

Harford County, Maryland

SUBDIVISION REGULATIONS



Chapter 268 of the Harford County Code, as amended

Effective December 22, 2008
Amended thru January 21, 2014

DEPARTMENT OF PLANNING AND ZONING

Harford County, Maryland

**SUBDIVISION REGULATIONS
AMENDMENT INFORMATION:**

<u>Bill Number</u>	<u>effective date</u>
09-32	1/22/10
11-06	5/23/11
11-13	6/27/11
12-50	12/31/12
13-37AA	1/21/14

ARTICLE IV. Concept Plans, Preliminary Subdivision Plans and/or Site Plans

§ 268-18. Concept Plans.

- A. Submission procedure.
 - (1) If more than 500 trips per day are proposed for a residential subdivision or special development, a concept plan shall be submitted to the Department of Planning and Zoning.
 - (2) Community input meetings must be held pursuant to §268-20 (Community Input Meetings) of the Subdivision Regulations, as amended.
- 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.
- C. Review and approval procedure.
 - (1) Concept plan review shall be subject to items C(1) through C(10) of the review and approval procedures specified under §268-19 (Preliminary Plans and Site Plans).
 - (2) If a forest stand delineation is required by Chapter 267, article VI of the Harford County Zoning Code, as amended, the concept plan shall not be approved until the forest stand delineation has been approved by the Department of Planning and Zoning.
 - (3) 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.

§ 268-19. Preliminary Plans and Site Plans. [Amended by Bill 09-32 ; Bill 11-06; Bill 11-13; and Bill 13-37 as amended]

- A. Submission procedure.
 - (1) 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 nonresidential and multi-family housing uses shall be distributed to the members of the Development Advisory Committee for review.
 - (2) Community input meetings must be held pursuant to §268-20 (Community Input Meetings) of the Subdivision Regulations, as amended.
 - (3) 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.

C. Review and approval procedure.

- (1) The Development Advisory Committee (DAC) is established to advise the Director of Planning regarding major subdivisions and other large-scale developments. Representatives from County 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. Members of State agencies and other supporting agencies in the region will be provided copies of plans and an opportunity to submit oral or written comments expressing the agency's recommendation or opinion regarding each development plan, when appropriate.

(a) Membership shall include, but not be limited to:

- [1] Department of Planning and Zoning.
- [2] Department of Public Works.
- [3] Health Department.
- [4] Department of Parks and Recreation.
- [5] Soil Conservation District.
- [6] Sheriff's Department.
- [7] Harford County Public Schools.
- [8] Emergency Operations.

(b) State agencies and other supporting agencies that will receive copies of plans submitted to DAC for review and comment include, but are not limited to:

- [1] State Highway Administration.
- [2] U.S. Army Corps of Engineers.
- [3] Maryland Department of the Environment.
- [4] Maryland Department of Natural Resources.

(c) If a major subdivision or other large-scale development is proposed within a 1 mile radius of a municipality, the following Departments or entities within that municipality shall receive copies of the plan and shall receive notice of the DAC meeting for the purpose of providing an opportunity to provide oral or written comments regarding the plan:

- [1] Department of Planning.

- [2] Department of Public Works.
 - [3] Police Department.
 - [4] Fire and ambulance companies.
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- (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. Plans submitted for DAC shall be available for review by the public in a timely and convenient manner.
 - (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.
 - (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 once 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 sent 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 calendar 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 is not one of the uses listed in the Harford County Zoning Code in the Permitted Use Charts 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 60 calendar days. For any plan approval located within the Chesapeake Bay Critical Area Overlay District, the final signed letter and the approved plan shall be sent to the Critical Area Commission within 5 days of receipt of the countersigned letter.
- (11) If a forest conservation plan is required by Chapter 267, Article VI of the Harford County Zoning Code, as amended, 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 3 years. The Department of Planning and Zoning may grant an extension of the plan in accordance with §268-19C(13) (Review and Approval Procedure) of the Subdivision Regulations, as amended.
 - (b) Site plans shall be valid for 2 years. A one-time, 1-year extension may be granted if the site plan is in compliance with applicable adequate public facilities standards, upon a written request for an extension 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.

- (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. A one-time, 2-year extension of the preliminary plan may be granted by the Director of Planning subject to 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) Findings of adequate public facilities based on the standards set in §267-126 (Adequate Public Facilities) of the Harford County Zoning Code, As Amended, have been established.
- (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 any 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.
- (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.
- (17) Preliminary and site plans are subject to §267-102 (Approved Preliminary and Site Plans) of the Harford County Zoning Code, as amended.

§ 268-20. 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, or determined to be a nontransient noncommunity water system, 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 and a certification of the newspaper advertisements are included with the preliminary plan or site plan when the plan is submitted to the County.
- I. Within 45 calendar days of the community meeting, the developer shall submit a summary of the comments made by citizens at the community meeting to the Department.
- J. 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.

ARTICLE V. The Final Subdivision Plan

§ 268-21. The Final Plat.

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. The final plat shall conform to the following requirements:

- A. It shall be legibly and accurately prepared on, or printed on, sheets 24 inches by 20 inches 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.
- 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 1 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.
 - (4) For all lots located in the agricultural zoning district intended for residential use, the following note shall be provided:

"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 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 for recordation with the final plat.

§ 268-22. Improvement Plans and Specification.

- A. 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.
- B. 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."

§ 268-23. 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.

§ 268-24. Processing of Final Plat. [Amended by Bill 13-37 as amended]

- 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, along with the appropriate agreements and documents, and shall be recorded by the surveyor or authorized party.
- B. All record plats must be recorded within 1 year from the date it is signed by the Harford County Executive.
- 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 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).
 - (4) Department of Planning and Zoning (2 copies).
 - (5) Municipalities (1 copy if subdivision lies within a mile of town or city).

§ 268-25. 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.

§ 268-26. Public Release.

Upon satisfactory completion and acceptance of the public improvements required in §268-12 (Improvements), 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.