

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru November 22, 2021

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

§ 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; Bill 18-36; Bill 19-04 as amended; Bill 19-15 as amended; Bill 19-16 as amended; Bill 19-29 as amended; Bill 20-11; Bill 21-01 as amended; and Bill 21-19 as amended]

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

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

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

ACCESSORY DWELLING UNIT (ADU) – An independent, self-contained dwelling unit located within a single-family detached dwelling.

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.

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

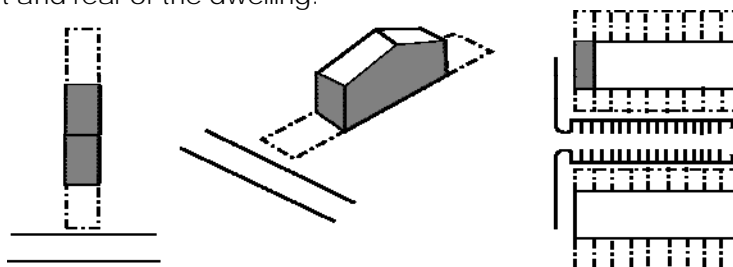


Figure 11 townhouse dwelling

DWELLING, TRANSIENT - Accommodations that shall not serve as a permanent residence.

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

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

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

EGRESS - An exit.

ELECTRIC VEHICLE – A vehicle that uses electricity for propulsion.

ELECTRIC VEHICLE CHARGING STATION – A structure that hosts a connected point in an electrical wiring installation at which current is taken to charge an electric vehicle.

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

EPA - United States Environmental Protection Agency.

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

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

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

EXTERIOR FEATURES, HISTORIC – Include:

- A. Any exterior design, composition or surface of a site or structure, including the architectural style and general design and arrangement of the site or structure;
- B. The finish, appearance, material and texture of any exterior building material on a site or structure; and
- C. The type, formation and style of a site or structure's windows, doors, light fixtures, siding, roofs, chimneys, signs and any other character-defining exterior components of the site or structure.

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

FAMILY - A social unit living together.

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

FARM BREWERY – An agricultural processing and manufacturing facility located on a parcel with equipment, components and supplies used for the processing, production and packaging of malt based liquors such as beer, ale, porter, stout and similar grain based beverage on the premises with ingredients being grown on the property on which the facility is located. Said facility shall also include product tasting and may include, among other things, product sales and site tours. Other farm brewer activities may include, but not be limited to, associated cooking, fermenting, bottling, storage, aging, shipping and receiving.

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

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

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

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

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

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

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

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

FORESTED AREA - A biological community dominated by trees and other woody plants covering a land area of 1 acre or more. This also includes areas that have been cut, but not cleared. It also includes areas of 1 acre or more in size that have been designated as developed woodlands not only because they predominantly contain trees and natural vegetation, but also contain residential, commercial or industrial structures and uses. Such areas can further be characterized by the presence of at least 400 seedlings per acre, which are vigorous, well-distributed throughout and free to grow to at least 25% tree canopy cover.

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

ARTICLE V. Supplementary Regulations

§ 267-22. Lots. [Amended by Bill 09-31, as amended, Bill 13-50; Bill 14-1; and Bill 19-16 as amended]

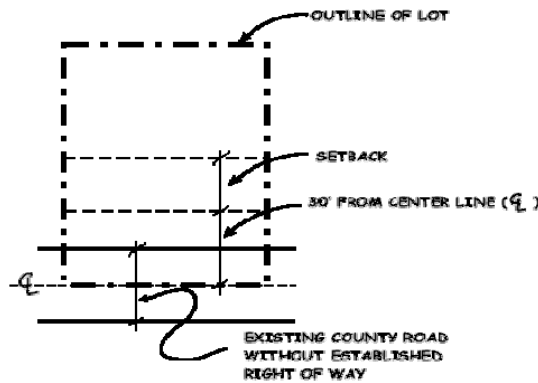
- A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than 1 principal dwelling unit shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as Continuing Care Retirement Community on a single lot shall not violate this requirement.
- B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots that do not comply with the requirements of this Part 1.
- C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.
- D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.
- E. Minimum residential lot area with septic systems. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or County law or regulation.
 - (1) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system outside the 10-year sewer service area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 40,000 square feet and a minimum lot width at the building line of 100 feet.
 - (2) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system within the 10-year sewer area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 20,000 square feet and a minimum lot width at the building line of 100 feet.
- F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural, residential and general industrial uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:
 - (1) Except in agricultural and rural residential districts, with regard to any parcel, as it existed on September 1, 1982, not more than 1 lot or 10% of the lots intended for detached dwellings may be panhandle lots.

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- (2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject to approval from the Director of Public Works that adequate water and sewer may be provided on the lots.
 - (3) One single panhandle lot shall be permitted in the general industrial district, and said panhandle lot shall comply with the requirements set forth in Subsection(5)(a) below.
 - (4) A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive.
 - (5) The minimum width of a panhandle lot shall meet the following criteria:
 - (a) Single panhandles: 25 feet.
 - (b) Multiple panhandles: 12½ feet each.
 - (6) Where a common drive is required, the following shall apply:
 - (a) Prior to, or at the time of, recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.
 - (b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.
 - (c) The County shall bear no responsibility for the installation or maintenance of the common drive.
 - (d) In all cases public water service shall end at the edge of public right-of-way. Public sewer service shall also end at the edge of public right-of-way, except in those cases where the panhandle lots must be served by a public main as determined by the Division of Water & Sewer.
- G. Sanitary facilities shall comply with all State and County regulations for development on septic systems.

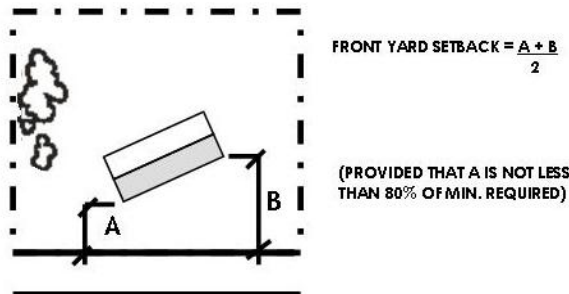
§ 267-23. Yards. [Amended by Bill 09-31, as amended; Bill 16-20; Bill 19-16 as amended; and Bill 21-19]

- A. Front yard depth.

- (1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:
 - (a) From the proposed or established public road right-of-way line;
 - (b) From any other right-of-way on a line 10 feet from and parallel to the edge of the hard-surfaced area or a line established as a private road right-of-way, whichever is greater; or
 - (c) In the case of a panhandle lot, from the end of the handle which is the greatest distance from the road right-of-way.
- (2) For the purpose of establishing a setback line on existing County roads without established right-of-way lines, the setback shall be measured 30 feet from the center line.



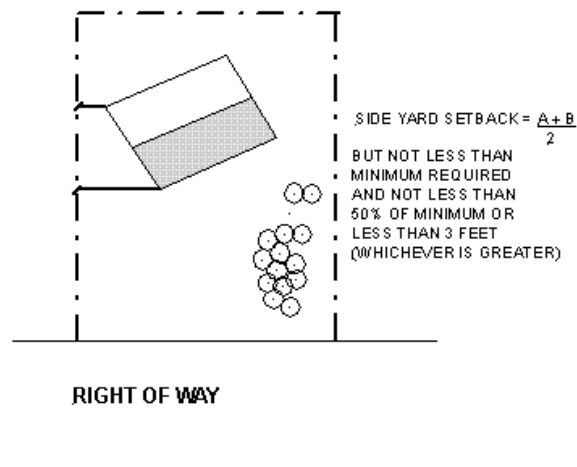
- (3) Average front yard. Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than 80% of the minimum yard required by this Part 1, not including the reductions permitted by this section.



- (4) Corner and through lots.
- (a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.
- (b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted in this Part 1.
- (5) Yards along collector and arterial roads. In the event that residential lots abut 1 or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be 40 feet from a collector road and 60 feet from an arterial road.

B. Side and rear yard depth.

- (1) The minimum side and rear yard depths, as specified in this Part 1, shall be measured in the following manner:
- (a) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
- (b) When measured from an alley, $\frac{1}{2}$ of the alley width may be included as a portion of the rear or side yard.
- (c) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.
- (2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than $\frac{1}{2}$ the otherwise-required minimum width or narrower than 3 feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures may encroach into the minimum yard requirements, not to exceed the following dimensions:

- [1] Awnings, canopies, cornices, eaves or other architectural features: 3 feet.
- [2] Bay windows, balconies, chimneys or porches: 3 feet.
- [3] Open fire escapes: 5 feet.
- [4] Uncovered stairs or necessary landings: 6 feet.
- [5] Fences and walls: in accordance with §267-23 (Yards).
- [6] Unenclosed patios, sunrooms and decks: up to, but not to exceed, 35% of the side or rear yard requirement for the district.
- [7] Attached storage sheds may encroach 10 feet into the rear yard only. Such storage sheds shall not have internal access to the dwelling unit.
- [8] Outdoor dining areas shall be permitted to encroach up to, but not to exceed, 50% of the side, rear or front yard setback requirement for the district. Seating for such outdoor dining areas shall not exceed 30% of the overall indoor seating, or 12 seats, whichever is greater.
- [9] Electric vehicle charging stations shall be permitted to encroach up to, but not to exceed, 50% of the front, side or rear yard setback requirement for the district.

(2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:

- (a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced up to 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.
- (b) Group parking. When off-street group parking is provided for 3 or more dwelling units, and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced up to 15 feet for single-family detached and up to 10 feet for all other dwelling units.

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- (c) Side garage or rear garage. When dwelling units are designed with a garage that completely faces the side or rear lot line, the front yard setback may be reduced up to 10 feet.
 - (3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this Part 1 may be reduced not more than 30% when sidewalls of adjoining single-family attached or semidetached dwellings are offset by 50% or more.
 - (4) Utility distribution lines and facilities.
 - (a) The minimum yard and area requirements shall not apply to construction, reconstruction, conversion, erection, alteration, relocation, enlargement or installation of poles, wires, cables, conduits, transformers, Controlled Environmental Vaults (CEV) and similar equipment by a:
 - [1] Gas and/or electric company regulated by the Maryland Public Service Commission; or
 - [2] Cable television company operating under a franchise granted by the County Council; or
 - [3] Water or sewer utility provider.
 - (b) A zoning certificate is not required for these uses.

§ 267-24. Exceptions and Modifications to Height Requirements. [Amended by Bill 17-04]

- A. General exceptions. The building height limitations of this Part 1 shall not apply to the following:
 - (1) County buildings and structures, schools, houses of worship, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than 1 foot for each 2 feet, by which said structure exceeds the height limitation established for the district, in which said structure is located.
 - (2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas, public utility structures and silos.
 - (3) Bulkheads, fireplace chimneys, roof structures, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any structure exceeds 50% of the corresponding road lot line frontage, or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be set back at least 50 feet from every lot line which is not a road right-of-way line.
- B. Fences and walls. A zoning certificate is required for all fences and walls. Fences and walls may be located in required yards in accordance with the following:

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- (1) Front yards. For all residential units, walls and fences shall not exceed 4 feet in height above ground elevation. Where fences and walls are an integral part of the unit design or are applied in a consistent manner throughout the project, fences and walls may be constructed to a maximum of 6 feet above ground elevation. For Continuing Care Retirement Communities, consistent and coordinated fencing or walls may be constructed to a maximum of 8 feet above ground elevation provided strategically located gates are provided for emergency access.
 - (a) Multiple frontage residential lots. A fence may be installed within a required front yard on a double frontage lot or corner lot up to a maximum of 6 feet in height above ground elevation, provided it does not extend past the front façade of the dwelling.
 - (b) Arterial roads. A fence may be installed within a required front yard along an arterial road up to a maximum of 6 feet in height above ground elevation, contingent upon approval by the County Department of Public Works or by the State Highway Administration, whichever is applicable.
 - (2) Rear and side yards. Except as otherwise provided in this Part 1, walls and fences shall not exceed 8 feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.
 - (3) Security fences. Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with buffer yard requirements.

§ 267-25. Requirements for Deck Accesses.

No residential unit shall be originally constructed with an aboveground level door that provides access to a rear yard deck or porch unless:

- A. A deck or porch is constructed at the time the dwelling is constructed; or
- B. The builder signs and submits, with the building permit application, a statement that the lot on which the dwelling is located has sufficient footage to permit, without the granting of a variance, construction of a deck or porch that has a minimum depth into the rear yard of 14 feet.

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§ 267-27. Accessory Uses and Structures. [Amended by Bill 09-19, as amended; Bill 12-44; Bill 13-51; Bill 14-1; and Bill 21-19]

- A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use.
- B. Zoning certificate required. All accessory uses and structures, whether or not specified in this section, require the issuance of a zoning certificate.
- C. Use limitations. In addition to the other requirements of this Part 1, an accessory use or structure shall not be permitted unless it strictly complies with the following:
- (1) In the AG, RR, R1, R2, R3, R4 and VR districts, an accessory structure shall neither exceed 50% of the square footage of habitable space or 1,000 square feet, whichever is greater. The height of the accessory structure shall not exceed the height of the principal structure. For properties greater than 5 acres in the AG district, an accessory structure shall not exceed 50% of the square footage of habitable space or 2,500 square feet, whichever is greater. For properties greater than 5 acres in the AG district, the height of an accessory structure shall not exceed 115% of the height of the principal structure.
 - (2) No accessory structure shall be used for living quarters, the storage of contractors' equipment or the conducting of any business unless otherwise provided in this Part 1.
 - (3) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
 - (4) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.
 - (5) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages or electric vehicle charging stations as specified in §267-23 (Yards), and modifications to minimum yard requirements.
 - (6) Uses and structures.
 - (a) For agricultural lots, detached accessory structures must be located:
 - [1] A minimum of 10 feet from the side or rear lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 10 feet, whichever is greater.
 - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 10 feet, whichever is greater.

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- (b) For residential lots, accessory structures will be considered attached if they are within 3 feet of the principal structure and must meet the principal structure setback requirements. For residential lots, detached accessory structures shall be located:
- [1] A minimum of 3 feet from side or rear yard lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement or 3 feet, whichever is greater.
 - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement or 3 feet, whichever is greater.
- (c) For townhouses and zero-lot-line dwellings, detached accessory structures shall be located:
- [1] Zero feet from side or rear yard lot lines, unless the lot has a recorded drainage and utility easement or any other recorded easement.
 - [2] For lots with recorded drainage and utility easements, the owner must obtain a building permit or zoning certificate to locate any detached accessory structure within the recorded drainage and utility easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded drainage and utility easement.
 - [3] For lots with any other recorded easement, accessory structures shall not be permitted within the easement and the setback shall be equal to the width of the recorded easement.
- (d) The front, side and rear yard setback for accessory uses and structures for business, industrial and Continuing Care Retirement Community uses shall be equal to the same setbacks required for the principal structure.
- (e) For institutional uses, the front, side and rear yard setback for accessory uses and structures shall be equal to the same setbacks required for the principal structure. This requirement may be reduced up to 50% for accessory structures less than 300 square feet, located in the side and rear yard.
- (f) Retaining walls, 4 feet or greater in height, shall require a zoning certificate.
- (7) Septic reserve areas may be permitted in any district to serve a use permitted and located in another district if the property is split-zoned and under the same ownership. These uses may also be permitted in a use setback. Stormwater management facilities may be permitted in any district to serve a use permitted and located in another district.
- (8) Fences shall be permitted in any recorded drainage and utility easement. The placement of all other accessory uses shall be allowed in any recorded drainage and utility easement, pursuant to the following:
- (a) The accessory use or structure shall meet the setback and square footage requirements contained in §267-27C (Use Limitations);

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- (b) The Department of Public Works shall approve the location;
 - (c) The accessory structure shall meet the applicable requirements of this section; and
 - (d) The applicant shall sign a hold harmless form, provided by the County.
- (9) Small Wind Energy Systems. In order to properly integrate all regulating provisions affecting Small Wind Energy Systems, as defined in §267-4 (Definitions), and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that Small Wind Energy Systems are subject to the regulations as set forth herein. The purpose of this subsection is to oversee the permitting of Small Wind Energy Systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System. These provisions shall apply to all Small Wind Energy Systems located in Harford County.
- (a) Standards. A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:
 - [1] Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 40 feet from:
 - [a] Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
 - [b] Any duly recorded right-of-way, utility or stormwater management easement;
 - [c] Any overhead utility lines;
 - [d] All property lines; and
 - [e] Any existing guy wire, anchor or Small Wind Energy Tower on the property.
 - [2] Access.
 - [a] All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - [b] The wind tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
 - [3] Electrical wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box and the grounding wires shall be located underground.
 - [4] Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes and shall be reasonably shielded from abutting properties.

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- [5] Appearance, color and finish. The wind generator and wind tower shall remain painted or finished the color grey.
 - [6] Signs. The only signage permitted on any Small Wind Energy System shall be a single sign no larger than 6 square feet affixed to the equipment building or fence enclosure that states "Danger – High Voltage – Keep Off" and identifies the system owner and the telephone number for the person to contact in the event of an emergency.
 - [7] Code Compliance. A Small Wind Energy System, including wind tower, shall comply with all applicable construction and electrical codes.
 - [8] Small Wind Energy Systems shall not be attached to any building, including guy wires.
 - [9] Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a Small Wind Energy System.
 - [10] Total height shall be the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Abandonment.

- [1] Every 2 years the owner of a Small Wind Energy System shall submit a letter to the Department stating that the system is in continuous use; and at least 60 calendar days before the letter is due, the Department shall notify the owner of the date by which the letter is due.
- [2] A Small Wind Energy System that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Director may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been abandoned. The owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of notice. The Director shall withdraw the Notice of Abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
- [3] If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the system at the owner's sole expense within 3 months of the date of Notice of Abandonment. If the owner fails to remove the system, the Director may pursue a legal action to have the system removed at the owner's expense.
- [4] The owner shall ensure removal of the system by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Director. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Director for the removal of the system, plus a 15% contingency.

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- [c] Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, §7-207.1, any property owner seeking to construct a Small Wind Energy System shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the County prior to construction and being issued a building permit, if applicable.
 - [d] Variances. Variances to the setback requirements in this subsection are not permitted.
 - [e] Noise. All Small Wind Energy Systems shall comply with the State-regulated noise ordinance.
 - [f] Anemometers. If 8 pounds or less, the anemometers are exempt from the provisions of this subsection C [9].
 - [g] Maximum number. One Small Wind Energy System shall be allowed on each parcel up to 20 acres; an additional system shall be allowed on every 20 acres thereafter up to a maximum of 5 Small Wind Energy Systems per parcel.
 - [h] Rated nameplate capacity. A Small Wind Energy System that has a rated nameplate capacity of 2.5 kilowatts or less shall comply only with subsections (9)[a][1], (9)[b][1], (9)[b][2] and 9[b][3].
- (10) Electric vehicle charging stations. All equipment shall be ground mounted, and carports or any other vehicle coverings shall not be permitted to encroach into the setback. Such stations shall be labeled for this use with signage that shall not exceed 12 inches by 18 inches.
- D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:
- (1) Pens or runs for animals shall not be located within 50 feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions.
 - (2) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants, or guests of the principal use, and no admission or membership fees are charged, provided that the edge of the facility, including all mechanical equipment, shall be located at least 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line.
 - (3) Storage in any structure on a residential lot.
 - (4) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:
 - (a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the principal building.
 - (b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.

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- (c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.
 - (d) Not more than 1 person, or 2 persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed 3. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.
 - (e) No home occupation shall generate greater traffic volumes, or increased traffic hazards, than would normally be expected in a residential district.
 - (f) No retail sales, other than for goods produced on the premises, shall be conducted on the premises.
 - (g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be buffered from adjacent public roads and residential lots.
 - (h) No goods, materials or supplies shall be delivered by commercial vehicles, either to or from the premises, in connection with the home occupation, except by the United States Postal Service or a delivery service.
 - (i) Notwithstanding the above, home occupations shall not include automobile repair; selling of bait, crabs or fish; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; printing businesses; private clubs; radio stations; restaurants; or variety or gift stores.
- (5) Agricultural tenant house, including mobile homes, for bonafide farm workers when not more than 1 such structure is provided on parcels of 11 to 50 acres, and not more than 1 additional tenant house per 50 acres thereafter.
 - (6) Private horse stables, provided that any stables, corrals, feeding and bedding areas for horses shall be located at least 50 feet from any public road or lot lines.
 - (7) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent or temporary structure shall meet the minimum front, rear and side yard requirements for a single-family home in the district. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.
 - (8) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely buffered from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than 7 calendar days within any 90 day period unless the location has been approved for such use. No zoning certificate is required.
 - (9) Vehicles used for commercial purposes, which do not meet the definition of Commercial Vehicle as defined in Section 267-4 (Definitions), may be allowed in residential and agricultural districts on the basis of 1 vehicle for each lot. No zoning certificate is required.
 - (10) One inoperative or untagged motor vehicle may be parked or stored for a continuous period of no more than 6 months on any lot of less than 2 acres. Two inoperative or untagged motor vehicles may be parked or stored for a continuous period of no more than 6 months on any lot of 2 acres or more. This requirement does not apply to bonafide agricultural equipment or vehicles stored within a completely enclosed building.

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- (11) A day-care center operated in a church, private school or public school.
 - (12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG district, provided that:
 - (a) A separate zoning certificate is not required;
 - (b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;
 - (c) Outdoor storage of mulch is limited to:
 - [1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and
 - [2] A maximum height of 10 feet;
 - (d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;
 - (e) In accordance with the State law on access to public records, §10-611 *et seq.* of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and
 - (f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this paragraph (12), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.
- E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a zoning certificate, unless otherwise specified, in accordance with the following:
- (1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.
 - (2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:
 - (a) Not more than 1 dwelling unit is provided for security or protection of the principal use.
 - (b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.
 - (3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.

- (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; Bill 18-04 as amended; and Bill 19-29 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: