

# Harford County, Maryland

# ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008  
Amended thru December 20, 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	21-20AA	12/20/21

## ARTICLE VIII. Design Standards for Special Developments

### § 267-67. Purpose.

The purposes of this Article are:

- A. To encourage innovations and design excellence in development by permitting variety in type, design and layout of buildings.
- B. To provide opportunities for recreation and open space.
- C. To encourage efficient use of land and public services.
- D. To provide flexibility in land development and protection of sensitive environmental and agricultural features.

### § 267-68. Approval. [Amended by Bill 12-48 as amended]

- A. Administrative approval. The following special developments shall be subject to review and approval by the Director of Planning:
  - (1) Conventional with Open Space (COS).
  - (2) Conservation Development Standards (CDS).
  - (3) Agricultural/commercial.
  - (4) Garden and mid-rise apartment dwellings.
  - (5) Nursing homes and assisted living facilities in the Chesapeake Science and Security Corridor.
  - (6) Mixed Use Centers in the Development Envelope, as defined on the most recently adopted Land Use Plan.
  - (7) Planned employment center in the ENOD only.
  - (8) Traditional neighborhood design in the ENOD only.
  - (9) Integrated Community Shopping Center (ICSC) 100,000 square feet or less in the Chesapeake Science and Security Corridor only.
  - (10) Mobile Home Subdivision (MHS) in the R3 and R4 districts only. At the time of submission of an application for approval of a MHS, the property owner shall notify all adjacent property owners of the intent to develop an MHS. In considering the application for an MHS, the Director of Planning must consider the Limitations, Guides and Standards outlined in §267-9 (Board of Appeals).
  - (11) Housing for the elderly.
  - (12) Continuing Care Retirement Community (CCRC).
  - (13) Corporate Office Park (COP).
  - (14) Retail/service/office uses in the RO district.
  - (15) Animal shelters.

B. Board approval. The following special developments shall be subject to approval of the Board pursuant to this section and §267-9 (Board of Appeals):

- (1) Planned Residential Development.
- (2) Mobile home park.
- (3) The location on a parcel or a portion thereof for a proposed ICSC. The development plans for any Integrated Community Shopping Centers shall be approved by the Director of Planning in accordance with this Article.
- (4) The location on a parcel or portion thereof for a Chesapeake Science and Security Corridor shopping center over 100,000 square feet.

c. Prior to approval by the Board of the special development identified in Subsection B(1) and (2), the Board shall determine that the proposed project complies with the development and design standards set forth herein and is consistent with the purpose of this section and the limitations, guides and standards noted in §267-9 (Board of Appeals):

- (1) The Board shall consider the report of the Director of Planning regarding the project's compliance with this section upon the applicant's submission of information as required in §267-12A(2) (Concept Plan).
- (2) The Director of Planning may approve modification or amendment of the project plan after Board approval upon a finding that the modification or amendments comply with the requirements of this section.

D. Prior to approval of the location of an ICSC, the Director of Planning shall prepare a report regarding the project's compliance with the standards in §267-9 (Board of Appeals). To provide adequate information for this report, the Director of Planning may require the submission of a Concept Plan for the site, a traffic impact study, a market feasibility study and other information as needed to determine project compliance. The Board shall consider the report of the Director of Planning and specific recommendations contained therein in its decision regarding the location of a shopping center.

#### **§ 267-69. General Design Standards. [Amended by Bill 12-48 as amended]**

The following general requirements shall be applicable to all projects developed under this Article:

- A. The protection of trees shall be considered in determining the location of open space and development areas.
- B. The project shall be designed to minimize earthmoving, erosion and the disturbance of environmentally sensitive features.
- C. The road system shall be designed as harmonious with the topography and adjacent public roads and designed to allow for a network of roads which interconnect throughout the development.
- D. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines in §267-73 (AG Commercial), §267-72 (Conservation Development Standards) and §267-85.1 (Animal Shelters).
- E. All public roads and intersections and parking areas and areas of high pedestrian use shall be adequately lighted and arranged to direct light away from residences.

- F. All other requirements of this Part 1 shall apply. In the event of a conflict with other sections of this Part 1, the specific provisions of this Article shall apply, except in water source protection areas, in which case the most restrictive shall apply.
- G. Projects developed under this Article shall be consistent with the Harford County Subdivision Regulations.

#### **§ 267-70. Conventional with Open Space (COS).**

- A. Eligibility. A COS shall have a minimum parcel size of 5 acres in the R1, R2, R3 and R4 districts.
- B. Permitted uses. The uses permitted in a Conventional with Open Space development shall be those uses permitted in the appropriate district.
- C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).
  - (1) Site design.
    - (a) The project shall be designed with regard to the soils, topography and natural features of the parcel.
    - (b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.
    - (c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).
    - (d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed COS development. The Department shall determine the appropriate buffer yard.
    - (e) No building shall be located within 10 feet of the road right-of-way.
    - (f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.
  - (2) Vehicular 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.
  - (3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:
    - (a) In a Conventional with Open Space development, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R1	10%
R2	10%
R3 (single-family attached and detached)	15%
R3 (all other dwelling types)	20%
R4	20%

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

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

#### **§ 267-71. Planned Residential Development (PRD).**

A. Eligibility. A PRD shall have a minimum parcel size of 5 acres in the R3 and R4 districts.

B. Permitted uses. The uses permitted in a PRD shall be those uses permitted in the appropriate district. Business uses in a Planned Residential Development project developed in the R4 district are permitted provided that such uses do not exceed 1,000 square feet of gross floor area for every 100 dwelling units.

C. Density. Allowable densities are set forth in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

(1) Site design.

(a) The project shall be designed with regard to the soils, topography and natural features of the parcel.

(b) All residential structures shall be sited so as to promote privacy and ensure natural light for all living areas.

(c) Permitted variations in yard setbacks are set forth in §267-23 (Yards).

(d) Buildings near the periphery of the project shall be harmonious with neighboring areas and shall provide adequate transition in density and type. A buffer yard may be required to facilitate the transition between the existing neighborhood and the proposed PRD development. The Department shall determine the appropriate buffer yard.

(e) No building shall be located within 10 feet of the road right-of-way.

(f) Pedestrian/bicycle amenities and linkages shall be provided, including linkages to open space areas.

(2) Vehicular 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.

(3) Open space. The open space shall be easily and safely accessible to the residents and protective of natural features. The following open space requirements shall be met:

(a) In a PRD, open space shall be provided as follows:

District	Minimum Open Space (percent of parcel area)
R3	20%
R4 (except high rise)	25%
R4 (high-rise)	30%

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

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

(5) The Board may approve modifications to the design requirements listed on Tables 55-3.1, 55-3.2, 55-4.1, 55-4.2 and 55-4.3 in §267-55 (R1, R2, R3 and R4 Urban Residential Districts).

#### **§ 267-72. Conservation Development Standards (CDS).**

A. The provisions of these development standards may be applied to single-family detached subdivisions located within the agricultural district.

(1) In order for a parcel to be developed under Conservation Development Standards, it must be a minimum of 35 acres in size.

(2) Allowable densities under Conservation Development Standards shall be that set forth in this §267-53 (AG Agricultural District).

(3) The developable area shall not exceed 25% of the total parcel, including all land necessary to accommodate utilities and infrastructure, including roads, water, wastewater and electric lines. The preservation area shall not be less than 75% of the total parcel.

(4) The developer shall submit a scaled drawing of the property. The drawing shall include the property boundaries, the general lot designs, road locations, forested areas, steep slopes, wetlands, streams and other sensitive areas. In addition, the drawing shall show the remaining agricultural use on the property, including agricultural buildings, cropland and pasture areas.

B. The following uses are permitted in the preservation area, pursuant to the lot and setback requirements of this section:

(1) Agriculture.

(2) Agricultural public events.

- (3) Agricultural retail sales.
- (4) Agricultural commercial.
- (5) Forestry.
- (6) Public service use.
- (7) Greenhouses and nurseries, commercial.
- (8) Park.
- (9) Wildlife refuge.

C. The uses allowed in the developable area shall be limited to single-family residential dwellings.

D. Design standards.

- (1) Development shall be designed in a manner that will minimize the effect on cropland, pasture, forest and areas of other significant value.
- (2) The preservation area should be determined with reference to the location of forested and agricultural land or preservation areas on adjacent properties so as to maintain contiguity where feasible.
- (3) All land in the preservation area, whether part of the created subdivision or platted and recorded separately, shall be subject to an easement in perpetuity in a form to be approved by the Department of Law and recorded in the Land Records of Harford County, Maryland, restricting any future development on that property, except those permitted in Subsection B.
- (4) If future public necessity warrants, the property owner and the County may agree to amend the terms of the easement, subject to the following requirements:
  - (a) The land may be developed only for a nonresidential use that is beneficial to the community, as specified in the amended easement;
  - (b) The agreement of the County Council shall be evidenced by legislative act of the Council; and
  - (c) An amended easement shall be effective only upon its recordation in the Land Records of the County.
- (5) Public roads shall be designed in a manner that is consistent with the Harford County Road Code and with the surrounding rural character.
- (6) The easement shall not provide for public access to any privately-owned land.
- (7) Landscaping and buffering. Landscaping and buffering in developable areas shall conform to the regulations in §267-29 (Landscaping) and §267-30 (Buffer Yards).

**§ 267-73. Agricultural/Commercial.** [Amended by Bill 13-52; Bill 15-23 as amended; Bill 15-39 as amended; Bill 17-04; Bill 19-15 as amended; and Bill 21-20 as amended]

A. General provisions. The following general requirements shall be applicable to all projects developed under this Article:

- (1) Must be approved by the Director of Planning.
- (2) Except as otherwise provided in this Subsection, the parcel shall be a minimum of 10 acres.
- \* (3) For the 3 years prior to application for approval, gross agricultural income shall have been at least \$15,000 annually, as set forth on Internal Revenue Code Schedule F, or as set forth on any other financial documentation requested and approved by the Department of Planning and Zoning. Gross agricultural income shall remain at least \$15,000 annually as set forth in this Subsection (3).

\* Note: *Per Section 2 of Bill No. 15-23 as amended, The requirements of this Act shall not apply to projects that have applied for preliminary or site plan approval prior to September 15, 2015.*

- (4) The parcel shall be zoned and assessed agricultural.
- (5) Meets the specific criteria for the use.
- (6) Must be owner or tenant operated.
- (7) Safe and adequate access shall be provided for vehicular traffic, as determined by the State Highway Administration or Harford County.
- (8) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.
- (9) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (10) Buildings in which animals are housed shall comply with §267-53 (AG Agricultural District).
- (11) Setbacks for these uses shall be a minimum of 100 feet from any property line except road frontage and 200 feet from any off-site residence. A buffer yard shall be provided between any parking or storage area and any public road and any off-site residence.
- (12) Written approval from the record owner is necessary if someone other than the owner of record is operating the use.

B. Amusements.

- (1) Commercial riding stables.
  - (a) Parking shall be provided a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence.
  - (b) Pursuant to §267-30 (Buffer Yards), the property on which the commercial stable is located shall be buffered with a type "C" buffer. The buffer yard may be included in the setback area.
- (2) Private parties and receptions.

- (a) Unless located entirely within an enclosed building, this use shall not be located less than 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- (b) Adequate parking shall be provided on site and screened from any off-site residence.
- (c) Hours of operation are not permitted between 12:00 midnight and 6:00 a.m.

(3) Farm breweries.

- (a) Adequate parking shall be provided on site and screened from any off-site residence. No off-site parking shall be permitted.
- (b) The parcel shall be at least 25 acres.
- (c) The parcel upon which the farm brewery is located shall produce a minimum of 2 acres of grain, hops, fruit, or other ingredient, excluding water, that is utilized in the brewery production of the alcoholic beverages. Alternatively, the crops utilized by the brewery may be grown on an off-site parcel provided it is owned and operated by the owner of the farm brewery. Starting no later than 3 years following the receipt of all necessary approvals, the farm brewery shall brew a minimum of 35% of its total brewery product on the parcel where the brewery is physically located.
- (d) Hours of operation are permitted between 10:00 a.m. and 10:00 p.m.
- (e) Any enclosed structure, or portion thereof, to be used for tastings, sales or events shall not exceed 2,500 square feet. Calculation of the 2,500 square feet devoted to tastings, sales and events will be based on the floor area devoted to customer service, excluding restrooms and storage.
- (f) Events designed to promote the farm brewery shall be permitted on the property, subject to the applicable requirements and conditions set forth in The Alcoholic Beverages Article of the Maryland Annotated Code, as amended.
- (g) The owner shall obtain all other necessary and required Federal and State licenses and approvals prior to operating.
- (h) In the event the farm brewery will be accessed by a private road upon which other property owners have an easement to use, the owner of the farm brewery shall submit affidavits of support from all easement owners. The form of the affidavit shall be approved by the Department of Planning and Zoning prior to signature.
- (i) Any building used in connection with the farm brewery shall be located a minimum of 300 feet from any lot line.

C. Industrial uses associated with agricultural uses as provided for in the use charts.

(1) Any new buildings or additions shall be located a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence. Existing buildings shall be exempt.

(2) Outside storage is permitted provided it is a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

D. Motor vehicle.

(1) Commercial or construction vehicles and equipment storage, service and repair, used in the farming operation and owned by the farmer or tenant operator may be located on the property provided that the parcel is a minimum of 20 acres. The storage of commercial or construction vehicles and equipment shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

(a) Farm vehicles or pieces of equipment may be located on the farm property provided that the parcel is a minimum of 20 acres.

(b) Storage of these vehicles or equipment for repair shall be a minimum of 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

(2) School buses. A maximum of 25 school buses may be located on the property provided that the parcel is a minimum of 20 acres. School buses shall be located not less than 100 feet from any property line except road frontage and 200 feet from any off-site residence and buffered pursuant to §267-30 (Buffer Yards).

E. Retail trade.

(1) Feed and grain storage and sales.

(a) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(b) Hours of operation are permitted between 6:00 a.m. and 10:00 p.m. unless otherwise specified.

(2) Farm markets, private.

(3) Auction houses – animal and agricultural related products or non-agricultural related.

(a) Auctions shall be limited to 2 sales per month.

(b) Adequate on-site parking shall be provided.

(c) Outside sales or storage shall be a minimum of 100 feet from any lot line.

(d) Sales items shall not be stored outside for more than 30 days.

F. Services.

(1) Veterinary practice, large animals.

(a) Hours of operation shall not be limited for this use.

(b) The entire use must be setback 100 feet from any lot line except road frontage and 200 feet from any off-site residence.

(2) Restaurants and Brewery, Pub.

- (a) Shall not have seating capacity to accommodate more than 30 patrons.
- (b) Any lighting shall be shielded and directed away from any off-site residence and may be used only during permitted hours of operation.
- (c) Adequate on-site parking shall be gravel covered and a minimum of 100 feet from any lot line except road frontage and 200 feet from any off-site residence.
- (d) Shall not be in operation between 10:00 p.m. and 6:00 a.m.

**§ 267-74. Garden and Mid-Rise Apartment Dwellings (GMA).** [Amended by Bill 11-04, as amended]

- A. Purpose. To provide for development of multi-family dwelling unit projects in the B3 and R4 zoning districts.
- B. Objectives.
  - (1) To provide opportunity for new residential and mixed use development in the Development Envelope.
  - (2) To encourage quality design and incorporation of limited business uses within a single development.
  - (3) To assure compatibility of the proposed land uses with internal and surrounding uses.
- C. Development standards.
  - (1) Permitted uses. The following uses shall be permitted:
    - (a) Garden apartments.
    - (b) Mid-rise apartments. In the R4 district, retail and service uses may be incorporated into the overall project for up to 30% of the gross square footage. Business uses shall be located on only the first floor of any building. No more than 1 restaurant or bar shall be permitted per project. Freestanding signs advertising the business uses shall be limited to 120 square feet in size per project.
  - (2) Access. Primary access to the GMA site shall be from a primary residential or higher functionally classified road.
  - (3) Design. The proposed project shall be designed with buildings which are compatible and harmonious with surrounding uses. Efforts shall be made to minimize the impact and maximize the aesthetics to adjoining or surrounding properties. The design shall provide for adequate buffers, pursuant to §267-30 (Buffer Yards).
  - (4) Open space. The open space shall constitute at least 20% of the parcel area, of which at least 10% shall be suitable for and devoted to active recreation. 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 and quiet for adjoining residential uses. All open space shall be provided pursuant to §267-31 (Open Space).

- (5) Landscaping. Any area not used for buildings, structures or parking shall be landscaped and properly maintained, pursuant to §267-29 (Landscaping).
- (6) For development in the B3 zoning district, which is located entirely within the Development Envelope, the R4 Conventional with Open Space (COS) Design Standards shall be used. The permitted density shall not exceed 20 dwelling units per acre.

#### **§ 267-75. Nursing Homes and Assisted Living Facilities.**

These uses may be granted in the R2 and CI districts in the Chesapeake Science and Security Corridor, provided that:

- A. A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.
- B. The setbacks of the district for institutional uses shall be met.
- C. The density shall not exceed 20 beds per acre of the parcel.
- D. In the CI district, consideration shall be given to protection of the residents from impacts of nearby industrial uses:
  - (1) To minimize exposure to noise and other emissions from roads, parking areas and industrial activities, outdoor active and passive recreation areas shall be buffered with a combination of evergreen and deciduous trees that are at least 6 feet high at the time of planting.
  - (2) Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the 3 closest volunteer fire and ambulance companies.
  - (3) The Director of Planning may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the residents.

#### **§ 267-76. Mixed Use Center. [Amended by Bill 11-04, as amended]**

- A. Purpose. To provide opportunities and incentives for high quality mixed use development that creates a synergy of uses, attractive and efficient design and a reduction of vehicle miles traveled by locating a variety of uses in one location in the B1, B2, B3, CI, GI, LI and R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- B. Objectives.
  - (1) To encourage orderly, staged development of comprehensively designed mixed use centers.
  - (2) To create a mixture of office, retail, recreational, hotel 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, while protecting the residential character of surrounding neighborhoods.

- (3) To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
- (4) To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
- (5) Encourage harmonious and coordinated development of sites, considering the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.
- (6) Encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design and a reduction of vehicle miles traveled.

C. Eligibility.

- (1) In order for a project to utilize the mixed use center development standards, the property must be located in the B1, B2, B3, CI, GI, LI or R4 zoning districts within the Development Envelope, as defined on the most recently adopted Land Use Plan.
- (2) Any project utilizing the mixed use center development standards must utilize public water and sewer.
- (3) A minimum parcel area of 5 acres must be established.

D. Permitted uses.

- (1) Any use permitted in the B1, B2, B3, CI, GI, LI and R4 zoning districts shall be permitted regardless of the underlying zoning district of the property.
- (2) Mix of uses. The following percentage of floor area proposed on site as shown on all plans shall not exceed the following:

Residential uses	75%	In accordance with B3 or R4 requirements as a PRD or COS development
Service uses	75%	In accordance with B3 or CI requirements
Retail trade	50%	In accordance with B3 or CI requirements
Institutional	50%	In accordance with B3, R4, CI, LI or GI requirements
Industrial	50%	In accordance with CI, LI or GI requirements
Motor vehicle/related	25%	In accordance with B3 or CI requirements
Warehousing, wholesaling	25%	In accordance with CI, LI or GI requirements
All other uses	25%	In accordance with B3, R4 or CI, LI or GI requirements

E. Site design.

- (1) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.