

Zoning
Regulations
of
Howard County



1949

Pursuant to Chapter 19 of the Acts of the General Assembly of Maryland, Special Session of 1948, and after public notice and hearings as required by said Act, the County Commissioners of Howard County, after thorough study and consideration, hereby adopt the following zoning regulations and restrictions, to apply within the bounds of Howard County.

PARAGRAPH 1

PURPOSE

For the purpose of promoting the health, safety, morals and general welfare; to alleviate traffic congestion; to facilitate the safe flow of traffic; to protect highways from the encroachment of advertising structures and buildings; to preserve the scenic beauty of the County; and to promote the orderly growth of said County in the interest of all its inhabitants, the following Zoning Regulations for Howard County are adopted:

PARAGRAPH 2

DISTRICTS

HOWARD COUNTY IS HEREBY DIVIDED INTO THE FOLLOWING ZONING DISTRICTS:

1. Residential District
2. Commercial A District
3. Commercial B District

PARAGRAPH 2A

The Zoning Districts shall be of the number, size and shape as shown on the Zoning Map of Howard County and said map, with the necessary symbols and dimensions, is hereby made a part of these regulations. As evidence of the authenticity of said map, it shall be signed and dated by the Commissioners of Howard County upon adoption of these regulations.

PARAGRAPH 3

RESIDENTIAL DISTRICT

In the Residential District no use of land or buildings shall be permitted except the following:

1. Dwellings, including apartment houses and hotels
2. Churches
3. Schools and colleges, public or private
4. Hospitals, nursing homes, convalescent homes, homes for the aged, children's homes and charitable institutions.
5. Professional offices in dwellings, provided no exterior changes are made to such dwellings and further provided that no advertising shall be permitted except a sign, not exceeding two square feet, attached to the dwelling
6. Golf courses
7. Public parks or playgrounds

8. Farming, including necessary and customary farm uses and accessory buildings, provided, however, that no building for housing animals or fowl shall be erected within 100 feet of a dwelling and that no manure shall be stored within 100 feet of a dwelling
9. Public libraries.
10. Orphanages
11. Private garages
12. Customary home occupations
13. Radio and television, receiving aerials or antennae
14. Temporary roadside stands for a period of time not exceeding 6 months in any one year, provided, said stand shall be used for the sale of products grown on the property where said stand is to be located and provided further that said stand shall be set back at least 10 feet from any or all highways or roads
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18. Signs advertising for sale, lease or rent, the property on which said signs are located, provided however, no such sign shall exceed an area of 36 square feet

PARAGRAPH 3A

USES REQUIRING APPROVAL OF THE ZONING COMMISSIONER IN THE RESIDENTIAL DISTRICT

In addition to the uses permitted in Paragraph 3, the following uses of land or buildings may be permitted in the Residential District with the approval of the Zoning Commissioner after public notice and hearing and subject to the limitations, guides and standards provided in Paragraph 8:

1. Penal institutions
2. Cemeteries
3. Transmitting or broadcasting stations, towers or antennae
4. Airports
5. Public buildings, water works or reservoirs
6. Overhead high tension electric power lines
7. Dog kennels

8. Riding academies
9. Clubs and Lodges provided they are not carried on as a business
10. Funeral homes
11. Rooming and boarding houses
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The Zoning Commissioner may impose such conditions, restrictions and limitations in any permit issued under this Paragraph as may be necessary for the protection of surrounding or neighboring properties.

PARAGRAPH 3B

HEIGHT AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT

1. No building, sign or projection may be erected, and no addition to an existing building may be erected within 50 feet of the nearest right-of-way of any or all public highways or roads, or within 10 feet of the side lines of the lot upon which the building, sign, projection or addition is to be built, buildings of frame construction erected on the same lot shall be erected at least 20 feet apart.
2. Every lot upon which a building used in any part for dwelling

purposes shall be erected shall contain at least 5000 square feet of lot area for each family housed in said building.

3. No building used in any part for dwelling purposes shall be erected to a height exceeding 38 feet.
4. Apartment houses shall be erected of masonry construction.
5. No building or part thereof used for dwelling purposes shall contain less than 2200 cubic feet for each family housed.

PARAGRAPH 4

COMMERCIAL A DISTRICT

In the Commercial A District no use of land or building shall be permitted except the following:

1. Uses listed in Paragraph 3 and 3A
2. Retail stores and service shops
3. Wholesale houses
4. Tailor shops
5. Barber shops and beauty parlors
6. Lunch rooms and restaurants
7. Theatres, except open air motion pictures theatres
8. Farm supply, sale or distribution station
9. Motor vehicle, wagon or farm equipment repair shops
10. Automobile or truck agency, sales and service
11. Office buildings
12. Advertising signs
13. Bakeries
14. Furniture stores
15. Department stores
16. Printing establishments
17. Hardware and paint stores
18. Taverns
19. Storage garages
20. Banks and other lending institutions
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PARAGRAPH 4A

In addition to the uses permitted in Paragraph 4, the following uses of land or buildings may be permitted in the Commercial A District with

the approval of the Zoning Commissioner after public notice and hearing and subject to the limitations, guides and standards provided in Paragraph 8:

1. Gasoline filling stations
2. Tourist cabins
3. Open air motion picture theatres
4. Dance halls
5. Bowling alleys
6. Pool rooms
7. Fuel oil storage tanks for wholesale or retail distribution, not exceeding 50,000 gallons
8. Truck terminals
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The Zoning Commissioner may impose such conditions, restrictions and limitations in any permit issued under this Paragraph as may be necessary for the protection of surrounding or neighboring properties.

PARAGRAPH 4B

HEIGHT AND AREA REQUIREMENTS IN THE COMMERCIAL A DISTRICT

1. In the Commercial A District no building, sign or projection may be erected and no additions to existing buildings may be erected within 50 feet of the nearest right-of-way of any and all public highways or roads, provided however, that in that portion of the Commercial A District lying in Ellicott City and extending from the Patapsco River to Rogers Avenue along both sides of the Frederick Turnpike, no addition, extension, sign or projection of any kind shall be erected to the front of existing buildings without the approval of the Zoning Commissioner, after public notice and hearing and subject to the limitations, guides and standards provided in Paragraph 8. New buildings erected on

the Frederick Turnpike between the Patapsco River and Rogers Avenue in Ellicott City, shall set back the same distance as the nearest adjacent building.

2. Every lot upon which a building used in any part for dwelling purposes shall be erected shall contain at least 2,178 square feet of lot area for each family housed in said building.
3. No building used in any part for dwelling purposes shall be erected to a height exceeding 38 feet.
4. Apartment houses shall be erected of masonry construction.

PARAGRAPH 5

COMMERCIAL B DISTRICT

In the Commercial B District no use of land or building shall be permitted except the following:

1. Uses listed in Paragraph 4 and 4A
2. Furniture manufacturing
3. Brewery or distillery
4. Manufacture of food products
5. Manufacture of wearing apparel
6. Automobile manufacture or assembly plant
7. Shoe manufacture
8. Airplane manufacture
9. Concrete, cinder block or slag block manufacture
10. Coal yard
11. Lumber yard
12. Beverage bottling plant
13. Laundry
14. Machine shop
15. Race tracks
16. Pet Cemeteries
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PARAGRAPH 5A

In addition to the uses permitted in Paragraph 5, the Zoning Commissioner may, after public notice and hearings and subject to the limitations, guides and standards provided in Paragraph 8, permit any use of land or building in the Commercial B District which does not adversely affect the public health, safety, morals or general welfare and which does not contravene the purpose and intent of these regulations as provided in Paragraph 1. The Zoning Commissioner may impose such conditions, restrictions and limitations in any permit issued under this

Paragraph as may be necessary for the protection of surrounding or neighboring properties.

PARAGRAPH 5B

HEIGHT AND AREA REQUIREMENTS IN THE COMMERCIAL B DISTRICT

1. In the Commercial B District no building, sign or projection and no additions to existing buildings may be erected within 50 feet of the nearest right-of-way of any or all public highways or roads.
2. Every lot upon which a building used in any part for dwelling purposes shall be erected shall contain at least 2,178 square feet of lot area for each family housed in said building.
3. No building used in any part for dwelling purposes shall be erected to a height exceeding 38 feet.
4. Apartment houses shall be erected of masonry construction.

PARAGRAPH 6

NON-CONFORMING USES

1. Any use of land or building actually existing at the time of the adoption of these regulations and which does not conform with the requirements of the district in which it is located shall be known as a non-conforming use and as such may continue in operation. Such privilege shall be confined to that part of a building or the extent of land actually used at the time of the adoption of these regulations.
2. The Zoning Commissioner may, after public notice and hearing, and subject to the limitations, guides and standards provided in Paragraph 8, authorize:
 - A. The change of a non-conforming use to a use of similar classification.
 - B. The extension of a non-conforming use not exceeding a distance of 60 feet from the existing non-conforming use of land or building provided the set back requirements of these regulations are maintained.
 - C. The erection of signs on non-conforming uses advertising the non-conforming use, provided such signs are attached to the building housing the non-conforming use or are located at least 50 feet from the nearest right-of-way of any public highway or road and at least 10 feet from the side lines of the lot upon which such sign is to be located.

PARAGRAPH 7

APPOINTMENT OF ZONING COMMISSIONER

The County Commissioners shall appoint a Zoning Commissioner

for Howard County and such other employees as are necessary to enforce and administer these regulations. The duties of the Zoning Commissioner shall be as provided in these regulations. He shall be a resident of Howard County or become a resident within one year of his appointment. The Zoning Commissioner shall be fitted by training, education and experience to perform the duties prescribed herein. The County Commissioners shall provide such salaries as they deem reasonable and proper for the Zoning Commissioner and other employees.

PARAGRAPH 8

LIMITATIONS, GUIDES AND STANDARDS

Where in these regulations the approval of the Zoning Commissioner is required before the issuance of a permit, he shall examine the property involved and the neighborhood, cause the property to be posted and hold a public hearing, at which hearing any person shall be heard for or against the issuance of the permit. However, no such permit shall be issued by the Zoning Commissioner where he finds the proposed use would constitute a fire hazard, or would adversely affect the public health, safety or morals, or would result in hazardous traffic conditions, or would jeopardize the life or property of people living in the community. In deciding these matters the Zoning Commissioner shall give consideration, among other things, to the following:

1. The number of people residing, working or studying in the immediate area.
2. The number of people using sidewalks, the width of sidewalks, and general traffic conditions.
3. Parking facilities available and effect of increased parking on safety of pedestrians.
4. The needs of the community and the public necessity.
5. The purpose of these regulations as set forth in Paragraph 1.
6. Court decisions of the Circuit Court for Howard County and the Court of Appeals of Maryland.
7. The effect of such use upon the peaceful enjoyment of people in their homes.
8. The effect of odors, smoke, and noise upon the use of surrounding properties.
9. Availability of fire-fighting apparatus.
10. Manner of disposing of garbage.
11. Provisions for sewage disposal.
12. Such other matters as will offer additional guides to enable him to intelligently apply the provisions of these regulations.
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PARAGRAPH 9

DUTIES OF ZONING COMMISSIONER

The duties of the Zoning Commissioner shall be as follows:

1. To issue permits where required by these regulations.
2. To interpret and enforce the provisions of these regulations.
3. To hold public hearings and decide issues pursuant to these regulations.
4. Where posting is required, to see that signs are conspicuously posted and kept posted for the full period of time.
5. To adopt rules and regulations for the efficient administration of these regulations and to make them available to the public.
6. To make available at nominal cost, copies of these regulations and the Zoning Map.
7. To report yearly to the County Commissioners on the number of permits issued, cases heard by him and by the courts with the results thereof, and any other information requested by the County Commissioners.
8. To account to the County Commissioners for all money received and expended by him.
9. To study Zoning in the County and to propose amendments to these regulations to the County Commissioners and make recommendations concerning amendments submitted by citizens or property owners.
10. To keep records of all matters pending or disposed of pursuant to these regulations and to make them available for public inspection at reasonable times.

PARAGRAPH 10

APPEALS TO COURTS

Any person, persons, taxpayer, officer, department, board or bureau

of the County, jointly or severally aggrieved by any decision of the Zoning Commissioner of Howard County, may, within thirty days after the filing of such decision in the office of the Zoning Commissioner, appeal to the Circuit Court for Howard County. The said court shall hear all such appeals *de novo* without the intervention of a jury and shall have power to affirm, modify or reverse in part or in whole any decision appealed from and may remand any case for the entering of a proper order or for further proceedings, as the court shall determine.

An appeal may be taken to the Court of Appeals of Maryland from any decision of the Circuit Court for Howard County.

The Zoning Commissioner shall take no action to enforce any order appealed from while the case is pending in Court.

PARAGRAPH 11

PERMITS REQUIRED

After the adoption of these regulations, no building shall be constructed, reconstructed, extended or used; no land shall be used; no advertising signs shall be erected or increased in size; and no existing use of land or building shall be changed until a permit signifying the proposed building, sign or use conforms with these regulations shall have been issued by the Zoning Commissioner. Applications for permits shall be filed with the Zoning Commissioner and shall be accompanied by such other additional information as may be necessary to enable him to properly pass upon said application.

PARAGRAPH 12

AMENDMENTS

Amendments proposed to these regulations or the Zoning Districts may be proposed by any person and shall be filed with the Zoning Commissioner, who shall study the proposed amendment to the regulations or Zoning Districts and report thereon in writing to the County Commissioners. The Zoning Commissioner may also, of his own volition, submit amendments to the County Commissioners, either to these regulations or the Zoning District or both, but he shall also submit the results of his studies concerning each proposed amendment and the reasons for his recommendations.

However, no amendment either to the Zoning Districts or these regulations, shall become effective until approved by the County Commissioners. The County Commissioners shall hold a public hearing, at which time both opponents, if any, and proponents shall be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation throughout the County, at least fifteen days prior to the date of the public hearing or hearings, and in addition, if the proposed amendment involves a change in a Zoning District, the property involved shall be posted as directed by the Zoning Commissioner for a period of fifteen successive days immediately preceding the hearing.

The cost of advertising and posting shall be borne by the person or persons seeking the amendment.

PARAGRAPH 13

PENALTY FOR VIOLATION

Any person who shall erect any building, sign or other structure, or add to any building, sign or other structure, or use any land or building, or change the use of any land or building, without first obtaining a permit from the Zoning Commissioner, and any person who shall fail to comply with any notice from the Zoning Commissioner shall be guilty of a misdemeanor and, upon conviction by a court of competent jurisdiction, shall be fined not more than one hundred dollars, provided, however, that every day such violation shall continue shall be deemed a separate offense.

PARAGRAPH 14

OTHER REMEDIES OF ZONING COMMISSIONER

In addition to other remedies, the Zoning Commissioner may institute any appropriate action or proceedings to compel compliance with these regulations and restrictions.

PARAGRAPH 15

NOTICE OF VIOLATION

Upon receipt of information and upon verification by the Zoning Commissioner that any of these regulations are being violated, the Zoning Commissioner shall notify in writing the person or persons violating these regulations stating which paragraphs of these regulations are being violated. The Zoning Commissioner shall order the discontinuance of any work being done in violation of these regulations or the discontinuance of any use of land or building in violation of these regulations or the removal of any building, addition, sign or other structure, erected in violation of these regulations.

PARAGRAPH 16

GENERAL REGULATIONS

1. Permits shall be exercised within one year from the date of issuance or shall become null and void.
2. After the Zoning Commissioner has disapproved an application, no new application for the same purpose shall be acted upon by the Zoning Commissioner until after one year from the date of such disapproval.
3. In cases heard by the Zoning Commissioner the property involved shall be posted for a period of ten consecutive days immediately preceding the date of the public hearing.

4. Any use of land or buildings permitted in any Zoning District by these regulations shall include the right to customary accessory buildings and uses, provided a permit shall be obtained for such accessory buildings and uses from the Zoning Commissioner.
5. These regulations shall not apply to the use of any land for the purpose of erecting telephone or electric light poles, wires and the necessary accessories thereto, the laying of sewer or water pipes, underground cables or other similar public utility uses.
6. Nothing in these regulations shall prevent the restoration or reconstruction of any building or use destroyed by fire or Act of God.

PARAGRAPH 17

SPECIAL EXCEPTIONS BY THE ZONING COMMISSIONER

Notwithstanding the preceding provisions of these regulations the Zoning Commissioner may, after public notice and hearing and subject to the limitations, guides and standards provided in Paragraph 8, permit the following:

1. Temporary uses of land, in any Zoning District, for a period not exceeding 30 days, provided the land shall be entirely cleared after such temporary use.
2. A reduction in the setback requirements of these regulations for specific building, where, because of the location of buildings existing at the time of the adoption of these regulations, compliance with these regulations would result in undue hardship, or would eliminate desirable uniformity of setback.
3. A reduction in the setback requirements of these regulations for a specific building where, because of the size and/or shape and/or contour of any lot or tract, such requirement cannot be complied with or would render such lot or tract unfit for use.

(adopted May 3rd, 1949)

PARAGRAPH 18

INCONSISTENT LAWS REPEALED

All laws or regulations inconsistent with any of the provisions of these regulations are hereby repealed to the extent of such inconsistency.

PARAGRAPH 19
INVALIDITY

In the event that any paragraph, section or clause of these regulations shall be found to be invalid by any court of competent jurisdiction, the remaining parts of these regulations shall continue in full force and effect.

PARAGRAPH 20
DEFINITIONS

For the purpose of these regulations, certain words are defined as follows:

1. Lot. A lot is a parcel of land occupied by one building and the accessory buildings permitted by these regulations.
2. Building. A construction of any kind located on or under a lot including fences, tanks, antennae and accessory structures.
3. Apartment house. Any building used to house more than three separate housekeeping units.
4. Sign. The word sign shall include any form of advertising structure including advertising matter painted on walls of buildings or fences.

ORDERED AND RESOLVED this 27th day of July, 1948, by the County Commissioners of Howard County, that the foregoing zoning regulations and restrictions be and the same are hereby adopted.

Attest:

JOHN L. IGLEHART
Clerk

(SEAL'S PLACE)

J. FRANK CURTIS
CHARLES E. MILLER
E. WALTER SCOTT