

# Harford County, Maryland

## ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru December 10, 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	18-33	12/10/18
13-35	1/21/14	18-34	12/10/18
13-36	1/21/14	18-35	12/10/18
13-50	2/18/14	18-36	12/10/18
13-51	3/18/14		

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**§ 267-4. Definitions.** [Amended by Bill 09-19, as amended; Bill 11-04, as amended; Bill 11-05, as amended; Bill 11-32; Bill 12-44; Bill 12-48 as amended; Bill 13-35; Bill 14-1; Bill 15-39 as amended; Bill 16-02 as amended; Bill 16-20; Bill 17-04; and 18-36]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 - A stream that has been confirmed to be an intermittent stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

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

ISOLATED NONTIDAL WETLANDS - A nontidal wetland that is not hydrologically connected, through surface or subsurface flow to streams, tidal or nontidal wetlands or tidal waters.

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:

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

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

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

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

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

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

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

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

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

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

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

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

Lot coverage does not include:

- A. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
- B. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

- C. A wood mulch pathway; or
- D. A deck with gaps to allow water to pass.

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.

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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.



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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.

**OUTDOOR DINING AREA** - An accessory outdoor dining area of an existing restaurant. Outdoor seating is limited to 30% of the overall indoor seating or 12 seats, whichever is greater. The tables and chairs must be removable and the area must be unenclosed.

**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 that has been confirmed to be a perennial stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

**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.

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**§ 267-61. MO Mixed Office District.** (Amended by Bill 15-36 as amended; and Bill 18-33)

- A. Purpose. The MO district is designed to promote major economic development opportunities, including corporate offices, research and development facilities and high-tech services which create significant job opportunities and investment benefits. Due to the excellent access and high visibility of the MO district, the intention of the MO district legislation is to promote high quality uses with high quality amenities. Designated at strategic I-95 interchanges, development will be subject to specific performance, architectural and site design standards. Enactment of this legislation shall not serve to open the Development Envelope beyond those areas designated "MO" on the 2004 Harford County Master Land Use Plan.
- B. Objectives.
- (1) To promote a mix of corporate offices, retail, recreational, hotel, residential and service uses in desirable areas in the County which have a positive effect on the County's economic tax base and employment.
  - (2) To maximize the attractiveness of and to enhance the visual appearance through preservation of significant natural features.
  - (3) To assure compatibility of the proposed land use with internal and surrounding uses by incorporating design standards and site design.
  - (4) To encourage pedestrian access to uses and to reduce traffic congestion by encouraging the clustering of buildings near internal streets.
  - (5) To maintain and enhance the visual character of the area.
  - (6) To allow a mixture of office, retail, recreational and residential uses within a single structure or within multiple structures, where all related structures, parking and open spaces are designed to function as a cohesive and integrated site.
  - (7) To create quality usable public spaces.
  - (8) To ensure architectural standards of design for buildings, infrastructure and landscaping.
  - (9) To encourage the reduction of parking spaces through the use of shared parking lots within the development and to minimize parking as a visual element of the site and enhance the pedestrian environment.
- C. General regulations.
- (1) The project shall be reviewed in accordance with the Department of Planning and Zoning's Mixed Office Design Manual during the site plan approval process. The Director of Planning and Zoning shall have the authority to require compliance with the Mixed Office Design Manual.
  - (2) Minimum lot or parcel area for the project shall be 20 acres.
  - (3) Landscaping. Landscaping should provide for a transition from the surrounding agricultural uses and rural landscape to the employment, retail service and

residential uses on the site. All other requirements set forth in §267-29 (Landscaping) must be met.

- (4) Buffer yards. A type "D" buffer yard shall be provided along any adjacent public road. All other requirements set forth in §267-30 (Buffer Yards) must be met.
- (5) Signage shall comply with requirements set forth in §267-33 (Signs).
- (6) Lighting shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style. A Lighting Plan shall be submitted as part of the site plan approval process and approved by the Department of Planning and Zoning.
- (7) The project shall have direct access to one or more collector or higher functional classification roadways as defined by the Harford County Transportation Element Plan.
- (8) The project must be served by public water and sewer service.

D. Specific requirements. The following uses are permitted, subject to the additional requirements below:

- (1) The principal permitted uses in the MO Mixed Office district shall be those uses shown on the Permitted Use Charts.
- (2) Minimum lot area, area per dwelling or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables 61-1, shall apply, subject to other requirements of this Part 1.
- (3) Design requirements. Development in the MO district shall comply with the following regulations:
  - (a) Vehicular circulation.
    - [1] Loading and service areas shall be separated from the pedestrian and employee parking areas. Service areas shall be located away from roadways to the greatest extent possible. Loading and service areas shall be effectively buffered from adjoining properties and roadways.
    - [2] The internal vehicular circulation system shall follow a pattern of intersecting streets that provide alternative routes.
    - [3] Points of external access and alignments of internal roadways shall facilitate use of public transit. This may include rights-of-way sufficient for bus pull-outs and bus shelters as well as transit easements on private streets.

[4] A comprehensive pedestrian circulation system shall link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.

(b) Parking standards.

[1] A parking and pedestrian circulation plan shall be submitted as part of the Site Plan approval process.

[a] A multi-use path(s) to accommodate bike and pedestrian traffic shall be constructed with a 10 foot bike/pedestrian path easement, exclusive of any other easement.

[b] Bike racks shall be required for every 100 parking spaces.

[2] All parking areas must be effectively landscaped and buffered from adjacent roadways and adjoining residential districts pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).

[3] Parking areas should be broken up into lots of no more than 150 cars; the parking areas shall be separated by landscaped islands.

[4] The number of parking spaces provided and overall design and layout of parking lots must be in accordance with §267-26 (Off-street Parking and Loading). To encourage Leadership in Energy and Environmental Design (LEED) and green building initiatives for mixed use developments zoned MO, reductions of parking through the use of shared parking within the development are permitted. The reduction of parking spaces should be justified with shared parking data from recognized industry groups such as the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), the Transportation Research Board (TRB) or other documented studies.

[5] No direct access to any lot is allowed from a collector or higher functional classification road as defined in the Harford County Transportation Element Plan.

[6] All access points from a parcel in the MO district shall be consolidated wherever feasible.

(c) Building design standards.

[1] An architectural rendering of the building facade and elevations of the structures shall be submitted to the Department of Planning and Zoning as part of the Site Plan approval process and shall be reviewed in accordance with the Department of Planning and Zoning's Mixed Office Design Manual.

[2] Architecturally harmonious materials, colors, textures and treatments shall be used for all exterior walls within the MO district.

The building materials, colors, textures and treatments shall be harmonious within the project. All sides of the building are to be built with finish materials, including brick, natural stone and ornamental block. In no event, however, shall wood, vinyl or aluminum siding be used.

[3] Mechanical equipment shall be located within the building or within a mechanical equipment penthouse. If mechanical equipment is located on the roof or is freestanding on the site, it shall be effectively buffered from view by means fully compatible with the architecture. Mechanical equipment shall be buffered from view from all sides.

[4] Outdoor storage is prohibited.

(d) Retail/service uses.

[1] Retail and service other than professional services and corporate office uses may be incorporated into the overall project for up to 40%.

[2] Retail and service uses shall not have direct access on a collector or higher functionally classified roadway.

[3] Any retail or service use may be incorporated as part of the office park buildings.

[4] Professional services and corporate office uses shall not be limited to 40% of the overall project.

(e) Open space. The MO district shall include a minimum of 25% of the parcel area preserved as vegetated open space. The buffer yards, landscaped parking islands, building and perimeter landscaping shall be included in the calculation of open space, so long as a minimum width of 10 feet is maintained. Vegetated stormwater management facilities shall not be included in the calculation of open space.

(f) Impervious surface. Impervious surface within the MO District shall be limited to 75%.

(g) Utility facilities. Water towers or other similar utility facilities should, to the greatest extent possible, be located and designed to minimize the visibility of the structure from adjoining properties and roadways.

(h) At least 15% of the overall project shall consist of uses other than retail trade and residential as provided in the Permitted Use Charts.

E. Residential uses. Residential uses shall not exceed 45% of the overall project.

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**§ 267-65.1. Magnolia Neighborhood Overlay District.** [Added by Bill 16-029 As Amended; and Bill 18-34]

- A. Purpose and intent. The intent of the Magnolia Neighborhood Overlay District ("MNOD") is to encourage the development of residential communities which shall utilize Traditional Neighborhood Design, while providing for flexibility in housing types, allowing limited retail uses and encouraging innovative designs that foster a sense of community.
- B. Application. The MNOD includes all land situated south of the Chesapeake Science and Security Corridor (CSSC) as defined in §267-64 (Chesapeake Science and Security Corridor), west of MD Route 152 (Mountain Road), east of Trimble and Haverhill Roads, and north of the Aberdeen Providing Grounds (APG). A map of the MNOD, which is incorporated by reference herein, is on file at the Department of Planning and Zoning. If the owner of property subject to this Subsection B herein chooses to opt out of the MNOD, the provisions of Section 267-65.1 (Magnolia Neighborhood Overlay District) shall not apply to the property. The development thereof shall only be governed by, and subject to, the provisions set forth in this Part 1 and Part 2 for its zoning district, exclusive of this Section. If the property owner does not opt out of the MNOD, the development of the property shall be governed by, and subject to, the provisions set forth in this Section 267-65.1 (Magnolia Neighborhood Overlay District).
- C. Existing zoning. The permitted uses shall be those set forth in Subsection F below. The allowable densities for residential development shall be based on conventional development standards for the underlying zoning district. Unless otherwise specified in this section, the design standards for residential uses in the MNOD shall be those of the Conventional with Open Space (COS) design option in the R4 zoning district. The design standards for all other uses shall comply with the Design Requirements for those uses in the B3 zoning district. In the case of conflict between this section and any other section of the Zoning Code, the requirements of this section shall take precedence.
- D. Objectives.
- (1) To encourage development and redevelopment in the Joppa/Joppatowne area.
  - (2) To encourage land assemblage in order to maximize potential at opportunity sites.
  - (3) To promote integrated and connected communities with a mix of housing types.
  - (4) To promote affordability and life-cycle housing.
  - (5) To encourage the integration of neighborhood scale retail and service uses.
  - (6) To encourage high quality design architecture and site design that shall incorporate Traditional Neighborhood Design concepts.
  - (7) To promote walkability and physical activity through the incorporation of safe and accessible pedestrian and bicycle amenities.

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E. General Requirements.

- (1) If the property owner has not opted out of the MNOD, the development of the property shall be subject to the requirements of this section, except:
  - (a) The permitted uses for developments less than 20 acres shall be only those of the underlying zoning district.
  - (b) For residential developments less than 20 acres, the design standards of the next most dense residential zoning district shall apply.
- (2) The development must be served by public water and sewer.
- (3) The Director of Planning and Zoning shall approve the proposed signage for all uses within the development. Electronic message boards are prohibited. A signage plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. All signage shall be standardized and coordinated throughout the development.
- (4) Lighting on any non-residential use shall be designed and controlled so that any light shall be shaded, shielded or directed so that the light intensity or brightness does not adversely affect the operation of vehicles or reflect onto adjacent residential uses. A lighting plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review. Lighting fixtures shall be coordinated throughout the development. Dark-sky friendly lighting practices shall be utilized in the design of the lighting plan.

F. Permitted uses. Pursuant to Subsection C above, the permitted uses within the MNOD shall be the following:

- (1) Permitted residential uses include single-family detached dwellings, attached dwellings and multi-family dwellings.
- (2) The following open space uses shall be permitted in conjunction with the residential development: community parks; recreational facilities and playgrounds; bicycle paths; greens, mews and squares; and linkages to regional recreation and open space systems.
- (3) The following institutional uses shall be permitted within developments in the MNOD provided that such uses do not exceed 25% of the gross land area up to a maximum of 10 acres:
  - (a) Daycare centers.
  - (b) Community Centers.
  - (c) Fire station with assembly hall.
- (4) If the Director of Planning and Zoning approves the lot standards, building types, yard and building setbacks, parking, street requirements and any other design requirements necessary for development of the project, the approved standards



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and requirements shall be enforceable as any other standard or requirement of this Part 1.

- (5) Commercial uses. Commercial uses proposed in a residential district shall be part of an overall redevelopment or development plan and shall not exceed 100 square feet of gross floor area for every dwelling unit. The following commercial uses shall be permitted in a MNOD development:
- (a) Agricultural retail.
  - (b) Restaurants; excluding drive through restaurants.
  - (c) Personal services; excluding tattoo parlors, massage parlors, and establishments typically engaged in the sale and/or use of tobacco products.
  - (d) Professional services.
  - (e) Convenience goods stores, excluding stores with motor vehicle filling stations. The sale of tobacco or similar products and alcoholic beverages shall be prohibited in a convenience goods store located within the MNOD.
  - (f) Health clubs and gymnasiums.

G. Site design.

- (1) The project shall be designed such that distinctive residential neighborhoods are defined; large tracts of homogeneous housing types are discouraged.
- (2) The project shall utilize Traditional Neighborhood Design concepts to provide a variety of housing types and open space uses to achieve a balanced and integrated community.
- (3) With respect to any development within the MNOD, no more than 15% of the acreage shall be developed as multi-family units, and no more than 35% of the acreage shall be developed as attached dwelling units.
- (4) The project shall be designed with adequate buffers to minimize the visual impact between residential and all other uses. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary plan review. A minimum buffer yard of 15 feet shall be provided between residential uses and all other uses in the development. The Director of Planning and Zoning may modify the buffer requirement if innovative design concepts are utilized, or a complimentary mix of uses negates the need for a buffer. All other requirements set forth in §267-29 (Landscaping) of the Harford County Code as Amended shall apply.
- (5) The project should be designed so that active recreational areas are suitably located and accessible to the residential dwellings and adequately buffered to ensure privacy for adjoining residential uses.

- (6) The project shall be designed so that vehicular and pedestrian connections are provided to surrounding developments.
- (7) A paved shared use path at least 8 feet in width and separated from the roadway shall be provided and connect to all phases of the development. The location of the shared use path shall be approved by the Director and Planning and Zoning and the Director of Public Works.
- (8) Streetscape design standards shall be submitted for review and approval at the time of preliminary or site plan review. The approved design standards shall be followed throughout each phase of the development.
- (9) To protect the public safety, the design of the project shall provide that all units be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way.
- (10) A security vault, approved by the Fire Chief of the Volunteer Fire and Ambulance Company, located closest to the site, shall be installed on each multifamily and nonresidential structure.
- (11) Projects within the MNOD shall be designed to facilitate and encourage future transit ridership.

H. Vehicular and pedestrian circulation and access.

- (1) Road connections between all developments within the MNOD are required unless it is demonstrated to the Director of Planning and Zoning and the Director of Public Works that a connection is not feasible. In addition, any development within the MNOD shall provide connections to any adjacent property or properties within the MNOD by road, sidewalk, walking rails and/or bicycle access. A circulation plan shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
- (2) The project shall be designed such that on-street and off-street parking areas do not impede the access of emergency vehicles

I. Parking. The off-street parking requirements for any use shall be those set forth in §267-26 (Off-street Parking and Loading) of the Harford County Code, as Amended. The Department of Planning and Zoning, with concurrence from the Department of Public Works, may authorize a modification of the parking space requirements for nonresidential uses.

- (1) Parking standards for nonresidential uses may be reduced up to a total of 20% of the required number of spaces under the following scenarios:
  - (a) If parking areas are screened from the public right-of-way with landscaping and/or low walls, the required parking standards may be reduced up to 10%.

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- (b) If on-street parking is provided, the parking standards may be reduced up to 5%.
  - (c) If bicycle connections or amenities are provided, the parking standards may be reduced up to 10%.
- (2) Guest parking for attached and multi-family dwelling units shall be provided at a ratio of 1 guest parking space per 4 dwelling units. Guest parking may be provided within parking lots for commercial and institutional uses, provided that:
- (a) The guest parking is located within 1,500 feet of the residential units it is intended to serve.
  - (b) The guest parking area is subject to a shared parking agreement made between current owners of the properties. The agreement shall be recorded in the Land Records of the County. The agreement shall be reviewed and approved by the County's Department of Law prior to recordation. All shared parking agreements must also contain a provision for maintenance of the parking area.

J. Design standards.

- (1) Parking areas are to be located to the rear or side of all nonresidential uses. Interconnection between parking areas on adjacent properties is required.
- (2) All nonresidential buildings shall be oriented to face the street, with entrances and display windows at street level. A direct and convenient pedestrian connection shall be provided from sidewalks to building entrances.
- (3) Commercial or mixed-use buildings shall have similar architectural features as the residential uses in the development and shall not exceed twice the height and massing of adjacent buildings.
- (4) Architecturally harmonious building materials, colors, textures and treatments shall be used for all exterior walls of all buildings in the MNOD, and shall be harmonious with the building materials, colors, textures and treatments throughout the MNOD. Brick or stone shall be used on the front elevations of all buildings. The use of split face block, standard EIFS or similar cladding material shall be prohibited. Rear and side elevations shall be of finished quality and shall be consistent in color with the rest of the building. Architectural renderings or elevations shall be submitted to the Department of Planning and Zoning for review and approval at the time of preliminary or site plan review.
- (5) A consistent building line should be maintained at the setback line along the street. However, projections of porches, bay windows, stoops, and other architectural features into the required setback may be permitted in order to create character.
- (6) In areas of mixed residential types, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building.

- (7) Front load garages shall be prohibited along any existing or proposed collector roads. For dwellings located along internal roads, a garage may be oriented towards the road provided that it is located a minimum of twenty (20) feet behind the front façade of the principal structure. Freestanding garages and carport structures for multiple dwelling unit buildings must be designed to be integral with the building design or sited so as to avoid long and monotonous rows of garage doors or building walls.
- (8) The project should be designed so that off-street parking and garages are visually unobtrusive.

K. Open space.

- (1) Developments within the MNOD shall provide open space as follows:

<b>MINIMUM OPEN SPACE</b>	
<b>District</b>	<b>Percent of Parcel Area</b>
R1	10
R2	10
R3 (for single family attached or detached)	15
R3 (for all other dwelling types)	20
R4	20

- (2) Recreational facilities shall be provided in each phase of development to meet the needs of the residents.
- (3) Open space areas shall be designed to accommodate a variety of activities and provide for the needs of different groups of individuals.
- (4) All open space shall be provided pursuant to §267-31 (Open Space) of the Harford County Code as Amended.

## ARTICLE IX. Special Exceptions

### § 267-86. Purpose.

Special exceptions may be permitted when determined to be compatible with the uses permitted as of right in the appropriate district by this Part 1. Special exceptions are subject to the regulations of this Article and other applicable provisions of this Part 1.

### § 267-87. General Regulations.

- A. Special exceptions require the approval of the Board in accordance with §267-9 (Board of Appeals). The Board may impose such conditions, limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Part 1 and the public health, safety and welfare.
- B. A special exception grant or approval shall be limited to the Site Plan approved by the Board. Any substantial modification to the approved Site Plan shall require further Board approval.
- C. Extension of any use or activity permitted as a special exception shall require further Board approval.
- D. The Board may require a bond, irrevocable letter of credit or other appropriate guaranty as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.
- E. In the event that the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof.

**§ 267-88. Specific Standards.** [Amended by Bill 09-31, as amended; Bill 10-03; Bill 11-04, as amended; Bill 13-04 as amended; Bill 16-07; Bill 17-04; and Bill 18-35]

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

- A. Amusements.
  - (1) Arenas and stadiums. These uses may be granted in the B3, C1, L1 and G1 districts, provided that:
    - (a) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
    - (b) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.

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- (c) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
  - (d) A minimum parcel area of 75 acres is established.
  - (e) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.
- (2) Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, RR, R1, R2, R3, R4 and GI districts, provided that:
- (a) No off-street parking or loading area shall be located within any required yard or within 25 feet of any parcel boundary.
  - (b) Off-street parking and loading areas, swimming pools and tennis courts shall be buffered from adjacent residential lots.
  - (c) The principal access shall be provided from an arterial or collector road.
  - (d) No more than 20% of the land area upon which such a use is conducted may be located in the GI district.
  - (e) Any outside lighting used to illuminate a use permitted under this section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.
- (3) Fairgrounds, racetracks and theme parks. These uses may be granted in the AG, CI, LI and GI districts, provided that:
- (a) A minimum parcel area of 75 acres is established.
  - (b) The principal access shall be provided from an arterial or collector road.
  - (c) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.
  - (d) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.
  - (e) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.
  - (f) A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided adjacent to any residential lot line.
- (4) Marinas and boat launching, storage and repair. These uses may be granted in the AG, RR, R1, R2, R3, R4, B1, B2 and LI districts, provided that:
- (a) In the urban residential districts, such facilities shall be a part of a Conventional with Open Space (OCS) development or a Planned Residential Development (PRD).

- (b) A type "B" buffer, pursuant to §267-30 (Buffer Yards), shall be provided along any boundary with an adjacent residential lot and along any public road.
- (5) Motor vehicle recreation, ATV and go-cart tracks. These uses may be granted in the AG and GI districts, provided that:
- (a) A minimum parcel area of 25 acres is established.
  - (b) Proper sediment control measures are used for any stormwater runoff.
  - (c) The primary activity takes place a minimum of 500 feet from any adjacent residential lots.
  - (d) No adjoining property is participating in the agricultural preservation program.
  - (e) Hours of operation shall be established by the Board of Appeals.
- (6) Outdoor theaters. These uses may be granted in the AG district, provided that:
- (a) Such theaters shall be for live productions only.
  - (b) All structures shall be located at least 200 feet from any adjacent residential lot.
  - (c) Parking areas shall be buffered from adjacent residential lots by a type "C" buffer, pursuant to §267-30 (Buffer Yards).
- (7) Indoor shooting ranges. These uses may be granted in the AG district, provided that:
- (a) Adequate measures are taken to ensure that no loaded firearms will be brought into or taken out of the building.
  - (b) The sale, consumption or possession of alcoholic beverages on the premises is forbidden.
  - (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
  - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to neighboring uses.
- (8) Golf driving ranges and miniature golf courses. These uses may be granted in the AG and VB districts, provided that:
- (a) The use shall not be within 50 feet of any lot line or within 200 feet of any adjacent residential lot.

- (b) A minimum parcel area of 6 acres shall be provided for golf driving ranges.
- (9) Trap, skeet, rifle or archery ranges, outdoor. These uses may be granted in the AG, CI and GI districts, provided that:
- (a) A minimum parcel area of 75 acres shall be required for all rifle and pistol ranges. A minimum parcel area of 25 acres shall be required for all trap, skeet and archery ranges.
  - (b) Discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.
  - (c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.
  - (d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to residential neighborhoods.
  - (e) The facilities shall be designed so that the topographic features of the parcel are used to enhance safety and minimize firearm noise.
- (10) Indoor theaters. These uses may be granted in an AG district, provided that:
- (a) Such theaters shall be for live productions only.
  - (b) The proposed uses shall be located on an historic site or within an historic structure.
  - (c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission.
  - (d) The project shall respond to and be protective of natural and historic features of the site.
  - (e) All structures shall be located at least 200 feet from any adjacent residential lot.
  - (f) Parking areas shall be buffered from adjacent residential lots. Sufficient parking to accommodate all patrons on the site shall be provided.
  - (g) A minimum parcel area of 3 acres is established.
  - (h) Activities or uses on the site shall be limited to those approved by the Board.
- (11) Riding stables, commercial or club. These uses shall be granted in the AG district, provided that:
- (a) No stable shall be located within 50 feet of any residential lot.
  - (b) A minimum parcel area of 5 acres is established.