

## ARTICLE II Administration and Enforcement

### § 267-7. Zoning Administrator.

A. The office of Zoning Administrator is hereby established. The Director of Planning shall be the Zoning Administrator.

B. The Zoning Administrator or his duly authorized designee shall be vested and charged with the power and duty to:

(1) Perform such duties as are necessary for the proper enforcement and administration of the Harford County Zoning Code.

(2) Receive and review complete applications under the provisions of this Part 1 for transmittal and recommendation to the Board.

(3) Issue Zoning Certificates pursuant to the provisions of this Part 1 and suspend or revoke any Zoning Certificate upon violation of any of the provisions of this Part 1 or any approvals granted hereunder subject to the requirements of this Part 1.

(4) Conduct inspections and surveys to determine whether a violation of this Part 1 exists.

(5) Seek criminal or civil enforcement for any provision of this Part 1 and take any action on behalf of the County, either at law or in equity, to prevent or abate any violation or potential violation of this Part 1.

Rewritten from (see yellow below) (6) Render an interpretation, within 60 calendar days of the written request, of whether a proposed use is permitted in a particular zoning district, or whether a proposed use is a legal non-conforming use upon written request of a property owner or owner's agent **(OMITTED) or interested person whose property may be affected**. The Zoning Administrator may determine a materially similar use exists, based on the North American Industrial Classification System (NAICS). The interpretation of the Zoning Administrator shall be subject to appeal to the Board by the Applicant within 20 calendar days of the date of the decision.

FOH: This removes an important right. We recommend this be reinstated. Old language allowed a request for interpretation from interested persons whose property may be affected by particular uses, etc., and required notice of the request be sent to adjoining property owners. It required property to be posted with a sign that the request was received, the date by which the interpretation must be issued, P&Z phone number. New language limits interpretations to whether a proposed use is permitted in a particular zoning district or if proposed use is a legal non-conforming use. It limits requests for interpretations to property owner or his agent. It removes the opportunity for "interested persons" to seek interpretations and removes posting sign and written notice to adjoining property owners.\*

~~(5) [Amended by Bill No. 94-64] Render interpretations upon written request of an interested person whose property may be affected as to the applicability of this Part 1 to particular uses and its application to the factual circumstances presented.~~

~~(a) Within 14 calendar days after a request for an interpretation is received, the Zoning Administrator shall:~~

~~[1] Ensure that a notice of the request is sent by first class mail to each owner of property which adjoins the property involved;~~

~~[2] Ensure that the property that is the subject of the request is posted conspicuously with a notice stating the Department's telephone number, that the request has been received, the date by which the interpretation must be issued, and that further information may be obtained from the Department.~~

~~(b) The Zoning Administrator shall issue an interpretation within 60 calendar days after receiving the request for the interpretation. Within 5 calendar days after issuing the interpretation, the Zoning Administrator shall send a copy of the interpretation to each owner of property which adjoins the property involved, and shall include a notice that the interpretation may be appealed in accordance with Subsection E of this section.~~

(7) Design and distribute applications and forms required by this Part 1, requesting information that is pertinent to the requested approval.

C. The Zoning Administrator and his duly authorized agents shall have the right to enter and inspect, with the permission of the owner or occupant, any structure or land in order to verify that the structure or land complies with the provisions of this Part 1. Should the owner or occupant deny such entry, the Zoning Administrator may seek relief from a court of competent jurisdiction to permit such right.

D. Any person may file a complaint with the Zoning Administrator or his duly authorized designee alleging a violation of this Part 1. The Zoning Administrator shall investigate and determine as a matter of fact whether a violation has occurred.

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FOH Footnote

We note that the Departments of Planning & Zoning and Law have not rendered to interested parties the interpretation requested in the past several years. Reasons for not answering have been:

- Case is before board of appeals, ask them (the Board of Appeals)
- Because this is an ongoing pending case before the Board of Appeals, the interpretation is inappropriate
- The case has not gone to DAC so an interpretation request is premature
- Questions concerning development subject to the DAC process are not subject to interpretation