

# Harford County, Maryland

# ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008  
Amended thru August 25, 2014

*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	13-51	3/18/14
09-11	6/15/09	13-52	3/18/14
09-19AA	8/17/09	14-1	4/22/14
09-31AA	1/22/10	14-9	7/11/14
09-33AA	1/22/10	14-26AA	8/25/14
10-03	4/20/10		
10-30	12/13/10		
10-32AA	12/27/10		
11-04AA	5/23/11		
11-05AA	5/23/11		
11-03	5/31/11		
11-32	12/12/11		
11-44	12/19/11		
11-62AA	1/13/12		
12-07AA	5/14/12		
12-14	5/21/12		
12-44	1/26/13		
12-48AA	2/11/13		
13-4AA	5/6/13		
13-17	7/22/13		
13-35	1/21/14		
13-36	1/21/14		
13-50	2/18/14		

- (d) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
- (e) A statement of the grounds for the application, including:
  - [1] A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation.
  - [2] A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change.
- (f) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(2) Concept Plan. A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the proposed general nature and distribution of land uses but need not include engineered drawings.

**§ 267-13. Comprehensive Zoning Review. [Amended by Bill 14-26 as amended]**

A. Periodic review required.

- (1) Commencing with the first legislative session in September 1987 and every 8 years thereafter, the Director of Planning shall submit to the County Council a written report and recommendations to initiate a comprehensive zoning review for all or part of the County.
- (2) A comprehensive zoning review may be initiated at any other time by order of the County Executive or by legislative act of the County Council.

B. Preparation.

- (1) At least 21 calendar days prior to beginning a comprehensive zoning review under this section, the Director of Planning shall give public notice that the Department is initiating a comprehensive zoning review of all property within the County. The notice shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County.
- (2) The Director of Planning shall prepare revisions to the zoning maps and regulations in a comprehensive manner for consideration and adoption by the Council. The proposed revisions shall be compatible with all Elements of the Master Plan as adopted by the Council.
- (3) After preparing the revisions, the Director of Planning shall submit them to the Planning Advisory Board for review and comment prior to submission to the County Council.

C. Application. An owner of property may request a zoning change for the property during comprehensive zoning review by applying to the Department of Planning and Zoning at a time and in a form to be designated by the Director of Planning. The Department shall assess the applicant a comprehensive rezoning review fee as designated in §157-25 (Zoning Fees) of the Harford County Code, as amended, and a posting fee of \$100 to be paid at time of application. The Department shall not accept any additional requests after the deadline established by the Director of Planning. Each application shall be considered by the Director of Planning in the comprehensive zoning review process. If the Department recommends a change in the zoning for a property when the property owner has not requested a change, the Department shall give written notice of the recommendation to the owner and to each owner of property that abuts the property for which the change has been requested. The notice shall be mailed at least 30 calendar days before the public hearing conducted on the Planning Director's final report by the Council.

D. Council action.

- (1) Within 365 calendar days of the date the Department began accepting applications, the County Executive shall submit to the Council the comprehensive revisions and amendments to the zoning maps and regulations contained in the final report of the Director of Planning. The Council shall conduct a public hearing, giving public notice, which shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County. During the period of Council review, the final report of the Director of Planning, containing the provisions and amendments to the zoning maps and regulations, together with the comments of the Planning Advisory Board, shall be on public display in the Department of Planning and Zoning and in a public facility located in each Council district.
- (2) At least 21 calendar days before the public hearing conducted by the Council, the Director of Planning shall ensure that each property for which the property owner has requested a zoning change is posted with a notice stating the date, time and location of the hearing and the telephone number of the Department. The notice shall be on a sign measuring at least 2 feet by 3 feet, and shall be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The Department of Planning and Zoning may assess a fee, not to exceed the cost of materials and labor for printing and posting, to the applicant. Following the posting, the property owner shall use reasonable efforts to maintain the notice in a condition visible to the public until the hearing date.
- (3) Any changes to the report of the Director of Planning shall be voted upon by the Council as individual issues. A property owner shall submit justification for any request made to the Council for a change in zoning for a property that has not been submitted to the Department on or before the deadline established under Subsection C of this section.

E. Suspension of zoning reclassification.

- (1) Notwithstanding any provisions of this Code, during the period of preparation and review of proposed comprehensive revisions or amendments to the zoning maps,

no applications for zoning reclassification shall be accepted by the County, except as provided in Subsection C of this section, and such a request shall be considered in the preparation or modification of the proposed comprehensive revisions or amendments to the zoning maps.

(2) The Hearing Examiner shall complete public hearings and issue a decision for each existing zoning reclassification application as soon as practicable. The Director of Planning shall review each such application as a part of the comprehensive zoning review process as if the application had been filed pursuant to Subsection C of this section.

F. Suspension of procedural requirements. In the event that the comprehensive zoning review and subsequent bill submitted to the Council, pursuant to this section, fails for any reason, the County Executive may recommend for introduction, or the County Council may introduce, within 120 calendar days of said failure, a subsequent comprehensive zoning bill without complying with any of the provisions set forth in this section. This subsequent bill shall include only those issues previously considered in the prior bill that failed and shall, if enacted, be considered the comprehensive zoning bill by this section until a new comprehensive zoning review bill is subsequently enacted. At least 14 calendar days prior to the public hearing on the comprehensive zoning bill, the Department of Planning and Zoning shall ensure that each property for which a zoning change had been requested is posted with a notice to be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The sign shall contain the date, time and location of the hearing and telephone number of the Department. The Council shall ensure that the issues and maps related to the new comprehensive review shall be available in the Department of Planning and Zoning and posted on the Department's web site.

G. No zoning reclassification of property shall, for a period of 1 year after the adoption, by bill, of the comprehensive zoning maps applicable thereto, be granted by the County Council, sitting as the Board of Appeals, on the grounds that the character of the neighborhood has changed.

H. Any property, or portion of a property reclassified from AG to RR or AG to VR, approved by the County Council, after the effective date of this document, must be located in the Rural Residential or Rural Village area designation, on the most recently adopted Land Use Map. In no case shall property be rezoned to a residential classification in Priority Preservation Areas as designated on the most recently adopted Priority Preservation Area Plan. In order to utilize density and design standards, development rights must be transferred in accordance with §267-53D(4) (AG Agricultural District, Specific Regulations).

#### **§ 267-14. Violations and Penalties.**

A. Whenever the provisions of this Part 1 have been violated, the Director of Planning shall give notice, by first class mail, to the owner, tenant or occupant of the property alleged to be in violation, stating the nature of the violation and ordering that any unlawful activity be abated.

B. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall be guilty of a misdemeanor and

shall be fined not more than \$500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

- C. The County may recover damages in a civil action for violation of this Part 1 and shall adopt legislation for the imposition of civil penalties as authorized by State law.
- D. In the event of a violation of any of the provisions of this Part 1 or any amendment or supplement thereto, the Director of Planning, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may institute a suit for injunction, mandamus, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.

### § 267-111. Amending and Rescinding Designations.

A designation may be amended or rescinded upon petition to the County Council and compliance with the same procedure and according to the same criteria set forth herein for designation.

### § 267-112. Historic Landmarks. [Amended by Bill 09-01; Bill 09-11; Bill 10-30; Bill 11-44; Bill 14-9]

The Department of Planning and Zoning shall maintain a list of the County's designated Historic Landmarks consisting of public and private sites and structures in the County as well as a list of properties/sites that the Commission considers to be of significant historical, architectural, archeological or cultural value that are eligible for designation.

The following sites are designated as County Historic Landmarks in accordance with this Part. The boundaries of the County Historic Landmarks are shown on the Official Historic Districts and Landmarks Maps, on file with the Department of Planning and Zoning.

Historic Inventory Number	Property Name	Property Address
937	Christopher's Camp	1219 South Fountain Green Road, Bel Air
441	Churchville Presbyterian Church and Cemetery	2844 Churchville Road, Churchville
225	Hays House	324 South Kenmore Avenue, Bel Air
609	Little Falls Meeting House Burial Ground	719 Old Fallston Road, Fallston
610	Fallston Friends Schoolhouse	719 Old Fallston Road, Fallston
855	Nelson-Reardon-Kennard House	3604 Philadelphia Road, Abingdon
4	Rigbie House	2422 Castleton Road, Darlington
1312	St. Francis De Sales Church	1450 Abingdon Road, Abingdon
5	Sophia's Dairy	4602 Pulaski Highway, Belcamp
168	St. Mary's Church	1 St. Mary's Church Road, Abingdon
561	Stansbury Mansion	1616 Eden Mill Road, Pylesville
49	Thomas Run Church	Thomas Run Road, Bel Air
165	Deer Creek Harmony Presbyterian Church	2202 Shuresville Road, Darlington
12	Deer Creek Friends Meeting House and Cemetery	1212 Main Street, Darlington
6	Bon Air	2501 Laurel Brook Road, Fallston
307	Mccomas Institute	1911 Singer Road, Joppa
249	Spesutia Church Vestry House and Cemetery	1504 Perryman Road, Aberdeen
867	Bush Hotel	4014 Philadelphia Road, Abingdon
1315	Joppa Historic District	Joppa
44	D. H. Springhouse	3000 Sandy Hook Road, Bel Air
469	King and Queen Seats	Rt. 24, Street
1117	Whitaker Mill And Miller's House	1212 Whitaker Mill Road, Joppa
103	Tabernacle Church	Tabernacle Road, Whiteford
66	Old Brick Baptist Church	Baldwin Mill Road, Forest Hill
1590	St. James African Methodist Episcopal Church Cemetery	4139 Gravel Hill Road, Havre de Grace

Historic Inventory Number	Property Name	Property Address
693	Woodside	400 Singer Road, Abingdon
240	Swansbury	111 Beards Hill Ext., Aberdeen
1279	Greenwood	331 Glenville Road, Churchville
1435	Historical Society Headquarters/ Old Bel Air Post Office	143 N. Main Street, Bel Air
356	Joshua's Meadows	300 N. Tollgate Road, Bel Air
1244	Hopkins House	141 N. Main Street, Bel Air
1393	Old Aegis Building	29 West Courtland Street, Bel Air
1394	Mrs. Dunnigan's Building	31 West Courtland Street
1780	Old Aberdeen High School	34 N. Philadelphia Blvd., Aberdeen
1395	Mrs. Dunnigan's Hotel and Restaurant	33 West Courtland Street, Bel Air
1463	Harford Mutual Fire Insurance Company Building	18 Office Street, Bel Air
2181	Darlington Library	1134 Main Street, Darlington
218	Harford County Courthouse	20 West Courtland Street, Bel Air
1456	Survey Stones for Bel Air at 220 South Main St.	220 South Main Street, Bel Air
1396	Survey Stones for Bel Air at 33 West Courtland St.	33 West Courtland Street, Bel Air
1311	Bel Air M.E. Church (Main Street)	20 N. Main Street, Bel Air
1413	Bel Air Black School	205 Hays Street, Bel Air
1267	Asbury M.E. Church	114 Asbury Road, Churchville
448	Ivory Mills	4916 Harford Creamery Road, Norrisville
458 & 459	George N. Wiley Mill	4907 Jolly Acres Road, Norrisville
997	Calvary United Methodist Church	1321 Calvary Road, Churchville
1228	Woodview	1326 Somerville Road, Bel Air
1605	Dembytown Church	800 Trimble Road, Joppatowne
1689	Orthodox Friends Meeting House and Caretaker's House	2225 Old Quaker Road, Darlington
Park Property:		
2180	Francis Silver Park (Darlington)	2428 Shuresville Road, Darlington
370	Scott House (Equestrian Center)	608 Tollgate Road, Bel Air
230	Liriodendron	502 W. Gordon Street, Bel Air
562	Eden Mill Park	1617 Eden Mill Road, Pylesville
1081	Stone House and Spring House (Edgeley Grove Farm)	864 Smith Lane, Benson
Bridges:		
439	Franklinville Road	Joppa
1119	Old Carrs Mill Road	Fallston
336	Nobles Mill Road	Darlington
799	Cherry Hill Road	Street
1982	Forge Hill Road	Dublin
1038	Ring Factory Road	Bel Air
1237	Whitaker Mill Road	Joppa
1098	Green Road	Whitehall
Board of Education:		
699	Harford Glen	60 W. Wheel Road, Bel Air

Historic Inventory Number	Property Name	Property Address
1407	Methodist Episcopal Parsonage (Demolished)	35 East Gordon Street, Bel Air
1410	Kimble-Waters House (Demolished)	50 East Gordon Street, Bel Air
2179	Darlington Elementary School	2119 Shuresville Road, Darlington
258	Proctor House	54 East Gordon Street, Bel Air
1409	Old Bel Air Academy	45 East Gordon Street, Bel Air
Harford Community College:		
152	Hays-Heige House	401 Thomas Run Road, Bel Air

#### **§ 267-113. Certificate of Appropriateness Required.**

A Certificate of Appropriateness shall be required from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, that authorizes the following actions affecting the exterior architectural appearance of any Landmark, consistent with §267-115 (Standards for Review):

- A. Any construction, alteration, demolition or removal of an exterior architectural feature, requiring a permit from the Department of Inspections, Licenses and Permits or as specified in the report designating the Landmark.
- B. Notwithstanding the above, if the Director of the Department of Inspections, Licenses and Permits, the Director of the Department of Public Works and the County Health Officer determine, after consultation with the Department of Planning and Zoning, that a County Historic Landmark property constitutes an immediate danger to the health, welfare and safety of the public, the Director may approve the demolition or alteration of the property.
- C. An alteration permitted under Subsection B shall be only to the extent necessary to remove the immediate danger constituted by the property.
- D. County Historic Landmarks that are the property of the state, shall be subject to the requirements of this Subsection in so far as possible.
- E. The Director of a County Department that is responsible for the maintenance of a County Historic Landmark property shall submit an annual report stating the condition of the property to the Historic Preservation Commission.
- F. Minor changes for County-owned buildings, to resolve safety or State law requirements, may be approved by the Department of Planning and Zoning, upon consultation with the Department of Inspections, Licenses and Permits.
- G. Any demolition of a County-owned Historic Landmark shall require approval by the Harford County Council by a vote of at least 5 members.

#### **§ 267-114. Applications.**

Every application for a demolition permit or other exterior building permit as required in this Subsection, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated Landmark shall be forwarded to the Historic

Preservation Commission within 7 calendar days following receipt of the application. The Department of Inspections, Licenses and Permits shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission.

Applications for a Certificate of Appropriateness shall be made on a form prepared by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission. The application can be obtained from the Department of Planning and Zoning.

Applicants may request a meeting with the Historic Preservation Commission prior to submittal of an application or during the review process.

**§ 267-115. Standards for Review.**

- A. Design guidelines for applying the criteria for review of certificates of appropriateness shall adhere to the United States Secretary of the Interior's Standards for Historic Preservation Projects.
- B. In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the United States Secretary of the Interior's Standards for Historic Preservation Projects.
- C. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
- D. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- E. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- F. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- G. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- H. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- I. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

J. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

**§ 267-116. Determination by Commission.**

The Historic Preservation Commission shall review the application for a Certificate of Appropriateness and recommend to the Department of Planning and Zoning, approval or denial of the Certificate of Appropriateness within 30 calendar days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided to the applicant, the Department of Planning and Zoning and the Department of Inspections, Licenses and Permits within 7 calendar days following the determination.

**§ 267-117. Denial.**

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Preservation Commission shall make recommendations to the Department of Planning and Zoning concerning changes, if any, that could resolve the issues. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Preservation Commission.

**§ 267-118. Buffer Requirements.**

Except when the Landmark is County owned or operated, the following requirements must be met:

A. If a proposed use will be on a property that is adjacent to a designated County Historic Landmark and if the proposed use is within 500 feet of the Landmark, the proposed use shall have a buffer and landscaping in accordance with this section.

B. The Director of Planning shall determine the required width and landscaping of the buffer.

- (1) The width shall be up to 75 feet.
- (2) Landscaping shall be provided consistent with the criteria put forth in §267-29 (Landscaping).

C. Before determining the required width and landscaping alternative, the Director of Planning shall obtain a recommendation from the Historic Preservation Commission. In making its recommendation, the Historic Preservation Commission shall consider the following:

- (1) The nature and extent of the proposed use, the degree of compatibility between the proposed use and the County Historic Landmark.
- (2) The extent to which the buffer yard will help to preserve the character of the County Historic Landmark.
- (3) The size of the property on which the proposed use will be located.

- (4) The distance of the proposed use from the County Historic Landmark.
- (5) The size of the property on which the County Historic Landmark is located.

**§ 267-119. Fees.**

Fees, if any, shall be as established in Chapter 157 of the Harford County Code, as amended.

**§ 267-120. Violations and Penalties.**

The County may proceed with appropriate enforcement actions, pursuant to §267-14 (Violations and Penalties).