

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru August 21, 2023

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	16-29AA	2/13/17
09-11	6/15/09	17-02	4/24/17
09-19AA	8/17/09	17-04	6/5/17
09-23AA	10/13/09	17-08AA	8/14/17
09-31AA	1/22/10	17-15AA	12/26/17
09-33AA	1/22/10	17-18AA	1/16/18
10-03	4/20/10	18-04AA	6/18/18
10-30	12/13/10	18-33	12/10/18
10-32AA	12/27/10	18-34	12/10/18
11-04AA	5/23/11	18-35	12/10/18
11-05AA	5/23/11	18-36	12/10/18
11-03	5/31/11	19-04AA	5/13/19
11-32	12/12/11	19-15AA	8/12/19
11-44	12/19/11	19-16AA	8/20/19
11-62AA	1/13/12	19-29AA	1/2/20
12-07AA	5/14/12	19-28	1/13/20
12-14	5/21/12	19-30	2/14/20
12-44	1/26/13	20-01	4/20/20
12-48AA	2/11/13	20-11	8/10/20
13-4AA	5/6/13	21-01AA	5/10/21
13-17	7/22/13	21-03AA	8/6/21
13-35	1/21/14	21-14	8/16/21
13-36	1/21/14	21-19	11/22/21
13-50	2/18/14	21-20AA	12/20/21
13-51	3/18/14	21-23	1/10/22
13-52	3/18/14	22-06	7/19/22
14-01	4/22/14	22-08	7/25/22
14-09	7/11/14	22-14	8/22/22
14-26AA	8/25/14	22-11	10/5/22
15-17	12/7/15	22-24	10/19/22
15-23AA	1/4/16	23-06AA	6/5/23
15-35AA	2/8/16	23-10AA	8/21/23
15-36AA	2/16/16		
15-39AA	2/16/16		
16-02AA	5/17/16		
16-07	7/5/16		
16-20	8/22/16		
16-28	2/13/17		

§ 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; Bill 21-19 as amended; Bill 22-06; Bill 22-08; Bill 22-11; Bill 22-24; and Bill 23-10 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.

ABATEMENT – The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

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 BEST MANAGEMENT PRACTICE –

A. Agricultural Best Management Practice means an agronomic, conservation or pollution control practice, installation or structure that manages soil loss, nutrients, animal wastes or agricultural chemicals so as to minimize their movement into State waters.

- B. Agricultural Best Management Practice includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management and stream protection practices such as fencing, stream crossings and remote watering devices.
- C. Agricultural Best Management Practice does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04.

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 and Atlantic Coastal Bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad and river herring) occurs or has occurred. The streams are identified by the 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 and homestead chickens.

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.

APPURTENANCES AND ENVIRONMENTAL SETTINGS – All the grounds and structures surrounding a designated Landmark or Historic District to which that Historic Landmark or Historic District relates physically or visually. Appurtenances and environmental settings are unique to each Historic Landmark or Historic District and may include, but are not limited to, walkways and driveways (whether paved or unpaved), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces and rocks.

AQUACULTURE - The commercial rearing of fish or aquatic plants for sale, trade, barter or shipment.

- A. Farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries and other natural or artificial water bodies or impoundments.
- B. Activities include hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas.
- C. Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fishponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.
- D. Aquaculture has the meaning stated in Natural Resources Article, §4-11A-01(b), Annotated Code of Maryland.

AQUIFER - A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

ARCADE - A structure housing 3 or more commercial mechanical or electronic devices used for amusement.

AS-BUILT - Scaled and dimensioned drawing done by a licensed surveyor or engineer that accurately depicts the location of all improvements on the property.

ASSEMBLY HALL - See "community center."

ASSISTED LIVING FACILITY - A facility to provide supervision, monitoring or assistance with the activities of daily living for more than 25 elderly or disabled persons in a residential setting.

AVERAGE CONTACT GRADE - The mean elevation of the highest and lowest points of contact of the structure.

BASE FLOOD - The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT – An area of a structure having ½ or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

BEST MANAGEMENT PRACTICES (BMP'S) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment.

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARDING HOME FOR SHELTERED CARE - A nonprofit home for the sheltered care of more than 8 unrelated persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

BOARD OF APPEALS OR BOARD - The administrative body of the County vested and charged with the power set forth in this Part 1.

BOAT HOUSE - A structure with a roof or cover, or similar device, placed over open water to protect a boat or other vessel.

BORROW PIT - An area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction or highway construction and maintenance.

BREWERY, MICRO – A facility that produces malt based liquors such as beer, ale, porter, stout and similar grain based beverages on the premises and which possesses the appropriate license from the State of Maryland. The facility may brew, bottle, contract, store and enter into temporary delivery agreements with distributors. Products may be brewed onsite and sold for on-premises or off-premises consumption in accordance with the limits of the appropriate license from the State of Maryland. Said facility may also include site tours and product tasting.

BREWERY, PRODUCTION – A facility that produces any amount of malt based liquors such as beer, ale, porter, stout and similar grain based beverages to be sold offsite and which possesses the appropriate license from the State of Maryland. Said facility may also include site tours and product tasting.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet the current standards as set forth in the Human Services Article of the Annotated Code of Maryland, as amended.

CONTRIBUTING AREA - The entire area around a well or wellfield that is recharging or contributing water to the well or wellfield.

CONVENIENCE GOODS STORES - Retail establishments of less than 7,500 gross square feet which accommodate neighborhood needs, including retail bakeries, candy, nut and confection shops, dairy products stores, delicatessens, doughnut shops, drugstores, fruit and vegetable stores, meat and fish stores and grocery and food stores.

COOP – An enclosed accessory structure that houses chickens for nesting and shelter.

COPY - The wording, logo or other representation on a sign surface.

CORPORATE OFFICES - Facilities where administrative or clerical operations are performed as the principal use for corporations, businesses, companies, partnerships and associations. The term "corporate offices" does not include professional services as defined in this Subsection unless such professional services are providing assistance solely for the use of the corporate offices and not the general public.

COUNTRY INN - An historic building used for the lodging of 3 or more transients and managed by an owner or resident.

COURT - A fully or partially enclosed area which admits unobstructed light and air, bounded on 2 or more sides by buildings.

COVER CROP - The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

CREAMERY - An establishment in which dairy products are processed and produced, including incidental retail sales.

CRITICAL AREA - All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. Critical Area includes all waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide, all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, and modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

CRITICAL AREA BUFFER - An area that, based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland or a nontidal wetland of special State concern as defined in COMAR 26.23.01.01.

CRITICAL AREA BUFFER YARD - In the Critical Area, Buffer Yard means an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs and perennial herbaceous plants that is used in modified buffer areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

CRITICAL AREA GRANDFATHERED PARCEL OR LOT - A parcel or lot of land in the Critical Area that was created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

CRITICAL HABITAT AREA - A habitat that:

- A. Is occupied by an endangered species, as determined or listed under the Natural Resources Article, §4-2A-04 or 10-2A-04 of the Annotated Code of Maryland.
- B. Is likely to contribute to the long-term survival of the species;
- C. Is likely to be occupied by the species for the foreseeable future; and
- D. Constitutes habitat deemed critical under the Natural Resources Article, §10-2A-06 of the Annotated Code of Maryland.

CUSTOM MADE WOOD HOUSEHOLD FURNITURE - An establishment engaged in on-site production of individually crafted wood furniture commonly used in dwellings, excluding upholstered furniture.

CUT -

- A. Removing trees without removing stumps and roots; or
- B. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavated surface.

DATA PROCESSING CENTER - A facility equipped with, or connected to, one or more computers, used for processing or transmitting data.

DAY-CARE CENTER - A facility operated for the purpose of providing nonresidential group care as defined by State law for a specific number of unrelated minor or dependent persons. Day-care center may include a supplementary use to include kindergarten classes approved by the Maryland State Department of Education.

DAY-CARE HOME, FAMILY - A residence that is registered by the State in which family day care is provided pursuant to State regulations.

DENSITY - The number of dwelling units per acre of land.

HISTORIC DISTRICT – A significant concentration, linkage or continuity of sites, structures or objects that are united historically, architecturally, archeologically, culturally or aesthetically by plan or physical development.

HISTORIC LANDMARK/LANDMARK – A site, structure, building, Historic District or object designated by Harford County for its historic, architectural, archaeological or cultural significance and which is worthy of preservation, listed in the Harford County Historic Landmarks List pursuant to §267-112 (Designated Historic Landmarks).

HISTORIC PRESERVATION COMMISSION - The Commission as set forth in Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended.

HOME OCCUPATION - Any business activity regularly conducted by a resident as an accessory use within the dwelling or an accessory building which meets the standards specified in this Part 1 for such use.

HOMEOWNERS' ASSOCIATION - An association or other legal entity comprised of owners of land or dwellings, organized to own, operate or maintain open space or facilities used in common by such owners.

HOMESTEAD CHICKEN – A domesticated hen accessory to a residential use.

HOSPITAL - An institution providing inpatient health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related activities, such as laboratories or training facilities.

HOTEL - A building offering transient lodging accommodations to the general public which may provide as accessory uses, restaurants, meeting rooms and recreation facilities.

HOUSING FOR THE ELDERLY - A building which is designed for the needs of elderly persons and which is subject to management or other legal restrictions that require that the project shall be occupied by households wherein at least one person is aged 55 or over.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils, as identified by the United States Department of Agriculture Soil Conservation Service.

HYDROPHYTIC VEGETATION - Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson and Burke 1985), which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

IMPACT FEE - A fee imposed to help finance the cost of improvements or services.

IMPERVIOUS SURFACE - Any surface or material that does not absorb water or substantially reduces the infiltration of stormwater. Impervious surfaces include roofs, streets, sidewalks and parking areas paved with asphalt, concrete, compacted sand, compacted gravel or clay.

INDIRECT RECHARGE AREA - The area contributing water to surface watercourses up gradient of the aquifer or wellfield area of contribution.

INGRESS - An entry.

IN-KIND REPLACEMENT - the removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width and length.

INTENSELY DEVELOPED AREA - An area of at least 20 acres or the entire upland portion of the Critical Area within a municipal corporation, whichever is less, where residential, commercial, institutional or industrial developed land uses predominate and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least 4 dwelling units per acre; an area with public water and sewer systems with a housing density of more than 3 dwelling units per acre.

INTERCEPTOR - Sewer pipe lines 24 inches or larger in diameter.

INTERMITTENT STREAM - A stream that has been confirmed to be an intermittent stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

INTERSECTION - The crossing of 2 or more roads at grade.

ISOLATED NONTIDAL WETLANDS - A nontidal wetland that is not hydrologically connected, through surface or subsurface flow to streams, tidal or nontidal wetlands or tidal waters.

JUNK - Any scrap, waste, reclaimable material or debris, either stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

JUNK- OR SALVAGE YARD - Any land or structure used for the storage and/or sale of junk or the collection, dismantlement, storage or salvage of 3 or more untagged or inoperative motor vehicles, including a salvaging operation, but excluding wrecked motor vehicles stored for a period of not more than 90 calendar days.

KENNEL - Any establishment, not part of an agricultural use, in which 6 or more domestic animals, such as cats, dogs and other pets, more than 6 months old are kept, groomed, bred, boarded, trained or sold.

LAND CLEARING - Any activity that removes the vegetative ground cover.

LANDSCAPING - The improvement of property with lawns, trees, plants and other natural or decorative features.

LANDWARD EDGE - The limit of a site feature that is farthest away from a tidal water, tidal wetland or tributary stream.

LARGE SHRUB - A shrub that, when mature, reaches a height of at least 6 feet.

LEACHABLE MATERIAL - Material, including salt and certain components of concrete, asphalt, tar, coal, etc., which is readily soluble in water and thus easily removed and transported in solution by meteoric and/or groundwater.

LIMIT OF DISTURBANCE - The area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

LIMITED DEVELOPMENT AREA - An area: with a housing density ranging from 1 dwelling unit per 5 acres up to 4 dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water or open space; or that is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definitions in this Chapter.

LIVE/WORK UNITS - Structures that have professional offices or retail services on the first floor with residential uses on the second floor. The property owner or business operator must occupy the residence.

§ 267-27. Accessory Uses and Structures. [Amended by Bill 09-19, as amended; Bill 12-44; Bill 13-51; Bill 14-1; Bill 21-19; Bill 22-14; and Bill-23-10 as amended]

- 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 total square footage of the principal structure 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 total square footage of the principal structure 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.

(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);

- (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.

- [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.

- [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.

- (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 bona fide 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 bona fide agricultural equipment or vehicles stored within a completely enclosed building.

- (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.
- (13) Homestead chickens, excluding roosters, shall be permitted in accordance with the following criteria:
 - (a) Lot requirements:
 - [1] A minimum of 1 acre is required for the keeping of homestead chickens.
 - [2] A 50 foot setback from adjacent residential lot lines is required for any coop, run, pen and free-range area.
 - (b) Zoning Certificate requirements:
 - [1] An issued Zoning Certificate shall be required prior to the installation of any coop, run, pen, free-range area and fence.
 - [2] A State of Maryland Department of Agriculture Poultry Registration shall be submitted with the Zoning Certificate application.
 - (c) Any lot where a homestead chicken is kept shall have a coop.

- (d) Each coop shall have 4 walls and a roof, be ventilated, constructed to have flooring and have at least 3 square feet per the number of homestead chickens kept on the lot.
- (e) All runs and free-range areas shall be fenced in such a manner as to prevent any homestead chicken from escaping.
- (f) A maximum of 10 homestead chickens shall be permitted on lots less than 2 acres.

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:

(a) The zoning certificate shall specify the use, dates and hours of operation of the event. Hours of operation are only permitted between 6:00 a.m. and 11:00 p.m.

(b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.

(c) No permanent or temporary lighting shall be installed without an electrical permit.

(d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of \$500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.

(e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.

(f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.

(g) The applicant shall notify the local fire and emergency personnel to determine and identify any emergency response requirements.

(h) Temporary use shall not be permitted for a public event at a property where 3 or more arrests based on violations of the Maryland Controlled Dangerous Substances Act, that have occurred at one public event held on that property. Temporary use shall not be permitted for a period not to exceed 1 year from the date of the public event at which the violations occurred. The notice and hearing provisions of §267-8 (Zoning Certificates) shall also apply to the denial of a Zoning Certificate for a public event pursuant to this Subsection provided that the applicant submitted the request for the Zoning Certificate 15 calendar days prior to the event.

(2) Christmas tree displays and sales for nonprofit organizations shall be permitted in any district for a maximum period of 45 calendar days.

(3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A zoning certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.

(4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.

(5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. 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.

(6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home, located on the lot during rehabilitation of the original residence, or construction of a new residence, is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Director of Planning may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.

(7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI districts, subject to the following additional requirements:

(a) The zoning certificate shall specify the type of use and the dates of the sale. The zoning certificate shall be valid for a period of 1 year, at which time, the applicant may apply for another zoning certificate upon complying with the provisions of this section.

(b) Only temporary lighting shall be permitted.

(c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.

(d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.

(e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.

(f) The proposed use shall not:

- [1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.
- [2] Be detrimental to the use or development of adjacent properties or neighborhoods.

(g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.

(h) Issuance of certificates.

- [1] At the time the applicant applies for a zoning certificate, the applicant shall provide the Director of Planning with the following information:
 - [a] The location of the parcel or parcels where the sale or sales are to be located.
 - [b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.
 - [c] A copy of the license issued by the State.
- [2] A zoning certificate issued by the Director of Planning shall cover all parcels where the sale or sales are to be located.

(i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.

(j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 7,000 lbs.

(k) The provisions of this Subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.

(8) Accessory Dwelling Units (ADU).

- (a) Purpose. The purpose of the accessory dwelling unit is to allow a relative to live in an accessory dwelling unit within a family member's principal dwelling unit.
- (b) One ADU is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR districts, provided that:
 - [1] The ADU shall be physically attached to or located within a single-family detached dwelling unit on the lot.
 - [2] If the ADU is located within a new addition to the existing single-family detached dwelling unit, any addition shall conform to all applicable zoning and building code requirements.
 - [3] If the ADU results in any renovations to the existing single-family detached dwelling unit, any renovations shall conform to all applicable zoning and building code requirements.

- [4] The ADU shall be at least 300 square feet in size but shall not exceed the lesser of 1,500 square feet or 50% of the total habitable space of the existing single-family detached dwelling unit.
- [5] The ADU shall not contain more than 2 bedrooms.
- [6] The ADU shall be separated from the single-family detached dwelling unit by means of a wall or a floor, with an interior door between the accessory dwelling unit and the principal single-family detached dwelling unit.
- [7] The ADU shall contain cooking, living, sanitary and sleeping facilities that are physically separated from the principal single-family detached dwelling unit.

(c) The property owner shall occupy, as his or her legal permanent residence, either the principal single-family detached dwelling unit or the accessory dwelling unit, and the other dwelling unit shall be occupied by the relative.

(d) The ADU shall have the same street address as the principal single-family detached dwelling unit.

(e) The property owner shall submit the following upon application for a zoning certificate:

- [1] A signed copy of the ADU Agreement of Understanding; and
- [2] A copy of the property deed.

(f) When the property owner satisfies the requirements of this Subsection, the Department shall issue a zoning certificate to the property owner.

(g) In the event of a conveyance of the principal single-family detached dwelling unit to any person other than the current owner, a new zoning certificate issued pursuant to the requirements of this Subsection is necessary to continue the use of the accessory dwelling unit by the new owner and his or her relatives.

(h) The zoning certificate for the ADU shall be deemed null and void if:

- [1] The property is transferred, conveyed or assigned; or
- [2] The accessory dwelling unit is no longer being occupied by an individual identified in this Subsection; or
- [3] The property owner no longer occupies either the primary single-family detached dwelling or the accessory dwelling unit; or
- [4] A violation of any provision of this Subsection.

(i) Issuance of a zoning certificate for an accessory dwelling unit under this Subsection is not grounds for, or evidence of, a hardship for purposes of a variance under §267-11 (Variances) herein.