

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru August 28, 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
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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	23-23	8/25/23
15-39AA	2/16/16	23-24	8/28/23
16-02AA	5/17/16		
16-07	7/5/16		
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Chapter 267. Zoning

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ARTICLE II. Administration and Enforcement

§ 267-7. Director of Planning.

A. The Director of Planning or a duly authorized designee shall be vested and charged with the power and duty to:

- (1) Perform such duties as are necessary for the proper enforcement and administration of the Harford County Zoning Code.
- (2) Receive and review complete applications under the provisions of this Part 1 for transmittal and recommendation to the Board.
- (3) Issue zoning certificates pursuant to the provisions of this Part 1 and suspend or revoke any zoning certificate upon violation of any of the provisions of this Part 1 or any approvals granted hereunder subject to the requirements of this Part 1.
- (4) Conduct inspections and surveys to determine whether a violation of this Part 1 exists.
- (5) Seek criminal or civil enforcement for any provision of this Part 1 and take any action on behalf of the County, either at law or in equity, to prevent or abate any violation or potential violation of this Part 1.
- (6) Render a final written determination, within 45 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal nonconforming use upon written request of any person. The Director of Planning may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The final written determination of the Director of Planning shall be subject to appeal to the Board by the applicant within 20 calendar days of the date of the decision.
- (7) Design and distribute applications and forms required by this Part 1, requesting information that is pertinent to the requested approval.

B. The Director of Planning and any duly authorized agents shall have the right to enter and inspect, with the permission of the owner or occupant, any structure or land in order to verify that the structure or land complies with the provisions of this Part 1. Should the owner or occupant deny such entry, the Director of Planning may seek relief from a court of competent jurisdiction to permit such right.

C. Any person may file a complaint with the Director of Planning or a duly authorized designee alleging a violation of this Part 1. The Director of Planning shall investigate and determine as a matter of fact whether a violation has occurred.

§ 267-8. Zoning Certificates. [Amended by Bill 23-24]

A. It shall be unlawful for any owner, tenant, licensee or occupant to initiate development of, change the use of or commence a new use of any lot or portion thereof or any building, structure or improvement or portion thereof, except agricultural uses, structures or improvements, in whole or in part, without first obtaining a zoning certificate issued by the Director of Planning or a duly authorized designee in accordance with the provisions

of this Part 1. A zoning certificate shall be required for such accessory and temporary uses as are enumerated in this Part 1. An application for a zoning certificate shall be made in writing by the owner or the contract purchaser of the property for which the certificate is sought. A zoning certificate shall not be required for a preexisting use lawfully being made of a lot or any portion thereof prior to the effective date of the provisions in this Part 1 (i.e., grandfathered uses). For any development or use of any lot or portion thereof or any building, structure or improvement or portion thereof, including accessory structures and temporary uses, which also require a building permit pursuant to Chapter 82 of the Harford County Code, a separate zoning certificate and payment of a separate zoning certificate fee shall not be required and a duly issued building permit approved by the Director of Planning or the Director's designee coupled with payment of the building permit fees will act in the place and stead of the zoning certificate and will provide or add to the parameters of the permitted use or uses.

- B. An approved and duly issued zoning certificate shall indicate that the building, structure, improvement or part thereof or the lot or part thereof and the proposed use or modification thereof described in the zoning certificate are in conformity with the provisions of this Part 1.
- C. Upon written request from an owner, tenant or contract purchaser, the Director of Planning shall issue a zoning certificate for any building or lot lawfully existing at the time of the enactment of this Part 1, certifying the extent and nature of the use made of the lot or building and whether such use conforms to the provisions of this Part 1.
- D. Every application for a zoning certificate shall:
 - (1) Be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
 - (2) Indicate the exact location, size and height of any building, structure, improvement or part thereof to be erected or altered.
 - (3) Indicate the existing and intended use of each building, structure, improvement or part thereof.
 - (4) Indicate the number of residential or commercial or business units the building or structure is designed to accommodate and, when no buildings are involved, the location of the present use and any new or altered use.
 - (5) Indicate the proposed uses of the lot.
 - (6) Provide such other information as may be reasonably required by the Director of Planning.
- E. The Director of Planning also has the authority to require that detailed Site Plans for nonresidential or multi-family residential developments be submitted for review and approval prior to zoning certificate application. Such approval may require review through the Development Advisory Committee (DAC).

- F. Any zoning certificate shall be revocable upon written order of the Director of Planning in the event of a failure to comply with the requirements and conditions of this Part 1 or the specific grant, order or approval applicable thereto. Such revocation shall not be effective until after:
 - (1) Notice, by certified mail, of such proposed revocation and hearing have been provided to the holder of the certificate.
 - (2) The Director of Planning has held a hearing not less than 10 or more than 30 calendar days from the date of the forwarding of such notice.
 - (3) A final decision has been rendered within 10 calendar days of the completion of the hearing.
- G. Any certificate, building permit or other development permit issued on the basis of fraud, mistake or misrepresentation shall be subject to revocation.
- H. A zoning certificate issued on the basis of approved Site Plans and applications authorizes only the uses, arrangements and developments set forth in such applications and plans and no other uses, arrangements or developments. Uses, arrangements or developments substantially differing from that authorized is a violation of this Part 1 and shall be a basis for revocation of the zoning certificate or building permit.
- I. The Director of Planning shall not issue a zoning certificate until an application has been completed, submitted, reviewed and approved and all fees established by the County for processing the same have been paid in full.

§ 267-9. Board of Appeals. [Amended by Bill 09-31, as amended]

- A. Establishment. In compliance with the provisions of the Charter, the Board of Appeals is continued. The County Council is hereby designated as the Board of Appeals. The President of the County Council or, in his absence, the Vice President shall act as Chairman of the Board. Hearings before the Board shall be open to the public and quasi-judicial in nature.
- B. Powers and duties. The Board shall be vested and charged with all the powers and duties created by this Part 1, including the power and duty to:
 - (1) Hear and decide any zoning case brought before the Board and to impose such conditions or limitations as may be necessary to protect the public health, safety and welfare.
 - (2) Adopt rules and regulations governing procedure before the Board consistent with the Charter and this Part 1.
 - (3) Perform any act, issue any order or adopt any procedure consistent with law applicable to administrative agencies in general and the provisions of this Part 1.
- C. Hearing Examiners. The Board may employ Hearing Examiners to hear zoning cases within the jurisdiction of the Board pursuant to procedural rules adopted by the Board. The Hearing Examiner shall have the authority, duty and responsibility to render recommendations in all cases, subject to final approval of the Board. Such recommendations shall be consistent with the requirements of Subsection H, Decision of the Board.

- D. Filings. Applications for variances, special exceptions, special developments and reclassification shall be filed with the Director of Planning by the property owner, property owner's authorized agent or contract purchaser. Applications for final determinations may be filed with the Director of Planning by any person. Filed applications are forwarded to the Board of Appeals for hearings.
- E. Hearings. Proceedings before the Hearing Examiner and the Board shall be quasi-judicial in nature and conducted in accordance with the rules of procedure of the Board in such a manner as to afford the parties due process of law.
- F. Recommendation of the Hearing Examiner. The recommendation of the Hearing Examiner shall be deemed to be adopted by the Board, unless final argument is requested within 20 days from the date of the written recommendation.
- G. Request for final argument. A request for final argument before the Board may be filed by any Board member, the applicant, the People's Counsel or a person aggrieved who registered as a party to the proceedings before the Hearing Examiner. Upon filing a request for final argument, the Board shall notify all parties to the proceeding.
- H. Decision of the Board. The decision of the Board shall be in writing and shall specify findings of fact and conclusions of law. The Board may affirm, reverse, modify or remand the Hearing Examiner's recommendation. In reviewing the recommendation of the Hearing Examiner, the Board shall give consideration to the opportunity of the Hearing Examiner to see and hear the witnesses and to judge their credibility. The Board may specify the circumstances under which additional evidence can be accepted by the Hearing Examiner and may remand the case for determination of limited issues. Decisions of the Board shall be subject to appeal in accordance with the Charter.
- I. Limitations, guidelines and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood, Natural Resource District, Chesapeake Bay Critical Area or is protected by a permanent easement. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:
 - (1) The number of persons living or working in the immediate area.
 - (2) Traffic conditions, including facilities for pedestrians and cyclists, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.
 - (3) The orderly growth of the neighborhood and community and the fiscal impact on the County.
 - (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

- (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.
- (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.
- (7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.
- (8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.
- (9) The environmental impact, the effect on sensitive features and opportunities for recreation and open space.
- (10) The preservation of cultural and Historic Landmarks.

J. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning certifies to the Board that, by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order of the Board or a court of competent jurisdiction, on application after notice to the Director of Planning and on good cause shown.

K. Application disapproved.

- (1) Failure to pay costs.
 - (a) Except as provided in Subsection K(2) of this section, and except as provided in §267-11C (Variances), if the application is disapproved by the Board or is dismissed for failure of the applicant to pay costs, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval or dismissal or any final decision by a Court of competent jurisdiction, whichever shall last occur.
 - (b) Dismissal for failure to pay costs shall be without prejudice.
 - (c) If an appeal to the Board is perfected and the public hearing date set by the posting of the property and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same relief for 6 months from date of withdrawal.
- (2) Subsection K(1)(a) of this section does not apply to an application that is denied pursuant to §A274-5B(3)(c) of the Board's Rules of Procedure for Zoning Applications. An application denied pursuant to that section is denied without prejudice and may be refiled at any time.

L. Any person, firm or corporation who fails to comply with the requirements or conditions imposed by the Board of Appeals shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.

§ 267-10. Interpretation of Zoning Map.

The Board, upon application thereof, after notice to the owners of the properties affected and public hearing, may render interpretation of the boundaries of a zoning district by:

- A. Determination of location: determining the location of a road or lot layout actually on the ground or as recorded in comparison to the road and lot lines as shown on the zoning maps.
- B. Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.

§ 267-11. Variances. [Amended by Bill 22-11]

- A. Except as provided in §267-63.12 (Chesapeake Bay Critical Area Program, Variances), variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
 - (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.
- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the State applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval.
- D. In the event that the development or use is not commenced within 3 years from the date of the final decision after all appeals have been exhausted, the approval for the variance shall be void. In the event of delays, unforeseen at the time of the application and approval, the Director of Planning shall have the authority to extend the approval for an additional 12 months or any portion thereof.

§ 267-12. Zoning Reclassifications.

- A. Application initiated by property owner.
 - (1) Any application for a zoning reclassification by a property owner shall be submitted to the Director of Planning and shall include:
 - (a) The location and size of the property.

- (b) A Title reference or a description by metes and bounds, courses and distance.
- (c) The present zoning classification and the classification proposed by the applicant.
- (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 and Bill 17-08 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 one newspaper of general circulation in the County. Public notice shall also include posting on an official site that is accessible to the public. 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, and posted on the County's official website.
- (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. [Amended by Bill 23-23]

- A. Whenever the provisions of this Part 1 have been violated, the Director of Planning or his authorized designee(s) 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. 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 have committed a civilly finable offense (see Section 1-23 of the Code).
- 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.