

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru May 17, 2016

DEPARTMENT OF PLANNING AND ZONING

Harford County, Maryland

FLOODPLAIN MANAGEMENT PROGRAM, Chapter 131

and

SUBDIVISION REGULATIONS, Chapter 268

of the Harford County Code, As Amended

are included at the end of

The Development Regulations.

**ZONING CODE
AMENDMENT INFORMATION:**

<u>Bill Number</u>	<u>effective date</u>	<u>Bill Number</u>	<u>effective date</u>
09-01	4/6/09	13-51	3/18/14
09-11	6/15/09	13-52	3/18/14
09-19AA	8/17/09	14-1	4/22/14
09-31AA	1/22/10	14-9	7/11/14
09-33AA	1/22/10	14-26AA	8/25/14
10-03	4/20/10	15-17	12/7/15
10-30	12/13/10	15-23AA	1/4/16
10-32AA	12/27/10	15-35AA	2/8/16
11-04AA	5/23/11	15-36AA	2/16/16
11-05AA	5/23/11	15-39AA	2/16/16
11-03	5/31/11	16-02AA	5/17/16
11-32	12/12/11		
11-44	12/19/11		
11-62AA	1/13/12		
12-07AA	5/14/12		
12-14	5/21/12		
12-44	1/26/13		
12-48AA	2/11/13		
13-4AA	5/6/13		
13-17	7/22/13		
13-35	1/21/14		
13-36	1/21/14		
13-50	2/18/14		

§ 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; and Bill 16-02 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 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.

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.

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

INGRESS - An entry.

INTENSELY DEVELOPED AREAS - Those areas within the Chesapeake Bay Critical Area (CBCA) where residential, commercial, institutional and/or industrial developed land uses predominate and where relatively little natural habitat occurs. Such areas are to be at least 20 acres in size and have at least 1 of the following features:

- A. Housing density is equal to or greater than 4 dwelling units per acre.
- B. Industrial, institutional or commercial uses are concentrated in the area.
- C. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than 3 dwelling units per acre.

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

INTERMITTENT STREAM - Surface waters, contained within a defined channel or bed that flow at least once per year. A stream that has been confirmed to be an intermittent stream through field verification, for purposes of these guidelines, includes 2 or more of the following characteristics:

- A. Defined or distinct channel;
- B. Hydric soils or wetlands within or adjacent to channel;
- C. Hydraulically sorted sediments;
- D. Removal of vegetative litter; or
- E. Loosely rooted vegetation by the action of moving water.

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

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

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

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

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

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

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

LIMITED DEVELOPMENT AREAS - Those areas within the Chesapeake Bay Critical Area that are currently developed in low- or moderate-intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least 1 of the following features:

- A. Housing density ranging from 1 dwelling unit per 5 acres up to 4 dwelling units per acre.
- B. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space.
- C. Areas having public sewer or public water, or both.
- D. Areas meeting the definition of intensely developed areas except for being less than 20 acres in size.

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

LIVESTOCK - Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other domestic animals.

LODGING HOUSE - A building offering transient dwelling accommodations where the facilities are multifaceted with a distinguished style, including marked upgrades in the quality of physical attributes, amenities and Level of Service and comfort provided. At a minimum, the lodging house shall include a lobby, a concierge, personal services, business center, pool and wireless internet in the common areas. Wireless internet shall be offered to each unit in the lodging house.

LOFT - An intermediate level located between the floor and ceiling of a story, open on at least 1 side to the room in which it is located.

LOT - A designated area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT, ADJACENT RESIDENTIAL - A lot that abuts another lot or parcel of land and is either within a residential district or is a lot of 2 acres or less intended for residential use.

LOT, AGRICULTURAL - A lot that is zoned agricultural and is 2 acres or more.

LOT AREA - The total area within the lot lines of a lot, excluding any road right-of-way or reservation.

LOT, CORNER - A lot abutting upon 2 or more roads at their intersection or upon 2 parts of the same road forming an interior angle of less than 135°.

LOT COVERAGE - The percent of a total lot or parcel that is:

- A. Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway;
- B. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement or any manmade material; or
- C. Covered or occupied by a stairway or impermeable deck.

Lot coverage does not include:

- A. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

§ 267-62. NRD Natural Resource District. [Amended by Bill 09-31, as amended; Bill 11-04, as amended; Bill 13-36 and Bill 16-02 as amended]

- A. Purpose. The intent of this district is to preserve significant/special environmental features identified herein and to:
- (1) Provide uniform guidelines for use of land within the Natural Resource District to protect the ecology of the area.
 - (2) Protect steep terrain.
 - (3) Protect water quality and quantity in streams, rivers and water courses.
 - (4) Minimize erosion/siltation and protect native/noninvasive vegetation.
 - (5) Protect nontidal wetlands.
 - (6) Protect persons and property from environmental hazards such as erosion, siltation and floodwaters.
- B. Application. The Natural Resource District shall apply to the following environmental features:
- (1) Steep slopes: any land area exceeding 40,000 square feet with a slope in excess of 25%.
 - (2) Nontidal wetlands: Nontidal wetlands shall not be disturbed by development. A buffer of at least 75 feet shall be maintained in areas adjacent to nontidal wetlands except isolated nontidal wetlands that are less than 10,000 square feet, which shall be subject to the 25 foot buffer requirement set forth in the Code of Maryland Regulations.
 - (3) Streams: the Natural Resource District for all perennial and intermittent streams shall be a minimum of 75 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. For all streams that have a drainage area of more than 400 acres, as depicted on the Harford County Hydrology/Drainage Area Map, which is incorporated herein by reference, the Natural Resource District shall be expanded to a minimum distance of 150 feet on both sides, measured from the top of the streambank or 50 feet beyond the 100 year floodplain, whichever is greater. The Natural Resource District boundaries under this provision shall include the buffer requirements of Subsection B(2).
- C. Permitted uses. The following land uses shall be permitted, provided that the conditions described herein are met:
- (1) Agriculture. Agriculture shall be permitted, provided that accepted soil conservation practices of the soil conservation district are approved and implemented along watercourses or a forested buffer or 25 foot-wide grass filter strip, along the edge of cropland bordering streams, is provided to reduce surface runoff and associated pollutants from entering waterways.

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- (2) Forestry. Commercial timber operations shall be permitted, provided that a site-specific Buffer Management Plan is prepared and approved. The Buffer Management Plan shall address potential water quality impacts and shall include a minimum undisturbed buffer designed according to site characteristics. Trees within the buffer may also be harvested to remove diseased, insect-damaged or fire-damaged trees in order to salvage the same or reduce potential stream blockage due to fallen timber. Landowners are exempted from the Buffer Management Plan requirement when timber is harvested for personal use only. Forestry operations within the urban residential districts (R1, R2, R3 or R4) shall be required to meet the conservation requirements.
- (3) The NRD shall not be disturbed, with the following exceptions:
- (a) Basic maintenance, including native plantings and invasive species removal.
 - (b) Passive recreation and foot and walking trails. Alteration of the natural environment and removal of surface vegetation in these areas shall be prohibited with the exception of selective clearing to accommodate passive recreation and foot and walking trails which are constructed with environmentally friendly materials.
 - (c) Utility transmission facility.
 - (d) Road and driveway crossings. The number of road and driveway crossings shall be minimized. If a road or driveway crossing is necessary, it shall cross the stream at a 90-degree angle whenever possible. The best possible methods shall be used to reduce stormwater drainage into the stream and to remove sediment from unavoidable drainage into the stream.
 - (e) Stormwater management facilities.
- D. Conservation requirements. The following conservation measures are required within this district:
- (1) All permitted uses shall minimize soil disturbance during development and shall reduce soil erosion and sedimentation. When developing Site Plans, consideration shall be given to maintaining the existing drainageways within the Natural Resource District.
 - (2) Clearing or removal of natural ground cover and vegetation in preparation for development of permitted uses shall be minimized. Site development shall be clustered or designed in such a manner to preserve large contiguous tracts of woodland. Clearing of woodlands shall not reduce the area coverage of trees below 70%. Trees within the buffer may be harvested to remove diseased, insect-damaged or fire-damaged trees to salvage the same or reduce potential stream blockage due to fallen timber.
 - (3) Sensitive environmental areas, including significant/special natural features, and significant wildlife habitats shall not be disturbed during any development.