

# Harford County, Maryland

## SUBDIVISION REGULATIONS



Chapter 268 of the Harford County Code, as amended

Effective December 22, 2008

Amended thru May 23, 2011

*DEPARTMENT OF PLANNING AND ZONING*

**Harford County, Maryland**

**SUBDIVISION REGULATIONS  
AMENDMENT INFORMATION:**

<b><u>Bill Number</u></b>	<b><u>effective date</u></b>
09-32	1/22/10
11-06	5/23/11

### **ARTICLE III. Requirements For The Development of Land**

#### **§ 268-9. 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. 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, as amended. 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, as amended.
- C. All subdivision of land shall conform to the Floodplain Management Regulations in Chapter 131 of the Harford County Code, as amended.

#### **§ 268-10. Chesapeake Bay Critical Area Overlay District. [Amended by Bill 11-06]**

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, as amended. In addition, applications for subdivision of land which lies within the Chesapeake Bay Critical Area Overlay District shall be forwarded by the Department of Planning and Zoning to the Chesapeake Bay Critical Area Commission in accordance with COMAR 27.03.01.

#### **§ 268-11. Streets and Roads.**

- A. Streets and roads shall conform to the Harford County Transportation Element Plan.
- B. Wherever a tract of land to be subdivided includes any part of a road indicated on the Transportation Element Plan, the location, type and construction of such road shall be incorporated by the subdivider in the layout plan.
- C. Notwithstanding the provisions of subsection B, 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 financial liens.

#### **§ 268-12. Improvements.**

- 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.

- B. For the purposes of this section, "development" does not include:
- (1) The use of land for agriculture; and
  - (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 Harford County Road Code, as amended.
- 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 deposit the estimated construction cost in an account with Harford County for the future improvements of that roadway to the designated County road standards.
  - (2) Frontage improvements 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.
  - (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.
  - (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;

## **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 and Bill 11-06]

- 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 2 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 and shall be deemed null and void at the end of such period unless building permit application has been filed.