

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru January 13, 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	19-28	1/13/20

§ 267-53. AG Agricultural District. [Amended by Bill 11-04, as amended and Bill 19-28]

- A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain, and promote, the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses.
- B. Agricultural use. An agricultural operation, facility or any of its appurtenances receiving an agricultural use assessment, pursuant to Maryland Code, Tax - Property § 8-209, shall not be considered a public or private nuisance as a result of changed land uses in or around the locality of the agricultural operation or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aquacultural and other agricultural standards does not constitute a nuisance.
- C. General regulations.
 - (1) Minimum lot area, maximum lot area, maximum average lot area per dwelling unit or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building stories, as displayed in Table 53-1, shall apply, subject to other requirements of this Part 1.
 - (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).
 - (3) Buffer yards shall comply with requirements set forth in §267-30 (Buffer Yards).
 - (4) Signage shall comply with requirements set forth in §267-33 (Signs).
- D. Specific regulations. Except as restricted by the conservation development standards in §267-72 (Conservation Development Standards), the following uses are permitted, subject to the additional requirements below:
 - (1) Agriculture. The operation of machinery, when used for agricultural activities, shall be permitted at any time.
 - (2) Agricultural retail sales of an agricultural product or agricultural processed product, provided that the subject property receives an agricultural assessment, the subject property is owned or leased by the agricultural producer, a minimum of 50% of the agricultural product was grown or raised on the premises or other property in Harford County owned or leased by the producer, no more than 30% of the agricultural products can be agricultural products grown or produced on another Harford County farm not owned or leased by the producer, and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products or products grown or produced outside of Harford County.
 - (3) Residential development, on parcels as described in the Land Records as of February 8, 1977, as provided below:

- (a) Residential development rights shall be calculated pursuant to the following guidelines:
 - [1] One lot shall be permitted on any parcel of land that is more than 20,000 square feet and less than 11 acres.
 - [2] Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.
 - [3] An additional lot shall be permitted for each additional 10 acres in excess of 20.
 - [4] An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.
- (b) Any new lot created pursuant to Subsection D(3)(a)[1-4] shall be a minimum of 2 acres unless the lot is located in an agriculture preservation district established pursuant to §2-501 *et seq.* of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state.
- (c) Except for residential lots located on the property on which the agricultural operation occurs, private wells on residential lots shall be set back a minimum of 100 feet from any agricultural operation, facility or any of its appurtenances that has received an agricultural use assessment.

(4) Development rights established in §267-53 (AG Agricultural District) may be transferred from any parcel with an AG zoning located in the agriculture designation on the most recently adopted Land Use Map as provided below:

- (a) All development rights, including family conveyances, are transferable, except 1 right for each existing dwelling unit. In no event shall less than 1 right be retained with the parcel.
- (b) Adjacent parcels under common ownership shall be considered 1 parcel.
- (c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.
- (d) The document transferring the development rights, as required under Subsection (4)(c) above, shall limit future development of, or transfer of, additional development rights where transferred. The document shall also identify, by metes and bounds, illustrated by map, the exact area from which the development rights are being transferred.

- (e) The parcel receiving the development rights, to achieve the density, in conformance with §267-13H (Comprehensive Zoning Review), must be located in a rural residential or rural village designation as defined in the most recently adopted Land Use Element Plan. The number of development rights that may be transferred to the receiving property/parcel may be equal to the permitted density of rural residential (RR) or village residential (VR) zoning densities at a 1:2 ratio.
- (f) Development rights transferred under this Subsection may only be transferred once.
- (g) The Department of Planning and Zoning shall maintain a database of all documents transferring development rights pursuant to Subsection (4)(d) above.
- (h) The Director of Planning shall submit to the County Council, on an annual basis, a report detailing the number of development rights transferred, the parcels from which the rights were transferred, the parcels receiving the development rights and the total acreage of agricultural land preserved under the program.

(5) Notwithstanding the provisions contained in §267-53D(4), development rights may be transferred from any parcel with an AG zoning to any other parcel with an AG zoning which is located within one-half mile of the parcel from which the development rights are being transferred, as provided below:

- (a) Up to 20% of the development rights available based on the total number of development rights as were permitted on the parcel as of February 8, 1977, shall be transferable except 1 right for each existing dwelling unit, provided that in no event shall less than 1 right be retained with the parcel. The right to a family conveyance shall not be transferable.
- (b) Contiguous parcels under common ownership may be considered one parcel.
- (c) Development rights shall be transferred only by agreement, deed, easement or other written document that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning.
- (d) The document transferring the development rights which is recorded in the Land Records of Harford County as required under Subsection (5)(c) above, shall limit future development on the parcel from which the development rights were transferred in accordance with the number of rights transferred.
- (e) The parcel receiving the development rights shall only be permitted to increase in development rights by up to 50% of the development rights as were permitted on the parcel as of February 8, 1977, excluding family conveyances.

- (f) Development rights transferred under this Subsection shall only be permitted to be transferred once.
- (g) A parcel from which development rights have been transferred pursuant to this Subsection, shall not be permitted to receive development rights pursuant to this Subsection.

(6) Rubble landfills are permitted pursuant to §267-90 (Rubble Landfills).

(7) Fire stations with fire station assembly halls shall be permitted in accordance with the following:

- (a) Access to the fire station and the fire station assembly hall shall be from a collector or higher functional classification road as designated in the most recent version of the Transportation Element Plan; and
- (b) Only 1 fire station with a fire station assembly hall is permitted in the AG district for each fire company.

(8) Agricultural public events. These activities are permitted, provided the following criteria are met:

- (a) Minimum parcel area of 10 acres with an agricultural assessment.
- (b) The following setbacks shall apply unless otherwise specified:
 - [1] Minimum of 100 feet from all property lines, except road frontage and 200 feet from any off-site residence. A type "E" buffer, pursuant to §267-30 (Buffer Yards), shall be provided between the use and any public road, and any off-site residence.
 - [2] Corn maze. Minimum of 25 feet from property lines and 200 feet from any off-site residence.
 - [3] Farm tours. No setback for the use. The parking area shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence. This area shall be landscaped and buffered pursuant to §267-29 (Landscaping) and §267-30 (Buffer Yards).
- (c) Must be owner or tenant operated.
- (d) No operation between the hours of 10:00 p.m. and 7:00 a.m.
- (e) Any lighting shall be shielded and directed away from any off-site residence and may be used only during the permitted hours of operation.
- (f) Safe and adequate access shall be provided for vehicular traffic. Such access shall be determined by the State Highway Administration or Harford County.
- (g) Adequate arrangements for temporary sanitary facilities must be in accordance with Health Department regulations.