

# Harford County, Maryland

## ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008  
Amended thru January 2, 2020

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

**§ 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; and Bill 19-29 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.

**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 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, where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad and river herring) occurs or has occurred. The geographic location of such streams has been identified by the Tidewater Administration, Maryland 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.

**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.

**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.

**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.

**BREWERY, PUB** – A restaurant that is permitted to produce malt based liquors such as beer, ale, porter, stout and similar grain based beverages on the premises for consumption on the premises and which possesses the appropriate license from the State of Maryland. If the restaurant use ceases, the use of the premises would be considered and subject to the regulations of a Brewery, Micro.

**BUFFER** - Land area left in its natural state or which is vegetated and managed to protect significant and/or sensitive special natural features from the adverse impacts of adjacent land uses or development.

**BUFFER EXEMPT AREA** - Those areas as of December 1, 1985 where it can be demonstrated that the existing pattern of residential, commercial, industrial or recreational development in the Critical Area prevents the buffer from fulfilling the functions set forth in COMAR 27.01.09.01.b for water quality and wildlife habitat and which are mapped buffer exempt by the Department of Planning and Zoning.

**BUFFER YARD** - A portion of a lot that may be included within setbacks, improved with plantings, earth berms or fences that acts to soften or mitigate the effects of one land use upon another.

**BUILDING** - Any structure having a roof supported by columns or walls and intended for the shelter, housing, storage or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING COVERAGE** - That portion of a lot that is covered by buildings.

**BUILDING HEIGHT** - The vertical distance of a building or structure measured from the average contact grade to the highest point of the roof.

**BUILDING LINE** - The line that is located at the front yard setback of a lot and at which the required lot width for the district is met.

**BUILDING, PRINCIPAL** - Any building which serves a principal permitted use. Any buildings or structures attached to the "principal building," either directly or by a breezeway, shall be considered part of the "principal building."

**BUSINESS SERVICES** - Establishments primarily engaged in rendering services to businesses on a fee or contract basis, including actuarial services, advertising services, blueprinting and photocopying, catering, credit reporting and collection services, data processing, detective and protection services, direct-mail advertising, disinfecting and exterminating, duplicating and publishing, employment agencies and services, janitorial services, motion-picture distribution services, office or business equipment rental and leasing, photofinishing, secretarial or stenographic, tag and title service, telecommunications and window cleaning.

**CALIPER** - The diameter of a tree measured:

- A. At 6 inches above grade for trees with a caliper of 4 inches or less; and
- B. At 12 inches above grade for trees with a caliper of more than 4 inches.

**CAMPGROUND** - An area used for a range of overnight accommodation, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of mobile homes, trailers or other forms of moveable shelter on a permanent year-round basis.

**CANOPY** - A detachable roof like structure supported from the ground, deck, floor, wall or building for the purpose of protection from the sun or weather.

**CERTIFICATE OF APPROPRIATENESS** - A certificate issued by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission indicating its approval of plans for construction, alteration, rehabilitation, restoration, reconstruction, moving, or demolition of a Historic Landmark or of a site or structure within a designated Historic District.

**CHANGE OF USE** - Any use that differs substantially from the previous use of a building or land.

**CLEAR AND CLEARING** - Cutting or removing trees, ground cover, stumps, and roots, including the movement of topsoil prior to grading.

**CLEARCUTTING** - The removal of the entire stand of trees in 1 cutting with subsequent reforestation obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

**CLINIC** - A place for the treatment of outpatients by 3 or more health professionals in group practice.

**CLUB, NON-PROFIT** – A social, civic service or fraternal association or corporation which is organized as a non-profit organization and operated exclusively for educational, social, civic, fraternal, patriotic or athletic purposes.

**CLUB, PRIVATE** – A social, civic service or fraternal association or corporation which is organized as a for profit organization for educational, social, civic, fraternal, patriotic or athletic purposes.

**CLUB, RECREATIONAL** – A yacht or boat club, country club, golf club, swim club or tennis club or other similar use and may be organized as a for profit or non-profit organization. Recreational clubs shall not be open to the general public at any time.

**CLUSTER DEVELOPMENT** - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, forest preservation, agricultural preservation, or other permanent open space uses on the remainder.

**COLLECTOR SYSTEM** - Sewer pipelines, smaller than 24 inches in diameter, which collect sanitary wastewater from a drainage area and conveys it to the interceptor.

**CO-LOCATION** - Placement of an antenna on an existing communications tower, building, light, utility pole or water tower where the antenna and all supports are located on the existing structure.

**COLONIAL NESTING WATER BIRDS** - Herons, egrets, terns and/or glossy ibis, which, for purposes of nesting, congregate (that is, "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

**COMMERCIAL AMUSEMENT AND RECREATION** - Establishments providing commercial amusement, entertainment or recreation, including arcades, bowling alleys, martial arts clubs and schools, miniature golf courses, pool halls, skating rinks, tennis and racquetball clubs.

**COMMERCIAL HARVESTING** - The cutting and removal of trees by companies or private individuals for economic gain.

**COMMERCIAL VEHICLE** - Any self-propelled or towed vehicle used on public roadways to transport passengers or property when:

- A. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or
- B. The vehicle is designed to transport more than 15 passengers, including the driver; or

- C. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the hazardous materials regulations of the United States Department of Transportation; or
- D. A single, full or semi-trailer with a manufacturer's gross vehicle weight rating over 7,000 lbs.

COMMUNICATIONS ANTENNA - Any structure or device deployed by or on behalf of any government-licensed or government-permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. Communications antenna does not include a radio operator antenna operated by an amateur radio operator who is licensed by the federal communications Commission and whose domicile is on the lot where the antenna and related equipment is placed.

COMMUNICATIONS TOWER - A structure erected to support communications antennas. Communications towers include, and are limited to:

- A. A lattice tower is a structure that consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may be freestanding or supported by guy wires. (see guyed tower.)
- B. A monopole is a structure that consists of a single freestanding pole structure to support antennas and connecting appurtenances.
- C. A guyed tower is any communications tower using guy wires connecting above grade portions of a communications tower diagonally with the ground to provide support for tower, antennas and connecting appurtenances.

COMMUNICATIONS TOWER HEIGHT - The measurement from the lowest point of the base at ground level on which the tower is mounted to the top of the tower or the top of the highest point, whichever is greater.

COMMUNITY CENTER - A building, which has a permitted capacity in excess of 150 people, is used for recreational, social, educational, cultural or religious activities and is owned and operated by a public or nonprofit organization.

COMMUNITY GREEN - A primary internal landscaped open space designed and intended for the use and enjoyment of the community.

COMMUNITY PLAN - Sub area planning document that further defines the intentional land use and long-range planning objectives adopted by the County Council.

COMMUNITY WATER SYSTEM - A public water system that uses an average of 10,000 gallons per day and services at least 15 service connections used by year-round residents, or regularly serves at least 25 residents throughout the year.

CONSERVATION DEVELOPMENT - A residential development in which single-family dwelling lots are concentrated in a selected area or selected areas of the parcel.

CONSTRUCTION SERVICES AND SUPPLIERS - The performance of work by or furnishing of supplies to members of the building trades, including building contractors; carpentry and wood flooring services; electrical services; energy systems service and products; general contracting; masonry, stonework, tile setting and plastering services; plumbing, heating and air-conditioning services; roofing and sheet metal services; and septic tanks sales, service and installation.



CONTAINMENT DEVICE - A device that is designed to contain an unauthorized release, retain it for cleanup and prevent released materials from penetrating into the ground.

CONTIGUOUS - Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

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.

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.

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

CRITICAL AREA - All lands and waters designated on the overlay maps to the Official Zoning Map of Harford County as Intensely Developed Areas, Limited Development Areas or Resource Conservation Areas, pursuant to the Maryland Annotated Code, Natural Resources Article, §8-1802. Defined terms set forth in COMAR 27.01.01.01.01, as the same is amended from time to time, shall apply to Harford County's Critical Area and, if not specifically defined herein, shall have the meanings set forth in COMAR 27.01.01.01.01.

CRITICAL AREA BUFFER –

A. An area that:

- (1) Based on conditions present at the time of development, is immediately landward from mean high water of tidal waters, the edge of bank of a tributary stream or the edge of a tidal wetland; and

- (2) Exists or may be established in natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environment from human disturbance.

B. "Buffer" includes an area of:

- (1) At least 100 feet, even if that area was previously disturbed by human activity; and
- (2) 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 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 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.

DEPARTMENT - The Department of Planning and Zoning.

DESIGN GUIDELINES/STANDARDS - A set of guidelines defining parameters to be followed in site and/or building design and development.

DEVELOPABLE AREA - The maximum portion of a parcel that may be developed with residential uses under the Conservation Development Standards.

DEVELOPMENT - The construction, reconstruction, conversion, erection, alteration, relocation, or enlargement of any building or structure; any mining, excavation or landfill; and any land disturbance in preparation for any of the above. For the purposes of this section, development does not include

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the construction, reconstruction, conversion, erection, alteration, relocation, enlargement, or installation of poles, wires, cables, conduits, transformers, and similar equipment by a:

- A. Gas and electric company regulated by the Maryland Public Service Commission; or
- B. Cable television company operating under a franchise granted by the County Council.

**DEVELOPMENT ACTIVITIES** - The construction or substantial alteration of residential, commercial, industrial, institutional, transportation or utility facilities or structures. In the Critical Area, means human activity that results in disturbance to land, natural vegetation or a structure.

**DEVELOPMENTAL DISABILITY** - A severe, chronic disability that:

- A. Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the person attains the age of 21;
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in 3 or more of the following major life activity areas: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self sufficiency; and
- E. Reflects the person's need for a combination and sequence of special and interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.

**DIAMETER AT BREAST HEIGHT (DBH)** - The diameter of a tree measured at 4½ feet above grade.

**DISABILITY** - A disabling physical or mental condition.

**DISTILLERY, FULL** – The establishment and operation of a plant for distilling, rectifying and blending an unlimited amount of brandy, rum, whiskey, alcohol and neutral spirits and which possesses the appropriate license from the State of Maryland. The sale and delivery of the alcoholic beverages to a person in the state or outside the state that is authorized to acquire the beverages, the manufacturing of alcoholic beverages in the name of certain other persons, acquiring alcoholic beverages from certain persons, conducting guided tours of the premises and selling or serving limited quantities of products manufactured on the premises shall be permitted. The sale of the manufactured product for off-premises consumption to a person on a guided tour of the distillery in accordance with regulations of the State of Maryland shall be permitted.

**DISTILLERY, LIMITED** – The establishment and operation of a plant for distilling, rectifying and bottling brandy, rum, whiskey, alcohol and neutral spirits which shall be operated in conjunction with a restaurant or bar and which possesses the appropriate license from the State of Maryland. Said operation may also include retail sales for on-premises or off-premises consumption as permitted by the State of Maryland.

**DISTRICT** - A zoning district.

**DRIPLINE** - An imaginary vertical line that extends down from the outermost branches of a tree to the ground.

**DRIVEWAY** - A private drive providing access to a street or highway.

DWELLING - A building or portion thereof used primarily for human habitation or, where applicable, a single dwelling unit within such building.

DWELLING, ATTACHED - A dwelling unit attached to 1 or more dwelling units by walls or roof.

DWELLING, CARRIAGE COURT - A building containing 4 or more dwelling units, each with a separate entrance.

DWELLING, CLUSTER TOWNHOUSE - A building containing 4 or more attached dwelling units, not more than 2 stories, sharing common walls and designed to orient the building units around a central court.

DWELLING, DETACHED - A dwelling unit that is not attached to any other dwelling by any means.

DWELLING, DUPLEX - A building on a single lot containing 2 dwelling units, which do not share a common entry.

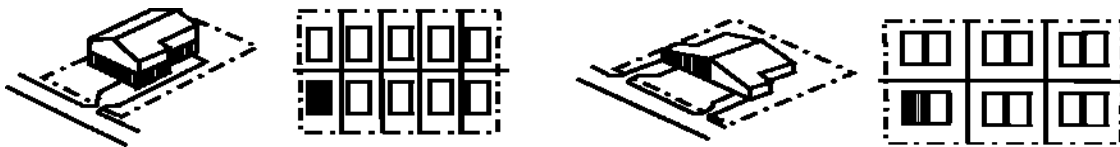


Figure 1 duplex dwelling

DWELLING, GARDEN APARTMENT - A building containing 4 or more dwelling units off a common entry and not more than 3 stories.

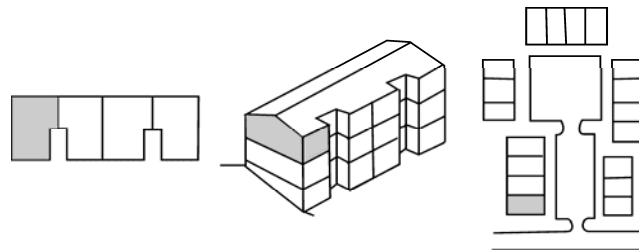


Figure 2 garden apartment

DWELLING, HIGH-RISE APARTMENT - A building containing 8 or more dwelling units, containing 6 stories, with a common entry.

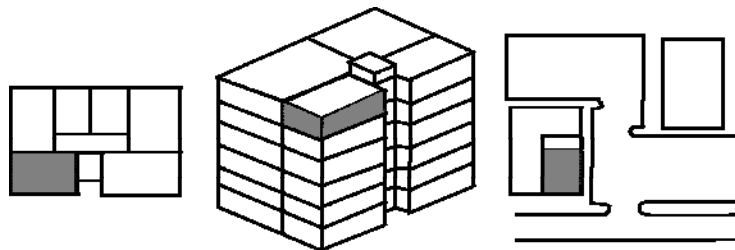


Figure 3 high-rise apartment

**PAD SITE** - A separate lot or leased site that is located within a shopping center site. The pad site is subject to any conditions established by the Zoning Code or the Board of Appeals.

**PALUSTRINE WETLANDS** - All nontidal wetlands dominated by trees, shrubs, persistent emergent plants or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below ½ part per 1,000 parts of water.

**PARAPET** - A low wall protecting the edge of a roof.

**PARCEL** - Any contiguous area, site or portion of land under common ownership.

**PARKING AREA** - An area, other than sales lots, designed for the parking of 3 or more motor vehicles and available to the public, either for a fee or as an accommodation to clients or customers.

**PASSIVE RECREATION** - Outdoor recreation that does not require significant maintenance or facilities, such as walking, picnicking, viewing and environmental education activities.

**PERCOLATION RATE** - The rate at which water flows or trickles through porous soils as determined by a percolation test.

**PERENNIAL STREAM** - A stream that has been confirmed to be a perennial stream through field verification utilizing the most recently accepted investigation methods of the United States Army Corp of Engineers.

**PERMANENT FOUNDATION** - A foundation as required by the Harford County Building Code or the manufacturer's specifications, in the case of manufactured homes, to provide for complete enclosure with a material which is compatible with the structure.

**PERSONAL CARE BOARDING HOME** - Any premises which provides personal care to adults, for consideration, and provides these services to a minimum of 3 adults not related to the provider or owner.

**PERSONAL SERVICES** - Services rendered to an individual, including beauty and barber shops, clothing alterations, dance and music studios, interior decorating, laundromats, general dry cleaning, linen supply, photography studios, rug cleaning and repair services (in-home cleaning), shoe repair services and watch and jewelry repair services.

**PERVIOUS SURFACE** - Any surface that allows for the infiltration of water.

**PIER** - A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.

**PIER, COMMUNITY** - A noncommercial boat docking or mooring facility that is owned by and operated for the benefit of the residents of a platted riparian subdivision or condominium, apartment or other multiple-family dwelling unit; the term does not include an individual private pier maintained by a riparian landowner.

**PLANNED EMPLOYMENT CENTER** - Development option designed to permit and promote major economic development opportunities such as corporate offices, educational/training facilities, research and development facilities or other uses that create significant job opportunities and investment benefits.

**POLLUTANT TRAVEL TIME** - The time required by pollutants to travel from one point to another.

**PRIVATE HARVESTING** - The cutting and removal of trees for personal, noncommercial use.

**PROFESSIONAL SERVICES** - Service by members of any profession, including accountants, architects, chiropractors, dentists, doctors, engineers, lawyers, optometrists, osteopaths or social workers.

**PROJECT APPROVAL** - The approval of development activities, other than developments undertaken by a State or local government agency, in the Chesapeake Bay Critical Area by the Harford County Department of Planning and Zoning or other approving agency of Harford County. The term includes approval of subdivision plans, plats and site plans; mapping of areas under floating zone or overlay zone provisions; the issuance of variances, special exceptions; and the issuance of other zoning-related approvals. Project approval does not include building permits.

**PROVIDER** - Any person or persons who have primary responsibility for and who receive consideration for the operation of the home.

**PUBLIC EVENT** - A temporary event, conducted by a private or public entity, including carnivals, circus, festivals, craft shows and concerts.

**PUBLIC UTILITY** - A gas and electric company regulated by the Maryland Public Service Commission or a cable television company operating under a franchise granted by the County Council.

**PUBLIC UTILITY FACILITY** - A utility facility owned by a governmental agency or private organization, maintained and operated for benefit of the general public, but excluding highway maintenance facilities, sewage treatment plants, sewage pumping stations and solid waste transfer stations.

**PUBLIC WATER-ORIENTED RECREATION** - Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

**RECHARGE AREA** - An area where water flows into the ground to re-supply a water body or aquifer.

**RECLAMATION** - The reasonable rehabilitation of disturbed land for useful purposes, which provides protection to the natural resources found on or adjacent to the site, including water bodies.

**RECREATIONAL BUFFER** - An area where a path is created for recreational use.

**RECREATIONAL VEHICLE** - A vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven and which is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECYCLING** - The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products.

**RECYCLING CENTER** - A building in which only recyclable material is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**REDEVELOPMENT** - Construction activities in previously developed areas, which include the demolition of existing structures and building new structures or the substantial renovation of existing structures, often changing form and function. Redevelopment may involve existing property owners and businesses or new owners and tenants.

**REFORESTATION** - The creation 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.

RELATIVE - A spouse, father, mother, son, daughter, step-son, step-daughter, brother, sister, grandparent, great-grandparent, grandchild, step-father, step-mother, aunt, uncle, mother-in-law and father-in-law, sister-in-law and brother-in-law, whether natural or adopted.

REPAIR SHOP, AUTOMOTIVE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

REPAIR SHOP, SMALL ENGINE - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing or repair of engines for equipment such as lawnmowers, go-carts, weed trimmers, chainsaws or electric motors is rendered.

RESORT - A facility for 3 or more transients, which provides special recreational amenities or is designed for access to a unique natural amenity for the recreation or relaxation of the users and not primarily oriented to single-night lodging.

RESOURCE CONSERVATION AREAS - Those areas in the Chesapeake Bay Critical Area that are characterized by nature-dominated environments (that is, wetlands, forests and abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities or aquaculture). Such areas shall have at least 1 of the following features:

- A. Density is less than 1 dwelling unit per 5 acres.
- B. Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

RESTAURANT - An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RESTAURANT, TAKE-OUT - An establishment where food and drink are sold in a form ready for consumption, where the consumption is designed to take place outside the confines of the restaurant.

RETAINING WALL - A wall that is constructed to hold a mass of earth in place or prevent erosion of an embankment.

REVITALIZATION - Efforts to improve residential and business areas, which include the physical enhancement of existing streetscapes and structures, marketing or other efforts to fill vacancies and boost business. Revitalization generally focuses on current property owners and businesses.

RIGHT-OF-WAY - A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

ROAD - A right-of-way which has been improved and is intended for motor vehicle traffic and provides the principal means of access to property.

ROAD, ARTERIAL - A road which serves as a major traffic way and is identified in the Transportation Element Plan as an urban or rural principal or minor arterial road.

ROAD, BUSINESS DISTRICT - Usually wider than most County roads and built to support heavy truck traffic that performs the following:

- A. Provides interconnection between highly developed commercial or industrial property to arterial roads.

- B. Provides access to individual properties comprising a commercial complex.
- C. Carries heavy volumes of truck traffic within or adjacent to any land which has been approved for any class of commercial or industrial use.

ROAD, COLLECTOR - A road which serves to carry traffic to or from local streets and connects them to other collector streets or to arterial highways and is identified in the Transportation Element Plan as either an urban collector road or rural major or minor collector road.

ROAD, LOCAL - A road which collects and distributes traffic within subdivisions and provides direct access to individual land uses. "Local road" may include primary and minor residential roads, as well as business/industrial roads as defined by the Harford County Road Code.

ROAD, MINOR RESIDENTIAL - A local road distributing and collecting traffic within residential subdivisions or neighborhoods, and performing the following:

- A. Provides direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to primary residential roads.
- C. Carries little or no through traffic.

ROAD, PARKWAY - A road which acts as a major corridor between several communities and employment centers mostly in the urbanized areas. The appearance of a parkway is intended to be very scenic and environmentally sensitive, with formal landscaping, and it is not intended to provide direct access to individual properties or businesses. A parkway could include pedestrian and bicycle accommodations, an exclusive right-of-way, and skywalk facilities are often provided. A substantial right-of-way is required.

ROAD, PRIMARY RESIDENTIAL - A major local road distributing and collecting traffic within larger residential subdivisions or neighborhoods, and performing the following:

- A. Provides direct access between minor residential roads and collectors and minimal direct driveway access to abutting properties.
- B. Distributes traffic generated within a neighborhood to collector roads.
- C. Carries a limited amount of through traffic.

ROAD, PRIVATE - Any road that has not been accepted by the County or other government entity, and is not owned and/or maintained by the County or other government entity.

ROAD, STUB - Those roads projecting from a development road, to the property line of an adjacent property, typically ending in a T-turnaround.

ROOFLINE - The part of the roof or parapet which covers the major area of the building.

ROUTINE MAINTENANCE, HISTORIC - An undertaking that:

- A. Does not change or alter an exterior feature of a Historic Landmark or a site or structure within a Historic District; and
- B. Will not materially impair the historic, archeological, architectural or cultural significance of a Historic Landmark or a site or structure within a Historic District.



RUBBLE LANDFILL - A sanitary landfill required to be permitted as a rubble landfill under Title 26 of the Code of Maryland regulations.

SANITARY LANDFILL - A sanitary landfill, as defined in Chapter 109 of the Harford County Code, as amended, that is in the County Solid Waste Management Plan. "Sanitary landfill" includes a rubble landfill.

SEEDLING - An unbranched woody plant of less than 24 inches in height and less than ½ inch in diameter at a point 2 inches above the root collar.

SELECTIVE CLEARING - The planned removal of trees, shrubs and plants using specific standards and protection measures under an approved Forest Conservation Plan.

SELECTIVE CUTTING - The removal of single, scattered, mature trees or other trees from forested areas by periodic cutting operations.

SETBACK - Unless otherwise provided, the line which is the required minimum distance from the road right-of-way or any lot line that establishes the area within which principal buildings or structures must be erected or placed.

SHOPPERS' MERCHANDISE - Commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics and reupholstery, floor coverings, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall coverings, party supplies, photographic equipment sales and service, radios, compact discs, digital video discs secondhand merchandise, sporting goods, television and stereo sales and service and toy and game shops. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," "variety stores" and "supermarkets" shall be regulated as "shoppers' merchandise."

SHOPPING CENTER - A concentrated grouping of retail uses or retail and services uses designed, developed and managed as an integral entity, providing common vehicle access and group parking.

SHOPPING CENTER, INTEGRATED COMMUNITY - A shopping center that contains a gross floor area of more than 75,000 square feet.

SIGN - A permanent or temporary device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN, AGRICULTURAL SEASONAL - A sign which advertises, on a seasonal, temporary basis, an agricultural product as defined in this section.

SIGN AREA - The area surfaces, including the outer extremities of all letters, figures, characters and delineations or surface area making contact with the outer extremities of the framework or background of the sign, whichever is greater. The support for the sign background, such as columns, pylons or buildings or part thereof, shall not be included in the "sign area" unless used for advertising purposes.

SIGN, BILLBOARD - Any outdoor advertising sign which promotes or advertises products, services, activities or businesses not related to the site or building or use on which it is located and is not a tenant identification sign.

SIGN, CANOPY - A wall sign that is affixed or displayed on a canopy.

**SIGN, DIRECTIONAL** - Any sign on a site for the purpose of directing traffic to another use, service or area.

**SIGN, DIRECTORY** - Informational sign utilized to identify name, address and occupants of a building or nonresidential development.

**SIGN, ELECTRONIC MESSAGE Board** - A sign with a fixed or changing display, or message composed of a series of lights that may be changed through electronic means.

**SIGN, FACE OR SURFACE** - The surface of a sign upon, against or through which a message is displayed or illustrated.

**SIGN, FREESTANDING** - A sign supported by uprights or braces placed upon the ground and not attached to any building.

**SIGN, IDENTIFICATION** - Any sign identifying or advertising a business, person, activity, product or service located on the premises where the sign is located.

**SIGN, ILLUMINATED** - Any sign which has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign.

**SIGN, MARQUEE** - A wall sign that is affixed or displayed on a marquee.

**SIGN, PROJECT DEVELOPMENT** - A temporary sign erected on the premises on which a development project is taking place, during the period of such construction, indicating the type of development, space and/or price of units and contact information.

**SIGN, PROJECTING** - Any sign which is attached to a building and extends beyond the line of said building or beyond the surface of that portion of the building to which it is attached.

**SIGN, ROOF** - Any sign erected, constructed and maintained upon or over the roof of any building with the principal support on the roof structure.

**SIGN, TEMPORARY** - Temporary signs include any portable sign or any other sign, banner, pennant, valance or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

**SIGN, TENANT IDENTIFICATION** - A sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.

**SIGN, VARIABLE MESSAGE Board** - A sign with a display, that changes by electronic or mechanical means, other than electronic message Boards.

**SIGN, WALL** - All flat signs which are attached to the exterior of the building or other structure.

**SIGNIFICANT/SPECIAL NATURAL FEATURES** - Sensitive environmental areas to be left undisturbed, including water bodies, tidal and nontidal wetlands, forested areas to be retained and plant or wildlife habitat identified as of State or County importance.

**SIGNIFICANTLY ERODING AREAS** - Those shoreline areas eroding 2 feet or more per year.

**SITE** - Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in 1 ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

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- (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.
- 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:

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- (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 C1 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.

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- (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.



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## ARTICLE VII. District Regulations.

[The Permitted Use Charts have been amended by Bill 09-31 as amended; Bill 11-06; Bill 12-14; Bill 12-48 as amended; Bill 13-4 as amended; Bill 15-36 as amended; Bill 15-39 as amended; Bill 17-02; Bill 17-04; Bill 17-18 as amended; Bill 19-15 as amended; Bill 19-16 as amended; and Bill 19-29 as amended]

### § 267-49. General Provisions.

- A. The principal uses permitted in each district are set forth in the Permitted Use Charts and §267-50 (Principal Permitted Uses by District). Uses permitted by right, temporary uses, special developments or special exceptions are set forth in each of the zoning districts. The minimum design standards and specific regulations for each district are set forth in §267-51 (Requirements for Specific Districts) and in Tables 53-1 through 61-1. Any use not listed is prohibited, unless the Director of Planning determines that it falls within the same class as a listed use as set forth in §267-52 (Materially Similar Uses).
- B. Uses permitted by right, temporary uses, special developments or special exceptions shall be subject, in addition to zoning district regulations, to all other provisions of this Chapter.

### § 267-50. Principal Permitted Uses by District.

The Permitted Use Charts specify the principal permitted uses in each district. Only those uses with a letter designation are permitted, subject to other requirements of this Part 1. Uses designated as "P" are permitted uses. Uses designated as "SD" are permitted pursuant to the special development regulations in Article VIII of this Part 1. Uses designated as "SE" are special exception uses subject to approval of the Board pursuant to §267-9 (Board of Appeals). Uses designated as "T" are permitted pursuant to §267-28 (Temporary Uses). A blank cell indicates that the use is not permitted.

### § 267-51. Requirements for Specific Districts.

This Article sets forth the requirements for specific districts and includes the minimum lot area, area per dwelling or family unit, parcel area, lot width, yards, setbacks and maximum building height allowed for uses permitted for each district. Uses permitted under the Special Development Regulations shall also comply with the requirements contained in Article VIII.

### § 267-52. Materially Similar Uses.

Uses not listed as a permitted use, temporary use, special development or special exception are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed as a permitted use, temporary use, special development or special exception, the Director of Planning shall determine whether a materially similar use exists in this Chapter. Should the Director of Planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Director of Planning shall issue a zoning certificate pursuant to §267-8 (Zoning Certificates). Should the Director of Planning determine that a materially similar use does not exist, then the proposed use shall be deemed prohibited in the district.

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USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
<b>RESIDENTIAL: Planned Residential Development</b>																
Carriage court units					SD	SD										
Cluster townhouse dwellings					SD	SD										
Continuing Care Retirement Community			SD	SD	SD	SD							SD			
Duplex dwellings					SD	SD										
Garden apartment dwellings					SD	SD										
High-rise apartment dwellings						SE										
Housing for the elderly				SD	SD	SD					SD	SD	SD			
Lot-line dwellings					SD	SD										
Mid-rise apartment dwellings					SD	SD										
Mobile home subdivisions					SD	SD										
Mobile home parks					SD	SD										
Mobile homes					SE	SE										
Multiplex dwellings					SD	SD										
Patio/court/atrium dwellings					SD	SD										
Row duplex dwellings					SD	SD										
Semi-detached dwellings					SD	SD										
Single Family detached dwellings					SD	SD										
Townhouse dwellings					SD	SD										

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.  
 (2) RO - maximum of 4 units.  
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.  
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
"P"	indicates permitted subject to applicable code requirements
"SD"	indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
"SE*"	indicates permitted subject to special-exception regulations, pursuant to Article XI.

USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
<b>RESIDENTIAL: Transient Housing</b>																
Boarding home for sheltered care												P	P		P	
Camps, retreats, recreation vehicle parks	SE											P				
Accessory dwelling units (ADU)	T	T	T	T	T	T	T	T								
Country inns, tourist homes and resorts	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P			P
Group home for sheltered care	SE	SE	SE	SE	SE	SE	SE	SE	SE				P	P		P
Hotels and motels												P	P	P	P	P
Lodging houses, or Lodging houses with Conference centers										P		P	P	P	P	P
Nursing homes and Assisted living facilities	SE	SE	SE	SE SD(3)	P	P	P	SE	SE	SE	P	P	SD(3)			P
Personal-care boarding homes	SE	SE	SE	SE	SE	SE	SE	SE	SE			P				
Mixed Use Center							SD				SD	SD	SD	SD	SD	SD
Traditional Neighborhood Development			SD(1)	SD(1)	SD(1)	SD(1)										

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.  
 (2) RO - maximum of 4 units.  
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.  
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

<b>KEY:</b>	
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