Small Wind Energy System shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states "Danger – High Voltage – Keep Off" and identifies the system owner and the telephone number for the person to contact in the event of an emergency.
  - [7] Code Compliance. A Small Wind Energy System, including wind tower, shall comply with all applicable construction and electrical codes.
  - [8] Small Wind Energy Systems shall not be attached to any building, including guy wires.
  - [9] Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a Small Wind Energy System.
  - [10] Total height shall be the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Abandonment.

- [1] Every 2 years the owner of a Small Wind Energy System shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.
- [2] A Small Wind Energy System that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
- [3] If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the system at the owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.
- [4] The owner shall ensure removal of the system by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Director. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director for the removal of the system, plus a 15% contingency.

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- [c] Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, §7-207.1, any property owner seeking to construct a Small Wind Energy System shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.
  - [d] Variances. Variances to the setback requirements in this subsection are not permitted.
  - [e] Noise. All Small Wind Energy Systems shall comply with the State-regulated noise ordinance.
  - [f] Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this subsection C [9].
  - [g] Maximum number. One Small Wind Energy System shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 20 acres thereafter up to a maximum of 5 Small Wind Energy Systems per parcel.
  - [h] Rated nameplate capacity. A Small Wind Energy System that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with subsections (9)[a][1], (9)[b][1], (9)[b][2] and 9[b][3].
- D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:
- (1) Pens or runs for animals shall not be located within 50 feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions.
  - (2) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants, or guests of the principal use, and no admission or membership fees are charged, provided that the edge of the facility, including all mechanical equipment, shall be located at least 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line.
  - (3) Storage in any structure on a residential lot.
  - (4) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:
    - (a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the principal building.
    - (b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.
    - (c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
    - (d) Not more than 1 person, or 2 persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the

- home occupation. The total of all employees, inclusive of family members, shall not exceed 3. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
- (e) No home occupation shall generate greater traffic volumes, or increased traffic hazards, than would normally be expected in a residential district.
  - (f) No retail sales, other than for goods produced on the premises, shall be conducted on the premises.
  - (g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be buffered from adjacent public roads and residential lots.
  - (h) No goods, materials or supplies shall be delivered by commercial vehicles, either to or from the premises, in connection with the home occupation, except by the United States Postal Service or a delivery service.
  - (i) Notwithstanding the above, 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 variety or gift stores.
- (5) Agricultural tenant house, including mobile homes, for bonafide farm workers when not more than 1 such structure is provided on parcels of 11 to 50 acres, and not more than 1 additional tenant house per 50 acres thereafter.
  - (6) Private horse stables, provided that any stables, corrals, feeding and bedding areas for horses shall be located at least 50 feet from any public road or lot lines.
  - (7) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent or temporary structure shall meet the minimum front, rear and side yard requirements for a single-family home in the district. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
  - (8) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely buffered from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than 7 calendar days within any 90 day period unless the location has been approved for such use. No zoning certificate is required.
  - (9) Vehicles used for commercial purposes, which do not meet the definition of Commercial Vehicle as defined in Section 267-4 (Definitions), may be allowed in residential and agricultural districts on the basis of 1 vehicle for each lot. No zoning certificate is required.
  - (10) One inoperative or untagged motor vehicle may be parked or stored for a continuous period of no more than 6 months on any lot of less than 2 acres. Two inoperative or untagged motor vehicles may be parked or stored for a continuous period of no more than 6 months on any lot of 2 acres or more. This requirement does not apply to bonafide agricultural equipment or vehicles stored within a completely enclosed building.
  - (11) A day-care center operated in a church, private school or public school.

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- (12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG district, provided that:
- (a) A separate zoning certificate is not required;
  - (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
  - (c) Outdoor storage of mulch is limited to:
    - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
    - [2] A maximum height of 10 feet;
  - (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
  - (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and
  - (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (12), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.
- E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:
- (1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.
  - (2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:
    - (a) Not more than 1 dwelling unit is provided for security or protection of the principal use.
    - (b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.
  - (3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.

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- (4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI districts, provided that:
- (a) A separate zoning certificate is not required;
  - (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
  - (c) Outdoor storage of mulch is limited to:
    - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
    - [2] A maximum height of 10 feet;
  - (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
  - (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and
  - (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (4), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.
- F. Exemptions. Day-care homes, family are exempt from the provisions of this section and shall not require a zoning certificate.

**§ 267-28. Temporary Uses.** [Amended by Bill 12-07, As Amended; Bill 12-44; and Bill 14-1]

Temporary uses shall be permitted, subject to the following:

- A. Zoning certificate. Temporary uses in this section require the issuance of a zoning certificate unless otherwise specified.
- B. Specific temporary uses. The temporary uses described below shall be subject to the following:
  - (1) A carnival, circus or individual public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of 45 consecutive calendar days, provided that no structure or equipment shall be located within 200 feet of any residential district. When a carnival, circus or public event, excluding religious activities, accommodates more than 300 people, it shall be subject to the following additional requirements:
    - (a) The zoning certificate shall specify the use, dates and hours of operation of the event. Hours of operation are only permitted between 6:00 a.m. and 11:00 p.m.

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- (b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.
  - (c) No permanent or temporary lighting shall be installed without an electrical permit.
  - (d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of \$500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.
  - (e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.
  - (f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.
  - (g) The applicant shall notify the local fire and emergency personnel to determine and identify any emergency response requirements.
- (2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of 45 calendar days.
  - (3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.
  - (4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.
  - (5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
  - (6) When 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 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Director of Planning may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.
  - (7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI districts, subject to the following additional requirements:
    - (a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of 1 year, at which time, the applicant may apply for another zoning certificate upon complying with the provisions of this section.
    - (b) Only temporary lighting shall be permitted.

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- (c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.
  - (d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.
  - (e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.
  - (f) The proposed use shall not:
    - [1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.
    - [2] Be detrimental to the use or development of adjacent properties or neighborhoods.
  - (g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.
  - (h) Issuance of certificates.
    - [1] At the time the applicant applies for a zoning certificate, the applicant shall provide the Director of Planning with the following information:
      - [a] The location of the parcel or parcels where the sale or sales are to be located.
      - [b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.
      - [c] A copy of the license issued by the State.
    - [2] A zoning certificate issued by the Director of Planning shall cover all parcels where the sale or sales are to be located.
  - (i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.
  - (j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 7,000 lbs.
  - (k) The provisions of this Subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.
- (8) Cottage houses.
- (a) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:
    - [1] On a lot of 2 acres or less, the cottage house is located within a dwelling currently on the lot;
    - [2] On a lot of more than 2 acres, the cottage house may be located within a dwelling currently on the lot or may be a mobile home. If the cottage house is a mobile home:

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- [a] The cottage house must meet the setback requirements for transient housing uses, except that in the AG district, the minimum rear yard setback for a mobile home cottage house is 40 feet;
  - [b] Skirting of a compatible material shall be substituted for a foundation;
  - [c] If the cottage house is visible from a residence on an adjacent parcel, the Department may require the lot owner to plant a Type "A" buffer yard, pursuant to 267-30 (Buffer Yards)
- [3] The cottage house may be located within a new addition to the dwelling which can be easily converted to general living space once the need for cottage housing no longer exists. The addition must conform to all applicable Zoning Code requirements and approvals.
  - [4] The lot owner shall live in 1 of the 2 dwellings on the lot;
  - [5] A relative of the lot owner shall live in the other dwelling; and
  - [6] Either the lot owner or the relative:
    - [a] Is more than 62 years old; or
    - [b] Has a disability.
- (b) Lot owner requirements:
- [1] The lot owner shall submit a letter of approval from the Health Department, stating that the water and sewer facilities for the cottage house meet Health Department requirements.
  - [2] The lot owner shall submit a copy of the property deed and any homeowners' association declarations and covenants to which the lot is subject.
  - [3] The lot owner shall submit a conversion plan for approval by the Department if the cottage house will be within the dwelling or within a new addition to the dwelling, said plan to be applied once the need for the cottage housing no longer exists. The conversion plan must include a floor plan reflecting how the overall cottage housing area will be converted to another use which will flow easily with unrestricted access into, and be compatible with, the main dwelling.
  - [4] If an application for a cottage house permit is based upon a disability of the lot owner, or a disability of a relative of the lot owner:
    - [a] The lot owner shall include a physician's statement documenting the disability; and
    - [b] Every 2 years, the lot owner shall submit an additional statement from a physician that documents the lot owner's or relative's continuing disability; and
    - [c] At least 60 calendar days before the additional statement is due, the Department shall notify the lot owner of the date by which the statement is due.

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- [5] If an application for a cottage house permit is based upon age of the lot owner, or age of a relative of the lot owner:
- [a] The application shall include a copy of the birth certificate or driver's license of the lot owner or relative of the lot owner documenting age; and
  - [b] Every 2 years the lot owner or lot owner's relative shall submit an affidavit or sworn statement in writing that documents the continued need for the cottage housing.
- [6] The zoning certificate for a cottage house will be deemed null and void if:
- [a] The parcel is transferred or assigned;
  - [b] Any of the requirements of this section are not met by the applicable due date; or
  - [c] The need for the cottage house ends.
- [7] When a zoning certificate is nullified, the lot owner shall remove the mobile home from the lot or incorporate the cottage house into the principal dwelling within 60 calendar days. If the cottage house is located within the dwelling, the overall cottage housing area will be converted to another use with unrestricted access into, and is compatible with, the main dwelling as shown in the approved conversion plan required in Subsection 8(b)[3]. At no time shall a mobile home or area of the dwelling approved for cottage housing be utilized as a rental unit or second dwelling unit.
- [8] Use of a cottage house under this Subsection B(8) is not grounds for or evidence of a hardship for a variance under §267-11 (Variances).
- (c) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:
- [1] Issue a zoning certificate to the lot owner;
  - [2] Within 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent to the lot:
    - [a] That the property owner has applied for a cottage house zoning certificate and has satisfied the requirements;
    - [b] That the zoning certificate is temporary;
    - [c] That the cottage house must be removed or incorporated into the principal dwelling when the zoning certificate is nullified;
    - [d] Of the requirements imposed on the lot owner; and
    - [e] Of any other information the Department deems relevant.

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**§ 267-30. Buffer Yards.** [Amended by Bill 10-32 as amended and Bill 14-1]

## A. General requirements.

- (1) Buffers are required between districts pursuant to Table 30-1 below. 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. The buffer yard is intended to provide for a transition between uses.
- (2) Buffer yards shall consist of existing vegetation, nursery stock or both as well as fences, walls, earthberms or grade changes.
- (3) Structures shall not be permitted to encroach on any buffer yard. Pavement, utility construction, signage and similar hardscape improvements are permitted in the required buffer yard of mixed use centers and Integrated Community Shopping Centers which separates the use from any adjacent road that is not within the project. Pavement, utility construction, signage and similar hardscape improvements are not permitted on any other buffer yard. All public utilities, including water and sewer facilities, shall be allowed to cross a buffer yard subject to approval of the Director of Planning and the Director of Public Works.
- (4) Buffer yards shall be established on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to another agriculturally zoned property that has not been converted to residential use.
- (5) Buffer yards required between property zoned for business, commercial, industrial or mixed office uses and property zoned agricultural or residential shall not be located on the agriculturally or residentially zoned lands.
- (6) Buffer yard requirements may be reduced if a buffer yard exists on an adjoining property, provided the buffer yard is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum buffer yard requirement for this section. The recreational buffer requirement may be reduced or eliminated provided that a trail exists on an adjoining property which is permanently protected in perpetuity under easement or other sufficient legal instrument and meets the minimum recreational buffer requirement for this section.
- (7) Where possible, the Director of Planning shall permit the use of trails within ICSC, PEC and COP developments.
- (8) Buffer yards shall not be required on agriculturally zoned land when the subject property is converted to residential use, consisting of more than 5 lots, and is adjacent to a residentially zoned property.
- (9) Notwithstanding Table 30-1, buffer yards shall not be required between residential lots as defined in this chapter.

- (10) No portion of the buffer yard shall be allowed on privately-owned urban residential district lots.

B. Applicability. Buffer yards are required for:

- (1) The construction or erection of any new nonresidential building or structure for which a building permit is required.
- (2) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit is required.

C. Exemptions. This section does not apply to the following situations:

- (1) The reconstruction of an existing building of which 50% or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. 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.
- (2) Interior finish work or remodeling within a portion of a building, unless the work results in an increase in land use intensity.
- (3) Any use, building or structure for which only a change of use is requested, and which use does not increase the existing intensity or building square footage, nor requires structural modifications which would increase its volume or scale.
- (4) Contiguous commercial parcels or land areas under common ownership, within 1 development project.

D. Buffer yard landscape and improvement standards.

**Table 30-1 Required Buffers Between Districts**

Zoning District	Subject Parcel Zoning District															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
AG	E*	E	E	E	E	E	C	E	B	B	B	B	B	B	B	D
RR	E**	-	-	-	-	-	-	-	B	B	C	C	D	D	D	D
R1	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	D	D
R2	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	D	D
R3	E**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
R4	E**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
RO	C**	-	-	-	-	-	-	-	-	A	A	A	D	D	D	D
VR	E**	-	-	-	-	-	-	-	-	B	C	C	D	D	E	C
VB	B	B	B	B	A	A	A	-	-	-	-	A	C	C	C	C
B1	B	B	B	B	A	A	A	B	-	-	-	-	C	C	C	C
B2	B	B	B	B	A	A	A	C	A	-	-	-	B	B	B	B
B3	B	B	B	B	A	A	A	C	B	-	-	-	B	B	B	B
CI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
LI	B	D	D	D	D	D	D	D	C	C	B	B	-	-	-	-
GI	B	D	D	D	D	D	D	E	C	C	B	B	-	-	-	-
MO	D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-

\* Buffer yard required per §267-30A(4)  
 \*\* Buffer yard requirements per §267-30A(8)

- E. Types of buffer yards. There are 5 types of buffer yards. Table 30-2 shows the minimum width and minimum number of plantings, trees and shrubs or fence, wall or berm, where applicable, required for each 100 linear feet for each buffer yard.

**Table 30-2 Types of Buffer Yards**

Buffer Type	Minimum Width (feet)	Trees		Shrubs	Fence (F), Berm (B), or Wall (W)
		Large	Medium/Small		
A	10	2	2	20	
B	15	4	3	20	F or W
C	20	6	5	25	F, W or B
D	30	8	6	30	F, W or B
E	50	8	6	35	F, W or B

- F. Recreational Buffer.
- (1) The primary purpose of a recreational buffer is to use the buffer yard where appropriate to create walkable communities and to incorporate areas for recreation adjacent to residential communities.
  - (2) In addition to Subsections D and E of this section, the development of an ICSC, PEC or COP or the development of a parcel under MO standards that is adjacent to an R1, R2, R3 or R4 zoned parcel must include a 10 foot recreational buffer in addition to the standard buffer yard.
- G. Plant materials and uses. Plant materials shall be selected from the species listed in the Harford County Plant List on file with the Department of Planning and Zoning. The Director of Planning may permit substitutions if a listed species is being invaded, or infested by fungi, disease or pests. Plant materials shall show a variety of texture, color, shape and other characteristics.
- (1) Shrubs.
    - (a) The mixture of evergreen and deciduous shrubs shall be such that no more than 40% of the shrubs are deciduous, no less than 60% of the shrubs are evergreens and there is 1 shrub for every 40 square feet of required buffer yard.
    - (b) Shrubs shall be container grown in not less than 3 gallon containers, and all shrubs shall be of a species that will attain a mature height of at least 6 feet and width of at least 4 feet, within 5 years of the time of planting.
    - (c) Shrubs shall be planted between 3 feet and 5 feet apart, in straight or staggered rows, such that a dense visual buffer will be established by the mature shrubs.
  - (2) If there is an increase in grade of at least 4 feet above existing grade on the adjacent edge district or lot boundary, and the change in grade shall occur within the width of the buffer, then shrubs shall be provided in accordance with the requirements of this section, except that the required height of the shrubs may be reduced so that the height of the berm plus the height of the shrubs is

equal to 6 feet, provided that no shrub may be less than 1½ feet in height. For change in grade that is at least 6 feet above grade, no shrubs are required.

H. The Director of Planning may grant a waiver for an alternative buffer yard arrangement when certain specific requirements of this section cannot be met, as follows:

- (1) When the location of existing buildings precludes compliance with the buffer yard width and yard setback standards, the Planning Director may allow a buffer yard that provides the maximum separation and buffering possible, given the location of such buildings. In granting an alternative buffer yard, the Planning Director may require the buffer yard to be wider, when not obstructed by buildings, additional fencing or walls, or require additional or larger landscape materials; and,
- (2) When the land for a required buffer yard is currently encumbered, or will be required to be encumbered, by an easement, covenant or other recorded legal instrument that prohibits or disallows the planting and maintaining of trees and shrubs, or limits tree growth to less than 20 feet in height, such land shall not be deemed to fulfill the requirements of this section. The Director of Planning may grant a waiver that will allow an alternate buffer yard location which will provide the maximum buffering possible taking into consideration any use of the easement that is incompatible with the intent of this section. In granting a waiver, the Director of Planning may require additional fencing or walls, or require additional or larger landscape materials.

I. Buffering of service or storage areas.

- (1) This section applies to refuse storage areas, storage areas, service entrances, service yards, stockpiled materials, garbage receptacles, fuel tanks, electric and gas meters utility or service equipment, and other materials and objects used for service, utilities or storage and situated on any nonresidential or multi-family residential site. These items shall be located:
  - (a) So as not to be visible from improvements on abutting properties; and
  - (b) So as not to be visible from public streets (except alleys), or placed in a location abutting an alley.

When such positioning is not practical or feasible, those items shall be buffered from view at the right-of-way line or the property line of any abutting residential zoning district. Buffering may include landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be buffered.

- (2) All appurtenant mechanical equipment including heating, ventilating and air conditioning equipment, as well as exhaust fans and vents, shall be visually buffered from adjacent residential lots and the public right-of-way. Noise and odors emanating from the equipment, fans and vents shall be directed away from residential district boundaries, by means of location of the equipment on the building, or through the installation of baffles or deflectors.

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**§ 267-33. Signs.** [Amended by Bill 13-17 and Bill 14-1]**A. Zoning certificates; fees.**

- (1) Zoning certificate requirement. It shall be unlawful for any person to erect, alter or relocate any sign or other advertising structure, as defined in this Part 1, without first obtaining a zoning certificate and making payment of the required fee.
- (2) Application. Application for a zoning certificate for a sign shall be signed by the property owner or authorized agent. The zoning certificate application shall require the name and address of the sign owner or the sign erector, drawings showing the copy design, dimensions, height and location of the sign and such other pertinent information as the Department may require to ensure compliance with the laws of Harford County, Maryland. Whenever an application for a zoning certificate is filed for the erection of a sign on property designated as an Historic Landmark, the application shall be subject to the approvals of the Historic District Commission and the Department.

**B. General provisions.** Signage shall be constructed in an unobtrusive manner which compliments the architectural elements of quality, style, color and material of the building, and the architectural period of the building(s). The following broad categories of sign types are regulated by this section unless otherwise provided herein:

- (1) Canopy signs. A canopy sign must have its lowest point no closer than 8 feet to the ground.
- (2) Freestanding signs. The maximum area of any freestanding sign shall not exceed 120 square feet. The setback measured to the edge of the sign shall be equal to 1/3 of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is 20 feet measured from the base of the sign.

Electronic message Boards are permitted as freestanding signs and are limited to 1 single- or double-sided sign per road frontage. Temporary or portable electronic message Boards are not permitted. Electronic message Boards shall not exceed 60 square feet in size, and shall display only on-premises messages, or time and/or temperature displays. An electronic message Board shall consist only of alphabetic or numeric characters and shall not include any graphic, pictorial or photographic images or videos. The appearance of any animation, motion, flashing, blinking or shimmering is not permitted. A single message, or segment of a message, shall have a display time of at least 2 seconds, including the time needed to move the message onto the sign Board, with all segments of the total message to be displayed within 10 seconds. A display traveling horizontally across the message Board shall move between 16 and 32 light columns per second. Requirements for display times do not apply to time and/or temperature displays.

- (3) Wall signs. Wall signs shall include all flat signs which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Flat wall mounted signs may be located on any wall of a building and may extend not more than 8 feet above the parapet wall

or roofline of the building to which they are attached. However, no window, or part of a window, shall be covered by the sign area or its supporting structure.

- (4) Temporary signs. The maximum number of temporary signs a property may have in any 1 calendar year is 2. Temporary signs may be displayed for periods not exceeding 30 consecutive calendar days and not exceeding 60 calendar days in any 1 year.
- (5) Projecting signs. Projecting signs may not extend over public rights-of-way, or project more than 4 feet from the wall of a building. Projecting signs may not have less than 10 feet clearance, as measured vertically from the ground to the bottom of the sign or supporting structure, and shall not exceed a height of 25 feet, as measured vertically from the ground to the top of the sign or supporting structure. Projecting signs shall have a maximum sign area of 60 square feet.
- (6) Directional signs. The maximum area of any directional sign shall not exceed 6 square feet. Directional signs can be located at the nearest intersection of any major collector or arterial road and set back 10 feet from the property line. Unless otherwise provided herein, the maximum height allowed for any directional sign is 6 feet above the nearest public road grade.
- (7) Billboards.
  - (a) General. Billboards shall be permitted in the General Industrial (GI) district only. New billboards may not be constructed within the Chesapeake Science and Security Corridor or the Edgewood Neighborhood Overlay District (ENOD).
  - (b) Location. Billboards shall be limited to 1 per parcel. Billboards shall not be permitted to be erected within 750 feet of any residence, historic structure or building as defined in §267-4 (Definitions), public square or the entrance to any public park, public, private or parochial school, library, church or similar institution. All such signs shall be set back from the front property line the distance required for a principal building in the zoning district in which located. No billboard shall be permitted to be erected within 100 feet of a road intersection unless the base of the sign is not less than 10 feet above ground level or road surface, whichever is higher. No billboard shall be erected within 660 feet of any highway which is part of the interstate highway system.
  - (c) Height. A billboard shall be no more than 30 feet in height from road grade.
  - (d) Area. The maximum area of any billboard shall not exceed 300 square feet.
  - (e) Illumination. Illumination shall be in accordance with the provisions of this section.

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- (8) Permanent residential entrance, and Continuing Care Retirement Community (CCRC) signs. Residential entrance, development project identification and CCRC signs, with letters or advertising area not to exceed a total area of 48 square feet, shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has a multiple frontage of at least 50 feet, additional signs with letters or advertising area, not to exceed a total of 48 square feet, shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed 48 square feet.
- C. Exemptions. The following types of signs are exempt from all the provisions of this section, except for construction and safety regulations and the following standards:
- (1) Public signs. Public signs, erected by, or on the order of, a public official in the performance of duty, such as directional signs, regulatory signs, warning signs, informational signs and legal notices.
  - (2) Integral signs. Integral signs that are carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure, as well as signs forming an integral part of or attached to pumps dispersing fuels, vending machines and service appliances.
  - (3) Political campaign and public issue signs, except for billboards, signs announcing candidates seeking public office and advocating the support or defeat of public issues shall be permitted, provided that the total area of the signs does not exceed 16 square feet for each premises in a residential district and 32 square feet in an agricultural, business or industrial district. These signs shall be confined to private property. No sign shall be placed within 60 feet of the center of a road intersection or in such a manner as to impede vision.
  - (4) Agricultural identification signs. Agricultural identification signs not to exceed 32 square feet in area and not to be located less than 35 feet from the center line of the road or 10 feet from the road right-of-way, whichever is greater.
  - (5) Directional signs. Directional signs for any public, charitable, educational or religious function to be set back 10 feet from road right-of-way. These signs shall not exceed 2 square feet in sign area and shall not exceed 4 feet in height above the road grade.
  - (6) Private traffic control. Signs directing traffic movement onto a premises or within a premises, not exceeding 4 square feet in area for each sign. Illumination of these signs shall conform to the provisions of this section.
  - (7) Real estate signs. Real estate signs not exceeding 6 square feet in area and located on the subject property tract. They shall be removed within 7 calendar days after execution of a lease or transfer of the property.

- (8) Noncommercial flags. On-site flags of a nation, state, political subdivision, educational institution or noncommercial organization, provided that any flagpole utilized to display such flag is not more than 30 feet in height above the ground.
- (9) Ballpark signs. Signs installed on public property, with the permission of the Department of parks and recreation, at ball fields owned or operated by the County Department of Parks and Recreation. Said signs shall not exceed 6 square feet in size and shall be erected for no longer than 4 months.
- (10) Project development sign. Temporary signs for undeveloped parcels to be set back at least 10 feet from the road right-of-way and not to exceed 10 feet in height above the road grade. One sign shall be permitted for each road frontage of at least 50 feet. The maximum sign area shall not exceed 32 square feet.

D. Calculation of advertising or sign area.

- (1) Double-faced signs. One face of a sign having obverse and reverse faces shall be considered in calculating the advertising area. In the event that the faces of a sign are of a different area, the face having the larger area shall determine the advertising area of the sign.
- (2) Multi-faced or curved surface signs. The advertising area of a multi-faced or curved surface sign shall be calculated from dimensions derived from its greatest plane projection.
- (3) Modular signs. The advertising area of signs consisting of 2 or more individual letters, characters, numbers or figures shall be determined by the area of a described rectangle completely enclosing the extremities of all of the individual letters, characters, numbers or figures, provided, however, that if individual modules are mounted on a background, other than an integral structure component of a building, the entire area of such a background shall be calculated as advertising area.
- (4) Cylindrical signs. The advertising area of cylindrical signs shall be computed by multiplying  $\frac{1}{2}$  of the circumference by the height of the sign.

E. Illumination.

- (1) The light from any illuminated sign, including those on the interior of a building, shall be so shaded, shielded or directed so that the light intensity or brightness shall not interfere with the vision of motor vehicle operators or directly reflect onto adjacent residential lots or buildings.
- (2) No sign shall have blinking or flashing lights. With the exception of electronic message boards, as defined in §267-4 (Definitions), no sign shall have illumination devices which have a changing light intensity, brightness or color or which are so constructed and operated so as to create an appearance or illusion of writing. Nothing contained in this section shall be construed as preventing the use of lights or decorations commemorating religious and patriotic holidays.

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- (3) No exposed reflective type bulbs, and no strobe lights or incandescent lamps exceeding 15 watts, shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to a public street or adjacent property.
- F. Prohibited signs. The following signs are prohibited in all districts and shall be removed in accordance with this section.
- (1) Signs containing statements, words or pictures of an obscene, indecent or immoral character that offend public morals or decency of the community.
- (2) Signs of a size, location, movement, content, coloration or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection.
- (3) Unless authorized by the utility, signs posted on any building, fence, pole or other property owned, leased or controlled by a public utility.
- (4) Except as provided in this section, signs that are placed within the County or State right-of-way.
- (5) Freestanding signs advertising business uses in Planned Residential Development projects.
- (6) Variable message boards.
- G. Inspection, maintenance and removal.
- (1) All signs and supporting structures shall be kept in good repair and in a safe and attractive condition. Signs for which a zoning certificate is required may be inspected periodically by the Director of Planning for compliance with this section.
- (2) In the event that a billboard ceases to be used for advertising or falls into disrepair for a period of 3 months, the billboard will be deemed abandoned. Solicitation for advertising to be displayed on a billboard does not constitute advertising. Once a billboard has been abandoned, the Director of Planning shall notify the owner of the property and the owner of the billboard that the billboard has been abandoned and must be removed. The owners shall be responsible for taking all necessary steps to dismantle the billboard and remove and dispose of all visible remnants and materials from the subject parcel 90 calendar days after notification by the Director of Planning that the billboard has been abandoned.
- (3) The Director of Planning may order the removal of any sign, erected or maintained, in violation of this section. Written notice shall be given to the owner of such sign, building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this section within 10 calendar days from the date of the notice. Upon failure to remove the sign or to comply with this notice, or if it appears that the condition of the sign is such as to present an immediate threat to the safety of the public, the Department may remove the sign immediately without any additional notice. Any cost of removal incurred by the Department shall be assessed to the owner of the property on which such

sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.

- (4) Where the Director of Planning determines appropriate, signs within the AG, VB and VR Districts constructed along Scenic Byways shall be designed using the guidelines developed by the State Highway Administration to the greatest extent possible.
- (5) Any freestanding sign, permanent institutional sign, or permanent residential entrance sign and Continuing Care Retirement Community (CCRC) sign in the RR, R1, R2, R3, R4, RO, B1, Chesapeake Science and Security Corridor and ICSC Development shall have appropriate landscaping.
- (6) Billboards shall be landscaped with height appropriate plantings.

H. Nonconforming signs.

- (1) All signs or other advertising structures which were lawful prior to the enactment of this Part 1 or subsequent amendments, and which do not conform to regulations and restrictions under the terms of this Part 1 or amendments thereto, shall constitute nonconforming signs. Unless otherwise provided herein, nonconforming signs shall be replaced to conform to the requirements of this section when a sign is replaced or a site is redeveloped as defined in this Part 1.
- (2) All other signs or other advertising structures which were erected in violation of the law, or which are erected in violation of the provisions hereof, shall be removed, altered or replaced so as to comply with this section within 6 months of the effective date of this Part 1.

I. Sign standards by zoning district and development type.

- (1) Agricultural district. In addition to the requirements set forth in this section, signs in the Agricultural (AG) district must comply with the following standards:
  - (a) Commercial signs (including agricultural public events, agricultural retail, agricultural seasonal and any sign in connection with an approved special development or permitted nonresidential use). One externally lighted sign, not exceeding 16 square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than 20 feet from the road right-of-way. Freestanding signs may not exceed 6 feet in height.
  - (b) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 40 square feet in area and shall not exceed 8 feet in height.
  - (c) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).

- (d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (e) Directional signs. One directional sign, not exceeding 6 square feet in sign area and no more than 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use or agricultural use, if set back 10 feet from the road right-of-way and located at either the nearest intersecting arterial road or the nearest intersecting road.
  - (f) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
  - (g) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
  - (h) Electronic message boards displaying a message and content relating to public safety and designed to protect the health, safety, and welfare of the public shall be permitted, as a special exception, subject to approval of the Board, on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area exceeding 10 square feet. Only local and State law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.
- (2) RR, R1, R2, R3 and R4 residential districts. In addition to the requirements set forth in this section, signs in the RR, R1, R2, R3 and R4 district must comply with the following standards:
- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
  - (b) Except for electronic message boards, freestanding signs may be permitted as a special exception, subject to approval of the Board, provided they are located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height and must not have a sign area exceeding 4 square feet. Electronic message boards shall not be permitted within the RR, R1, R2, R3 and R4 districts.

Notwithstanding anything contained in this paragraph, electronic message boards displaying a message and content relating to public safety and designed to protect the health, safety, and welfare of the public shall be permitted, as a special exception, subject to approval of the Board, on properties that contain public safety facilities. Electronic message boards must be located at least 10 feet from the road right-of-way, shall not exceed 6 feet in height, and must not have a sign area

- exceeding 10 square feet. Only local and State law enforcement agencies, emergency operation centers and fire companies shall constitute public safety facilities.
- (c) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
  - (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
  - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (f) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
  - (g) All permanent signs shall be compatible with the style, character and design of the residential neighborhood in which the sign is erected.
- (3) RO Residential Office district. In addition to the requirements set forth in this section, signs in the RO district must comply with the following standards:
- (a) One freestanding sign per parcel, which shall have a maximum of 16 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no more than 20 feet from the right-of-way.
  - (b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 4 square feet in area.
  - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
  - (d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
  - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and

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- shall be removed within 15 days after the beginning of the intended use of the project.
- (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
  - (g) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
  - (h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (4) VR Village Residential district. In addition to the requirements set forth in this section, signs in the VR district must comply with the following standards:
- (a) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
  - (b) Freestanding signs may be permitted as a special exception, subject to the approval of the Board, provided that they are located not less than 10 feet from the road right-of-way, do not exceed 6 feet in height and do not have a sign area exceeding 4 square feet.
  - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
  - (d) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
  - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
  - (g) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.

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- (5) VB Village Business district. In addition to the requirements set forth in this section, signs in the VB district must comply with the following standards:
- (a) One freestanding sign per parcel, which shall have a maximum of 18 square feet in area, shall be no more than 6 feet in height, shall be placed perpendicular to the road and shall be no more than 20 feet from the right-of-way.
  - (b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than 10 square feet in area.
  - (c) Freestanding and wall signs shall be constructed primarily utilizing the materials and colors of the primary structure on the site. They may be externally and internally illuminated.
  - (d) Home occupation signs. One lighted sign, not exceeding 2 square feet in area and attached flat against the building, is permitted in conjunction with approved professional or home occupations.
  - (e) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
  - (g) Permanent residential entrance signs are permitted pursuant to the provisions of Subsection B(8).
  - (h) One temporary sign shall be permitted, provided that the sign shall not exceed 16 square feet or 6 feet in height and shall be located not less than 20 feet from the road right-of-way.
- (6) B1 Neighborhood Business, B2 Community Business, B3 General Business, C1 Commercial Industrial, LI Light Industrial and GI General Industrial districts. In addition to the requirements set forth in this section, signs in the B1, B2, B3, C1, LI and GI districts must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

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- [1] Wall signs.
  - [2] Projecting signs.
  - [3] Roof signs.
  - [4] Canopy signs.
- (b) Two freestanding signs identifying commercial or industrial activity other than Integrated Community Shopping Centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection B(2) of this section.
  - (c) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.
  - (d) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 32 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (e) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.
  - (f) Permanent residential entrance or Continuing Care Retirement Community (CCRC) signs are permitted pursuant to the provisions of Subsection B(8).
  - (g) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
- (7) MO Mixed Office district. In addition to the requirements set forth in this section, signs in the MO district must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 1 square foot per each linear foot of building width, measured along the front wall

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or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
  - [2] Projecting signs.
  - [3] Roof signs.
  - [4] Canopy signs.
- (b) Signs shall be considered an integral part of the design and shall incorporate the architectural elements and materials utilized. In all instances, consideration shall be taken to ensure each sign does not restrict sight distance for motor vehicle operators.
  - (c) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
  - (d) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet, and signs must be set back a minimum of 10 feet from the road right-of-way.
  - (e) Directional information signs shall be adequately provided and design coordinated.
  - (f) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 54 square feet in area and shall not exceed 6 feet in height.
  - (g) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (h) The following types of signs shall not be permitted for any project located in the MO district:
    - [1] Billboards.
    - [2] Temporary or portable signs.

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- (8) Chesapeake Science and Security Corridor. In addition to the requirements set forth in this section, signs in the Chesapeake Science and Security Corridor must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
    - [1] Wall signs.
    - [2] Projecting signs.
    - [3] Roof signs.
    - [4] Canopy signs.
  - (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
  - (c) Two freestanding signs identifying commercial or industrial activity other than community shopping centers shall be allowed on each road frontage if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of 1 square foot of sign for every foot of property road frontage, and the maximum sign area shall be determined in accordance with the restrictions contained in Subsection b(2) of this section. Signs shall be set back from the right-of-way 1/3 of the required front yard setback for the underlying zone.
  - (d) One directional sign, not exceeding 4 square feet in area or 6 feet above ground level, or 6 feet above road grade, whichever is higher, shall be permitted per business use if located at the nearest intersection of any major collector or arterial road and set back the required distance for the district. However, the maximum number of directional signs shall not exceed 3 per intersectional quadrant.
  - (e) Existing billboards located on sites within the Chesapeake Science and Security Corridor may remain and may be replaced subject to approval of necessary permits. Should the billboard be located on a site with an existing use, expansion of the use by more than 20% shall require the removal of said billboard. Should a billboard be located as the sole use on a site as of the effective date of the legislation, future development of the site, for other permitted uses, shall require the removal of said billboard. Notwithstanding the foregoing, the owner of a site upon which a billboard is located within the Chesapeake Science and Security Corridor shall be permitted to redevelop the site for other permitted uses

or expand the current use by more than 20% subject to the following conditions:

- [1] The site is subject to a lease with a third party for the billboard;
  - [2] The owner submits, to the Director of Planning, an affidavit that the owner has made good faith efforts to terminate the billboard lease, which efforts have failed;
  - [3] The lease term shall end no later than 2 years from the date of the issuance of the building permit for the property and the owner provides evidence of termination of the lease to the Director of Planning;
  - [4] The owner shall provide to the Director of Planning, a bond in an amount equal to 115% of the cost to remove the billboard at the end of the lease term; and
  - [5] The owner shall record, among the Land Records of Harford County, Maryland, a permanent easement for the benefit of the County to permit the County to enter upon the property to remove the billboard in the event the billboard is not removed within the time period set forth herein.
- (f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
- (g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (h) One temporary sign shall be permitted, provided that the sign shall not exceed 32 square feet or 6 feet in height and shall be located not less than 10 feet from the road right-of-way.
- (9) Edgewood Neighborhood Overlay District (ENOD). In addition to the requirements set forth in this section, signs in the ENOD must comply with the following standards:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having

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frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:

- [1] Wall signs.
  - [2] Projecting signs.
  - [3] Roof signs.
  - [4] Canopy signs.
- (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
  - (c) Freestanding identification signs shall be limited to 1 sign for each road frontage. The maximum size of any sign shall not exceed 50 square feet. The maximum height of the signs shall not exceed 10 feet from the base of the sign, and signs must be set back a minimum of 10 feet from the road right-of-way line.
  - (d) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.
  - (e) Directional information signs shall be adequately provided and design coordinated.
  - (f) Construction signs. One sign shall be permitted for all construction contractors, 1 for all professionals and firms and 1 for all lending institutions on sites under construction. Each sign shall not exceed 16 square feet in area, and no more than 3 such signs shall be permitted on 1 site. The signs shall be confined to the construction site, construction shed or trailer and shall be removed within 15 days after the beginning of the intended use of the project.
  - (g) Permanent institutional signs. One lighted sign setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted. These signs shall be located not less than 20 feet from the road right-of-way, shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
  - (h) Billboards are not permitted for any new or redevelopment project located in the Edgewood Neighborhood Overlay District.
  - (i) One temporary or portable signs shall be permitted in the area designated as the main street only. Signs may not exceed 8 square feet in area, be located so as not to inhibit the normal flow of pedestrian traffic and in front of the specific business that is being advertised.

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- (10) Integrated Community Shopping Center (ICSC). Signs for an ICSC shall comply with the following:
- (a) Signs erected on and attached to commercial, industrial or institutional buildings. The total area of all signs erected on and attached to commercial, industrial or institutional buildings shall not exceed 2 square feet per each linear foot of building width, measured along the front wall or entrance wall of a building. If a building is located on a lot having frontage on 2 streets, then the sign area for each side shall be calculated separately. The following types of signs shall be permitted:
    - [1] Wall signs.
    - [2] Projecting signs.
    - [3] Roof signs.
    - [4] Canopy signs.
  - (b) An overall signage plan and architectural renderings of the signs shall be submitted as part of the Site Plan approval process. Creative modifications to the standard signage package used by large corporations and innovative sign lighting is strongly encouraged.
  - (c) Freestanding signs identifying Integrated Community Shopping Centers are allowed, but the maximum sign area shall be determined independently from the sign area restrictions contained in this section. Freestanding signs shall not exceed 1 square foot in area for each linear foot of road frontage or 200 square feet, whichever is smaller. One such sign shall be permitted for each road frontage, or not more than 2 signs shall be permitted along any frontage which exceeds 500 feet. The sign height shall not exceed 40 feet and shall be set back not less than 20 feet from the front property line.
  - (d) Directional information signs shall be adequately provided and design coordinated.
  - (e) The following types of signs shall not be permitted in an ICSC:
    - [1] Billboards.
    - [2] Temporary signs.

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## ARTICLE VI. Forest and Tree Conservation

### § 267-34. Applicability. [Amended by Bill 14-1]

- A. Except as provided in Subsection B, this Article applies to any person, including the County, who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more.
- B. This Article does not apply to:
- (1) Cutting or clearing conducted in accordance with a forest harvest permit issued under Chapter 214 of the Harford County Code, as amended, if the cutting or clearing:
    - (a) Is completed before July 1, 1991; or
    - (b) Is completed on or after July 1, 1991, and the property on which the cutting or clearing is conducted is not the subject of an application for a grading permit within 5 years after the cutting or clearing.
  - (2) Cutting or clearing in the Chesapeake Bay Critical Area Overlay District established under §267-63 (Chesapeake Bay Critical Area Overlay District).
  - (3) Cutting or clearing to further agriculture, if the land on which the cutting or clearing is conducted is not the site of development within 5 years after the clearing or cutting.
  - (4) Forest management activities conducted in accordance with a Federal, State or local forestry or woodland incentives program.
  - (5) If conducted so as to minimize the loss of forest, cutting or clearing of:
    - (a) Public utility rights-of-way; and
    - (b) Land for an electrical generating station approved by the Public Service Commission under Title 7, Public Utility Companies, of the Annotated Code of Maryland.
  - (6) Routine maintenance of public utility rights-of-way.
  - (7) Any development conducted on a single residential parcel described in the Land Records as of January 1, 1992, of any size, if the development:
    - (a) Does not result in the cutting, clearing or grading of more than 20,000 square feet of forest; and
    - (b) Does not result in the cutting, clearing or grading of any forest that is subject to a previous Forest Conservation Plan prepared under this Article; and

- (c) if land on which cutting or clearing has been conducted in accordance with an exemption under Subsections B(1)(b) or B(3) is developed:
  - [1] Within 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that existed before the cutting or clearing; and
  - [2] More than 5 years after the cutting or clearing, the development is subject to this Article and the required forest conservation shall be calculated based on the acreage of forest that exists after the cutting or clearing.

**§ 267-35. General Requirements.**

- A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:
  - (1) Shall submit, to the Department, in accordance with the forest cover conservation and replacement manual, which is incorporated herein by reference:
    - (a) A forest stand delineation for the lot or parcel on which the development is located; and
    - (b) A Forest Conservation Plan for the lot or parcel on which the development is located;
  - (2) Shall not, unless granted an exemption by the Department, perform any construction activity in the dripline of a tree that is to be retained; and
  - (3) Shall use methods approved by the Department to protect retained trees during construction.
- B. Notwithstanding any other provision of this Article, the Department of Public Works shall plant at least 1 tree for every 2 trees of a DBH of 8 inches or more that it cuts or clears as part of a project to widen a County road.
- C. When planting trees in accordance with Subsection B of this section, the Department of Public Works shall meet the following criteria:
  - (1) The trees planted shall:
    - (a) Have at maturity approximately the same area of canopy as the trees that were cut or cleared; and
    - (b) Have a caliper of at least 1½ inches.
  - (2) The trees shall be planted:
    - (a) If feasible, on the site or in the right-of-way used for the project; or

- (b) If the owner of the abutting property requests, on property that abuts the site or the right-of-way used for the project.
- (3) The trees shall be of the same species as those cut or cleared if:
  - (a) The owner of the abutting property so requests; and
  - (b) They are planted on abutting property.
- (4) If the owner of the abutting property requests, the Department of Public Works shall pay the owner a fee in an amount equal to the cost of the trees that would have been planted on the abutting property under this section, and payment of the fee relieves the Department of Public Works of the duty to plant the trees.

**§ 267-36. Forest Stand Delineation.**

- A. A forest stand delineation shall be submitted before a Preliminary Subdivision Plan, a grading permit application or a building permit application is submitted for the lot or parcel being developed.
- B. The delineation shall be prepared and signed by a licensed forester, licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.
- C. The delineation shall include:
  - (1) A topographic map delineating intermittent and perennial streams and steep slopes over 25%;
  - (2) A soils map delineating soils with structural limitations, hydric soils and soils with a soil k value greater than 0.35 on slopes of 15% or more;
  - (3) Forest stand maps indicating species, location and size of trees and showing dominant and codominant forest types;
  - (4) Limit of nontidal wetlands and required buffers;
  - (5) Limit of 100 year floodplain; and
  - (6) Any other information required by the Department.
- D. Action by Department.
  - (1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.
  - (2) If the Department fails to notify the applicant within 30 calendar days, the delineation shall be treated as complete and correct.
  - (3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

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**§ 267-37. Forest Conservation Plan.**

- A. A Forest Conservation Plan shall be prepared and signed by a licensed forester, a licensed landscape architect or a qualified professional as noted by the Maryland Forest Service.
- B. A Forest Conservation Plan shall:
- (1) Be submitted with the first of the following submitted for the site:
    - (a) A Preliminary Subdivision Plan;
    - (b) An application for a grading permit; or
    - (c) An application for a building permit;
  - (2) Include a map of the site drawn at the same scale as the grading or subdivision plan;
  - (3) Include a table that lists, in square feet:
    - (a) The net tract area;
    - (b) The total area of forest conservation required; and
    - (c) The total area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas;
  - (4) Include a clear graphic indication of the forest conservation provided on the site showing areas where retention of existing forest or afforestation is planned;
  - (5) Include a construction timetable, indicating the phasing of the project and showing the sequence for tree conservation procedures;
  - (6) Include an afforestation and reforestation plan with a proposed schedule and description of needed site and soil preparation, species, size and spacing to be utilized;
  - (7) Show locations and types of protective devices to be used during construction activities to protect trees and areas of forest designated for conservation;
  - (8) Show the planned limits of disturbance;
  - (9) Show planned stockpile areas;
  - (10) Incorporate a commitment to complete all required afforestation and reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan;
  - (11) Incorporate a binding 2-year management agreement that details how the areas designated for afforestation or reforestation will be maintained to ensure protection or satisfactory establishment, including:

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- (a) Watering; and
    - (b) Reinforcement planting provisions if survival rates fall below required standards;
  - (12) Include any plan for individual tree plantings proposed under §267-43 (Individual Tree Plantings) of this Article;
  - (13) Record a declaration of covenants and restrictions for forest retention as provided in Article VI, Forest and Tree Conservation. The said declaration is to be reviewed and approved by the Department of Planning and Zoning with concurrence of the Department of Law; and
  - (14) Any other information the Department requires.
- C. Action by Department.
- (1) Within 45 calendar days after receipt of the Forest Conservation Plan, the Department shall notify the applicant whether the Forest Conservation Plan is complete and approved.
  - (2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
  - (3) The Department may require further information or extend the deadline for an addition 15 calendar days under extenuating circumstances.
  - (4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
- D. The Department's review of a Forest Conservation Plan shall be concurrent with the review of the subdivision plan, grading permit application or building permit application associated with the project.
- E. The Department may revoke an approved Forest Conservation Plan if it finds that:
- (1) Any provision of the plan has been violated;
  - (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement or omission of a relevant or material fact; or
  - (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- F. In revoking an approved Forest Conservation Plan under Subsection e, the Department shall follow the procedure for revocation of zoning certificates that is set forth in §267-8F (Zoning Certificates) of this Chapter.
- G. If a Forest Conservation Plan is required by this Article, a person may not cut, clear or grade on the development site:

- (1) Until the Department has approved the plan; or
- (2) In violation of the approved plan.

**§ 267-38. Abbreviated Process.** [Amended by Bill 14-1]

- A. In this section, "parcel" means a parcel described in the Land Records as of the effective date of County Council Bill No. 93-11, June 14, 1993.
- B. This section applies only to the first 5 lots created from a parcel.
- C. A person is not required to submit a forest stand delineation or a Forest Conservation Plan for a subdivision of 5 or fewer residential lots if:
  - (1) Development will not result in the cutting, clearing or grading of:
    - (a) A cumulative total of more than 20,000 square feet of forest on the parcel; and
    - (b) Forest that is subject to an approved Forest Conservation Plan;
  - (2) The person files with the Preliminary Subdivision Plan a declaration of intent stating that development will be conducted in accordance with Paragraph (1) of this Subsection; and
  - (3) The forest to be retained on the parcel is designated as such on the Preliminary Subdivision Plan and the final subdivision plat.
- D. A person may file an abbreviated forest stand delineation for a subdivision of 5 or fewer residential lots if:
  - (1) Development will result in the cutting, clearing or grading of a cumulative total of more than 20,000 square feet of forest on the parcel;
  - (2) Development will not result in the cutting, clearing or grading of forest that is subject to an approved Forest Conservation Plan;
  - (3) The abbreviated forest stand delineation is prepared in accordance with the standards for such delineations in the Department's Forest Conservation Manual; and
  - (4) A Forest Conservation Plan is also submitted for the site.
- E. A person who files an abbreviated forest stand delineation may file the delineation and the Forest Conservation Plan for the site at the same time.
- F. Within 60 calendar days after receipt of the abbreviated forest stand delineation and the Forest Conservation Plan, the Department shall notify the applicant as to whether the delineation and plan are complete and approved.

- G. If the abbreviated forest stand delineation and the Forest Conservation Plan are submitted separately, the period of 60 calendar days established by Subsection F starts from the later date of submission.
- H. If the Department fails to notify the applicant within 60 calendar days, the delineation and the plan shall be treated as complete and approved.
- I. The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

**§ 267-39. Retention and Afforestation.** [Amended by Bill 14-1]

- A. A person who applies after January 1, 1992, for subdivision approval, a grading permit or a building permit for an area of land of 40,000 square feet or more:
  - (1) Shall conduct afforestation on the lot or parcel in accordance with the following:
    - (a) For the following land use categories, a site with less than 20% of its net tract area in forest cover shall be afforested up to at least 20% of the net tract area:
      - [1] Natural resources;
      - [2] Medium-density residential uses; and
      - [3] Low-density residential uses; and
    - (b) For the following land use categories, a site with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area:
      - [1] Business uses;
      - [2] Industrial uses;
      - [3] Institutional uses; and
      - [4] High-density residential uses; and
  - (2) Shall retain at least the following minimum percentages of the existing forest on the lot or parcel outside of the Development Envelope, as shown on the most recently adopted Land Use Plan Map:

Type of Use	Minimum Percentage of Forest to be Preserved
Natural resources uses & low-density residential uses	50%
Medium-density residential uses	40%
Institutional uses	30%
Business and industrial uses	15%

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- B. Subsection A(2) does not apply to the development of a water line, a sewer line or a sanitary landfill.
- C. The following trees, shrubs, plants and specific areas shall be considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:
- (1) Trees, shrubs and plants located in sensitive areas, including the floodplain district established under Chapter 131 of the Harford County Code, as amended, intermittent and perennial streams and their buffers, steep slopes and critical habitat areas; and
  - (2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.
- D. The following trees, shrubs, plants and specific areas shall be considered priorities for retention and protection and shall be left in an undisturbed condition:
- (1) Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the United States Fish and Wildlife Service or the State Department of Natural Resources;
  - (2) Trees that:
    - (a) Are part of a historic site;
    - (b) Are associated with a historic structure; or
    - (c) Have been designated by the State or the Department as a National, State or County Champion Tree; and
  - (3) Trees having a DBH of:
    - (a) Thirty inches or more; or
    - (b) Seventy-five percent of the DBH of the current State Champion Tree of that species.
- E. Subsection D of this section does not require retention of:
- (1) A tree that is dead or diseased; or
  - (2) A tree that has been substantially damaged through natural causes and is not expected to survive.
- F. The Director of Planning may grant a waiver from Subsection D above if the applicant has demonstrated to the satisfaction of the Department that enforcement would result in unwarranted hardship. The applicant shall:
- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

- (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
  - (3) Verify that the granting of the waiver will not confer on the applicant a special privilege that would be denied to other applicants;
  - (4) Verify that the waiver request is not based on conditions or circumstances which are the result of actions by the applicant;
  - (5) Verify that the waiver request is not based on conditions relating to land and building use, either permitted or nonconforming, on a neighboring property; and
  - (6) Verify that the granting of a waiver will not adversely affect water quality.
- G. Notice of request for a waiver shall be given to the Maryland Department of Natural Resources by the Department of Planning within 15 days of receipt of the request.
- H. No forest retention area easements shall be permitted on residential lots with a net tract of less than 20,000 square feet. No more than 25% of any lot with a net lot area between 20,000 square feet and 60,000 square feet shall be encumbered by a forest retention area easement.

**§ 267-40. Reforestation.** [Amended by Bill 11-04, as amended]

- A. There is a forest conservation threshold established for each land use category, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of ¼ acre planted for every acre removed to a ratio of 2 acres planted for every acre removed.
- B. After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan, and grading and sediment control activities and implementation of the Forest Conservation Plan, the Forest Conservation Plan shall provide for reforestation according to the formula set forth in Subsection C and consistent with the following forest conservation threshold for the applicable land use category:

Category of Use	Threshold Percentage
Natural resources uses	50%
Low-density and medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

- C. Subject to Subsection D, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the threshold established by this section, the area of forest removed shall be reforested at a ratio of ¼ acre planted for every acre removed.
- D. Each acre of forest retained on the net tract area, above the threshold, shall be credited against the total number of acres required to be reforested under Subsection C.

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- E. For all existing forest cover measured to the nearest 1/10 acre, cleared on the net tract area, below the threshold established by this section, the area of forest removed shall be reforested at a ratio of 2 acres planted for every acre removed.
- F. No afforestation or reforestation shall be permitted on any residential lot with a net lot area of less than 20,000 square feet. No more than 25% of any lot with a net tract area between 20,000 square feet and 60,000 square feet shall be permitted for reforestation or afforestation planting.

**§ 267-41. Priorities and Time Requirements for Afforestation and Reforestation.**

- A. The required sequence for forest conservation, after techniques for retaining existing forest on the site have been exhausted, is as follows:
- (1) Selective clearing and supplemental planting on site;
  - (2) On-site afforestation, if economically feasible, using transplanted or nursery stock that is greater than 1½ inches DBH;
  - (3) On-site afforestation using whip and seedling stock with protective tree tubes (shelters);
  - (4) On-site individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article;
  - (5) Landscaping of areas under a landscaping plan that establishes a forest that is at least 35 feet wide and covers at least 2,500 square feet of area;
  - (6) Off-site afforestation using transplanted or nursery stock that is greater than 1½ inches DBH;
  - (7) Off-site afforestation using whip and seedling stock with protective tree tubes (shelters);
  - (8) Natural regeneration on-site; and
  - (9) Natural regeneration off-site.
- B. A sequence other than the one described in Subsection A may be used for a specific project if necessary to achieve the objectives of the County Land Use Plan or County Land Use Policies or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are priorities for reestablishment:
- (1) Forest buffers adjacent to intermittent and perennial streams, to widths of at least 50 feet;
  - (2) Forest corridors, connecting existing forests within or adjacent to the site, to widths of at least 300 feet where possible;

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- (3) Forest buffers adjacent to critical habitat areas;
  - (4) Plantings in the Natural Resource District established under §267-62 (Natural Resource District);
  - (5) Plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35, including the slopes of ravines or other natural depressions;
  - (6) Buffers adjacent to areas of differing land use, where appropriate, or adjacent to highways or utility rights-of-way; and
  - (7) Forested areas adjacent to existing forests so as to increase the overall area of contiguous forest cover, when appropriate.
- D. A person required to conduct afforestation or reforestation under this Article shall accomplish the afforestation or reforestation in accordance with the schedule established by the Department in the approved Forest Conservation Plan. The Department shall ensure that the schedule is structured to:
- (1) Require completion of the afforestation or reforestation within 2 years;
  - (2) Provide an optimum opportunity for successful afforestation;
  - (3) Avoid delay to development and construction activities; and
  - (4) Take into consideration the phasing of the development project.

**§ 267-42. (Reserved).**

**§ 267-43. Individual Tree Plantings.**

- A. Individual tree plantings conducted in accordance with §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article shall be credited towards the remaining forest conservation requirement in an amount equal to 500 square feet for each individual tree planted.
- B. To qualify for a credit under this section, the plantings shall:
- (1) Be conducted in accordance with a landscaping plan submitted with the Forest Conservation Plan;
  - (2) Be conducted in areas protected in accordance with §267-37 (Forest Conservation Plan) of this Article; and
  - (3) Include trees of a caliper of at least 1½ inches.
- C. The landscaping plan shall include:
- (1) A list of the proposed tree species to be utilized;
  - (2) The number of trees to be planted;

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- (3) A calculation of the square footage for all individual trees planted; and
  - (4) An overlay showing the location of the trees on the Preliminary Subdivision Plan or the Concept Plan.
- D. The location, spacing and species of trees planted in accordance with this section shall be as approved by the Department in the Forest Conservation Plan, and the Department shall encourage plantings along streets, between buildings, in parking lots and in other common-area sites where the plantings may provide buffering, energy conservation and other environmental benefits.
- E. Planting under this section shall be conducted in accordance with urban forestry standards recognized by the forestry division of the Maryland Department of Natural Resources.

**§ 267-44. Required Tree Species.**

- A. Tree species used for afforestation and reforestation shall be native to the County and selected from a list of approved species established by the Department.
- B. Tree species for individual tree plantings conducted in accordance with §267-43 (Individual Tree Plantings) of this Article shall be selected from a list of approved species established in the Forest Cover Conservation and Replacement Manual.
- C. The Department may approve a request for permission to use a species that is not on the list of approved species if the request:
  - (1) Is in writing;
  - (2) Describes the circumstances that make use of the species appropriate; and
  - (3) Is not based solely in economic factors.

**§ 267-45. Surety for Forest Conservation.**

- A. Before receiving a grading permit or a building permit, a person required to conduct afforestation, reforestation or individual tree plantings under this Article, shall furnish surety in the form of a bond, an irrevocable letter of credit or other security approved by the Department. The surety shall:
  - (1) Assure that the afforestation, reforestation and individual tree plantings are conducted and maintained in accordance with the approved Forest Conservation Plan;
  - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation, reforestation and individual tree plantings;
  - (3) If the development is scheduled to be constructed in phases, cover the portion of the development within the limits of disturbance delineated in the grading permit application; and

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- (4) Be in a form and of a content approved by the County Attorney.
- B. If after 1 growing season the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, 2/3 of the amount of any cash bond that has been posted shall be returned. If the surety has been given in the form of a letter of credit, a surety bond or another form of surety, the County shall notify the appropriate entity that liability has been reduced by 2/3.
- C. If after 2 growing seasons, the afforestation, reforestation and individual tree plantings meet or exceed the standards of the forest cover conservation and replacement manual, the remaining amount of the cash bond, letter of credit, surety bond or other surety shall be returned or released.

**§ 267-46. Standards for Protecting Trees From Construction Activities.**

- A. Before cutting, clearing, grading or construction begins on a site for which a Forest Conservation Plan is required by this Article:
- (1) All forest that is to be retained shall be clearly marked with flags, signs or other materials approved by the Department;
  - (2) Protection devices approved by the Department shall be installed; and
  - (3) The Department shall inspect the site to ensure that the marking and protection devices are in place.
- B. Unless approved within the Forest Conservation Plan, the following activities are prohibited within the dripline of a tree that is to be retained:
- (1) Grading;
  - (2) Filling;
  - (3) Trenching;
  - (4) Tunneling;
  - (5) Storage of construction materials or equipment;
  - (6) Placement or operation of vehicles, equipment or construction trailers;
  - (7) Sediment and erosion control devices; and
  - (8) Any other activity that may result in soil compaction or damage to a tree.
- C. When granting approval for an activity listed in Subsection B, the Department shall require that appropriate actions to mitigate tree damage be undertaken, including such actions as root aeration, tree wells and pruning.

**§ 267-47. Variances.**

- A. The Board of Appeals may grant a variance to this Article in accordance with this section and §267-11 (Variances) of this Chapter.
- B. In granting a variance to this Article, the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.

**§ 267-48. Violations and Penalties.**

- A. A person who violates any provision of this Article, or any regulation or order adopted or issued under this Article, is liable for a penalty not exceeding \$1,000.00, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- B. A person who violates any provision of a Forest Conservation Plan or an associated management plan, approved under this Article, is liable for a penalty of \$1.20 per square foot of the area found to be in violation of the plan or agreement, which may be recovered in a civil action brought by the Department. Each day a violation continues is a separate violation.
- C. Money collected under Subsection B shall be deposited in the Forest Conservation Account required by §267-41 (Priorities and Time Requirements for Afforestation and Reforestation) of this Article and may be used by the Department for purposes related to implementing this Article.