

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 21-004

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 21-012 Date April 13, 2021

AN EMERGENCY ACT to establish a temporary moratorium on the application of certain provisions of the Harford County Zoning Code related to setbacks, parking requirements, temporary uses, signs, outdoor storage and display and seating capacity with regard to uses that include nightclubs, bars, breweries and restaurants.

By the Council, April 13, 2021

Introduced, read first time, ordered posted and public hearing scheduled:

on: May 11, 2021

at: 7:15 PM

By Order: *Mylia A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, on March 5, 2020, Maryland Governor Lawrence J. Hogan, Jr. proclaimed a state
2 of emergency and a catastrophic health emergency for the entire State of Maryland pursuant to Title 14
3 of the Public Safety Article of the Annotated Code of Maryland due to the impending threat and
4 continuing impact of the contagious disease known as COVID-19; and

5 WHEREAS, on March 16, 2020, Governor Hogan issued an executive order prohibiting all
6 restaurants and bars from providing food or beverage for consumption on premises; and

7 WHEREAS, on May 28, 2020, in light of Governor Hogan’s March 16, 2020 executive order
8 and to promote and foster needed economic recovery in Harford County, the County Executive issued
9 an executive order permitting expanded outdoor seating at restaurants, bars and breweries; and

10 WHEREAS, to facilitate and encourage additional outdoor seating areas at restaurants, bars
11 and breweries and to make these businesses safer to operate the County Executive temporarily
12 suspended certain provisions in the Harford County Code relating to setbacks, off-street parking
13 requirements, temporary uses, signs, outdoor storage and display and seating capacity; and

14 WHEREAS, one year after his initial executive order prohibiting restaurants and bars from
15 providing food or beverage for consumption on premises, on March 9, 2021, Governor Hogan issued
16 an executive order allowing, as of March 12, 2021, restaurants and bars to operate at full capacity for
17 indoor dining; and

18 WHEREAS, however, outdoor seating at restaurants, bars, breweries and nightclubs is safer
19 and less likely to lead to the spread of COVID-19 than indoor dining; and

20 WHEREAS, to facilitate and encourage the continuation of social distancing and to encourage
21 and promote the continued operation of additional outdoor seating areas, the County Executive finds it
22 necessary to implement a temporary moratorium on the application of certain provisions of the Harford
23 County Zoning Code to encourage continued outdoor dining.

1 NOW THEREFORE,

2 Section 1. Be It Enacted By the County Council of Harford County, Maryland that:

3 A. Purpose. The provisions of this Act are designed to temporarily allow bars, breweries,
4 nightclubs and restaurants to expand and continue outdoor dining to facilitate and encourage
5 social distancing in order to protect the public health.

6 B. There is hereby established a temporary moratorium on the application of the following
7 sections of the Harford County Zoning Code as they are related to outdoor dining uses only for
8 bars, breweries, nightclubs and restaurants:

9 1. Section 267-4, Definition of Outdoor Dining Area as to the requirement that the area
10 must be unenclosed.

11 2. Section 267-23C(1)(a)[8], Yards; Exceptions and modifications to minimum yard
12 requirements; Encroachment.

13 3. Section 267-26C(1), Off-Street Parking and Loading; Parking space requirement;
14 minimum parking spaces.

15 4. Section 267-28, Temporary Uses.

16 5. Section 267-33, Signs.

17 6. Section 267-58C(3)(b), (d) and (e), VB Village Business District; Specific regulations.

18 7. Section 267-59C(4), B1, B2 and B3 Business Districts; Specific regulations; Lot
19 coverage.

20 8. Section 267-59C(6)(a), (b) and (b)[6], B1, B2 and B3 Business Districts; Specific
21 regulations; Use limitations.

22 9. Section 267-60C(4)(a) and (b), CI, LI and GI Industrial Districts; Specific regulations;
23 Design requirements; Lot coverage; Parking.

1 C. The temporary moratorium shall be applicable to property throughout the County that is
2 currently being legally operated as a bar, brewery, nightclub or restaurant.

3 D. The temporary moratorium shall sunset on December 31, 2021 unless renewed by legislative
4 act.

5 Section 2. And Be It Further Enacted that these provisions are only waived provided that all fire,
6 life safety and Americans with Disability Act requirements are met.

7 Section 3. And Be It Further Enacted that this Act is declared to be an Emergency Act necessary
8 to protect the public health due to the COVID-19 Pandemic and shall take effect on the date it becomes
9 law.

EFFECTIVE:

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator