

SECTION 1 GENERAL PROVISIONS

NEW 1.01 TITLE.

This part shall be known and cited as the Harford County Subdivision Regulations. The Subdivision Regulations shall include the text and regulations and any amendments thereto.

1.02 LEGISLATIVE AUTHORITY.

This Part is adopted pursuant to Article 25A of the Annotated Code of Maryland and the Charter.

1.03 PURPOSE.

The purpose of this Part is to establish procedures and standards for the development and subdivision of land within Harford County. It is further designed to provide for the orderly growth and development of the County for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities, for the dedication or reservation of recreation and other public use areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for street and utility purposes. These regulations are designed to facilitate adequate provision for water, sewerage, parks, and schools.

~~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.”~~

FOH: We believe the omitted sections should be reinstated. Congestion and overcrowding are serious problems which should be an important element of the subdivision process. Protection of our health, safety welfare, water quality and significant and natural features may be dealt with in other sections, but are no less important here in Subdivision provisions. And finally, the definition of subdivision is making larger tracts smaller.

NEW 1.04 AREA OF AUTHORITY.

These regulations govern all areas within Harford County except those within Incorporated Municipalities.

SECTION 2 DEFINITIONS

Unless otherwise stated herein, definitions shall be per §267-4 (Definitions), of the Harford County Zoning Code.

SECTION 3 SUBDIVISION CONTROL

3.01 SUBDIVIDER SHALL PREPARE AND RECORD PLAT.

~~Omitted: “From and after the effective date of these regulations . Any owner of any tract of land in Harford County who subdivides the same, shall cause a Plat of such Subdivision to be made in accordance with the provisions set forth in these regulations and a copy of said Plat shall be recorded in the office of the Clerk of the Circuit Court of Harford County.~~

3.02 TRANSFERS, SALES, AND BUILDING PERMITS.

No lot in a Subdivision or any section thereof, shall be transferred, nor shall a building permit be issued for a structure thereon, until a final plat of such Subdivision or any section thereof has been recorded in accordance with these regulations. ~~Omitted, “. . . created after the effective date of these regulations . . .”~~

SECTION 4 REQUIREMENTS FOR THE DEVELOPMENT OF LAND

4.01 GENERAL.

A. No part of any planned subdivision of land that will be served by a community or multi-use sewerage system, as defined by the State Department of Health and Mental Hygiene, will be finally approved by the County if the total planned subdivision will generate 5,000 gallons of average daily sewage flow, unless that part of the subdivision to be recorded and its respective sewerage system is in, at least, an "immediate priority" sewer service area in the Harford County Master Plan for Water and Sewer. A determination of the amount of average daily sewage flow by the Harford County Department of Public Works shall be final as to the Developer for the purposes of this Section. ~~(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. The subdivision layout shall conform to the Master Plan and Zoning Code of Harford County.

C. All subdivision of land shall conform to the Floodplain Management Regulations in Chapter 131 of the Harford County Code. 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

4.02 CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT.

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. Subparagraphs A, B, C, D, E omitted

4.03 STREETS AND ROADS

A. Streets and roads shall conform to the Harford County Transportation Element Plan. Omitted: ". . . and to the City and Town Development Plans, which are duly recorded."

(1) Wherever a tract of land to be subdivided includes any part of a road indicated on the Transportation Element Plan, the location, (ADDED) type and construction of such road shall be incorporated by the Subdivider in the layout plan.

(2) Notwithstanding the provisions of Subsection A(1), when a tract of land to be subdivided abuts an existing County road, the Subdivider shall, as a condition of subdivision approval, deed to the County a road improvement right-of-way appropriate to the road and its functional classification. When the tract fronts along one side of the existing road, the Subdivider shall deed ½ of the required right-of-way, generally calculated from the center line of the existing road. Title to road improvement rights-of-way shall be good and marketable and free of liens and encumbrances.

4.04 IMPROVEMENTS. Omitted all language pertaining to flexible design developments which has been removed from this code..

NEW A. For the purpose of this Section, the term "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 of land as it existed on February 8, 1977.

NEW B. 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. No subdivision or development shall be approved unless it directly accesses to an existing paved road network. All roads providing access from a subdivision/ development to an existing paved County or State road shall be constructed to the appropriate County road specifications by the Subdivider/Developer, if the Subdivider/Developer desires to proceed with the project prior to the County's performing the required construction pursuant to the County's Capital Improvements Program. If a Developer decides to undertake construction, a Public Works Agreement shall be executed as required by law.

D. Construction of access road. Any new or existing road right-of-way or access way, leading from an existing County or State road to the proposed project and all internal roads, including stub roads, shall be constructed or improved to the prescribed width and road construction, as set forth in the Subdivision Regulations of Harford County and the **Changed Harford County Road Construction Code and Standard Specifications" to**, Harford County Road Code.

E. Frontage improvements.

(1) Proposed developments, including residential, business, industrial or institutional developments or subdivisions to be constructed along existing County roadways will be required to improve County roadways along their property in order to provide safe ingress and egress to the site and

to mitigate the impact of that development. Should construction of the roadway be considered infeasible at the time of development, the Developer ~~may~~ **SHALL** deposit the estimated construction cost in an account with Harford County for the future improvements of that roadway to the designated County road standards.

Changed from: (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.

FOH: Infeasibility is not a permanent condition. Companies dissolve and reform while their past obligations are forgiven. So if improvements are required and if the County decides not to do it at this time, the money should be placed in escrow for future use needs. (5) seems to contradict the use of this “may”.

(2) Frontage improvements **Changed from “ARE REQUIRED”** may be required when a parcel of land is subdivided or developed for purposes of creating:

- (a) Any business, industrial, or institutional use;
- (b) Any residential use for more than 5 dwelling units; or
- (c) Any transient housing use with more than 5 guest rooms.

NEW (3) 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.

NEW (4) Construction of road improvements shall be required of a property owner pursuant to this Section, if 1 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,
- (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.

: 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. The minimum improvements which a Subdivider/Developer will be required to make, or enter into agreements to make shall be completed in full compliance with the requirements, standards and specifications as contained in the Harford County Code, Subdivision Regulations, and Road Code. Nothing, however, shall be construed to prohibit the Subdivider/Developer from constructing improvements of a higher type than the minimum required by such regulations. Improvements shall be made in accordance with the following:

- (a) All improvements shall be completed prior to recordation of the final plat of the subdivision for approval with the Department of Planning and Zoning. This must be in accordance with the specifications and under the supervision of the officials having jurisdiction: **(Minor rewording)**

(b) In lieu of completing the improvements required, the Subdivider/ Developer shall furnish Harford County with a cash deposit, letter of credit or performance bond executed by a surety company approved by the County Attorney and naming Harford County as sole obligee in an amount sufficient to cover the cost of any or all improvements required to be installed by the Subdivider as estimated by Harford County. The posted security shall ensure the actual construction and installation of such improvements; or

(c) Upon the written request of the Subdivider/Developer, in lieu of completing the improvements required, and upon mutual recommendation by the Department of Public Works and Department of Planning and Zoning and approval by the Department of Law, the Subdivider/Developer shall deposit the cost, as estimated by Harford County of constructing/installing any and all improvements required in an interest-bearing escrow account with Harford County, thereby insuring the actual construction/installation of such improvements. Such an account ~~may~~ **SHALL** be permitted to be established when:

[1] The construction of the road improvement is considered by the Department of Public Works to be infeasible at the time because of existing physical or topographic conditions, or the Developer/ County is unable to acquire the necessary rights-of-way; or

[2] The County has a proposed capital project set forth in the Capital Improvements Program.

(6) Phasing. Upon the mutual recommendation of the Department of Public Works and the Department of Planning and Zoning, in subdivisions exceeding one hundred (100) lots, the improvements may be phased over a period of time and on a schedule to be determined by the Department of Public Works and the Department of Planning and Zoning. The phasing schedule shall be incorporated in the concept plan approval for projects requiring concept plan approval and in the preliminary plan approval for all other projects.

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 (Elsewhere in the code).

4.05 RIGHTS-OF-WAY.

The Developer or County will acquire rights-of-way which are necessary to accommodate improvements required by these regulations.

A. To the extent such rights-of-way are owned by persons other than the Developer, Harford County, at the Developer's request, shall initiate negotiations for the required rights-of-way. The County shall provide for payment to a property owner, other than the Developer, for the rights-of-way acquired by agreement as a result of successful negotiations **AND BE REIMBURSED IN FULL BY THE DEVELOPER.**

FOH: The County should not foot the bill for rights-of-way in this case, but may act as an agent for the developer. All expenses borned by the County must be paid by the developer.

B. In the event Harford County or the Developer is unable to obtain the necessary rights-of-way through negotiations, Harford County shall, at its sole expense, initiate condemnation proceedings in accordance with Section 1-29A, as amended, of the Harford County Code. The County shall pay the property owner for rights-of-way acquired under this Section **AND BE REIMBURSED IN FULL BY THE DEVELOPER.**

FOH: See above.

C. To the extent land required for such rights-of-way are owned by the Developer, then said rights-of-way shall be conveyed to the County at no cost to the County. A title certificate certifying that the grantor is vested with good and merchantable title shall accompany each deed.

4.06 GRANDFATHERING.

The requirements of Subsections 4.04E(5) and 4.05 shall not apply to:

- 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; or **FOH: Need definition of Minor Revisions for this section as well as others in the code. Leaving this without a concrete definitions allows for internal interpretations by the department with no guideline.**
- 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.

- A. Streets shall connect with existing streets, whether constructed or recorded, where appropriate and shall be arranged to provide access, where needed, in possible adjoining subdivisions.
- B. The street plan shall give suitable recognition to existing topography and shall provide for good drainage.
- C. Proposed streets shall provide for appropriate continuation of any existing streets (constructed or recorded) that come to the boundary line of adjoining property, where feasible, unless otherwise recommended by the **Department of Public Works.**(Changed from the “Commission”)
- D. Wherever desirable, the street plan shall include a marginal access street of considerable continuity generally parallel to and near any main thoroughfare or controlled access highway.
- E. Streets ordinarily shall intersect as nearly at right angles as is practical.
- F. Cul-de-sac or dead end streets of reasonable length (not more than 600 feet) will be approved where necessitated by topography or where, in the judgment of the **Director of Planning and Zoning** .(Changed from the “Commission”), they are appropriate for the type of development contemplated. A turnaround shall be provided at the end of such a street.
- G. Minor residential streets should be so planned as to discourage use by non-local traffic.
- H. Where a new subdivision involves frontage on a arterial or higher functionally classified road, (Changed from “frontage on a main thoroughfare) particularly a controlled-access highway, the street layout should provide vehicular access to such frontage by 1 of the following means:
 - (1) A parallel street, which provides frontage for lots with rear yards that abut the highway; or providing the approach for vehicles to a garden apartment development;
 - (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such parallel street, with the rear lines of the terminal lots abutting on the highway;
 - (3) A marginal access street separated by a planting strip from the highway, to which vehicular access from the marginal access street is provided at points suitably spaced. Where any of the above-mentioned arrangements is used, deed covenants or other means must prevent residential driveways from having direct access to the highway.
- I. If a railroad is involved, the street plan should:
 - (1) Make all allowance for future underpasses or overpasses where grade separations are probable;
 - (2) Parallel the railroad right-of-way with a street at sufficient distance from the railroad to:
Changed from, “Border the railroad right-of-way with a parallel street at sufficient distance from the railroad
 - (a) Permit lots of more than normal depth, where the rear lines abut the railroad; or
 - (b) Form a buffer yard for park, business, industrial or other appropriate use.
 - (3) Provide cul-de-sacs or loops approximately at right angles to the railroad so as to provide lots of more than normal depth to abut the railroad right-of-way.(Changed from “to abut on the railroad”)

J. Street Names shall be cleared through the Emergency Operations Center (Changed from "Commission") prior to the time of submission of the Final Plat. Names shall not duplicate or closely approximate existing street names in Harford County, unless they are extensions of existing or previously planned streets of the same name.

NOTE: Section 4.17. Street Trees – Omitted entirely

4.08 DIMENSIONAL STANDARDS.

Due to the diversity of development in the County, required pavement (ADDED) widths for roads, bike paths and sidewalks will necessarily vary with the character of building development and the amount of traffic encountered. Omitted: "Minimum street pavement widths between curbs, measured from back to back of curb, shall be as follows:" 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.

(1) Roads - Minimum Right-of-way and easement widths shall be established in conformance with the classifications of the road and the standards of the Harford County Road Code. The functional classification shall be determined as approved by the Director of Planning and Zoning and the Director of Public Works.

(2) Drainage and utility easements - Minimum easement width for drainage and utility easements shall be determined (ADDED) by the Department of Public Works.

Omitted: "shall be 15 feet or such additional width as may be required for the utility involved or to accommodate surface drainage."

B. Private Roads

After completing construction of the private road, the Developer or any successor in interest to the Developer shall:

(1) Obtain a statement from a professional engineer licensed by the State of Maryland that, based on site inspections or core samples conducted or obtained by the engineer, the private road has been constructed to the standards of the Harford County Road Code and Department of Public Works; and

(2) Furnish a copy of the statement to the property owners or the association and to the Department of Planning and Zoning. Changed from, "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"

(a) If no association of the (Changed) "subdivision's residents" to subdivision's property owners is to be formed, the Developer or any successor in interest to the Developer shall, (Changed) "within 180 calendar days after final plat approval" to: at the time of final plat approval, file in the County Land Records, a Private Road Agreement:

[1] Approved by the Department of Planning and Zoning, and

[2] Establishing responsibility for maintenance of the private road.

(3). 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. (Changed from) "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."

C. Lots

(1) Residential Lots

(a) Every lot shall abut on a street.

(b) Corner lots shall have extra width sufficient to meet the setback requirements.

(c) Building setback lines shall be established and shown on the plat along all streets in accordance with the Zoning Code of Harford County now in effect or as hereafter amended.

(d) All lots, except the first and second lot, shall be served by a development road with the exception that groups not exceeding 6 lots (Changed from : 4 lots) may be served by a common drive, using the provisions for panhandle lots in the Zoning Code.

FOH: We recommend continuance of maximum of 4 lots on common drives. Common driveways should not end up being small roads where no car can pass another.

4.09 REQUIREMENTS GOVERNING ROAD, SANITARY AND OTHER IMPROVEMENTS IN NEW SUBDIVISION.

A. Minimum Requirements.

(1) Water And Sewer Facilities: Where a public water supply or sewerage system is intended to be provided such facilities shall be installed in accordance with the standards prescribed by the authorities having jurisdiction in each case. A water system shall include standard fire hydrants and water lines of sufficient size to provide standard fire protection. A water line and a sewerage lateral shall be provided for each lot and shall extend to the lot line. Upon completion of the water system, the Developer shall furnish the Harford County Volunteer Fire and Ambulance Association with a map showing the system's water main shutoff valves.

(2) Storm Drainage: Every Subdivision shall be provided with a stormwater drainage system adequate to serve the area being platted, including any surface drainage water originating outside the limits of the area, which would ordinarily run through the area being platted, and otherwise meeting the drainage specifications as set forth in the Harford County Road Code (Changed from Road Specifications) and the Stormwater Management Regulations.

(3) Street Name Signs: Where required, street name signs, of a design and type of construction which meets the approval of and placed in position designated by the Department of Public Works, (Changed from: "designated by the Department or official having jurisdiction) shall be erected at each highway and/or street intersection. The Developer shall install temporary street signs in the development before the County issues a building permit for a lot included in the Public Works Agreement for the development.

(4) Utility Lines: Extensions of distribution line necessary to provide electric and telephone service to any residential, commercial or industrial subdivision shall be subject to the underground rules of the Public Service Commission and existing tariffs.

B. Specifications for Supporting Detailed Plans and Data.

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. 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 above.

C. Inspection and Acceptance.

All construction work on improvements required herein shall be subject to inspection during and upon completion of construction, by the Harford County Department of Public Works, or by an authorized engineering representative of the County, and to approval and acceptance by such representatives on behalf of the County. The Subdivider shall furnish the appropriate agency with accurate and detailed engineering drawings of all improvements as they were actually constructed. (Changed from) No final plat shall be approved or recorded until all required improvements No building permits shall be approved until all required improvements have been satisfactorily completed and accepted in compliance herewith, or a satisfactory bond posted. No such bond shall be released until all improvements secured by such bond have been completed and accepted. (Changed,) "the Board of County Commissioners" to, The Department of Public Works shall, in the event of questions concerning the amount of bond required, make a final decision on the amount or type of bond or guarantee based on at least 2 construction estimates made for the improvements to be accomplished. 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."

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

SECTION 5

NEW CONCEPT PLANS, PRELIMINARY SUBDIVISION PLANS AND/OR SITE PLANS

NEW 5.01 CONCEPT PLANS.

NEW A. Submission Procedure

Any residential subdivision utilizing the COS or NRD development adjustment option, or proposing more than 25 dwelling units must submit a Concept Plan to the Department of Planning and Zoning. Community Input Meetings must be held pursuant to Section 5.03 of the Subdivision Regulations.

NEW B. Information Required.

At a minimum, the Concept Plan 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.

NEW C. Review and Approval Procedure

Concept Plan review shall be subject to items C(1) through C(10) of the Review and Approval Procedures specified under Section 5.02 (Preliminary Plan and Site Plans). If a Forest Stand Delineation is required by Chapter 267, Article VI of the Harford County Zoning Code, the Concept Plan shall not be approved until the Forest Stand Delineation has been approved by the Department of Planning and Zoning. Tenure of Concept Plans. Concept Plans are valid for a period of 5 years or for the validity period of any subsequent Preliminary Plan approval. Upon expiration of any Concept Plan approval, a new Concept Plan must be submitted to the Department following all the applicable procedures prior to submitting a Preliminary Plan.

5.02 PRELIMINARY PLANS and SITE PLANS

A. Submission Procedure

Preliminary Plans and Site Plans shall be submitted to the Department of Planning and Zoning for all proposed subdivisions. 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. (Changed from, "The preliminary plan and or site plan shall be complete and shall show the information required in Section 5.02Community NEW 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 required in Paragraph B. below.

B. Information Required.

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. (Changed from, "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."

C. Review and Approval Procedure.

(1) The Development Advisory Committee (DAC) is established to advise the Director of Planning and Zoning regarding major subdivisions and other large-scale developments. (Definition ?) Representatives from County and State agencies shall be members of the Development Advisory Committee. Each County agency that is represented on the Development Advisory Committee shall submit oral or written comment at each committee meeting expressing the Agency's recommendation or opinion regarding each development plan reviewed by the committee. Membership shall include, but not be limited to:

- (a). Department of Planning and Zoning.
- (b) Department of Public Works.
- (c) Health Department.
- (d) Department of Parks and Recreation.
- (e) Soil Conservation District.
- NEW (f) Sheriff's Department.
- NEW (g) Harford County Public Schools.
- (h) State Highway Administration.
- (i) Emergency Operations. Changed from Fire and Ambulance Chief's Assn
- NEW (j) U.S. Army Corps of Engineers
- NEW (k) Maryland Department of the Environment.
- omitted 10. Public Utility companies;
- Omitted 6. Maryland Forest, Park and Wildlife Service; (DNR)
- (l) Historic District Commission where development occurs within sight of a landmark

FOH Note: DNR has been much more knowledgeable and sensitive to the needs of existing flora and fauna than has the Department of the Environment.

DAC was initiated to allow the public to see the plans before construction started. The saying, "Once it is at DAC, there is nothing one can do" is correct. It is the neighbors who know and understand the area. Flood plains have been left off development maps, property lines drawn incorrectly and other mistakes are found by those knowledgeable of the area. Currently, one must trust the Department of Planning & Zoning to note those mistakes and alter the development plans. There is no official way to do this or track this other than to call the department on a weekly basis to check on changes in the plan. The department has refused to publicize these plans and their changes on a web site where availability is universal but require the interested party make frequent phone calls for updates. It should be much easier for one to learn about changes and the department should bear the responsibility.

There is no appeal process for DAC. Should one disagree with presented facts, there is no effective way to challenge the DAC findings. There should be.

(2) The Development Advisory Committee shall adopt bylaws to facilitate the review process. Meetings of the Development Advisory Committee shall be open to the general public and include an opportunity for comments from attending citizens.

(3) Comments regarding the plans shall be provided to the Department of Planning and Zoning in writing and discussed at the Development Advisory Committee meeting. 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) At least 2 weeks prior to a Development Advisory Committee meeting on a preliminary plan or site plan, the Director of Planning shall ensure that the property that is the subject of the plan has been posted with a notice stating the date, time, and location of the meeting and the telephone number for the Department of Planning and Zoning. The notice shall be on a sign measuring at least 22 inches by 28 inches with red lettering. The notice shall be conspicuously placed on the property near the right-of-way line of each public road that the property has frontage on at such locations so that the notice shall be visible, if possible, from each public road on with the property fronts. The Department of Planning and Zoning may assess a fee, not to exceed \$100, to the applicant for the posting. Following the posting, the applicant shall use reasonable efforts to maintain the notice in a condition visible to the public until the date of the meeting.

(5) Notice of the date, time and place of the Development Advisory Committee meeting, as well as the information about the type of subdivision, proposed use, and number of units requested in the plan shall be published one a week for 2 consecutive weeks in at least 2 newspapers generally circulated in Harford County. The second publication shall not be less than 1 week before the meeting. The Department of Planning and Zoning shall use reasonable efforts to contact by certified mail each adjoining property owner with a notice stating the date, time and place of the meeting. If an adjoining property is a condominium regime established under State law, notice of the meeting may be send to the representative of the unit owners. The applicant shall reimburse the County for the cost of the mailing.

(6) The Department of Planning and Zoning shall provide a citizen information guide to inform citizens of the rules of procedure of the Development Advisory Committee, the purpose of the DAC meeting, and those issues generally discussed at the meeting. The information guide shall be mailed by the Department of Planning and Zoning to any adjoining property owner who receives a notice about a Development Advisory Committee meeting. The Department of Planning and Zoning shall provide the information guide free of charge to any citizen who requests a copy.

(7) Any citizen attending the Development Advisory Committee meeting may make any comment regarding a development plan and each comment shall be addressed by a County agency. If a representative of a County agency is unable to address the comment at the meeting, the citizen's name and address shall be obtained, and a representative of the appropriate County agency shall address the citizen's comment by written response to the Director of Planning within 2 weeks of the meeting. The Director of Planning shall be responsible for ensuring that all responses are forwarded to the appropriate citizens. The Director of Planning shall be responsible for ensuring that the responses are forwarded to the appropriate citizens within 30 days after the meeting.

(8) A project designated for fast track review by the County Executive shall be exempt from the notice and posting requirements of this Section provided that:

(a) The proposed use (Changed from "project") is not one of the uses listed in the Harford County Zoning Code in the Use Classification charts (Changed from Table I) under the categories of Amusements, Motor Vehicles and Related Services, Residential and Retail Trade;

(b) The Director of Planning ensures that a notice stating the date, time, and place of the DAC meeting for the project is sent to the County Council President at least 1 week prior to the scheduled date of the meeting; and

(c) The Director of Planning ensures that a notice stating the date, time and place of the DAC meeting for the project is posted at a convenient public location at or near the site of the meeting.

(9) If the Director of Planning determines that there has been substantial compliance with the notice and posting requirements, approval of a development plan may not be revoked by the County on the basis of a failure to strictly comply with the posting and notice requirements of these subsections.

(10) Approval of the preliminary plan and/or site plan shall be set forth in a letter mailed by the Department of Planning and Zoning. This letter may include such conditions as are necessary to meet the standards of the Zoning Code, Subdivision Regulations and Chapter 131, Floodplain Management Regulations, and must be countersigned by the Developer and returned to the Department of Planning and Zoning within 45 calendar days.

(11) If a Forest Conservation Plan is required by Chapter 267, Article VI of the Harford County Zoning Code, the preliminary plan shall not be approved until the Forest Conservation Plan has been approved by the Department of Planning and Zoning.

(12) Tenure of Preliminary and Site Plans.

(a) A preliminary plan approval is valid for 2 years (Changed from 1 year) The Department of Planning and Zoning may grant an extension of the plan in accordance with Subsection 5.02C(13) of the Subdivision Regulations. (Changed from: 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:

NEW (b) 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.

(13) Extension of Preliminary Plan. A written request for an extension of a Preliminary Plan must be filed with the Department of Planning and Zoning at least 60 calendar days before the date on which the plan's previous approval will expire. 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) The Subdivider has executed an agreement with the County for off-site and/or on-site facilities improvements beyond the required, standard on-site roads and utilities agreements; **and**

(b) A performance bond for the additional/agreed-to facilities improvements has been posted by the Subdivider; **OR**

(c) As a result of the capacity allocated to the subdivision requesting the extension, there is no subdivision/site plan on the waiting list established by the Department of Planning and Zoning in accordance with the conditional review provisions of §267-122 (Adequate Public Facilities), of the Zoning Code; **and**

(d) Findings of adequate public facilities based on the standards set in §267-122 (Adequate Public Facilities), of the Zoning Code, have been established.

Omitted: Such written notice shall be received by the Zoning Administrator at least 60 days prior to the expiration of the original approval."

(14) 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 for Preliminary Plans. For development exceeding 200 lots or units, a phasing schedule shall be submitted by the Subdivider. Such phasing schedule shall be incorporated in the Preliminary Plan approval. **Changed from “concept plan approval” Omitted, “for projects requiring concept plan approval.”**

(16) Waiver of site plan application. The Director of Planning may waive the requirement for site plan approval where there is a change in use or occupancy and no extensive construction or improvement is proposed. The waiver may be granted only upon a determination by the Director of Planning that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval, and the existing facilities do not require upgraded or additional site improvements. The application for a waiver of site plan shall include a discussion of the prior use of the site, the proposed use, and its impact.

NEW (17) Preliminary and site plans are subject to §267-99 of the Harford County Zoning Code.

NEW 5.03 COMMUNITY INPUT MEETINGS.

A. Prior to submission of a concept plan, preliminary plan or site plan, for any developments generating 250 or more trips per day, as determined by the most recent version of the I.T.E. Trip Generation Manual, the developer shall hold a community meeting.

B. The community meeting shall be held near the site of the proposed development, preferably in a public or institutional building with adequate parking. The meeting shall be scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday evening, or scheduled between 9:00 a.m. and 5:00 p.m. on a Saturday, excluding all State and County holidays.

C. At least 2 weeks prior to the community meeting, the developer shall ensure that notice of the date, time and location of the community meeting, as well as information about the type of subdivision, including the proposed number of units, has been provided to the following:

(1) All adjoining property owners identified in the Records of the State Department of Assessment and Taxation, by first class mail;

(2) The Department of Planning and Zoning, which will post the meeting notice on the Department’s website; and

(3) The County Council.

D. At least 2 weeks prior to the community meeting, the developer shall ensure that the property, that is the subject of the proposed development, is posted with a notice, obtained from the Department of Planning and Zoning, stating the date, time and location of the community meeting. The notice shall briefly describe the proposed development, specifying the type of subdivision and number of proposed units, and include the Department’s website address. The notice shall be on a sign measuring at least 22 inches by 28 inches. The notice shall be conspicuously placed on the property, near the right-of-way line of each public road that the property has frontage on, at such location that the notice shall be visible, if possible, from each public road on which the property fronts. Following the posting, the developer shall use reasonable efforts to maintain the notice in a condition visible to the public until the date of the community meeting.

E. At least 2 weeks prior to the community meeting, the developer shall ensure that notice of the community meeting is published once a week for 2 consecutive weeks, in at least 2 newspapers generally circulated in Harford County.

F. The purpose of the community meeting is for the developer to provide information to the community, regarding the proposed development, and to allow citizens to ask questions and to make comments and suggestions.

G. At the community meeting, the developer shall present draft plans for the site layout.

H. The developer shall ensure that a certification of mailed meeting notices, a certification of the newspaper advertisements, and a summary of the comments made by citizens, at the community meeting, are included with the preliminary plan or site plan when the plan is submitted to the County.

I. If the developer does not submit a concept plan, preliminary plan or site plan to the Department **within 1 year** of the community meeting, or, if the plan submitted is substantially different from the plan presented at the community meeting, another community meeting and notification, as specified under this Section, shall be required.

J. IF THE COMMUNITY DISAGREES WITH ANY PORTION OF THE PLAN AS PRESENTED BY THE DEVELOPER, A MEDIATOR OR NEUTRAL ARBITER MUST RESOLVE THE DIFFERENCES BEFORE THE PLAN CAN MOVE FORWARD TO THE FINAL SUBDIVISION PLAN.

SECTION 6

THE FINAL SUBDIVISION PLAN

The Final Plat of a Subdivision may include all or any portion of the area covered by the Preliminary Plan. The final plat shall be surveyed and prepared in accordance with the accuracy standards contained in Table 1 and Table 2 of the minimum standard detail requirements for ALTA/ACSM land title surveys (1988). The final plat shall incorporate any changes or additions required by the preliminary plan approval letter.

6.01 THE FINAL PLAT.

The final plat shall conform to the following requirements:

A. It shall be legibly and accurately prepared on, or printed on, sheets 24" by 20" in size.

B. It shall be drawn legibly and accurately at a scale 1 inch to 50 feet or 1 inch to 100 feet, depending upon the size of the subdivision.

C. Information Required.

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. **Omitted list of requirements**

D. Graphic Information Required:

One or more corners accurately tied by a system of bearings and distances to a monument of the Harford County system. Coordinates of said corners will be computed and shown in X (easting) and Y (northing) in the Maryland Coordinate System referenced to the North American datum 1983. The coordinate values may be in either feet or meters. This requirement may be waived by the Director of Planning for subdivisions of 5 or fewer lots with no corner within a one mile distance of the Harford County monument system as traversed by public road.

E. The final plat shall contain the following owner's statements:

(1) The owner hereby grants to Harford County, Maryland, an easement for the construction, maintenance, repair and replacement of water, sewer and storm drainage lines within the drainage and utility easements and road improvement rights-of-way as shown on the plat.

(2) Unless otherwise provided on this plat, the streets, roads, open spaces and public sites shown hereon, and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the land so shown is expressly reserved to the present owner(s) shown on this plat, their successor, heirs and assigns. Nothing contained herein shall preclude the owner from conveying by deed the streets, roads, open spaces and public sites in fee to Harford County, Maryland.

(3) No lot will be re-subdivided to produce a building site of less area or width than the minimum required by Subdivision Regulations, the Zoning Code or the County Health Officer.

NEW(4) For all lots located in the Agricultural zoning district intended for residential use, the following note shall be provided:

NEW (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.

F. If the Owner is a Corporation, the plat shall bear the corporate seal, and the signature of the officer authorized to sign for the Corporation.

G. Required Documentation: At the time of final plat submittal to the Department of Planning and Zoning, the following documents, where applicable, shall be submitted for review and approval by Harford County.

(1) For all subdivisions, charge and deposits agreements providing for telephone, electric and gas service, shall be executed by the Subdivider in accordance with the respective public service company's procedures. These agreements shall provide that the Subdivider is responsible for all applicable charges and deposits in accordance with the applicable Public Service Commission rules and company service tariffs, even though building lots of the said subdivision may be sold, developed or improved by third parties. The posting of all required deposits and charges for underground telephone, gas and electric services shall occur prior to the earlier of:

(a) The conveyance of any lot or lots in the subdivision, or

(b) The awarding of any contract for the construction of required public or private improvements within the subdivision.

(2) The executed underground gas, electric, and telephone agreements shall be delivered by the Subdivider to the appropriate public service company prior to final plat approval.

(3) For all subdivisions, overhead/ underground right-of-way agreements shall be executed by the Subdivider, granting public service companies the right-of-way onto the subdivision for the purposes of or related to providing or maintaining telephone, gas, or electric service, even though building lots of the said subdivision may be sold, developed or improved by third parties. The executed overhead/underground right-of-way agreements shall be executed and delivered by the Subdivider to the appropriate public service company prior to final plat approval.

(4) For subdivisions having frontage along an existing County road, a signed deed conveying to Harford County the road improvement right-of-way along the existing County road for each lot shown on the final plat shall be submitted for recordation.

(5) For subdivisions providing **Changed “encompassing common open space” to** common open space(s), roads and/or private utilities, a copy of the proposed homeowners' association articles of incorporation, bylaws, budget, declaration of covenants and restrictions, and declaration of covenants for stormwater management facilities shall be submitted **(ADDED) for recordation with the final plat.**

6.02 IMPROVEMENT PLANS AND SPECIFICATION.

Prior to approval of the final plat, the Subdivider shall prepare and submit to the Department of Public Works plans for the construction of all required improvements, including water and sewer lines and facilities, public roads and road improvements, storm drains and stormwater management facilities. Such plans shall meet the appropriate design guidelines as established in the rules and regulations of the Department of Public Works and in the Harford County Code, as amended. In those situations where the preliminary plan approval letter has approved the use of private roads, the final plats shall clearly indicate that the roads are private and shall bear the note "The Department of Public Works shall not improve or maintain private roads."

6.03 CONSTRUCTION OF IMPROVEMENTS OR POSTING OF BONDS.

Upon the approval of the construction drawings by the Department of Public Works, the Subdivider may proceed with the construction of all improvements. In lieu of completing construction prior to recordation of final plats and issuance of building permits, the Subdivider may post a performance guarantee in a form acceptable to the County and in an amount sufficient to cover the cost of any or all of the required improvements as determined by the Department of Public Works.

6.04 PROCESSING OF FINAL PLAT.

A. The Department of Planning and Zoning shall route the final plat to all appropriate agencies for review and signature. Upon signature by the County Executive, the plat shall be taken to the Harford County Land Records for recordation by the **(Changed from “engineer”** surveyor or authorized party along with the appropriate agreements and documents.

NEW B. All record plats must be recorded within 45 calendar days upon receipt from the Clerk of the Court of Harford County.

C. If a Subdivider desires approval of a final plat in order to record the plat before completion or acceptance by the County of the required improvements, the Subdivider and the County shall execute a Subdivision Agreement, and

(Changed from: “and the translucent tracing cloth copy of the plat shall be filed, a copy of the plat shall be filed with the Clerk of the Circuit Court of Harford County, and the prints shall be distributed as follows:

- (1) Supervisor of Assessments (2 copies)
- (2) County Health Department (2 copies)
- (3) Department of Public Works (1 copy) Changed from: County Highways Department
- (4) Department of Planning and Zoning (2 copies)
- (5) Municipalities (1 copy if subdivision lies within a mile of town or city)

6.05 ACCEPTANCE OF IMPROVEMENTS.

Upon satisfactory completion and acceptance of the required public improvements, performance guarantees shall be released and any required maintenance bonds posted. The Subdivider shall deed the roads to Harford County in fee simple.

6.06 PUBLIC RELEASE.

Upon satisfactory completion and acceptance of the public improvements required in Subsection 4.04, the County shall accept, by duly executed deed, the lands (together with their improvements) reserved for roads or streets upon which improvements have been completed and accepted. 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

In any particular case where by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these Regulations would cause practical difficulty and exceptional and undue hardship, the County (changed from Commission) may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of these Regulations or the desirable general development of the neighborhood and the community in accordance with the adopted Master Plan and the Zoning Code.

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

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] affected 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. **FILING OF THE DECISION AND THE DATE OF THE FILING MUST BE SENT IN WRITING TO EVERY INDIVIDUAL ATTENDING THE D.A.C. MEETING FOR THAT PROJECT. FILING OF THE DECISION AND ITS DATE MUST ALSO BE PLACED ON THE COUNTY WEBSITE NEXT TO THE PROJECT NAME IN THE D.A.C. PAGE.** Upon the hearing of such appeal, the decision of the Director of Planning and Zoning shall be presumed by the Court to be proper and to best serve the public interest. The burden of proof shall be upon the appellant, or appellants, to show that the decision complained of was against the public interest and that the Director of Planning and Zoning’s (changed from Planning Commission) discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of said Director of Planning and Zoning and was illegal. The said Court shall have the 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 Harford County.

FOH: The problem with this is that there is no way for an interested person whose property is affected by the decision to know when that decision has been “filed.” The department’s decision is presumably “filed” when it signs off on the plan, however, no one outside of the department and the developer knows when that occurs. Giving

the interested party 30 days to appeal (includes holidays and weekends) means that party must contact the department daily to ascertain when the filing has taken place. Again this puts all the onus entirely on the affected property owner.

SECTION 9

9.01 VALIDITY

If any Section, subsection, paragraph sentence or phrase of these Subdivision Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.