

Harford County, Maryland

ZONING CODE



Chapter 267 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru August 14, 2017

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	16-07	7/5/16
11-44	12/19/11	16-20	8/22/16
11-62AA	1/13/12	16-28	2/13/17
12-07AA	5/14/12	16-29AA	2/13/17
12-14	5/21/12	17-02	4/24/17
12-44	1/26/13	17-04	6/5/17
12-48AA	2/11/13	17-08AA	8/14/17
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		

- (d) The names and addresses of all persons, organizations, corporations or groups owning land, any part of which lies within 500 feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
- (e) A statement of the grounds for the application, including:
 - [1] A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation.
 - [2] A statement as to whether there is an allegation of substantial change in the character of the neighborhood and, if so, a precise description of such alleged substantial change.
- (f) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(2) Concept Plan. A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the proposed general nature and distribution of land uses but need not include engineered drawings.

§ 267-13. Comprehensive Zoning Review. [Amended by Bill 14-26 as amended and Bill 17-08 as amended]

A. Periodic review required.

- (1) Commencing with the first legislative session in September 1987 and every 8 years thereafter, the Director of Planning shall submit to the County Council a written report and recommendations to initiate a comprehensive zoning review for all or part of the County.
- (2) A comprehensive zoning review may be initiated at any other time by order of the County Executive or by legislative act of the County Council.

B. Preparation.

- (1) At least 21 calendar days prior to beginning a comprehensive zoning review under this section, the Director of Planning shall give public notice that the Department is initiating a comprehensive zoning review of all property within the County. The notice shall be published once a week for 2 consecutive weeks in at least 2 newspapers of general circulation in the County.
- (2) The Director of Planning shall prepare revisions to the zoning maps and regulations in a comprehensive manner for consideration and adoption by the Council. The proposed revisions shall be compatible with all Elements of the Master Plan as adopted by the Council.

(3) After preparing the revisions, the Director of Planning shall submit them to the Planning Advisory Board for review and comment prior to submission to the County Council.

C. Application. An owner of property may request a zoning change for the property during comprehensive zoning review by applying to the Department of Planning and Zoning at a time and in a form to be designated by the Director of Planning. The Department shall assess the applicant a comprehensive rezoning review fee as designated in §157-25 (Zoning Fees) of the Harford County Code, as amended, and a posting fee of \$100 to be paid at time of application. The Department shall not accept any additional requests after the deadline established by the Director of Planning. Each application shall be considered by the Director of Planning in the comprehensive zoning review process. If the Department recommends a change in the zoning for a property when the property owner has not requested a change, the Department shall give written notice of the recommendation to the owner and to each owner of property that abuts the property for which the change has been requested. The notice shall be mailed at least 30 calendar days before the public hearing conducted on the Planning Director's final report by the Council.

D. Council action.

(1) Within 365 calendar days of the date the Department began accepting applications, the County Executive shall submit to the Council the comprehensive revisions and amendments to the zoning maps and regulations contained in the final report of the Director of Planning. The Council shall conduct a public hearing, giving public notice, which shall be published once a week for 2 consecutive weeks in at least one newspaper of general circulation in the County. Public notice shall also include posting on an official site that is accessible to the public. During the period of Council review, the final report of the Director of Planning, containing the provisions and amendments to the zoning maps and regulations, together with the comments of the Planning Advisory Board, shall be on public display in the Department of Planning and Zoning and in a public facility located in each Council district, and posted on the County's official website.

(2) At least 21 calendar days before the public hearing conducted by the Council, the Director of Planning shall ensure that each property for which the property owner has requested a zoning change is posted with a notice stating the date, time and location of the hearing and the telephone number of the Department. The notice shall be on a sign measuring at least 2 feet by 3 feet, and shall be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The Department of Planning and Zoning may assess a fee, not to exceed the cost of materials and labor for printing and posting, to the applicant. Following the posting, the property owner shall use reasonable efforts to maintain the notice in a condition visible to the public until the hearing date.

(3) Any changes to the report of the Director of Planning shall be voted upon by the Council as individual issues. A property owner shall submit justification for any request made to the Council for a change in zoning for a property that has not been submitted to the Department on or before the deadline established under Subsection C of this section.

E. Suspension of zoning reclassification.

- (1) Notwithstanding any provisions of this Code, during the period of preparation and review of proposed comprehensive revisions or amendments to the zoning maps, no applications for zoning reclassification shall be accepted by the County, except as provided in Subsection C of this section, and such a request shall be considered in the preparation or modification of the proposed comprehensive revisions or amendments to the zoning maps.
- (2) The Hearing Examiner shall complete public hearings and issue a decision for each existing zoning reclassification application as soon as practicable. The Director of Planning shall review each such application as a part of the comprehensive zoning review process as if the application had been filed pursuant to Subsection C of this section.

F. Suspension of procedural requirements. In the event that the comprehensive zoning review and subsequent bill submitted to the Council, pursuant to this section, fails for any reason, the County Executive may recommend for introduction, or the County Council may introduce, within 120 calendar days of said failure, a subsequent comprehensive zoning bill without complying with any of the provisions set forth in this section. This subsequent bill shall include only those issues previously considered in the prior bill that failed and shall, if enacted, be considered the comprehensive zoning bill by this section until a new comprehensive zoning review bill is subsequently enacted. At least 14 calendar days prior to the public hearing on the comprehensive zoning bill, the Department of Planning and Zoning shall ensure that each property for which a zoning change had been requested is posted with a notice to be placed conspicuously on the property near the right-of-way line of each public road on which the property fronts. The sign shall contain the date, time and location of the hearing and telephone number of the Department. The Council shall ensure that the issues and maps related to the new comprehensive review shall be available in the Department of Planning and Zoning and posted on the Department's web site.

G. No zoning reclassification of property shall, for a period of 1 year after the adoption, by bill, of the comprehensive zoning maps applicable thereto, be granted by the County Council, sitting as the Board of Appeals, on the grounds that the character of the neighborhood has changed.

H. Any property, or portion of a property reclassified from AG to RR or AG to VR, approved by the County Council, after the effective date of this document, must be located in the Rural Residential or Rural Village area designation, on the most recently adopted Land Use Map. In no case shall property be rezoned to a residential classification in Priority Preservation Areas as designated on the most recently adopted Priority Preservation Area Plan. In order to utilize density and design standards, development rights must be transferred in accordance with §267-53D(4) (AG Agricultural District, Specific Regulations).

§ 267-14. Violations and Penalties.

A. Whenever the provisions of this Part 1 have been violated, the Director of Planning shall give notice, by first class mail, to the owner, tenant or occupant of the property alleged

to be in violation, stating the nature of the violation and ordering that any unlawful activity be abated.

- B. Any owner, tenant or occupant who uses or permits the use of land, buildings or structures contrary to the provisions of this Part 1 shall be guilty of a misdemeanor and shall be fined not more than \$500.00 for each offense. Each day of a continuing violation shall be considered a separate misdemeanor.
- C. The County may recover damages in a civil action for violation of this Part 1 and shall adopt legislation for the imposition of civil penalties as authorized by State law.
- D. In the event of a violation of any of the provisions of this Part 1 or any amendment or supplement thereto, the Director of Planning, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may institute a suit for injunction, mandamus, abatement or other appropriate action or other proceeding to prevent, restrain, correct or abate such unlawful activity or use.