

DRAFT ZONING CODE CHANGES – SUBDIVISION REGULATIONS – May, 2007

SECTION 1 GENERAL PROVISIONS.

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1.01 TITLE. New.

1.02. Legislative Authority. Rewritten. (In current Code this is 1.01, Area of Authority, pg. 1)

1.03. Purpose. Omitted: “. . . and for the distribution of population and traffic in a manner that will avoid congestion and over-crowding and will create conditions compatible with protection of the public health, safety and the general welfare, water quality, and areas of significant/special natural features .” Omitted: “. . . and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.”

1.04. Area of Authority. New.

SECTION 2

Definitions – New. All definitions are in Section 267-4 of the Zoning Code.

SECTION 3

Subdivision Control.

3.01. Subdivider Shall Prepare and Record Plat. (3.02 in existing Code).
Omitted: “From and after the effective date of these regulations . . .”

2 3.02. Transfers, Sales, and Building Permits (3.03 in existing Code).
Omitted, “. . . created after the effective date of these regulations . . .”

SECTION 4

Requirements for the Development of Land

4.01. General.

- A. Added: “Water and sewer facilities are highly dependent on the topography to provide effective and efficient utility services. If required by the Director of Public Works, drainage and utility easements shall be provided between lots wider than the minimum side yard widths allowed by the Harford County Zoning Code. This requirement may necessitate wider lots at these locations.”
- B. No change.
- C. Omitted: “For subdivisions which contain streams that drain more than 100 acres, the limits of the 1% annual flood shall be determined in accordance with the provisions of Chapter 131, floodplain management regulations. Within new subdivisions, the Floodplain District and its natural vegetation shall be preserved and dedicated to natural areas, open space, recreation, and similar compatible uses by deed restrictions, restrictive covenants or donations to a land trust.”
Note: 4.03 in existing Code, Omitted.

4.02 Chesapeake Bay Critical Area Overlay District

Sub-paragraphs a, b, c, d, and e, in current Code, omitted entirely.

New: “In addition to all other requirements, all subdivision of land which lies within the area designated as the Chesapeake Bay Critical Area Overlay District

shall also meet all requirements of 267-63 (Chesapeake Bay Critical Area Overlay District) of the Harford County Zoning Code.”

4.03 Streets and Roads.

- A. Omitted: “. . . and to the City and Town Development Plans, which are duly recorded.”
 - (1) Is the same as 4.05a. in current Code. Added the word “type” following the word “location.”
 - (2) Is the same as 4.05b. in current Code. No change.

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4.04. Improvements. (This is 4.051 in current Code)

- A. New: For the purpose of this Section, “subdivision” shall not include a division of land which creates or permits a residential or agricultural subdivision not exceeding 5 lots, including lots around existing dwellings, from a parcel or tract or land as it existed on February 8, 1977.
- B. New: For the purposes of this Section, “development does not include:
 - (1) The use of land for agriculture.
 - (2) The construction, reconstruction, alteration, or enlargement of a single family residence on an existing lot or parcel.”
- C. Same as 4.051a. in current Code
- D. Construction of Access Road. Same as 4.05b. in current Code.
Omitted: “Except for flexible design developments . . .”
Changed Harford County Road Construction Code and Standard Specifications” to, “Harford County Road Code.” Omitted all language pertaining to flexible design developments.
- E. Frontage Improvements. Same as 4.051c. in current Code. Rewritten.
Current Code: (1) Proposed developments to be constructed along County roads not meeting County road standards for existing or contemplated traffic demands are required to improve one-half of the County roadway along their property to County road standards. If such construction is considered infeasible at the time of development, the developer may deposit the estimated construction cost in an account with the County for future improvements of the roadway.
Draft Code: Proposed developments to be constructed along County roads are required to improve County roadways along their property to provide safe egress and ingress to the site and to mitigate the impact of that development. Should construction be infeasible at the time of development, the Developer may deposit the estimated construction cost in an account with the County for future improvements.
 - (2) Changed improvements “are required” to “may be required”
 - (a) No change.
 - (b) No change.
 - (c) No change.
 - (3) New. The extent of the road improvements required pursuant to this Section shall be determined by the Department of Planning and Zoning with the concurrence of the Department of Public Works at the time of Preliminary Plan approval.
 - (4) New. Construction of road improvements shall be required of a property owner pursuant to this Section if one or more of the following is applicable:
 - (a) The additional traffic to be placed on the roadway is directly related to the proposed development and necessitates additional improvements to the road;
 - (b) The present road condition is not adequate to handle the traffic to be generated by the proposed development; or,

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- (c) The road improvements would otherwise benefit the subdivision and are related to the protection of the health, safety and general welfare of the residents of the subdivision.

Note: 4.051d., Off-Site Improvements, current Code pg. 16, is omitted in Draft Code.

- 1. Omitted
 - (a) Omitted. (subdivisions of 25 or more dwelling units)
 - (b) Omitted. (transient housing with more than 25 guest rooms)
 - (c) Omitted. ((business or industrial uses generating more than 249 trips per day.
 - 2. Omitted. (when a preliminary plan is submitted a traffic impact study is required)
 - (a) Omitted. (Traffic Impact Study on the access road)
 - (1) Omitted. (Adequacy Standards)
 - (b) Omitted. (Notice to property owners fronting on the access road after the TIS is completed)
 - 3. Omitted. Improvements.
- (5) Timing of requirements for road, sanitary and other improvements. Same as 4051e. in current Code. No change.
- (a) Reworded. Same as e.1. in current Code: All of the improvements shall be completed prior to filing with the Department of Planning and Zoning the final plat of the subdivision for approval, in accordance with the specifications and under the supervision of the officials having jurisdiction. Draft Code: All of the improvements shall be completed prior to recordation of the final plat of the subdivision for approval with the Department of Planning and Zoning. This may be in accordance with the specifications and under the supervision of the officials having jurisdiction.
 - (b) No change. Same as e.2. in current Code.
 - (c) No change. Same as e.3. in current Code.
 - [1] Same as e.3.(a) in current Code. No change.
 - [2] Same as e.3.(b) in current Code. No change.
- (6) Phasing. Same as 4.051f. in current Code.

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Note: 4.051g., Current Code, omitted. Subdivision does not include a division of land which creates or permits a residential or ag subdivision not exceeding 5 lots, including lots around existing dwellings, from any parcel of land as it existed on February 8, 1977.

Note: 4.051.h., Current Code, omitted. Development does not include 1. use of land for ag purpose; 2. construction, reconstruction, alteration or enlargement of a single family residence on an existing lot, fire station, day care center, house of worship, parsonage, or 3. reconstruction, alteration or enlargement of an existing residential, business, industrial, or institutional use, if the reconstruction, alteration or enlargement will not generate more than 50 additional trips pr day.

- 4.05. Rights-of-Way. (Same as 4.052 in current Code) No change.
- A. No change.
 - B. No change. (Condemnation)
 - C. No change.

- 4.06. Grandfathering. Is same as 4.053, Special Exception, in current Code, just renamed.
- A. Any project receiving preliminary approval prior to the effective date of this legislation.
 - B. Minor revisions of preliminary plan approvals as determined by the Department of Planning and Zoning.
 - C. Minor revisions, as determined by the Department of Planning and Zoning, of subdivision plats recorded prior to the effective date of this legislation.

4.07, Streets, to 4.16, Street Names, are included in draft Code as one section, 4.07, with newly lettered paragraphs:

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- A. No change from 4.06 opening paragraph in current Code.
- B. Same as 4.08 in current Code. No change.
- C. Same as 4.09 in current Code. Changed “Commission” to “Department of Public Works.
- D. Same as 4.10 in current Code. No change.
- E. Same as 4.11 in current Code. No change.
- F. Same as 4.12 in current Code. Changed “Commission” to “Director of Planning and Zoning.
- G. Same as 4.13 in current Code. No change.
- H. Same as 4.14 in current Code. Changed “frontage on a main thoroughfare” to “frontage on an arterial or higher functionally classified road.”
 - (1) Same as a. in current Code.
 - (2) Same as b. in current Code.
 - (3) Same as c. in current Code.
- I. Same as 4.15 in current Code. Railroad.
 - (1) Same as a. in current Code.
 - (2) Same as b. in current Code. Changed, “Border the railroad right-of-way with a parallel street at sufficient distance from the railroad” to: “Parallel the railroad right-of-way with a street at sufficient distance from the railroad,”
 - (a) Same as 1. in current Code. No change.
 - (b) Same as 2. in current Code. Changed “buffer strip” to “buffer yard.”
 - (3) Same as c. in current Code. Changed “to abut on the railroad” to “to abut the railroad right-of-way.”
- J. Same as 4.16 in current Code. Street Names. Changed “Commission: to “Emergency Operations Center”

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NOTE: Section 4.17. Street Trees – Omitted entirely.

4.08. Dimensional Standards.
Opening paragraph is same as “Minimum Pavement Widths in current Code, with changes: Added, “widths for roads, bike paths and sidewalks.” Omitted : “Minimum street pavement widths between curbs, measured from back to back of curb, shall be as follows:”

Second paragraph - New. “All streets, roads and intersections shall be established in conformance with the classifications of the road and the standards of the Harford County Road Code.”

- A. Right-of-Way and Easement Widths. Same as 4.18 in current Code.
 - (1) Same as 4.18a. in current Code. No change.
 - (2) Same as 4.18b. in current Code. Omitted: “shall be 15 feet or such additional width as may be required for the utility involved or to accommodate surface drainage.” To: “shall be determined by the Department of Public Works.”
- B. Private Roads. (In current Code this is Sect. 4.221, pg. 23, Omitted sub-Paragraph a., 1, 2, 3, and 4, Definitions; and b., 1, 2, 3, 4, and 5, Minimum

Standards).

- (1) Same as sub-paragraph 4.221c. in current Code. Changed, “standards of this section” to: “standards of the Harford County Road Code and Department of Public Works.”
- (2) Changed, “The developer or successor has furnished a copy of the statement to the residents or the association and to the Department of Planning and Zoning” to: “Furnish a copy of the statement to the property owners or the association and to the Department of Planning and Zoning.”
 - (a) Same as sub-paragraph 4.221d. in current Code. Changed, “subdivision’s residents” to “subdivision’s property owners.” Changed, “within 180 calendar days after final plat approval” to: “at the time of final plat approval.”
 - [1] No change.
 - [2] No change.
- (3) Same as sub-paragraph 4.221e. in current Code. Changed: “Until a developer who creates a private road complies with the requirements of this section, the developer or any successor in interest to the developer remains responsible for the maintenance of the private road.” To: “Remain responsible for maintenance of the private road until a Developer, who creates a private road, complies with the requirements of the Harford County Road Code and this Section.”

NOTE: In current Code, Section 4.23, Blocks, Residential, and 4.24,, Blocks, Non-Residential, are omitted in draft Code.

C. Lots. (Same as 4.25 in current Code. Sub-paragraph a., lots fronting on Intercounty Thoroughfares, omitted)

- (1) Residential Lots:
 - (a) Same as 4.25b. in current Code, 4.25c. and d. omitted in draft Code.
 - (b) Same as 4.25e. in current Code.
 - (c) Same as 4.25f. in current Code.
Sub-paragraphs 4.25g. and h. omitted in draft Code.
 - (d) Same as 4.25i. in current Code. Changed “groups not exceeding 4 lots” to “groups not exceeding 6 lots.”

NOTE: In current Code, Section 4.26, Public Sites and Open Spaces, is omitted.

4.09. Requirements Governing Road, Sanitary and Other Improvements in New Subdivisions.

NOTE: In current Code, Section 4.27, regarding Stub Roads, is omitted.

A. Minimum Requirements – Same as 4.28 in current Code. Sub-paragraphs a., b., and c. are omitted in draft Code.

- (1) Water and Sewer Facilities – is the same as 4.28d. in current Code.
- (2) Storm Drainage – is the same as 4.28e. in current Code. Changed, “set forth in the Road Specifications.” To “set forth in the Harford County Road Code and the Stormwater Management Regulations.”

NOTE: In current Code, Section 4.28f. Street Trees is omitted in draft Code.

- (3) Street Name Signs – is the same as 4.28g. in current Code. Changed “designated by the Department or official having jurisdiction” to: “designated by the Department of Public Works.”

- (4) Utility Lines – same as 4.28h. in current Code. No change.

- B Specifications for Supporting Detailed Plans and Data.
NOTE: In current Code this includes 4.29, Profiles; 4.30, Typical Street Cross-Sections; 4.31, Plan and Profiles; and 4.32, Plan of Proposed Water Distribution System. These sections have been omitted in draft Code and replaced with:
 - B. "Plans and profiles shall be submitted in accordance with the Rules and Regulations of the Department of Public Works and the Harford County Code, as amended."
 - C. Inspection and Acceptance. Rewritten. Changed, "No final plat shall be approved or recorded until all required improvements" to: "No building permits shall be approved until all required improvements." Omitted, "in compliance herewith, provided, however, that a partial release may be approved for such improvements as have been constructed and completed and have been approved for such improvements as have been constructed and completed and have been approved by the authorized Public Agency." Changed, "the Board of County Commissioners" to, "The Department of Public Works."

NOTE: Section 4.34, Panhandle Lots, in current Code, Omitted.

**Section 5.
Concept Plans, Preliminary Subdivision Plans and/or Site Plans. New.**

5.01. Concept Plans.

- A. Submission Procedure – New – Concept Plan required for any residential subdivision using the COS or NRD development adjustment option, or proposing more than 25 dwelling units. Community Input Meetings must be held per Sect. 5.03 of Sub. Regs.
- B. Information Required – New – At a minimum the Concept Plan must include all items specified on most recent checklist provided by P&Z which is incorporated by reference and made a part hereof as though it were fully stated herein.
- C. Review and Approval Procedure – New - Concept Plan review is subject to C(1) through C(10) of the Review and Approval Procedures specified under 5.02 (Preliminary Plan and Site Plans).
If a Forest Stand Delineation is required by Chapter 267, Article VI of the Zoning Code, the Concept Plan shall not be approved until the FSD has been approved by P&Z.

Tenure of Concept Plans – Valid for 5 years or for the validity period of any subsequent Preliminary Plan approval. Upon expiration of Concept Plan approval, a new Concept Plan must be submitted to P&Z following all application procedures prior to submitting a Preliminary Plan.

5.02. Preliminary Plans and Site Plans. (Section V in current Code)

- A. Submission Procedure. (Same as 5.01 in current Code.)
Changed, "The preliminary plan and or site plan shall be complete and shall show the information required in Section 5.02." to: "Preliminary plans for residential subdivisions of more than 5 lots and commercial/industrial subdivision, and site plans for non-residential and multi-family housing uses shall be distributed to the members of the Development Advisory Committee for review."
New: Community Input Meetings must be held pursuant to Section 5.03 of the Subdivision Regulations.
New: The Preliminary Plan and/or Site Plan shall be complete in accordance with the information requested in Paragraph B below.

- B. Information Required. (Same as 5.02 in current Code)
Changed, "At a minimum, the preliminary plan and/or site plan shall include the following items. Additional information may be required because of site-specific conditions." To: "At a minimum, Preliminary Plans and Site Plans shall include all items as specified on the most recent checklist provided by the Department of Planning and Zoning which is incorporated by reference and made a part hereof as though it were fully stated herein."

- C. Review and Approval Procedure. (Same as 5.03 in current Code).

- (1) Same as 5.03a. in current Code. Establishes DAC.

(a) P&Z; (b) DPW; (c) Health Department; (d) Parks & Recreation; (e) Soil Conservation; Omitted 6. Maryland Forest, Park and Wildlife Service; (f) Sheriff's Dept. NEW; (g) Harford County Public Schools NEW, omitted 7.Bd. of Education; (h) SHA; (i) changed Fire and Ambulance Chief's Assn. to Emergency Operations; omitted 10. Public Utility companies; (j) U.S. Army Corps of Engineers, NEW; (k) Md. Dept. of the Environment, NEW.

- (2) DAC shall adopt by-laws. No change. (This is an un-numbered paragraph following list of DAC members in current Code)

- (3) Same as 5.03b. in current Code. Omitted, "Preliminary plans for residential subdivisions of more than 5 lots and commercial/industrial subdivision, and site plans for non-residential and multi-family housing uses shall be distributed to the members of the Development Advisory Committee for review."

- (4) Same as 5.03c. in current Code. No change.

- (5) Same as 5.03d. in current Code. No change.

- (6) Same as 5.03e. in current Code. No change.

- (7) Same as 5.03f. in current Code. No change.

- (8) Same as 5.03g. in current Code. No change.

(a) Same as 1. in current Code. Changed "project" to "proposed use." Changed "Harford County Zoning Code, table I, to "Harford County Zoning Code Use Classification charts."

(b) Same as 2. in current Code. No change.

(c) Same as 3. in current Code. No change.

- (9) Same as 5.03h. in current Code. Changed, "posting requirements of sub-sections c. and d. of this Section," to: "posting requirements."

- (10) Same as 5.03i. in current Code. No change.

- (11) Same as 5.03j. in current Code. No change.

- (12) Tenure of Preliminary and Site Plans. Same as 5.03k. in current Code.

(a) Same as 5.03k.1 in current Code. Rewritten. Changed, "A preliminary plan approved before the effective date of Council Bill 93-26 is valid for 1 year. The Department of Planning and Zoning may grant up to 5 1-year extensions of the plan, without a new review and approval of the plan, provided that:" Changed to: "A preliminary plan approval is valid for 2 years. The Department of Planning and Zoning may grant an extension of the plan in accordance with Subsection 5.02C(13) of the Subdivision Regulations."

(b) New. "Site plans shall be valid for 2 years and shall be deemed null and void at the end of such period unless building permit application has been filed."

NOTE: In current Code, 5.03k, Tenure of Preliminary Plans, 1. a. and b.; 2., 3, 4, are omitted. Un-numbered paragraph dealing with unrecorded lots on the preliminary plan moved below to (14).

- (13) Extension of Preliminary Plan.

Same as 5.03k.1 a. in current Code. Added, "extension of a Preliminary Plan must be filed," Added: "A 1-time, 2 year extension of the preliminary plan may be granted by the Zoning Administrator subject to either of the following conditions:

- (a) Same as 5.03 l., I.A., Off-site improvements agreement in current Code. No change.
- (b) Same as 5.03 l., I.B., Performance Bond, No change.
- (c) Same as 5.03 l., 2.A, APF, No change other than Section number.
- (d) Same as 5.03 l, .2.B.. Findings of APF, no change other than section number.

Omitted un-numbered paragraph in 5.03 1, in current Code: "Such written notice shall be received by the Zoning Administrator at least 60 days prior to the expiration of the original approval."

- (14) Same as un-numbered paragraph following 5.03K4. "Upon expiration of any preliminary plan approval, any remaining unrecorded lots on any portion of the area covered by the preliminary plan shall be deemed null and void and shall meet the requirements established in the Zoning Code prior to again obtaining preliminary approval."
- (15) Phasing of Preliminary Plans. Same as 5.03 o. in current Code. Changed "concept plan approval" to "Preliminary Plan approval," and omitted, "for projects requiring concept plan approval."
- (16) Waiver of Site Plan Application. Same as 5.03n. in current Code. No change.
- (17) New. Preliminary and site plans are subject to 267-99 of the Harford County Zoning Code.

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The Final Subdivision Plan. Same as Section VI, The Final Subdivision Plan, current Code.

6.01 No change.

- A. No change.
- B. No change.
- C. Same as 6.01c. in current Code. Rewritten. Omitted list of requirements and replaced with: "At a minimum, Final Plats shall include all items as specified on the most recent checklist provided by the Department of Planning and Zoning which is incorporated by reference and made a part hereof as though it were fully stated herein."
- D. Graphic Information Required: Same as 6.01 d.2. in current Code. Sub-paragraphs d.3 through d.14 in current Code omitted.
- E. Final plat shall contain following owner's statements: There are 3 un-numbered Paragraphs in this section of the current Code. Those sections were numbered as follows but no changes in wording.
 - (1) No change.
 - (2) No change.
 - (3) No change other than omitting, "(Council Bill 84-20, effective May 18, 1984."
 - (4) New. For all lots located in the AG zoning district intended for residential use, the following note shall be provided:
 - (a) Any dwelling in an Agricultural zoning district may be subject to inconveniences or discomforts arising from agricultural operations

including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind (including aircraft) during any 24 hour period, the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all Federal, State or County health or environmental requirements.”

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- F. Same as 6.03 in current Code. No change.
- G. Same as 6.04 in current Code. No change.
 - (1) Same as 6.04 a. in current Code. No change.
 - (a) Same as 6.04 a.(1) in current Code. No change.
 - (b) Same as 6.04 a.(2) in current Code. No change.
 - (2) Same as un-numbered paragraph following 6.04 a(2) in current Code.
 - (3) Same as 6.04 b. in current Code. No change.
 - (4) Same as 6.04 c. in current Code. No change.
 - (5) Same as 6.05 d. in current Code. Changed “encompassing common open space” to, “providing common open space(s), roads and/or private utilities.” Added at the end, “for recordation with the final plat.”

6.02 Improvement Plans and Specification. Same as 6.05 in current Code. No change.

6.03 Construction of Improvements or Posting of Bonds. Same as 6.06 in current Code. No change.

6.04 Processing of Final Plat. Same as 6.07 in current Code.

- A. Changed, “engineer” to “surveyor.”
- B. New. All record plats must be recorded within 45 calendar days upon receipt from the Clerk of the Court of Harford County.
- C. Same as 6.07 b. in current Code. Changed, “and the translucent tracing cloth copy of the plat shall be filed,” To: “and a copy of the plat shall be filed.”
 - (1) No change.
 - (2) No change.
 - (3) Changed County Highways Department to Department of Public Works.
 - (4) No change.
 - (5) Changed “Town Planning Commissions” to “Municipalities.” Omitted, “if subdivision lies within a mile of town or city)

NOTE: sub-paragraph 6.07 c. and d. in current Code are omitted in draft Code.

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6.05. Acceptance of Improvements. Same as 6.08 in current Code. No change.

6.06 Public Release. Same as 6.09 in current Code. Changed, “required in Section IV, the County Commissioners shall,” to: “required in Subsection 4.04, the County shall.” Omitted: Acceptance of stub roads (for which construction improvements are not required) will be according to the procedure outlined in Section 6.09 of the Subdivision Regulations.

NOTE: Section VII, Parkway Regulations: 7.01, Alignment and Setbacks; 7.02, Dimensional Characteristics; 7.03, Access to Parkways; 7.04, Landscape Easement; 7.05, Road Diagrams; 7.06, Administration and Procedure; all are omitted in draft Code.

Section 7.

7.01 Modifications and Exceptions. This is Section VIII in current Code.
Changed “Commission” to “County.” Omitted: “Any modification thus granted shall be entered in the minutes of the Commission, setting forth the reasons which, in the opinion of the commission, justified the modification.”

Section 8.

8.01 Appeals. This is Section IX in current Code.
Changed, “Any person, taxpayer, officer, department, board or bureau of the County, aggrieved by any decision of said Planning Commission, may, within 30 days after the filing of such decision in the office of the Planning Commission, appeal to the Circuit Court for Harford County.” To: “Any interested person whose property is effected (sic) by any decision of the Director of Planning and Zoning, may within 30 days after the filing of such decision, appeal to the Circuit Court for Harford County.”
Changed “Planning Commission” to “Director of Planning and Zoning”

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Section 9.

9.01 Validity. This is Section X in current Code.
No change.