

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru June 18, 2018

DEPARTMENT OF PLANNING AND ZONING

Harford County, Maryland

FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

and

SUBDIVISION REGULATIONS, Chapter 268

of the Harford County Code, As Amended

are included at the end of

The Development Regulations.

**ZONING CODE
AMENDMENT INFORMATION:**

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
09-01	4/6/09	13-52	3/18/14
09-11	6/15/09	14-01	4/22/14
09-19AA	8/17/09	14-09	7/11/14
09-23AA	10/13/09	14-26AA	8/25/14
09-31AA	1/22/10	15-17	12/7/15
09-33AA	1/22/10	15-23AA	1/4/16
10-03	4/20/10	15-35AA	2/8/16
10-30	12/13/10	15-36AA	2/16/16
10-32AA	12/27/10	15-39AA	2/16/16
11-04AA	5/23/11	16-02AA	5/17/16
11-05AA	5/23/11	16-07	7/5/16
11-03	5/31/11	16-20	8/22/16
11-32	12/12/11	16-28	2/13/17
11-44	12/19/11	16-29AA	2/13/17
11-62AA	1/13/12	17-02	4/24/17
12-07AA	5/14/12	17-04	6/5/17
12-14	5/21/12	17-08AA	8/14/17
12-44	1/26/13	17-15AA	12/26/17
12-48AA	2/11/13	17-18AA	1/16/18
13-4AA	5/6/13	18-04AA	6/18/18
13-17	7/22/13		
13-35	1/21/14		
13-36	1/21/140		
13-50	2/18/14		
13-51	3/18/14		

(12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG district, provided that:

- (a) A separate zoning certificate is not required;
- (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
- (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;
- (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
- (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and
- (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (12), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:

- (1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.
- (2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided:
 - (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.

(4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI districts, provided that:

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

F. Exemptions. Day-care homes, family are exempt from the provisions of this section and shall not require a zoning certificate.

§ 267-28. Temporary Uses. [Amended by Bill 12-07, As Amended; Bill 12-44; Bill 14-1; Bill 17-04; and Bill 18-04 As Amended]

Temporary uses shall be permitted, subject to the following:

- A. Zoning certificate. Temporary uses in this section require the issuance of a zoning certificate unless otherwise specified.
- B. Specific temporary uses. The temporary uses described below shall be subject to the following:
 - (1) A carnival, circus or individual public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of 45 consecutive calendar days, provided that no structure or equipment shall be located within 200 feet of any residential district. Any request for a carnival, circus or individual public event shall be made at least 15 calendar days before the carnival, circus or individual public event. Should an applicant fail to make a request 15 calendar days prior to the event, the Department may accept the application and issue a Zoning Certificate; however, the applicant is deemed to have waived the right to notice and a hearing. When a carnival, circus or public event, excluding religious activities, accommodates more than 300 people, it shall be subject to the following additional requirements:

- (a) The zoning certificate shall specify the use, dates and hours of operation of the event. Hours of operation are only permitted between 6:00 a.m. and 11:00 p.m.
- (b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.
- (c) No permanent or temporary lighting shall be installed without an electrical permit.
- (d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of \$500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.
- (e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.
- (f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.
- (g) The applicant shall notify the local fire and emergency personnel to determine and identify any emergency response requirements.
- (h) Temporary use shall not be permitted for a public event at a property where 3 or more arrests based on violations of the Maryland Controlled Dangerous Substances Act, that have occurred at one public event held on that property. Temporary use shall not be permitted for a period not to exceed 1 year from the date of the public event at which the violations occurred. The notice and hearing provisions of §267-8 (Zoning Certificates) shall also apply to the denial of a Zoning Certificate for a public event pursuant to this Subsection provided that the applicant submitted the request for the Zoning Certificate 15 calendar days prior to the event.

- (2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of 45 calendar days.
- (3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.
- (4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.
- (5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
- (6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home, located on the lot during rehabilitation of the

original residence, or construction of a new residence, is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Director of Planning may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.

(7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI districts, subject to the following additional requirements:

- (a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of 1 year, at which time, the applicant may apply for another zoning certificate upon complying with the provisions of this section.
- (b) Only temporary lighting shall be permitted.
- (c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.
- (d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.
- (e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.
- (f) The proposed use shall not:
 - [1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.
 - [2] Be detrimental to the use or development of adjacent properties or neighborhoods.
- (g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.
- (h) Issuance of certificates.
 - [1] At the time the applicant applies for a zoning certificate, the applicant shall provide the Director of Planning with the following information:
 - [a] The location of the parcel or parcels where the sale or sales are to be located.
 - [b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.
 - [c] A copy of the license issued by the State.
 - [2] A zoning certificate issued by the Director of Planning shall cover all parcels where the sale or sales are to be located.
- (i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.

- (j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 7,000 lbs.
- (k) The provisions of this Subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.

(8) Cottage houses.

- (a) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:
 - [1] On a lot of 2 acres or less, the cottage house is located within a dwelling currently on the lot;
 - [2] On a lot of more than 2 acres, the cottage house may be located within a dwelling currently on the lot or may be a mobile home. If the cottage house is a mobile home:
 - [a] The cottage house must meet the setback requirements for transient housing uses, except that in the AG district, the minimum rear yard setback for a mobile home cottage house is 40 feet;
 - [b] Skirting of a compatible material shall be substituted for a foundation;
 - [c] If the cottage house is visible from a residence on an adjacent parcel, the Department may require the lot owner to plant a Type "A" buffer yard, pursuant to 267-30 (Buffer Yards)
 - [3] The cottage house may be located within a new addition to the dwelling which can be easily converted to general living space once the need for cottage housing no longer exists. The addition must conform to all applicable Zoning Code requirements and approvals.
 - [4] The lot owner shall live in 1 of the 2 dwellings on the lot;
 - [5] A relative of the lot owner shall live in the other dwelling; and
 - [6] Either the lot owner or the relative:
 - [a] Is more than 62 years old; or
 - [b] Has a medical need.
- (b) Lot owner requirements:
 - [1] The lot owner shall submit a letter of approval from the Health Department, stating that the water and sewer facilities for the cottage house meet Health Department requirements.
 - [2] The lot owner shall submit a copy of the property deed.

- [3] The lot owner shall submit a conversion plan for approval by the Department if the cottage house will be within the dwelling or within a new addition to the dwelling, said plan to be applied once the need for the cottage housing no longer exists. The conversion plan must include a floor plan reflecting how the overall cottage housing area will flow easily with unrestricted access into, and be compatible with, the main dwelling.
- [4] If an application for a cottage house permit is based upon a medical need of the lot owner, or a medical need of a relative of the lot owner, the lot owner shall include a physician's statement.
- [5] If an application for a cottage house permit is based upon age of the lot owner, or age of a relative of the lot owner, the application shall include a copy of the birth certificate or driver's license of the lot owner or relative of the lot owner, documenting age.
- [6] The zoning certificate for a cottage house will be deemed null and void if:
 - [a] The parcel is transferred or assigned; or
 - [b] The need for the cottage house ends.
- [7] When a zoning certificate is nullified, the lot owner shall remove the mobile home from the lot or incorporate the cottage house into the principal dwelling within 60 calendar days. If the cottage house is located within the dwelling, the overall cottage housing area will be converted with unrestricted access into, and is compatible with, the main dwelling as shown in the approved conversion plan required in Subsection 8(b)[3]. At no time shall a mobile home or area of the dwelling approved for cottage housing be utilized as a rental unit or second dwelling unit.
- [8] Use of a cottage house under this Subsection B(8) is not grounds for or evidence of a hardship for a variance under §267-11 (Variances).

(c) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:

- [1] Issue a zoning certificate to the lot owner;
- [2] Within 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent to the lot:
 - [a] That the property owner has applied for a cottage house zoning certificate and has satisfied the requirements;
 - [b] That the zoning certificate is temporary;
 - [c] That the cottage house must be removed or incorporated into the principal dwelling when the zoning certificate is nullified;
 - [d] Of the requirements imposed on the lot owner; and
 - [e] Of any other information the Department deems relevant.