

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru February 14, 2020

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	15-23AA	1/4/16
09-11	6/15/09	15-35AA	2/8/16
09-19AA	8/17/09	15-36AA	2/16/16
09-23AA	10/13/09	15-39AA	2/16/16
09-31AA	1/22/10	16-02AA	5/17/16
09-33AA	1/22/10	16-07	7/5/16
10-03	4/20/10	16-20	8/22/16
10-30	12/13/10	16-28	2/13/17
10-32AA	12/27/10	16-29AA	2/13/17
11-04AA	5/23/11	17-02	4/24/17
11-05AA	5/23/11	17-04	6/5/17
11-03	5/31/11	17-08AA	8/14/17
11-32	12/12/11	17-15AA	12/26/17
11-44	12/19/11	17-18AA	1/16/18
11-62AA	1/13/12	18-04AA	6/18/18
12-07AA	5/14/12	18-33	12/10/18
12-14	5/21/12	18-34	12/10/18
12-44	1/26/13	18-35	12/10/18
12-48AA	2/11/13	18-36	12/10/18
13-4AA	5/6/13	19-04AA	5/13/19
13-17	7/22/13	19-15AA	8/12/19
13-35	1/21/14	19-16AA	8/20/19
13-36	1/21/14	19-29AA	1/2/20
13-50	2/18/14	19-28	1/13/20
13-51	3/18/14	19-30	2/14/20
13-52	3/18/14		
14-01	4/22/14		
14-09	7/11/14		
14-26AA	8/25/14		
15-17	12/7/15		

- (2) Setback requirements.
 - (a) Front setback: 33 feet from the center line of unreserved right-of-way or 20 feet from the public right-of-way.
 - (b) Rear setback: 20 feet; 10 feet when adjacent to open space.
 - (c) Side setback: 10 feet on side, total of 20 feet.

§ 267-81. Mobile Home Subdivision (MHS).

- A. Eligibility. A MHS shall be at least 5 acres and located in an R3 or R4 district.
- B. Development standards.
 - (1) Permitted uses.
 - (a) This project may include mobile homes but shall not include recreational vehicles or travel trailers.
 - [1] The mobile home unit shall be placed on a permanent foundation unpierced, except for required ventilation and access. Installation shall include a positive surface water drainage away from each unit.
 - [2] All wheels, axles, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.
 - (2) Site design.
 - (a) All dwelling units shall be sited with regard to the topography, soils and natural features of the parcel.
 - (b) All dwelling units shall be sited to promote privacy and ensure natural light for all principal rooms.
 - (c) No structure shall be less than 50 feet from the property lines of the project. A type "C" buffer shall be provided along all property lines at the periphery of the project, pursuant to §267-30 (Buffer Yards).
 - (d) A landscaping plan shall be submitted in accordance with §267-29 (Landscaping).
 - (3) Vehicular circulation. The project roads shall be designed to provide a logical road network adequate for internal movement.
 - (4) Parking.
 - (a) There shall be 2 parking spaces, measuring at least 9 x 18 feet, for each dwelling unit.
 - (b) The required parking spaces may be located within the required front yard area of individual lots. If group parking areas are used, these areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened from adjacent projects and public roads.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. The following open space requirements shall be met:

(a) Open space shall be provided as follows:

District	Minimum Open Space (percentage of parcel area)
R3	15%
R4	20%

(b) All open space shall be provided pursuant to §267-31 (Open Space).

(6) Recreational facilities. Adequate recreational facilities shall be provided in each phase of development to meet the needs of the residents.

C. Density and lot characteristics. The density, lot sizes and design requirements for a mobile home subdivision shall be those permitted for a conventional development of single-family detached dwellings in the zoning district in which the project is located.

D. For Conventional with Open Space and Planned Residential Developments, where a mobile home subdivision is part of a COS or PRD project, the requirements of §267-70 (Conventional with Open Space (COS)) or §267-71 (Planned Residential Development (PRD)), respectively, shall apply in addition to the requirements of this section. All regulations applicable to both the MHS and to the COS or PRD shall be met.

§ 267-82. Housing for the Elderly. [Amended by Bill 17-04 and Bill 19-30]

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

(1) In the B2, B3 and CI districts, the minimum lot size shall be 10 acres. In the R2, R3 and R4 districts, the minimum lot size shall be 4 acres.

(2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.

B. Development standards.

(1) Permitted uses. The accessory uses permitted in a housing for the elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include single-family detached dwellings, townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.

(2) Density. The maximum density shall be 7 units per gross acre in R2 districts and 14 units per gross acre in the R3, R4, B2, B3 and CI districts.

(3) Site design.

- (a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.
- (b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.
- (c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-30 (Buffer Yards). In the B2, B3 and CI districts, a buffer yard 20 feet wide shall be provided.
- (d) No building shall be located within 10 feet of the private road right-of-way and parking areas.
- (e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.

(4) Vehicular and pedestrian circulation and access.

- (a) The project roads shall be designed to provide a logical road network adequate for internal movement.
- (b) The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.
- (c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.
- (d) Adequate access shall be provided for emergency vehicles and personnel.
- (e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. Open space shall be provided in accordance with the provisions of §267-70C(3)(a).

- (a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.

- (b) Notwithstanding the provisions of §267-31B(1), the active recreation space shall be a minimum of $\frac{1}{2}$ acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The required active open space may be reduced by the Director of Planning based upon the specific program proposed by the developer.
- (c) Notwithstanding the provisions of Subsection B(5)(b) above, all open space shall be provided pursuant to §267-31 (Open Space).

(6) Minimum conditions and covenants regarding age restrictions. The following conditions and covenants are required, at a minimum, to be contained in deeds of covenants, conditions and restrictions to be recorded at the time that a plat for the housing for the elderly development is recorded:

- (a) The project is intended to constitute housing intended and operated for occupancy by at least one person 55 years of age or older per unit, to the extent required by the housing for older persons act of 1995 and Section 807(b)(2)(c) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(c)) (the "Fair Housing Act").
- (b) Subject to the provisions of paragraph (f) below, and exceptions otherwise authorized and approved by the Board, each unit must be occupied by at least one resident who is 55 years of age or older.
- (c) Residents under 19 years of age or younger are not permitted unless such person is:
 - [1] Necessary to provide a reasonable accommodation to a handicapped resident; or
 - [2] Is a handicapped dependent of a resident, only to the extent permitted and/or required by the provisions of the Fair Housing Act.
- (d) Guests of owners or residents who are under 19 years are permitted to stay in the unit for periods of time not to exceed a total of 60 calendar days for each such guest in any one calendar year (with each calendar year being measured from January 1 through December 31 of any given year).
- (e) Nothing contained herein shall be deemed to prohibit the daily visitation by persons not otherwise permitted to occupy a unit (including persons under 19 years of age who are family members or guests of the owner or occupant of a unit), provided such visitation shall not be for a period of more than 72 continuous hours.
- (f) Subject to the provisions of the fair housing act, a surviving spouse of an owner or resident who was 55 years of age or older may retain the occupancy of the unit without regard to the age of the surviving spouse provided, however, that the continued occupancy of the surviving spouse does not violate the requirements of the fair housing act that at least 80% of the units be occupied by a person who is 55 years of age or older. In the event that less than 80% of the units are occupied exclusively

by persons who are 55 years of age or older, the owners or residents may be required by the entity named in the covenants and restrictions as having such authority (hereinafter referred to as "the Board") to vacate the units in order to comply with the requirements of the fair housing act. In the event that the Board requires that an owner or resident vacate their unit, the owner or resident must vacate within 180 calendar days from the date of notification by the Board.

- (g) The Board shall have the authority to adopt such rules and regulations as it may deem necessary or desirable to implement the foregoing restrictions and to ensure that the property otherwise complies with the fair housing act and any corresponding State or local law or ordinance (and any regulations promulgated thereunder). In the event that the exemptions relating to "housing for older persons" under the fair housing act or any State or local law or ordinance, as applied to the property, shall be modified, expanded, supplemented, clarified, defined, explained and/or limited, the Board shall have the authority to adopt rules and regulations modifying such restrictions to the extent deemed necessary or desirable by the Board in response thereto provided, however, that no such rule or regulation shall cause or allow the property to no longer qualify for exemption under the fair housing act or any State or local law or ordinance without the express prior written consent of the declarant.
- (h) Each owner or occupant of a unit, if and when requested to do so by the Board, shall promptly furnish the Board with the names and ages of all occupants of the unit and shall complete and submit such affidavits and other documents as the Board may reasonably request to verify the age of all unit occupants.

C. In order to modify any of the conditions contained in Subsection B(6) herein, the entity designated in the covenants and restrictions as having such authority must receive the written approval of Harford County. Any such modification must be recorded in the Land Records of Harford County, Maryland to be effective.

D. Specific design requirements.

- (1) Front, rear and side yards and maximum height shall be as shown on Table 55-4.2, Design Requirements for Specific Uses/R4 Urban Residential District for Residential: PRD.
- (2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.
- (3) Maximum building coverage. The maximum building coverage shall be as follows:

Dwelling Types	Maximum Building Coverage (percent of total lot)
Patio/court/atrium, townhouse and multiplex, single-family detached	40%
Garden and mid-rise apartments	30%

- (4) Impervious surface ratio. The maximum impervious surface for any housing for the elderly project shall not exceed 50% of the total parcel area.
- (5) The height of each structure, other than garden or mid-rise apartments, shall comply with the height requirement of the district. The height of a garden or mid-rise apartment is limited to 4 stories in the R2 zoning district and 5 stories in R3, R4 and CI zoning districts.

§ 267-83. Continuing Care Retirement Community (CCRC). [Amended by Bill 13-35]

A. Eligibility. CCRC's shall have the following eligibility requirements:

- (1) The project developer shall have filed a statement of intent to provide continuing care facilities in accordance with the Human Services Article of the Annotated Code of Maryland, as amended. The project shall be developed in accordance with and regulated by The Human Services Article of the Annotated Code of Maryland, Continuing Care Contracts (the "state CCRC act"), as amended.
- (2) The minimum lot size shall be 20 acres.
- (3) The project shall be served by public water supply and public sewer facilities.
- (4) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads.

B. Development standards.

- (1) Permitted housing types. For purposes of this section only, a variety of housing types may be permitted on a single parcel. These may include garden or mid-rise apartments, patio, atrium or court dwellings, multiplex units, duplex units, townhouses, single-family detached dwellings or other units which meet the needs of the residents. Dwelling units shall include independent living units along with assisted living and skilled care facilities. The maximum number of beds in the skilled care facility may not exceed 20% of the total number of independent dwelling units approved for this project by Maryland Office on Aging. For additional beds, application can be made for a Certificate of Need ("CON") with the State of Maryland.
- (2) Permitted uses. Ancillary uses, including community convenience stores, branch banks, auditoriums, TV studios, theaters, retail gift shops and professional, medical, health and personal services, dining facilities and meeting rooms and other resident activity facilities are permitted, provided:
 - (a) The uses are located within the residential buildings or within community buildings that are architecturally compatible with the residential structures and are for the use and benefit of the residents of the community, their guests and the employees.
 - (b) There are no advertising signs indicating the uses placed along the boundary of the community.