

**DEVELOPMENT REGULATIONS UPDATE**  
**8/17/09**

Council Bill 09-19, As Amended, updates the Zoning Code by providing definitions relating to wind energy systems and provisions allowing wind energy systems as accessory uses. Please update your copy of the Development Regulations with the attached pages.

**ZONING CODE – Replace Pages:**

Cover Page  
Table of Contents – pages 1 and 2  
Pages 3 thru 36  
Page 69 thru 80

If you have any questions, please contact Theresa Raymond 410-638-3106.  
Thank you!



# Harford County, Maryland

## ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008  
Amended thru August 17, 2009

*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.

# Chapter 267. Zoning

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**§ 267-4. Definitions.** [Amended by Bill 09-19, as amended]

**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** - A species of mammal that is accustomed to living in or about the habitation of man and is dependent on man for food or shelter.

**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.

**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.

**ASSEMBLY HALL** - See "community center."

**ASSISTED LIVING FACILITY** - A facility to provide supervision, monitoring or assistance with the activities of daily living for more than 25 elderly or disabled persons in a residential setting.

**AVERAGE CONTACT GRADE** - The mean elevation of the highest and lowest points of contact of the structure.

**BASE FLOOD** - The flood having a 1% chance of being equaled or exceeded in any given year.

**BASEMENT** - A story having ½ or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

**BEST MANAGEMENT PRACTICES (BMP'S)** - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment.

**BLOCK** - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BOARDING HOME FOR SHELTERED CARE** - A nonprofit home for the sheltered care of more than 8 unrelated persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

**BOARD OF APPEALS OR BOARD** - The administrative body of the County vested and charged with the power set forth in this Part 1.

**BUFFER** - Land area left in its natural state or which is vegetated and managed to protect significant and/or sensitive special natural features from the adverse impacts of adjacent land uses or development.

**BUFFER EXEMPT AREA** - Those areas as of December 1, 1985 where it can be demonstrated that the existing pattern of residential, commercial, industrial or recreational development in the Critical Area prevents the buffer from fulfilling the functions set forth in COMAR 27.01.09.01.b for water quality and wildlife habitat and which are mapped buffer exempt by the Department of Planning and Zoning.

**BUFFER YARD** - A portion of a lot that may be included within setbacks, improved with plantings, earth berms or fences that acts to soften or mitigate the effects of one land use upon another.

**BUILDING** - Any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING COVERAGE** - That portion of a lot that is covered by buildings.

**BUILDING HEIGHT** - The vertical distance of a building or structure measured from the average contact grade to the highest point of the roof.

**BUILDING LINE** - The line that is located at the front yard setback of a lot and at which the required lot width for the district is met.

**BUILDING, PRINCIPAL** - Any building which serves a principal permitted use. Any buildings or structures attached to the "principal building," either directly or by a breezeway, shall be considered part of the "principal building."

**BUSINESS SERVICES** - Establishments primarily engaged in rendering services to businesses on a fee or contract basis, including actuarial services, advertising services, blueprinting and photocopying, catering, credit reporting and collection services, data processing, detective and protection services, direct-mail advertising, disinfecting and exterminating, duplicating and publishing, employment agencies and services, janitorial services, motion-picture distribution services, office or business equipment rental and leasing, photofinishing, secretarial or stenographic, tag and title service, telecommunications and window cleaning.

CALIPER - The diameter of a tree measured:

- A. At 6 inches above grade for trees with a caliper of 4 inches or less; and
- B. At 12 inches above grade for trees with a caliper of more than 4 inches.

CAMPGROUND - An area used for a range of overnight accommodation, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis.

CANOPY - A detachable roof like structure supported from the ground, deck, floor, wall or building for the purpose of protection from the sun or weather.

CERTIFICATE OF APPROPRIATENESS - A certificate issued by the Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, moving, or demolition of an individually designated Landmark, site or structure or of a site or structure within a designated Preservation District.

CHANGE OF USE - Any use that differs substantially from the previous use of a building or land.

CLEAR AND CLEARING - Cutting or removing trees, ground cover, stumps, and roots, including the movement of topsoil prior to grading.

CLEARCUTTING - The removal of the entire stand of trees in 1 cutting with subsequent reforestation obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

CLINIC - A place for the treatment of outpatients by 3 or more health professionals in group practice.

CLUSTER DEVELOPMENT - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, forest preservation, agricultural preservation, or other permanent open space uses on the remainder.

COLLECTOR SYSTEM - Sewer pipelines, smaller than 24 inches in diameter, which collect sanitary wastewater from a drainage area and conveys it to the interceptor.

CO-LOCATION - Placement of an antenna on an existing communications tower, building, light, utility pole or water tower where the antenna and all supports are located on the existing structure.

COLONIAL NESTING WATER BIRDS - Herons, egrets, terns and/or glossy ibis, which, for purposes of nesting, congregate (that is, "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

COMMERCIAL AMUSEMENT AND RECREATION - Establishments providing commercial amusement, entertainment or recreation, including arcades, bowling alleys, martial arts clubs and schools, miniature golf courses, pool halls, skating rinks, tennis and racquetball clubs.

COMMERCIAL HARVESTING - The cutting and removal of trees by companies or private individuals for economic gain.

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COMMERCIAL VEHICLE - Any self-propelled or towed vehicle used on public roadways to transport passengers or property when:

- A. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
- B. The vehicle is designed to transport more than 15 passengers, including the driver; or
- C. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the hazardous materials regulations of the United States Department of Transportation; or
- D. A single, full or semi-trailer with a manufacturer's gross vehicle weight rating over 6,000 lbs.

COMMUNICATIONS ANTENNA - Any structure or device deployed by or on behalf of any government-licensed or government-permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. Communications antenna does not include a radio operator antenna operated by an amateur radio operator who is licensed by the federal communications Commission and whose domicile is on the lot where the antenna and related equipment is placed.

COMMUNICATIONS TOWER - A structure erected to support communications antennas. Communications towers include, and are limited to:

- A. A lattice tower is a structure that consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may be freestanding or supported by guy wires. (see guyed tower.)
- B. A monopole is a structure that consists of a single freestanding pole structure to support antennas and connecting appurtenances.
- C. A guyed tower is any communications tower using guy wires connecting above grade portions of a communications tower diagonally with the ground to provide support for tower, antennas and connecting appurtenances.

COMMUNICATIONS TOWER HEIGHT - The measurement from the lowest point of the base at ground level on which the tower is mounted to the top of the tower or the top of the highest point, whichever is greater.

COMMUNITY CENTER - A building, which has a permitted capacity in excess of 150 people, is used for recreational, social, educational, cultural or religious activities and is owned and operated by a public or nonprofit organization.

COMMUNITY GREEN - A primary internal landscaped open space designed and intended for the use and enjoyment of the community.

COMMUNITY PLAN - Sub area planning document that further defines the intentional land use and long-range planning objectives adopted by the County Council.

COMMUNITY WATER SYSTEM - A public water system that uses an average of 10,000 gallons per day and services at least 15 service connections used by year-round residents, or regularly serves at least 25 residents throughout the year.

CONSERVATION DEVELOPMENT - A residential development in which single-family dwelling lots are concentrated in a selected area or selected areas of the parcel.

**CONSTRUCTION SERVICES AND SUPPLIERS** - The performance of work by or furnishing of supplies to members of the building trades, including building contractors; carpentry and wood flooring services; electrical services; energy systems service and products; general contracting; masonry, stonework, tile setting and plastering services; plumbing, heating and air-conditioning services; roofing and sheet metal services; and septic tanks sales, service and installation.

**CONTAINMENT DEVICE** - A device that is designed to contain an unauthorized release, retain it for cleanup and prevent released materials from penetrating into the ground.

**CONTIGUOUS** - Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

**CONTINUING CARE RETIREMENT COMMUNITY (CCRC)** - A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet the standards of Article 70B, Continuing Care Contracts, of the Annotated Code of Maryland.

**CONTRIBUTING AREA** - The entire area around a well or wellfield that is recharging or contributing water to the well or wellfield.

**CONVENIENCE GOODS STORES** - Retail establishments of less than 7,500 gross square feet which accommodate neighborhood needs, including retail bakeries, candy, nut and confection shops, dairy products stores, delicatessens, doughnut shops, drugstores, fruit and vegetable stores, meat and fish stores and grocery and food stores.

**COPY** - The wording, logo or other representation on a sign surface.

**CORPORATE OFFICES** - Facilities where administrative or clerical operations are performed as the principal use for corporations, businesses, companies, partnerships and associations. The term "corporate offices" does not include professional services as defined in this Subsection unless such professional services are providing assistance solely for the use of the corporate offices and not the general public.

**COTTAGE HOUSE** - A temporary second dwelling on a single residential lot.

**COUNTRY INN** - An historic building used for the lodging of 3 or more transients and managed by an owner or resident.

**COURT** - A fully or partially enclosed area which admits unobstructed light and air, bounded on 2 or more sides by buildings.

**CREAMERY** - An establishment in which dairy products are processed and produced, including incidental retail sales.

**CRITICAL AREA** - All lands and waters designated on the overlay maps to the Official Zoning Map of Harford County as Intensely Developed Areas, Limited Development Areas or Resource Conservation Areas, pursuant to the Maryland Annotated Code, Natural Resources Article, §8-1807(c).

**CRITICAL AREA BUFFER** - A naturally vegetated area or vegetated area established or managed in accordance with COMAR 14.15.09 to protect aquatic, wetland, shoreline and terrestrial environments from man-made disturbances.

CRITICAL HABITAT AREA - A habitat that:

- A. Is occupied by an endangered species, as determined or listed under the Natural Resources Article, §4-2A-04 or 10-2A-04 of the Annotated Code of Maryland.
- B. Is likely to contribute to the long-term survival of the species;
- C. Is likely to be occupied by the species for the foreseeable future; and
- D. Constitutes habitat deemed critical under the Natural Resources Article, §10-2A-06 of the Annotated Code of Maryland.

CUSTOM MADE WOOD HOUSEHOLD FURNITURE - An establishment engaged in on-site production of individually crafted wood furniture commonly used in dwellings, excluding upholstered furniture.

CUT –

- A. Removing trees without removing stumps and roots; or
- B. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated surface.

DATA PROCESSING CENTER - A facility equipped with, or connected to, one or more computers, used for processing or transmitting data.

DAY-CARE CENTER - A facility operated for the purpose of providing nonresidential group care as defined by State law for a specific number of unrelated minor or dependent persons.

DAY-CARE HOME, FAMILY - A residence that is registered by the State in which family day care is provided pursuant to State regulations.

DENSITY - The number of dwelling units per acre of land.

DEPARTMENT - The Department of Planning and Zoning.

DESIGN GUIDELINES/STANDARDS - A set of guidelines defining parameters to be followed in site and/or building design and development.

DEVELOPABLE AREA - The maximum portion of a parcel that may be developed with residential uses under the Conservation Development Standards.

DEVELOPMENT - The construction, reconstruction, conversion, erection, alteration, relocation, or enlargement of any building or structure; any mining, excavation or landfill; and any land disturbance in preparation for any of the above. For the purposes of this section, development does not include the construction, reconstruction, conversion, erection, alteration, relocation, enlargement, or installation of poles, wires, cables, conduits, transformers, and similar equipment by a:

- A. Gas and electric company regulated by the Maryland Public Service Commission; or
- B. Cable television company operating under a franchise granted by the County Council.

DEVELOPMENT ACTIVITIES - The construction or substantial alteration of residential, commercial, industrial, institutional, transportation or utility facilities or structures.

DEVELOPMENTAL DISABILITY - A severe, chronic disability that:

- A. Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the person attains the age of 21;
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in 3 or more of the following major life activity areas: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self sufficiency; and
- E. Reflects the person's need for a combination and sequence of special and interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.

DIAMETER AT BREAST HEIGHT (DBH) - The diameter of a tree measured at 4½ feet above grade.

DISABILITY - A disabling physical or mental condition.

DISTRICT - A zoning district.

DRIPLINE - An imaginary vertical line that extends down from the outermost branches of a tree to the ground.

DRIVEWAY - A private drive providing access to a street or highway.

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.

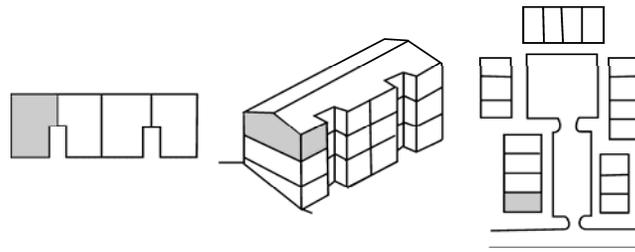


Figure 2 garden apartment

DWELLING, HIGH-RISE APARTMENT - A building containing 8 or more dwelling units, not more than 6 stories, with a common entry.

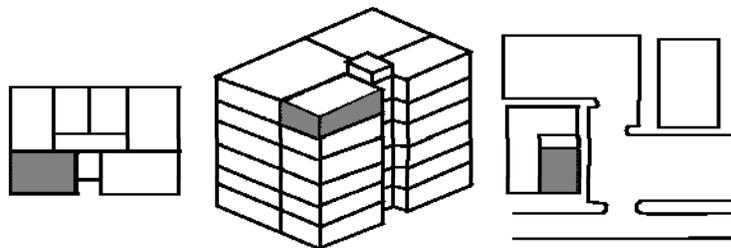


Figure 3 high-rise apartment

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.

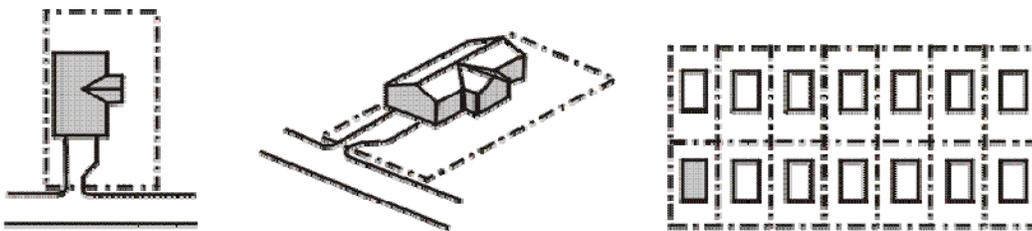


Figure 4 lot line dwelling

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

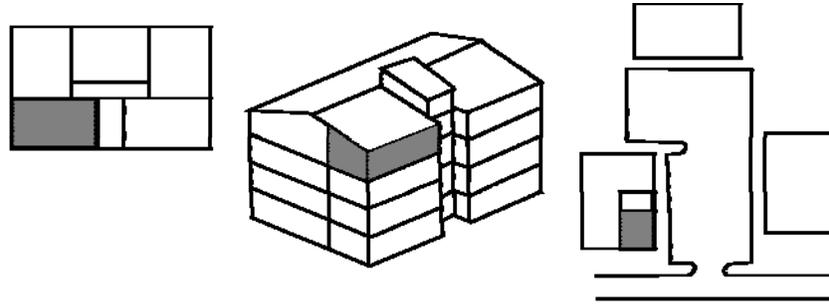


Figure 5 mid-rise apartment

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 - Three or more dwelling units constructed on a permanent foundation, designed for 3 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.

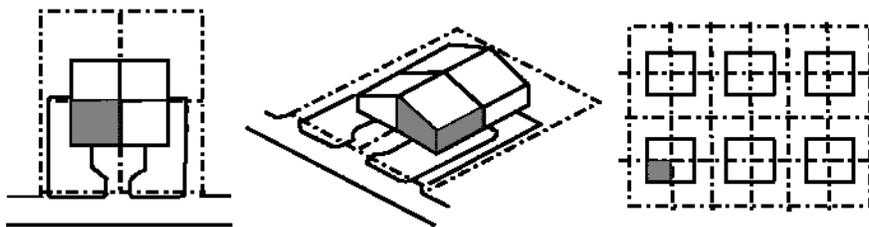


Figure 6 multiplex dwelling

DWELLING, PATIO, ATRIUM OR COURT - A building containing 2 or more attached dwelling units, not more than 1½ stories in height, sharing common walls, and designed to orient interior living space to a court or private open space.

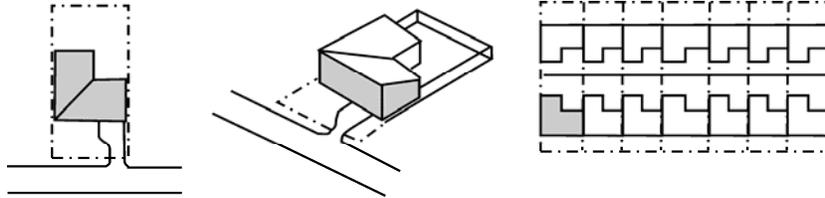


Figure 7 patio, atrium or court dwelling

DWELLING, ROW DUPLEX - A duplex dwelling that shares 1 or more common walls with other duplex or townhouse dwellings.

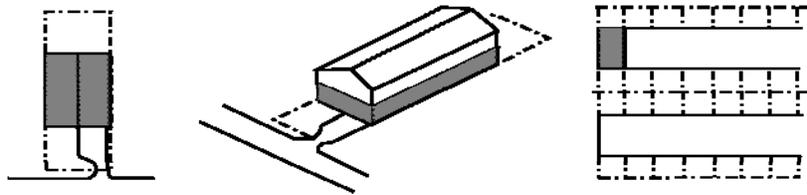


Figure 8 row duplex dwelling

DWELLING, SEMIDETACHED - A building containing 2 attached dwelling units which share a common wall at the lot line and which are on separate lots.

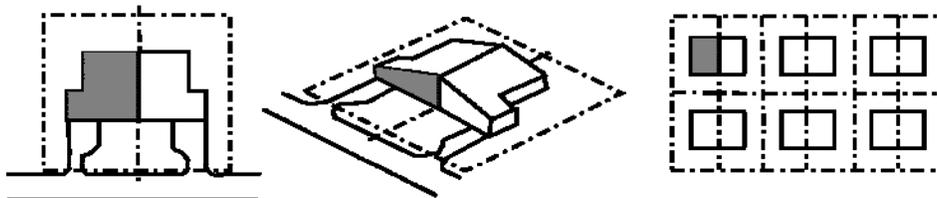


Figure 9 semi-detached dwelling

DWELLING, SINGLE-FAMILY DETACHED - A building containing 1 dwelling unit on 1 lot and detached from any other dwelling. This does not include a mobile home.

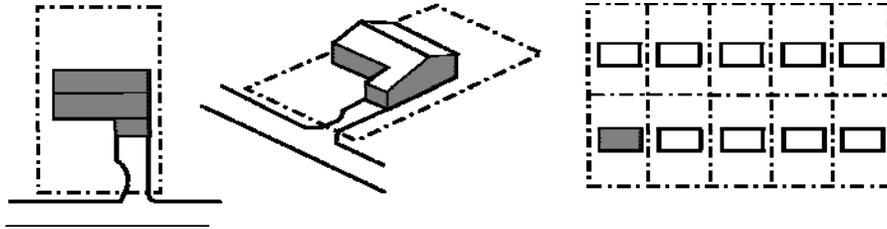


Figure 10 single-family detached dwelling

DWELLING, TOWNHOUSE - A building containing 3 or more attached dwelling units in a row having access from the front and rear of the dwelling.

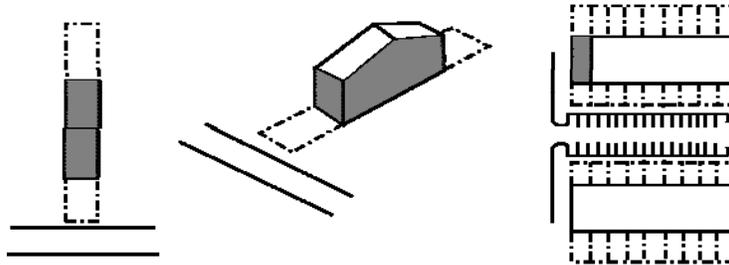


Figure 11 townhouse dwelling

DWELLING UNIT - A dwelling designed for 1 or more individuals who function as a single household unit or family.

DWELLING UNIT, EFFICIENCY - A dwelling unit consisting of not more than 1 habitable room, together with kitchen or kitchenette and sanitary facilities.

EASEMENT - A grant of 1 or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity for a specific purpose.

EGRESS - An exit.

ENFORCEMENT OFFICER - The Director of the Department of Planning and Zoning or the Director's designee.

EPA - United States Environmental Protection Agency.

EPA STORMWATER NPDES PERMIT - A permit meeting the requirements of the National Pollution Discharge Elimination System Permit Applications Regulations for Stormwater Discharges issued by the EPA on November 16, 1990.

EQUIPMENT BUILDING - Any structure, cabinet or box, accessory to a communications tower or communications antenna which houses equipment related to the wireless transmission of voice, data or other signal.

EXPECTED PEAK GRAVITY FLOW - The projected average flow peaked in accordance with the Maryland Department of the Environment Design Guidelines for Sewerage Facilities Peaking Curve.

EXTERIOR FEATURES, HISTORIC - The architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs or similar items found on or related to the exterior of an historic structure.

EXTRACTION - Removal or recovery of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface of either, whether exposed or submerged.

FAMILY - A social unit living together.

FARM - As defined for purposes of the census of agriculture since 1978, any place that has, or has the potential to produce, \$1,000 or more in annual gross sales of agricultural products.

FARM MARKET, PRIVATE - A market held on private property by multiple vendors selling agricultural and agricultural processed products on a limited basis, not exceeding 1 event per crop season.

FARMERS CO-OP - An enterprise that is collectively owned by a group of farmers, is operated for their mutual benefit and provides goods or services in support of agricultural activities.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose or buffer areas of land.

FIRE STATION ASSEMBLY HALL - A building that is owned by a fire company and that under the State Fire Prevention Code has a permitted capacity of more than 150 persons.

FLOODPLAIN - The channel and a contiguous area of a stream, river or other water body that has been or may reasonably expect to be flooded by the 1% annual storm.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating 2 buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than 6 feet.

FOREST - A biological community dominated by trees and other woody plants, excluding orchards, covering a land area of 10,000 or more square feet including:

- A. An area having at least 100 trees per acre, if at least 50% of the trees have a DBH of 2 inches or more; and
- B. That has been cut, but not cleared.

FORESTED AREA - A biological community dominated by trees and other woody plants covering a land area of 1 acre or more. This also includes areas that have been cut, but not cleared. It also includes areas of 1 acre or more in size that have been designated as developed woodlands not only because they predominantly contain trees and natural vegetation, but also contain residential, commercial or industrial structures and uses. Such areas can further be characterized by the

presence of at least 400 seedlings per acre, which are vigorous, well-distributed throughout and free to grow to at least 25% tree canopy cover.

**FOREST INTERIOR DWELLING BIRDS** - The species of birds identified by the Maryland Forest, Park and Wildlife Service, that require relatively large forested tracts in order to breed successfully, such as various species of flycatchers, hawks, owls, warblers, vireos and woodpeckers.

**FORESTRY** - The clearing or harvesting of forested or wooded areas, including temporary logging and milling operations, and selective cutting or clearing for commercial purposes.

**FRONTAGE** - That portion of a lot that abuts a road or road right-of-way.

**GARAGE** - A building or part thereof used or intended to be used for the parking and storage of motor vehicles.

**GAS STATION** - Any business whose primary function is the dispensation of gasoline for vehicles.

**GENERAL MERCHANDISE** - Any use characterized by the sale of bulky items and/or outside display/storage of merchandise or equipment, such as lumber and building materials, farm and garden supplies, marine equipment sales and service and stone monument sales.

**GREENHOUSES AND NURSERIES, COMMERCIAL** - A retail business for the cultivation and sale of plants grown on the premises in greenhouses or as nursery stock and accessory items directly related to their care and maintenance, such as pots, soil, mulch, fertilizer, insecticides, rakes or shovels. This use includes the storage and sale of mulch incidental to the nursery operation, but does not include the processing or grinding of mulch.

**GROUNDWATER** - The water contained within the earth's surface that has penetrated from precipitation and from infiltration by streams, ponds and lakes.

**GROUNDWATER CONTAMINATION** - Presence of any substance, designated by the U.S. EPA or the State of Maryland as a primary or secondary water quality parameter, in excess of the maximum allowable contaminant level (MCL).

**GROUNDWATER TRAVEL TIME** - The distance groundwater will travel in a given time.

**GROUP HOME FOR SHELTERED CARE** - A home for the sheltered care of more than 8 unrelated persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.

**GROUP PARKING** - A hard-surfaced area designed to provide parking for 3 or more dwelling units, for business uses requiring more than 10 parking spaces or any other parking area designed for 20 or more motor vehicles.

**GROWTH ALLOCATION** - A finite amount of acreage that may be used by a local jurisdiction to reclassify a less intense Critical Area designation to a more intense Critical Area designation.

**HABITAT AREAS OF LOCAL SIGNIFICANCE** - Areas whose geographic location has been mapped by the Harford County Department of Planning and Zoning that have been determined to be important to the County because they contain species uncommon or of limited occurrence in the County or because the species are found in unusually high concentration or because they contain an unusual diversity of species.

**HABITAT PROTECTION AREA** - Any existing area of open water, tidal or nontidal wetland, stream or river channel, stream or river bank or upland area of any type and size, including a reasonable

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protective area, within Harford County's Chesapeake Bay Critical Area which has been determined to be of significant natural value because it contains at least 1 of the following:

- A. A buffer area adjacent to tidal waters, tidal wetlands or tributary streams.
- B. Nontidal wetlands.
- C. The habitat of a species of plant or animal listed by State or Federal authorities as endangered, threatened or in need of conservation or a designated natural heritage area.
- D. A plant or wildlife habitat which is determined to be of local significance.
- E. A forest interior dwelling bird habitat.
- F. A colonial water bird nesting habitat.
- G. A habitat for the feeding, resting or grouping of wintering and migrating waterfowl species.
- H. Anadromous fish propagation waters.

HAWKER AND PEDDLER - Any person engaged in the business of selling goods, wares or merchandise, who must be licensed by the State as a "hawker" or "peddler."

HAZARDOUS MATERIAL - Any substance that:

- A. Conveys toxic, lethal, or other injurious effects or which causes sublethal alterations to plant, animal or aquatic life; or
- B. May be injurious to human beings. Hazardous materials include any matter identified as a "hazardous waste" by the Environmental Protection Agency or a "controlled hazardous substance" by the Maryland Department of the Environment.

HEALTH SERVICES - Establishments providing support to the medical profession and patients, including medical and dental labs, blood banks, oxygen and miscellaneous types of medical supplies and services.

HIGH-DENSITY RESIDENTIAL USE - Land zoned for densities of more than 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service.

HIGHLY ERODIBLE SOILS - Soils with a slope greater than 15% or soils with a K factor greater than .35 and with slopes greater than 5%.

HISTORIC AREA WORK PERMIT - A permit, issued by Harford County, upon receiving a Certificate of Appropriateness from the Commission for all projects that Harford County conducts, assists, licenses or permits that affect properties within a designated district or individually designated sites or Landmarks.

HISTORIC LANDMARK - Any designated site, properties or structure as listed in §267-112 (Historic Landmarks).

HISTORIC PRESERVATION COMMISSION - The Commission as set forth in Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended.

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**HISTORIC SITE** - A parcel of land of historical or cultural significance, which is eligible for designation on the National or State Register of Historic Places or as a Harford County Landmark.

**HISTORIC STRUCTURE OR BUILDING** - A structure of historical, cultural or architectural significance which is eligible for designation on the National or State Register of Historic Places or as a Harford County Landmark.

**HOME OCCUPATION** - Any business activity regularly conducted by a resident as an accessory use within the dwelling or an accessory building which meets the standards specified in this Part 1 for such use.

**HOMEOWNERS' ASSOCIATION** - An association or other legal entity comprised of owners of land or dwellings, organized to own, operate or maintain open space or facilities used in common by such owners.

**HOSPITAL** - An institution providing inpatient health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related activities, such as laboratories or training facilities.

**HOTEL** - A building offering transient lodging accommodations to the general public which may provide as accessory uses, restaurants, meeting rooms and recreation facilities.

**HOUSING FOR THE ELDERLY** - A building which is designed for the needs of elderly persons and which is subject to management or other legal restrictions that require that the project shall be occupied by households wherein at least one person is aged 55 or over.

**HYDRIC SOILS** - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils, as identified by the United States Department of Agriculture Soil Conservation Service.

**HYDROPHYTIC VEGETATION** - Those plants cited in vascular plant species occurring in Maryland wetlands (Dawson and Burke 1985), which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

**IMPACT FEE** - A fee imposed to help finance the cost of improvements or services.

**IMPERVIOUS SURFACE** - Any surface or material that does not absorb water or substantially reduces the infiltration of stormwater. Impervious surfaces include roofs, streets, sidewalks and parking areas paved with asphalt, concrete, compacted sand, compacted gravel or clay.

**INDIRECT RECHARGE AREA** - The area contributing water to surface watercourses up gradient of the aquifer or wellfield area of contribution.

**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.

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 house pets.

**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.

**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 FRONTAGE** - The length of the frontage.

**LOT LINE** - A line of record bounding a lot which divides 1 lot from another lot or from any road right-of-way or from any other public space.

**LOT LINE, FRONT** - The lot line separating a lot from a road right-of-way.

**LOT LINE, REAR** - The lot line opposite and most distant from the front lot line; in the case of triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE** - Any lot line other than a front or rear lot line.

**LOT, MINIMUM AREA OF** - The smallest area established by this Part 1 on which a use, structure or building may be located in a particular district.

**LOT, PANHANDLE** - A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

**LOT, RESIDENTIAL** - A lot which is zoned RR, R1, R2, R3, or R4 or is less than 2 acres and is intended for residential use.

**LOT, THROUGH** - A lot which fronts upon 2 parallel roads or which fronts upon 2 roads which do not intersect at the boundary of the lot and which has no rear lot line.

**LOT WIDTH** - The horizontal distance between the lot lines along a straight line parallel to the front lot line at the minimum required building setback line.

**LOW- AND MODERATE-INCOME HOUSING** - Housing which is categorized as for low- or moderate-income families by the United States Department of Housing and Urban Development or an appropriate State agency.

**LOW-DENSITY RESIDENTIAL USE** - Undeveloped land zoned for densities of less than or equal to 1 dwelling unit per 5 acres.

**MAIN STREET DISTRICT** - Area designated in a Community Plan that has identified commercial uses within walkable distances and allows a mix of office, retail and residential uses.

**MARINA** - Any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

**MARQUEE** - Any covering of permanent construction projecting from the wall of a building above an entrance.

**MASTER PLAN** - The Master Plan of the County adopted in accordance with Sections 701 and 702 of the Charter, including the most recently adopted Master Plan and associated Element Plans.

**MEAN HIGH WATER LINE** - The average level of high tides at a given location along the shoreline.

**MEDIUM-DENSITY RESIDENTIAL USE** - Land zoned for density of more than 1 dwelling unit per 5 acres, and less than or equal to 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service.

**METEOROLOGICAL TOWER (MET TOWER)** - Includes the tower; base plate; anchors; guy wires and hardware; anemometers (wind speed indicators); wind direction vanes; booms to hold equipment, anemometers and vanes; data logger; instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**MINI-WAREHOUSING** - A building or group of buildings that contains varying sizes of individual compartmentalized and controlled access stalls for the storage of customers' goods or wares.

**MIXED USE CENTER** - A mixture of office, retail, recreational, hotel and residential uses within a single structure or within multiple structures, but physically and functionally integrated.

**MOBILE HOME PARK** - A parcel of land used, designed, developed and maintained to accommodate 2 or more mobile homes for long-term residential occupancy by rental of space or condominium ownership.

**MOBILE HOME SUBDIVISION** - A parcel of land subdivided into 2 or more lots to accommodate 2 or more mobile homes for residential occupancy.

**MOTEL** - See "hotel."

**MOTOR VEHICLE** - A self-propelled, free-moving vehicle with 2 or more wheels primarily for conveyance on a road.

**MOTOR VEHICLE RECREATION** - The use of land for vehicle competition involving automobiles, motorcycles, tractors, trucks or other self-propelled vehicles.

MULCH STORAGE AND SALES - An operation for the storage of natural wood mulch for landscaping and other uses and for sale of the product, either wholesale or retail. Mulch storage and sales includes composting, but does not include the processing or grinding of mulch.

NATIVE VEGETATION - Trees, shrubs and herbaceous plants that naturally occur in the State of Maryland.

NATURAL HERITAGE AREA - An area that has been designated by the Secretary of the Department of Natural Resources in accordance with COMAR 08.03.08 as a Natural Community which meets the following criteria:

- A. Contains 1 or more threatened or endangered species or wildlife species in need of conservation;
- B. Is a unique blend of geological, hydrological, climatological or biological features; and
- C. Is considered to be among the best statewide examples of its kind.

NATURAL REGENERATION - The natural establishment of trees and other vegetation of a density of at least 400 woody, free-to-grow seedlings per acre which are capable of growing to a height of at least 20 feet at maturity.

NEIGHBORHOOD MARKET - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption such as prepackaged food and beverages and limited household supplies and hardware. Typical uses include country stores and shall not include fuel pumps or selling of fuel for motor vehicles.

NET TRACT AREA -

- A. In the AG zoning district, the portion of the parcel for which land use will be changed or that will no longer be used primarily for agriculture, and in all other zoning districts, the total area of the parcel, to the nearest 1/10 acre.
- B. "Net tract area" does not include the following areas:
  - (1) Any unforested area within the floodplain district established under Chapter 131 of the Harford County Code, as amended;
  - (2) Any right-of-way for:
    - (a) An overhead transmission line of a public utility if the line is designed to carry a voltage in excess of 69,000 volts; or
    - (b) An underground pipeline used to transport natural gas or petroleum products, if the right-of-way averages at least 50 feet in width; or
  - (3) Any area within the Chesapeake Bay Critical Area Overlay District established pursuant to §267-63 (Chesapeake Bay Critical Area Overlay District).

NONCOMPETITIVE RECREATIONAL AMUSEMENT CAR - A miniature amusement car that is electronically controlled from a central location and is designed and used to carry 1 or 2 persons on a track at a recreational amusement facility and is not designed for use on a road.

**NONCONFORMING BUILDING OR STRUCTURE** - A building or structure the size, dimension or location of which was lawful prior to the adoption or amendment of this Part 1, but which fails, by reason of adoption or amendment of this Part 1, to conform to the present requirements of the district.

**NONCONFORMING LOT** - A lot which was legally subdivided and recorded among the County Land Records prior to adoption or amendment of this Part 1 and which, after adoption or amendment of this Part 1, fails to comply with the dimensional requirements of this Part 1.

**NONCONFORMING USE** - A use which was lawful prior to adoption or amendment of this Part 1, but which fails, by reason of such adoption or amendment, to conform to the present requirements of the district in which it is located.

**NONTIDAL WETLANDS** - All palustrine aquatic bed, palustrine emergent, palustrine forested and palustrine scrub-shrub wetlands as defined by the United States Fish and Wildlife Service, except tidal wetlands regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland. These nontidal wetlands are lands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The technical guidelines for determining the 3 parameters of nontidal wetlands (vegetation, soils and hydrology) shall be followed in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual.

**NONTRANSIENT NONCOMMUNITY WATER SYSTEM** - A public water system that uses an average of 10,000 gallons per day and regularly serves at least 25 of the same individuals over 6 months per year.

**NURSING HOME OR SKILLED CARE FACILITY** - A facility devoted primarily to the long-term treatment and care of the aged or elderly or persons suffering from illnesses, diseases, deformities or injuries which do not require extensive or intensive care such as normally provided in a general or other specialized hospital.

**ONE PERCENT ANNUAL FLOOD** - A flood that has a 1% chance of being equaled or exceeded in any given year. This is also referred to as the 100 year flood or the base flood.

**OPEN SPACE** - Any area of land or water set aside, dedicated, designed or reserved for:

- A. Public or private use or enjoyment; or
- B. The use and enjoyment of owners and occupants of land adjoining or neighboring such open space; or
- C. The preservation of significant/special natural features.

**OVERBURDEN STORAGE OR DISPOSAL** - Any residual soil, rock, mineral, scrap or other material displaced by the extraction use.

**OVERLAY DISTRICT OR OVERLAY ZONE** - Any specially mapped district that is subject to supplementary regulations or requirements.

**PAD SITE** - A separate lot or leased site that is located within a shopping center site. The pad site is subject to any conditions established by the Zoning Code or the Board of Appeals.

**PALUSTRINE WETLANDS** - All nontidal wetlands dominated by trees, shrubs, persistent emergent plants or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below ½ part per 1,000 parts of water.

PARAPET - A low wall protecting the edge of a roof.

PARCEL - Any contiguous area, site or portion of land under common ownership.

PARKING AREA - An area, other than sales lots, designed for the parking of 3 or more motor vehicles and available to the public, either for a fee or as an accommodation to clients or customers.

PASSIVE RECREATION - Outdoor recreation that does not require significant maintenance or facilities, such as walking, picnicking, viewing and environmental education activities.

PERCOLATION RATE - The rate at which water flows or trickles through porous soils as determined by a percolation test.

PERENNIAL STREAM - A stream containing water throughout a year of average rainfall that has been confirmed to be a perennial stream through field verification.

PERMANENT FOUNDATION - A foundation as required by the Harford County Building Code or the manufacturer's specifications, in the case of manufactured homes, to provide for complete enclosure with a material which is compatible with the structure.

PERSONAL CARE BOARDING HOME - Any premises which provides personal care to adults, for consideration, and provides these services to a minimum of 3 adults not related to the provider or owner.

PERSONAL SERVICES - Services rendered to an individual, including beauty and barber shops, clothing alterations, dance and music studios, interior decorating, laundromats, general dry cleaning, linen supply, photography studios, rug cleaning and repair services (in-home cleaning), shoe repair services and watch and jewelry repair services.

PERVIOUS SURFACE - Any surface that allows for the infiltration of water.

PIER - A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

PIER, COMMUNITY - A noncommercial boat docking or mooring facility that is owned by and operated for the benefit of the residents of a platted riparian subdivision or condominium, apartment or other multiple-family dwelling unit; the term does not include an individual private pier maintained by a riparian landowner.

PLANNED EMPLOYMENT CENTER - Development option designed to permit and promote major economic development opportunities such as corporate offices, educational/training facilities, research and development facilities or other uses that create significant job opportunities and investment benefits.

POLLUTANT TRAVEL TIME - The time required by pollutants to travel from one point to another.

PRIVATE HARVESTING - The cutting and removal of trees for personal, noncommercial use.

PROFESSIONAL SERVICES - Service by members of any profession, including accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, optometrists, osteopaths or social workers.

PROJECT APPROVAL - The approval of development activities, other than developments undertaken by a State or local government agency, in the Chesapeake Bay Critical Area by the Harford County Department of Planning and Zoning or other approving agency of Harford County. The term includes approval of subdivision plans, plats and site plans; mapping of areas under floating zone or overlay

zone provisions; the issuance of variances, special exceptions; and the issuance of other zoning-related approvals.

PROVIDER - Any person or persons who have primary responsibility for and who receive consideration for the operation of the home.

PUBLIC EVENT - A temporary event, conducted by a private or public entity, including carnivals, circus, festivals, craft shows and concerts.

PUBLIC UTILITY - A gas and electric company regulated by the Maryland Public Service Commission or a cable television company operating under a franchise granted by the County Council.

PUBLIC UTILITY FACILITY - A utility facility owned by a governmental agency or private organization, maintained and operated for benefit of the general public, but excluding highway maintenance facilities, sewage treatment plants, sewage pumping stations and solid waste transfer stations.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

RECHARGE AREA - An area where water flows into the ground to re-supply a water body or aquifer.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, which provides protection to the natural resources found on or adjacent to the site, including water bodies.

RECREATIONAL BUFFER - An area where a path is created for recreational use.

RECREATIONAL VEHICLE - A vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven and which is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECYCLING - The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products.

RECYCLING CENTER - A building in which only recyclable material is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

REDEVELOPMENT - Construction activities in previously developed areas, which include the demolition of existing structures and building new structures or the substantial renovation of existing structures, often changing form and function. Redevelopment may involve existing property owners and businesses or new owners and tenants.

REFORESTATION - The creation 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.

RELATIVE - A grandparent, grandchild, parent, child, brother, sister, aunt or uncle.

REPAIR SHOP, AUTOMOTIVE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

REPAIR SHOP, SMALL ENGINE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing or repair of engines for equipment such as lawnmowers, go-carts, weed trimmers, chainsaws or electric motors is rendered.

RESORT - A facility for 3 or more transients, which provides special recreational amenities or is designed for access to a unique natural amenity for the recreation or relaxation of the users and not primarily oriented to single-night lodging.

RESOURCE CONSERVATION AREAS - Those areas in the Chesapeake Bay Critical Area that are characterized by nature-dominated environments (that is, wetlands, forests and abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities or aquaculture). Such areas shall have at least 1 of the following features:

- A. Density is less than 1 dwelling unit per 5 acres.
- B. Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

RESTAURANT - An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RESTAURANT, TAKE-OUT - An establishment where food and drink are sold in a form ready for consumption, where the consumption is designed to take place outside the confines of the restaurant.

RETAINING WALL - A wall that is constructed to hold a mass of earth in place or prevent erosion of an embankment.

REVITALIZATION - Efforts to improve residential and business areas, which include the physical enhancement of existing streetscapes and structures, marketing or other efforts to fill vacancies and boost business. Revitalization generally focuses on current property owners and businesses.

RIGHT-OF-WAY - A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

ROAD - A right-of-way which has been improved and is intended for motor vehicle traffic and provides the principal means of access to property.

ROAD, ARTERIAL - A road which serves as a major traffic way and is identified in the Transportation Element Plan as an urban or rural principal or minor arterial road.

ROAD, BUSINESS DISTRICT - Usually wider than most County roads and built to support heavy truck traffic that performs the following:

- A. Provides interconnection between highly developed commercial or industrial property to arterial roads.
- B. Provides access to individual properties comprising a commercial complex.
- C. Carries heavy volumes of truck traffic within or adjacent to any land which has been approved for any class of commercial or industrial use.

**ROAD, COLLECTOR** - A road which serves to carry traffic to or from local streets and connects them to other collector streets or to arterial highways and is identified in the Transportation Element Plan as either an urban collector road or rural major or minor collector road.

**ROAD, LOCAL** - A road which collects and distributes traffic within subdivisions and provides direct access to individual land uses. "Local road" may include primary and minor residential roads, as well as business/industrial roads as defined by the Harford County Road Code.

**ROAD, MINOR RESIDENTIAL** - A local road distributing and collecting traffic within residential subdivisions or neighborhoods, and performing the following:

- A. Provides direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to primary residential roads.
- C. Carries little or no through traffic.

**ROAD, PARKWAY** - A road which acts as a major corridor between several communities and employment centers mostly in the urbanized areas. The appearance of a parkway is intended to be very scenic and environmentally sensitive, with formal landscaping, and it is not intended to provide direct access to individual properties or businesses. A parkway could include pedestrian and bicycle accommodations, an exclusive right-of-way, and skywalk facilities are often provided. A substantial right-of-way is required.

**ROAD, PRIMARY RESIDENTIAL** - A major local road distributing and collecting traffic within larger residential subdivisions or neighborhoods, and performing the following:

- A. Provides direct access between minor residential roads and collectors and minimal direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to collector roads.
- C. Carries a limited amount of through traffic.

**ROAD, PRIVATE** - Any road that has not been accepted by the County or other government entity, and is not owned and/or maintained by the County or other government entity.

**ROAD, STUB** - Those roads projecting from a development road, to the property line of an adjacent property, typically ending in a T-turnaround.

**ROOFLINE** - The part of the roof or parapet which covers the major area of the building.

**RUBBLE LANDFILL** - A sanitary landfill required to be permitted as a rubble landfill under Title 26 of the Code of Maryland regulations.

**SANITARY LANDFILL** - A sanitary landfill, as defined in Chapter 109 of the Harford County Code, as amended, that is in the County Solid Waste Management Plan. "Sanitary landfill" includes a rubble landfill.

**SEEDLING** - An unbranched woody plant of less than 24 inches in height and less than ½ inch in diameter at a point 2 inches above the root collar.

**SELECTIVE CLEARING** - The planned removal of trees, shrubs and plants using specific standards and protection measures under an approved Forest Conservation Plan.

**SELECTIVE CUTTING** - The removal of single, scattered, mature trees or other trees from forested areas by periodic cutting operations.

**SETBACK** - Unless otherwise provided, the line which is the required minimum distance from the road right-of-way or any lot line that establishes the area within which principal buildings or structures must be erected or placed.

**SHOPPERS' MERCHANDISE** - Commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics and reupholstery, floor coverings, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall coverings, party supplies, photographic equipment sales and service, radios, compact discs, digital video discs secondhand merchandise, sporting goods, television and stereo sales and service and toy and game shops. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," "variety stores" and "supermarkets" shall be regulated as "shoppers' merchandise."

**SHOPPING CENTER** - A concentrated grouping of retail uses or retail and services uses designed, developed and managed as an integral entity, providing common vehicle access and group parking.

**SHOPPING CENTER, INTEGRATED COMMUNITY** - A shopping center that contains a gross floor area of more than 75,000 square feet.

**SIGN** - A permanent or temporary device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN, AGRICULTURAL SEASONAL** - A sign which advertises, on a seasonal, temporary basis, an agricultural product as defined in this section.

**SIGN AREA** - The area surfaces, including the outer extremities of all letters, figures, characters and delineations or surface area making contact with the outer extremities of the framework or background of the sign, whichever is greater. The support for the sign background, such as columns, pylons or buildings or part thereof, shall not be included in the "sign area" unless used for advertising purposes.

**SIGN, BILLBOARD** - Any outdoor advertising sign which promotes or advertises products, services, activities or businesses not related to the site or building or use on which it is located and is not a tenant identification sign.

**SIGN, CANOPY** - A wall sign that is affixed or displayed on a canopy.

**SIGN, DIRECTIONAL** - Any sign on a site for the purpose of directing traffic to another use, service or area.

**SIGN, DIRECTORY** - Informational sign utilized to identify name, address and occupants of a building or nonresidential development.

**SIGN, ELECTRONIC MESSAGE Board** - A sign with a fixed or changing display, or message composed of a series of lights that may be changed through electronic means.

**SIGN, FACE OR SURFACE** - The surface of a sign upon, against or through which a message is displayed or illustrated.

SIGN, FREESTANDING - A sign supported by uprights or braces placed upon the ground and not attached to any building.

SIGN, IDENTIFICATION - Any sign identifying or advertising a business, person, activity, product or service located on the premises where the sign is located.

SIGN, ILLUMINATED - Any sign which has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, MARQUEE - A wall sign that is affixed or displayed on a marquee.

SIGN, PROJECT DEVELOPMENT - A temporary sign erected on the premises on which a development project is taking place, during the period of such construction, indicating the type of development, space and/or price of units and contact information.

SIGN, PROJECTING - Any sign which is attached to a building and extends beyond the line of said building or beyond the surface of that portion of the building to which it is attached.

SIGN, ROOF - Any sign erected, constructed and maintained upon or over the roof of any building with the principal support on the roof structure.

SIGN, TEMPORARY - Temporary signs include any portable sign or any other sign, banner, pennant, valance or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

SIGN, TENANT IDENTIFICATION - A sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.

SIGN, VARIABLE MESSAGE Board - A sign with a display, that changes by electronic or mechanical means, other than electronic message Boards.

SIGN, WALL - All flat signs which are attached to the exterior of the building or other structure.

SIGNIFICANT/SPECIAL NATURAL FEATURES - Sensitive environmental areas to be left undisturbed, including water bodies, tidal and nontidal wetlands, forested areas to be retained and plant or wildlife habitat identified as of State or County importance.

SIGNIFICANTLY ERODING AREAS - Those shoreline areas eroding 2 feet or more per year.

SITE - Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in 1 ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

SITE PLAN - A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

SMALL WIND ENERGY SYSTEM – Equipment, including any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire or other component used in the system, that converts and then stores or transfers energy from the wind into usable forms of energy and that:

A. Is used to generate electricity;

- B. Has a rated nameplate capacity of 50 kilowatts or less; and
- C. Has a total height of 150 feet or less.

SOILS WITH SIGNIFICANT DEVELOPMENT CONSTRAINTS - Highly erodible soils, hydric soils less than 40,000 square feet in extent, soils with hydric inclusions and soils with severe septic constraints. See Table 63-1, Soil Types in Harford County Critical Area with Development Constraints, §267-63 (Chesapeake Bay Critical Area Overlay District).

SOLID WASTE TRANSFER STATION - An intermediate destination for solid waste. Transfer stations may include separation of different types of waste and aggregation of smaller shipments with large ones. It may also include compaction to reduce the bulk of the waste.

SPECIAL DEVELOPMENTS - Projects that utilize innovations in design by permitting a variety of type, use and layout of buildings.

SPECIAL EXCEPTION - A use which may be permitted by the Board in a particular district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Part 1.

SPECIALTY SHOP - A retail store which carries only 1 type of interrelated goods, including bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, key shops, newspaper and magazine shops, novelty shops, pet shops, photographic shops, souvenir shops, stationery shops, tack shops, tobacco shops and wine and cheese shops.

STABILIZED SURFACE - Any material that can be compacted in such a manner that will provide a suitable dustless surface for vehicular movement and storage and not result in erosion or create the potential for flooding.

STABLE, COMMERCIAL RIDING - Any facility used primarily for the commercial hiring out of horses or ponies or instruction in riding where 5 or more horses are kept for these purposes.

STABLE, PRIVATE - An accessory structure to the principal residential use that shelters horses for the exclusive use of the residents of the premises.

STORY - That portion of a building between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between the floor and the ceiling next above it, excluding basements.

STREET - See "road."

STREETSCAPE - An area that may either abut or be contained within a public or private street right-of-way or access way that may contain sidewalks, street furniture or landscaping and similar features.

STRUCTURE - Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, swimming pools, tennis courts, gazebos, decks and boathouses.

STRUCTURED PERVIOUS SURFACE - Any approved porous pavement or modular pavers that allow the infiltration of water and resist compaction due to associated vehicular activities. Such structured surfaces may include porous asphalt on concrete, modular block systems and grass or gravel pavers.

SUBDIVIDER - An individual, partnership or corporation (or their legal designee) that undertakes the activities covered by these regulations.

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SUBDIVISION - The term "subdivision" shall have the following meaning:

- A. Any division or redivision of a tract, parcel or lot of land into 2 or more parts by means of mapping, platting, conveyancing, change or rearrangement of boundaries;
- B. All subdivisions are also developments;
- C. Subdivision includes resubdivision or replat.

SUBDIVISION AGREEMENT - An agreement between a subdivider and Harford County to be executed and recorded in the office of the Clerk of the Circuit Court of Harford County, for the purpose of permitting the recordation of a final plat prior to completion and/or acceptance of a performance bond or other guarantee.

SUNROOM - A 1-story addition added to an existing dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof.

TEMPORARY USE - A use permitted for a fixed period of time as specified in this Part 1 with the intent to discontinue such use upon the expiration of a period of time, or a use that occurs on a periodic basis and is not continuous.

TENANT FARMER/TENANT OPERATOR - An individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

TENANT HOUSE - A dwelling unit located on agricultural property that is used either for occupancy by immediate members of the family owning or operating the agricultural use or by employees engaged in agricultural activities on the property.

THREATENED OR ENDANGERED SPECIES OR SPECIES IN NEED OF CONSERVATION - A plant or wildlife species designated by the State Department of Natural Resources in accordance with COMAR 08.03.08 as worthy of protection because of its rare or unusual occurrence in the State of Maryland.

TIDAL WETLANDS - Any land bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth, including lands identified as "tidal wetlands" on the most current Department of Natural Resources Tidal Wetlands Boundaries Maps.

TOURIST HOME - A building in which lodging or meals are provided for compensation to 3 or more guests on a temporary basis.

TRAIL - A pedestrian linkage between uses.

TRANSFER OF DEVELOPMENT RIGHTS - A transaction involving the removal of the right to develop or build from one lot or parcel and placing it with another lot or parcel.

TRANSPORTATION ELEMENT PLAN - An Element of the Harford County Master Plan which identifies future roads, major road improvements, designates arterial collector and local roads and identifies possible public transportation enhancements, the feasibility of a public airpark and bicycle routes.

TREE - A large, woody plant with at least 1 self-supporting trunk and numerous branches capable of growing to a height of at least 20 feet at maturity.

TREE, CHAMPION - The largest tree of its species in the United States, Maryland or Harford County, as appropriate.

TREE, SIGNIFICANT INDIVIDUAL - Tree with a DBH greater than 36 inches, or which has been identified as a State Champion Tree.

TRIBUTARY STREAMS - Those perennial and intermittent streams as mapped on the most recent United States Geological Survey 7½ Minute Topographic Quadrangle Maps [scale: 1:24,000], the Harford County Soil Survey or as may be identified through site inspection.

ULTIMATE PEAK GRAVITY FLOW - The average flow of the entire drainage area, assuming complete build-out of the Development Envelope using existing zoning densities, peaked in accordance with the Maryland Department of the Environment Design Guidelines for Sewerage Facilities Peaking Curve, or using actual measured peak flow factors, whichever is higher.

URBAN FORESTRY - A specialized branch of forestry concerned with the management, protection and conservation of forest, trees and other woody vegetation in urban and semi-urban areas.

USE - The purpose or activity for which land, buildings or structures are designed, arranged or intended or for which land, buildings or structures are occupied or maintained.

USE, AGRICULTURAL - The use of any tract of land for the production of animal or vegetable life. The uses include the pasturing, grazing and watering of livestock, and the cropping, cultivation and harvesting of plants.

USE, BUSINESS - Any use listed on the Principal Permitted Use Charts under the categories of Amusements, Motor Vehicle and Related Services, Retail Trade, Services or Transportation, Communications and Utilities (TCU).

USE, EXISTING - The lawful use of a building, lot or structure at the time of the enactment of this Part 1.

USE, INDUSTRIAL - Any use listed on the Principal Permitted Use Charts, under the categories of Industrial uses or Warehousing, Wholesaling and Processing.

USE, INSTITUTIONAL - Any use listed on the Principal Permitted Use Charts, under the category of Institutional uses.

USE, NONRESIDENTIAL - Any dwelling unit or use listed on the Principal Permitted Use Charts, under the category of Business, Industrial, Institutional, Transient Housing or Natural Resources uses with the exception of agriculture, forestry or wildlife refuge uses.

USE, PRINCIPAL - The primary or predominate use of any lot or parcel.

USE, RESIDENTIAL - Any dwelling unit or use listed on the Principal Permitted Use Charts, under the category of Residential uses.

UTILITY TRANSMISSION FACILITIES - Fixed structures that convey or distribute resources, wastes or both, including electric lines, water conduits and sewer lines.

VARIANCE - A departure from the terms of this Part 1 authorized pursuant to the provisions of this Part 1.

VETERINARY PRACTICE, LARGE ANIMALS - A facility wherein a doctor of veterinary medicine treats animals that are not domestic animals and of a general matured weight in excess of 50 pounds.

WASH PLANT - A facility where sand and gravel is washed during processing.

WATERBODY - The part of the earth's surface covered with water (such as a river, lake or ocean).

WATERFOWL STAGING AND CONCENTRATION AREA - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season.

WATERSOURCE PROTECTION DISTRICT - The surface and subsurface area surrounding a well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield.

WELL - A hole or shaft sunk into the earth to tap an underground supply of water.

WELL, PRIVATE - A well that provides a water supply for an individual residence or a single industrial, agricultural or commercial operation and that is not designed or used for general public consumption.

WHIP - An unbranched woody plant with a height of 24 inches or more and a diameter of less than 1 inch at a point 2 inches above the root collar.

WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and a safe passageway for wildlife across a site.

WIND ENERGY SYSTEM OWNER - The person that owns, or intends to own, the property upon which a Small Wind Energy System will be operated in accordance with §267-27C(9) of the Harford County Code, as amended.

WIND GENERATOR - Blades and associated mechanical and electrical conversion components mounted on top of the wind tower.

WIND TOWER - The monopole, freestanding or guyed structure that supports a wind generator.

YARD - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Part 1. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT - A yard extending the full width of the lot, which includes the area between the front building setback line and the road right-of-way.

YARD, REAR - A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

YARD, SIDE - A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

ZONING CASE - Any matter brought before the Board under the provisions of this Part 1.

ZONING CERTIFICATE - An approval issued by the Director of Planning pursuant to §267-8 (Zoning Certificates) of this Part 1.

ZONING DISTRICT OR DISTRICT - An area within the County within which certain zoning regulations apply.

**§ 267-5. Applicability.**

This Part 1 shall apply to all lands, structures, buildings, properties and their uses within the territorial limits of the County, including land owned or leased by the County, and outside the incorporated towns or municipalities therein and to all owners of land and the tenants or occupants thereof, including land owned by municipal corporations, counties and state and local governments.

**§ 267-6. Construal of Provisions; Word Usage.**

- A. The terms and provisions of this Part 1 shall be liberally construed to effectuate the general purposes of this Chapter.
- B. In addition to rules generally applicable to the construction of zoning ordinances and codes and the interpretation requirements of the Harford County Code, the following rules of construction shall apply to the text of this Part 1:
- (1) The particular shall control the general.
  - (2) In case of conflict between the text of this Part 1 and any caption, illustration, summary table or illustrative table, the text shall control.
  - (3) The phrase "used for" includes arranged for, designed for, intended for, maintained for or occupied for.
  - (4) The word "person" includes an individual, sole proprietorship, corporation, partnership or incorporated association and any recognized legal entity.
  - (5) Unless it is plainly evident from the context that a different meaning is intended, in a regulation which involves 2 or more items, conditions, provisions or events connected by the conjunction "and ... or" or "either ... or," the use of the conjunction is defined as follows:
    - (a) "And" means that all the connected items, conditions, provisions and events apply together and not separately.
    - (b) "Or" means that the connected items, conditions, provisions or events shall apply separately or in any combination.
    - (c) "Either ... or" means that the connected items, conditions, provisions or events shall apply separately but not in combination.
  - (6) The word "includes" or "including" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of similar kind or character.
  - (7) When a term is defined in the County Subdivision Regulations or the County Building Code, as noted in this Part 1, it shall have the meanings specified in the Subdivision Regulations or Building Code unless specifically defined in this Part 1.

- (8) The word "County" means Harford County, Maryland. The word "State" means the State of Maryland. The term "Charter" refers to the Harford County Charter, approved by the voters of the County, and all amendments thereto.
  - (9) The terms "County Council," "Board of Appeals," "Director of Planning," "Planning Advisory Board," "County Attorney," "Health Officer" and "Sediment Control Inspector" mean the respective Council, Boards, Officers and Department heads of the County.
  - (10) Throughout this Part 1, all words, other than the terms specifically defined herein, shall have the meanings inferred from their context in this Part 1 and their commonly accepted definitions.
- C. The provisions of this Part 1 shall be held to be minimum requirements. Where this Part 1 imposed a greater restriction than is imposed or required by other provisions of law or other rules, regulations, ordinances or by private restrictions, the provisions of this Part 1 shall control.
  - D. Notwithstanding the provisions of this Part 1, any development shall be subject to the provisions of the Subdivision Regulations, and any other activity requiring the issuance of a permit, license, grant or approval shall be subject to the applicable law.
  - E. The purpose clauses noted herein are for guidance only. In the event that any purpose clause conflicts with the specific provisions of this Part 1, the specific provisions shall control.

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**§ 267-27. Accessory Uses and Structures.** [Amended by Bill 09-19, as amended]

- 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.
  - (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 easement.
      - [2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8); otherwise, 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 easement.
      - [2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8);

otherwise, 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 easement.
  - [2] For lots with recorded easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8); otherwise, 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);
  - (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.

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- (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.
  - [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.

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- [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.
- [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.

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- [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.

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- (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) A commercial vehicle having a gross vehicle weight or a gross combination weight of 10,000 pounds or less and that is 22 feet or less in length 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.
  - (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;

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- (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.

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 30 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:

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- (a) The zoning certificate shall specify the use, dates and hours of operation of the event.
  - (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.
- (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

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applicant may apply for another zoning certificate upon complying with the provisions of this section.

- (b) Only temporary lighting shall be permitted.
- (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 1 ton.
- (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.

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- (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;
  - [3] If the cottage house is a mobile home, 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;
  - [4] When the cottage house is a mobile home, skirting of a compatible material is substituted for a foundation;
  - [5] The lot owner submits a letter of approval from the health Department, stating that the water and sewer facilities for the cottage house meet Health Department requirements;
  - [6] The lot owner submits a copy of the property deed and any homeowners' association agreement to which the lot is subject;
  - [7] The lot owner lives in 1 of the 2 dwellings on the lot;
  - [8] A relative of the lot owner lives in the other dwelling; and
  - [9] Either the lot owner or the relative:
    - [a] Is more than 62 years old; or
    - [b] Has a disability.
- (b) 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:
- [1] The application shall include a physician's statement documenting the disability; and
  - [2] 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
  - [3] 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.
- (c) If the temporary cottage house is visible from a residence on an adjacent parcel, the Department may require the property owner to plant a type "A" buffer yard, pursuant to §267-30 (Buffer Yards).
- (d) The zoning certificate for a cottage house shall be deemed null and void if:

- [1] The parcel is transferred or assigned;
  - [2] Any of the requirements of this section are not met by the applicable due date; or
  - [3] The need for the cottage house ends.
- (e) When a zoning certificate is nullified, the lot owner shall remove the mobile home or incorporate the cottage house into the principal dwelling within 60 calendar days.
- (f) Use of a cottage house under this Subsection B(8) is not grounds for or evidence of hardship for a variance under §267-11 (Variances).
- (g) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:
- [1] Issue a zoning certificate to the lot owner 21 calendar days after the lot owner satisfies the requirements;
  - [2] Within 7 calendar days after the lot owner satisfies the requirements, post the property, which is the subject of the application, with a notice that the lot owner has applied for a cottage house zoning certificate and has satisfied the requirements; and
  - [3] 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 under Subsection B(8)(e);
    - [d] Of the requirements imposed on the property owner; and
    - [e] Of any other information the Department deems relevant.