

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru August 22, 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	16-20	8/22/16
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; Bill 16-02 as amended; and Bill 16-20]

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.

NEIGHBORHOOD MARKET - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption such as prepackaged food and beverages and limited household supplies and hardware. Typical uses include country stores and shall not include fuel pumps or selling of fuel for motor vehicles.

NET TRACT AREA -

- A. In the AG zoning district, the portion of the parcel for which land use will be changed or that will no longer be used primarily for agriculture, and in all other zoning districts, the total area of the parcel, to the nearest 1/10 acre.
- B. "Net tract area" does not include the following areas:
- (1) Any unforested area within the floodplain district established under Chapter 131 of the Harford County Code, as amended;
 - (2) Any right-of-way for:
 - (a) An overhead transmission line of a public utility if the line is designed to carry a voltage in excess of 69,000 volts; or
 - (b) An underground pipeline used to transport natural gas or petroleum products, if the right-of-way averages at least 50 feet in width; or
 - (3) Any area within the Chesapeake Bay Critical Area Overlay District established pursuant to §267-63 (Chesapeake Bay Critical Area Overlay District).

NONCOMPETITIVE RECREATIONAL AMUSEMENT CAR - A miniature amusement car that is electronically controlled from a central location and is designed and used to carry 1 or 2 persons on a track at a recreational amusement facility and is not designed for use on a road.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure the size, dimension or location of which was lawful prior to the adoption or amendment of this Part 1, but which fails, by reason of adoption or amendment of this Part 1, to conform to the present requirements of the district.

NONCONFORMING LOT - A lot which was legally subdivided and recorded among the County Land Records prior to adoption or amendment of this Part 1 and which, after adoption or amendment of this Part 1, fails to comply with the dimensional requirements of this Part 1.

NONCONFORMING USE - A use which was lawful prior to adoption or amendment of this Part 1, but which fails, by reason of such adoption or amendment, to conform to the present requirements of the district in which it is located.

NONTIDAL WETLANDS - All palustrine aquatic bed, palustrine emergent, palustrine forested and palustrine scrub-shrub wetlands as defined by the United States Fish and Wildlife Service, except tidal wetlands regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland. These nontidal wetlands are lands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The technical guidelines for determining the 3 parameters of nontidal wetlands (vegetation, soils and hydrology) shall be followed in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual.

NONTRANSIENT NONCOMMUNITY WATER SYSTEM - A public water system that uses an average of 10,000 gallons per day and regularly serves at least 25 of the same individuals over 6 months per year.

NURSING HOME OR SKILLED CARE FACILITY - A facility devoted primarily to the long-term treatment and care of the aged or elderly or persons suffering from illnesses, diseases, deformities or injuries which do not require extensive or intensive care such as normally provided in a general or other specialized hospital.

ONE PERCENT ANNUAL FLOOD - A flood that has a 1% chance of being equaled or exceeded in any given year. This is also referred to as the 100 year flood or the base flood.

OPEN SPACE - Any area of land or water set aside, dedicated, designed or reserved for:

- A. Public or private use or enjoyment; or
- B. The use and enjoyment of owners and occupants of land adjoining or neighboring such open space; or
- C. The preservation of significant/special natural features.

OUTDOOR DINING AREA - An accessory outdoor dining area of an existing restaurant. Outdoor seating is limited to 30% of the overall indoor seating or 12 seats, whichever is greater. The tables and chairs must be removable and the area must be unenclosed.

OVERBURDEN STORAGE OR DISPOSAL - Any residual soil, rock, mineral, scrap or other material displaced by the extraction use.

OVERLAY DISTRICT OR OVERLAY ZONE - Any specially mapped district that is subject to supplementary regulations or requirements.

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 containing water throughout a year of average rainfall that has been confirmed to be a perennial stream through field verification.

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 grandparent, grandchild, parent, child, brother, sister, aunt or uncle.

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.

ARTICLE V. Supplementary Regulations

§ 267-22. Lots. [Amended by Bill 09-31, as amended, Bill 13-50; and Bill 14-1]

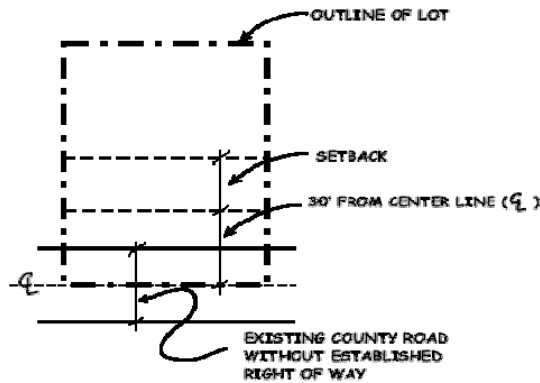
- A. Separate lot requirements. Except as otherwise permitted by this Part 1, not more than 1 principal dwelling unit shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as Continuing Care Retirement Community on a single lot shall not violate this requirement.
- B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots that do not comply with the requirements of this Part 1.
- C. Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this Part 1. In attached dwelling projects, provided that all buildings are so located to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard.
- D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the handle of a panhandle lot shall not be considered part of the required minimum area.
- E. Minimum residential lot area with septic systems. The minimum residential lot areas provided in this Part 1 shall not reduce any other prescribed lot size or lot width if a more-restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or County law or regulation.
 - (1) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system outside the 10-year sewer service area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 40,000 square feet and a minimum lot width at the building line of 100 feet.
 - (2) Any residential lot created after September 1, 1982, to be served by an individual sewage disposal system within the 10-year sewer area, as shown on the County Master Water and Sewer Plan, shall have a minimum lot area of 20,000 square feet and a minimum lot width at the building line of 100 feet.
- F. Panhandle-lot requirements. Panhandle lots shall be permitted for agricultural and residential uses, to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following requirements:
 - (1) Except in agricultural and rural residential districts, with regard to any parcel, as it existed on September 1, 1982, not more than 1 lot or 10% of the lots intended for detached dwellings may be panhandle lots.

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- (2) The Director of Planning may grant a waiver to allow 20% of lots intended for detached dwellings to be panhandle lots where the topography, natural features, or geometry of the parcel make a greater percentage of panhandle lots necessary, subject to approval from the Director of Public Works that adequate water and sewer may be provided on the lots.
 - (3) A common drive shall be constructed to serve any group of 4 or less panhandle lots. Driveways for all panhandle lots shall access from the common drive. Frontage lots may be required to share in the common drive.
 - (4) The minimum width of a panhandle lot shall meet the following criteria:
 - (a) Single panhandles: 25 feet.
 - (b) Multiple panhandles: 12½ feet each.
 - (5) Where a common drive is required, the following shall apply:
 - (a) Prior to, or at the time of, recordation of a panhandle subdivision, the owner shall also record subdivision restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive, which shall be applicable to all lots subject to the common-drive plan. The subdivision restrictions shall be reviewed and approved by the Department of Law prior to recordation to ensure that all lots subject to the common-drive plan will be subject to the restrictions upon recordation thereof for inclusion in the deeds of conveyance.
 - (b) The Department of Planning and Zoning, with the advice of the Law Department, shall establish rules and regulations for the drafting of common-drive agreements.
 - (c) The County shall bear no responsibility for the installation or maintenance of the common drive.
 - (d) In all cases public water service shall end at the edge of public right-of-way. Public sewer service shall also end at the edge of public right-of-way, except in those cases where the panhandle lots must be served by a public main as determined by the Division of Water & Sewer.
- G. Sanitary facilities shall comply with all State and County regulations for development on septic systems.

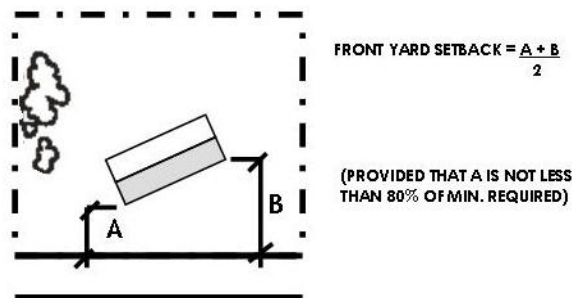
§ 267-23. Yards. [Amended by Bill 09-31, as amended and Bill 16-20]

- A. Front yard depth.
- (1) The minimum front yard depth, as specified in this Part 1, shall be measured in the following manner:

- (a) From the proposed or established public road right-of-way line;
 - (b) From any other right-of-way on a line 10 feet from and parallel to the edge of the hard-surfaced area or a line established as a private road right-of-way, whichever is greater; or
 - (c) In the case of a panhandle lot, from the end of the handle which is the greatest distance from the road right-of-way.
- (2) For the purpose of establishing a setback line on existing County roads without established right-of-way lines, the setback shall be measured 30 feet from the



- (3) Average front yard. Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than 80% of the minimum yard required by this Part 1, not including the reductions permitted by this section.

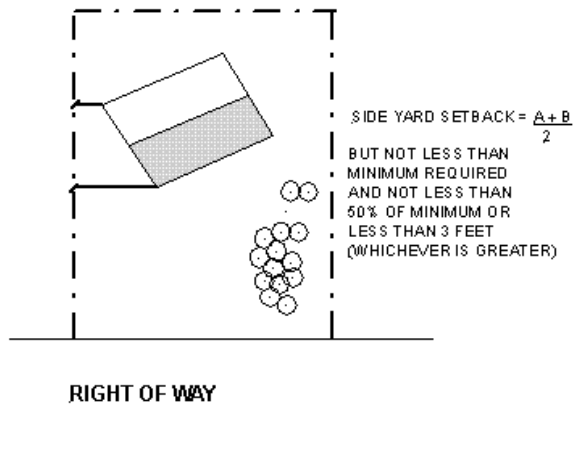


- (4) Corner and through lots.
- (a) In the case of corner lots, a full front yard of the required depth will be provided off both front lines, except as otherwise permitted by this Part 1.
 - (b) In the case of through lots, front yards will be provided off all front lot lines, except as otherwise permitted in this Part 1.

- (5) Yards along collector and arterial roads. In the event that residential lots abut 1 or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be 40 feet from a collector road and 60 feet from an arterial road.

B. Side and rear yard depth.

- (1) The minimum side and rear yard depths, as specified in this Part 1, shall be measured in the following manner:
 - (a) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
 - (b) When measured from an alley, 1/2 of the alley width may be included as a portion of the rear or side yard.
 - (c) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.
- (2) Average side yard. The side yard width may be varied where the sidewall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise-required minimum width; provided, however, that such side yard shall not be narrower at any point than 1/2 the otherwise-required minimum width or narrower than 3 feet in all cases, except lot-line dwellings. Any minor offset, broken or irregular part of a structure which is not in the same vertical plane as the portion of the sidewall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

- (1) Encroachment.
 - (a) The following structures may encroach into the minimum yard requirements, not to exceed the following dimensions:

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- [1] Awnings, canopies, cornices, eaves or other architectural features: 3 feet.
 - [2] Bay windows, balconies, chimneys or porches: 3 feet.
 - [3] Open fire escapes: 5 feet.
 - [4] Uncovered stairs or necessary landings: 6 feet.
 - [5] Fences and walls: in accordance with §267-23 (Yards).
 - [6] Unenclosed patios, sunrooms and decks: up to, but not to exceed, 35% of the side or rear yard requirement for the district.
 - [7] Attached storage sheds may encroach 10 feet into the rear yard only. Such storage sheds shall not have internal access to the dwelling unit.
 - [8] Outdoor dining areas shall be permitted to encroach up to, but not to exceed, 50% of the side, rear or front yard setback requirement for the district.
- (2) Reduced front yards. The minimum front yard requirements of this Part 1 may be reduced in accordance with the following:
- (a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback, which is like a side yard, may be reduced up to 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.
 - (b) Group parking. When off-street group parking is provided for 3 or more dwelling units, and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced up to 15 feet for single-family detached and up to 10 feet for all other dwelling units.
 - (c) Side garage or rear garage. When dwelling units are designed with a garage that completely faces the side or rear lot line, the front yard setback may be reduced up to 10 feet.
- (3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this Part 1 may be reduced not more than 30% when sidewalls of adjoining single-family attached or semidetached dwellings are offset by 50% or more.
- (4) Utility distribution lines and facilities.
- (a) The minimum yard and area requirements shall not apply to construction, reconstruction, conversion, erection, alteration, relocation, enlargement

or installation of poles, wires, cables, conduits, transformers, Controlled Environmental Vaults (CEV) and similar equipment by a:

- [1] Gas and/or electric company regulated by the Maryland Public Service Commission; or
- [2] Cable television company operating under a franchise granted by the County Council; or
- [3] Water or sewer utility provider.

(b) A zoning certificate is not required for these uses.

§ 267-24. Exceptions and Modifications to Height Requirements.

A. General exceptions. The building height limitations of this Part 1 shall not apply to the following:

- (1) County buildings and structures, schools, houses of worship, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than 1 foot for each 2 feet, by which said structure exceeds the height limitation established for the district, in which said structure is located.
- (2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas, public utility structures and silos.
- (3) Bulkheads, fireplace chimneys, roof structures, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any structure exceeds 50% of the corresponding road lot line frontage, or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be set back at least 50 feet from every lot line which is not a road right-of-way line.

B. Fences and walls. A zoning certificate is required for all fences and walls. Fences and walls may be located in required yards in accordance with the following:

- (1) Front yards. For all residential units, walls and fences shall not exceed 4 feet in height above ground elevation. Where fences and walls are an integral part of the unit design or are applied in a consistent manner throughout the project, fences and walls may be constructed to a maximum of 6 feet above ground elevation. For Continuing Care Retirement Communities, consistent and coordinated fencing or walls may be constructed to a maximum of 8 feet above ground elevation provided strategically located gates are provided for emergency access.
- (2) Rear and side yards. Except as otherwise provided in this Part 1, walls and fences shall not exceed 8 feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.

- (3) Security fences. Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with buffer yard requirements.

§ 267-25. Requirements for Deck Accesses.

No residential unit shall be originally constructed with an aboveground level door that provides access to a rear yard deck or porch unless:

- A. A deck or porch is constructed at the time the dwelling is constructed; or
- B. The builder signs and submits, with the building permit application, a statement that the lot on which the dwelling is located has sufficient footage to permit, without the granting of a variance, construction of a deck or porch that has a minimum depth into the rear yard of 14 feet.

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