

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 22-019

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

Legislative Day No. 22-021 Date September 6, 2022

AN EMERGENCY ACT to again renew 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, September 6, 2022

Introduced, read first time, ordered posted and public hearing scheduled
on: October 4, 2022
at: 6:00 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
2 state of emergency and a catastrophic health emergency for the entire State of Maryland pursuant to
3 Title 14 of the Public Safety Article of the Annotated Code of Maryland due to the impending threat
4 and 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
9 issued an executive order permitting expanded outdoor seating at restaurants, bars and breweries;
10 and

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

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

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

21 WHEREAS, to facilitate and encourage the continuation of social distancing and to
22 encourage and promote the continued operation of additional outdoor seating areas, the County
23 Executive implemented a temporary moratorium on the application of certain provisions of the

1 Harford County Zoning Code to encourage continued outdoor dining which became effective on
2 May 19, 2021 and was set to expire on December 31, 2021 unless renewed by a legislative act; and

3 WHEREAS, due to the continued spread of COVID-19, the County Executive found it
4 necessary to continue to facilitate and encourage the continuation of social distancing and the
5 operation of outdoor seating areas at restaurants, bars, breweries and nightclubs and; therefore,
6 renewed the temporary moratorium and said renewal became effective December 13, 2021 and is
7 set to expire on December 31, 2022 unless renewed by legislative act; and

8 WHEREAS, due to the continued spread of COVID-19, the County Executive again finds it
9 necessary to continue to facilitate and encourage the continuation of social distancing and the
10 operation of outdoor seating areas at restaurants, bars, breweries and nightclubs and to again renew
11 the temporary moratorium on the application of certain provisions of the Harford County Zoning
12 Code to encourage outdoor dining.

13 NOW THEREFORE,

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

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

18 B. The temporary moratorium on the application of the following sections of the Harford
19 County Zoning Code as they are related to outdoor dining uses only for bars, breweries,
20 nightclubs and restaurants that was effective on May 19, 2021 and renewed for the first time
21 on December 13, 2021, is hereby renewed again:

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

- 1 2. Section 267-23C(1)(a)[8], Yards; Exceptions and modifications to minimum yard
2 requirements; Encroachment.
- 3 3. Section 267-26C(1), Off-Street Parking and Loading; Parking space requirement;
4 minimum parking spaces.
- 5 4. Section 267-28, Temporary Uses.
- 6 5. Section 267-33, Signs.
- 7 6. Section 267-58C(3)(b), (d) and (e), VB Village Business District; Specific
8 regulations.
- 9 7. Section 267-59C(4), B1, B2 and B3 Business Districts; Specific regulations; Lot
10 coverage.
- 11 8. Section 267-59C(6)(a), (b) and (b)[6], B1, B2 and B3 Business Districts; Specific
12 regulations; Use limitations.
- 13 9. Section 267-60C(4)(a) and (b), CI, LI and GI Industrial Districts; Specific
14 regulations; Design requirements; Lot coverage; Parking.
- 15 10. Section 267-60C(6)(a) and (b), (7)(a) and (b), (8)(a) and (b), CI, LI and GI Industrial
16 Districts; Specific regulations; Use limitations.
- 17 11. Section 267-61D(3)(b), MO Mixed Office District; Specific requirements; Design
18 Requirements; Parking standards.
- 19 12. Section 267-65D(4), Edgewood Neighborhood Overlay District; Streetscape design
20 standards as to the requirement that pedestrian circulation and access to store
21 entrances shall not be impaired.
- 22 13. Section 267-65D(6), Edgewood Neighborhood Overlay District; Streetscape design
23 standards as to the requirement that outdoor dining shall be compatible with the

- 1 colors and character of the storefront from which the business operates.
- 2 14. Section 267-73A(11), Agricultural/commercial; General provisions.
- 3 15. Section 267-73B(3)(a) and (c), Agricultural/commercial; Amusements; Farm
4 breweries.
- 5 16. Section 267-73F(2)(a) and (c), Agricultural/commercial; Services; Restaurants and
6 brewery, pub.
- 7 17. Table 58-1. Design Requirements for Specific Uses – VB Village Business District.
- 8 18. Tables 59-1, 59-2 and 59-3. Design Requirements for Specific Uses – B1
9 Neighborhood Business District, B2 Community Business District and B3 General
10 Business District.
- 11 19. Tables 60-1, 60-2 and 60-3. Design Requirements for Specific Uses – CI
12 Commercial Industrial District, LI Light Industrial District and GI General Industrial
13 District.
- 14 20. Table 61-1. Design Requirements for Specific Uses – MO Mixed Office District.
- 15 C. The renewed temporary moratorium shall be applicable to property throughout the County
16 that is currently being legally operated as a bar, brewery, nightclub or restaurant.
- 17 D. The renewed temporary moratorium shall sunset on December 31, 2023 unless renewed by
18 legislative act.
- 19 Section 2. And Be It Further Enacted that these provisions are only waived provided that all
20 fire, life safety and Americans with Disability Act requirements are met.
- 21 Section 3. And Be It Further Enacted that this Act is declared to be an Emergency Act necessary
22 to protect the public health due to the COVID-19 Pandemic and shall take effect on the date it
23 becomes 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

AS INTRODUCED