

HARFORD COUNTY BILL NO. 23-027 As Amended

Brief Title Apartments - B3-General Business District

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Devon
Council Administrator

Date 11/7/23

ENROLLED

[Signature]
Council President

Date 11/7/23

BY THE COUNCIL

Read the third time.

Passed: LSD 23-028

Failed of Passage: _____

By Order

Mylin A. Devon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th Day of November 2023, at 3:00 p.m.

Mylin A. Devon
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 11.9.23

BY THE COUNCIL

This Bill No. 23-027 As Amended having been approved by the Executive and returned to the Council, becomes law on November 9, 2023.

EFFECTIVE: January 8, 2024

**BILL NO. 23-027
AS AMENDED**

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 2, 2023, and concluded on October 2, 2023.

Mylia A. Dixon, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

**BILL NO. 23-027
AS AMENDED**

1 WHEREAS, Section 267-59 states, “The purpose of” the B3 General Business District “is to
2 provide a wide range of retail, service and business uses serving local and countywide areas ...
3 generally located along arterial roads”; and

4 WHEREAS, apartment dwellings do not constitute a retail, service or business use, instead,
5 such dwellings service a residential use; and

6 WHEREAS, apartments do not need to be located next to arterial roads to fulfill a residential
7 dwelling function and generally more reasonably fulfill a residential dwelling function when not
8 located along arterial or major collector roads; and

9 WHEREAS, there has been substantial development of apartments within the B3 zoning
10 district during the past decade that has significantly reduced the inventory of available B3 zoned
11 parcels along commercial corridors within the County; and

12 WHEREAS, the use of land zoned B3 General Business District to fulfill a residential
13 dwelling function generally is antithetical and contrary to the stated purpose to be fulfilled by a B3
14 General Business District and permitting such use in the B3 General Business District generally
15 should be prohibited;

16 WHEREAS, the County continues to support the development of residential uses in a B3
17 General Business District as part of a mixed use center permitted pursuant to § 267-76, which permits
18 residential uses to be integrated into a mixed use center that is of excellent design and architecture
19 with a mix of uses that will create a synergy of uses, efficiency of design and reduction of vehicle
20 miles traveled;

21 NOW THEREFORE,

22 Section 1. Be It Enacted By The County Council of Harford County, that the following sections
23 of Chapter 267, Zoning, of the Harford County Code are repealed and reenacted with amendments,
24 all to read as follows:

25 **Chapter 267. ZONING**

26 **Article VIII. Design Standards for Special Developments**

1 § 267-74 – Garden and mid-rise apartment dwellings (GMA).

2 A. Purpose. To provide for development of multi-family dwelling unit projects in the [B3
3 and] ~~R4 Zoning District[s].~~ **R4 AND B3 ZONING DISTRICTS. IN THE B3 ZONING**
4 **DISTRICT, GARDEN APARTMENTS ARE LIMITED SOLELY TO**
5 **LOCATIONS ENTIRELY WITHIN THE BOUNDARIES OF THE**
6 **CHESAPEAKE SCIENCE AND SECURITY CORRIDOR (CSSC).**

7 B. Objectives.

8 (1) To provide opportunity for new residential and mixed use development in the
9 development envelope.

10 (2) To encourage quality design and incorporation of limited business uses within a
11 single development.

12 (3) To assure compatibility of the proposed land uses with internal and surrounding
13 uses.

14 C. Development standards.

15 (1) Permitted uses. The following uses shall be permitted:

16 (a) Garden apartments. **IN THE B3 ZONING DISTRICT GARDEN**
17 **APARTMENT USES SHALL BE PERMITTED AS A SPECIAL**
18 **DEVELOPMENT ONLY IN THE CHESAPEAKE SCIENCE AND**
19 **SECURITY CORRIDOR (CSSC).**

20 (b) Mid-rise apartments. In the R4 District, retail and service uses may be
21 incorporated into the overall project for up to 30% of the gross square
22 footage. Business uses shall be located on only the first floor of any
23 building. No more than 1 restaurant or bar shall be permitted per project.

24 Freestanding signs advertising the business uses shall be limited to 120

1 square feet in size per project.

2 (2) Access. Primary access to the GMA site shall be from a primary residential or
3 higher functionally classified road.

4 (3) Design. The proposed project shall be designed with buildings which are
5 compatible and harmonious with surrounding uses. Efforts shall be made to
6 minimize the impact and maximize the aesthetics to adjoining or surrounding
7 properties. The design shall provide for adequate buffers, pursuant to § 267-30
8 (Buffer yards).

9 (4) Open space. The open space shall constitute at least 20% of the parcel area, of
10 which at least 10% shall be suitable for and devoted to active recreation. The
11 project should be designed so that active recreational areas are suitably located
12 and accessible to the residential dwellings and adequately buffered to ensure
13 privacy and quiet for adjoining residential uses. All open space shall be provided
14 pursuant to § 267-31 (Open space).

15 (5) Landscaping. Any area not used for buildings, structures or parking shall be
16 landscaped and properly maintained, pursuant to § 267-29 (Landscaping).

17 {(6) For development **OF GARDEN APARTMENTS** in the B3 Zoning District,
18 which is located entirely within the ~~development envelope~~, **BOUNDARIES OF**
19 **THE CHESAPEAKE SCIENCE AND SECURITY CORRIDOR (CSSC)**, the
20 R4 conventional with open space (COS) design standards shall be used. The
21 permitted density shall not exceed 20 dwelling units per acre.}

22 **Article IX. Special Exceptions**

23 **§ 267-88 – Specific Standards**

24 F. Residential uses.

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1 (1) Apartments, high-rise. These uses may be granted in the R4 [and B3] District[s],
2 provided that:

3 (a) A minimum parcel area of not less than 3 or more than 20 acres shall be
4 established.

5 (b) The density shall not exceed 30 dwelling units per acre for high-rise
6 apartments, and the maximum building coverage shall be 30% of the total
7 parcel for high-rise apartments.

8 (c) The location is suitable for apartment dwellings with regard to traffic, access,
9 efficiency and convenience of land use and safety.

10 (d) The proposed project is designed with properly arranged traffic flow,
11 pedestrian linkages and parking; buildings which are compatible and
12 harmonious with surrounding uses; and minimum obstruction to the view of
13 those who live in the surrounding area.

14 (e) The open space shall constitute at least 35% of the parcel area, of which at
15 least 40% shall be suitable for and devoted to active recreation.

16 (f) Any area not used for buildings, structures or parking shall be landscaped and
17 properly maintained.

18 [(g) In the B3 District, apartment dwelling structures shall be able to provide retail
19 and service uses primarily intended for the future residents. No individual
20 retail accessory use may exceed 1,500 square feet, and the total retail
21 accessory uses shall not exceed 150 square feet per dwelling unit. No
22 freestanding signs advertising the business uses shall be allowed.]

23 Section 2. And Be It Further Enacted that Table 267 Attachment 19, the Table of Permitted

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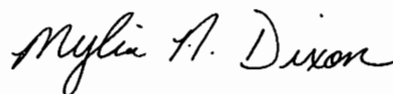
1 Uses authorized by Section 267-50 be and hereby is amended as set forth as follows: Attachment
2 19:12, the line for use classifications CLASSIFICATION “Garden apartment dwellings” THE B3
3 COLUMN IS AMENDED TO PERMIT THEM AS A SPECIAL DEVELOPMENT
4 PERMITTED USE ONLY IN THE CHESAPEAKE SCIENCE AND SECURITY
5 CORRIDOR and THE LINE FOR USE CLASSIFICATION “mid-rise apartment dwellings” be
6 and hereby is amended by deleting such uses USE as a “SD” permitted use pursuant to the special
7 development regulations in Article ~~VH~~ VIII of Part 1 of the Zoning Code in the B3 General Business
8 District; and Attachment 19:12, the line for use classification “High-rise apartment dwellings” be
9 and hereby is amended to delete such use as a “SE” special exception permitted use in the B3-
10 General Business District. See Attachment A, which is Table 267 Attachment 19:12 of the Table of
11 Permitted Uses depicting in brackets the requisite deletions, CHANGES, which is incorporated
12 herein by reference.

13 Section 3. And Be It Further Enacted that Table 59-3, “Design requirements for specific uses in
14 the B3-General Business District,” 267 Attachment 13.1 be and hereby is amended by deleting the
15 Use Classifications “Apartments” row from such table. See Attachment B, which is Table 267
16 Attachment 13.1, Table 59-3, “Design requirements for specific uses in the B3 General Business
17 District depicting in brackets the requisite deletions, which is incorporated herein by reference.

18 Section ~~3~~ 4. And Be It Further Enacted that this Act shall take effect 60 calendar days from the
19 date it becomes law.

EFFECTIVE: January 8, 2024

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator

HARFORD COUNTY CODE

KEY:	
"P"	Indicates permitted subject to applicable Code requirements
"SD"	Indicates permitted subject to special-development regulations, pursuant to Article VIII.
"SE"	Indicates permitted subject to special-exception regulations, pursuant to Article IX.
"T"	Indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (Temporary uses).
	A blank cell indicates that the use is not permitted.
"SE*"	Indicates permitted subject to special-exception regulations, pursuant to Article XI.

- (1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.
- (2) RO - maximum of 4 units.
- (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.
- (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

Use Classification	Zoning Districts															
	AG	RR	RI	R2	R3	R4	RO	V	VB	BI	B2	B3	CI	LI	GI	MO
Sawmills	SE											SE	P		P	
Wildlife refuge	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Residential: Conservation Development																
Single-family detached dwellings	SD															
Residential: Conventional Development																
Duplex dwellings						P	P	P	P	P	P	P				
Garden apartment dwellings						SD	P(2)					{SD} (3)				P
High-rise apartment dwellings												{SE}				
Lot-line dwellings						P		P				P(3)				
Mid-rise apartment dwellings						SD						{SD}				P
Mixed use centers						SD				SD	SD	SD	SD	SD	SD	
Mobile home parks																
Mobile home subdivisions					SD	SD										
Mobile homes	P				SE	SE		S	SE	SE	SE	SE				
Multiplex dwellings												P(3)				

County of Harford

**Table 59-3
Design Requirements for Specific Uses
B3 General Business District**

Use Classification	Minimum Lot Area (square feet)	Maximum Lot Area (acres)	Maximum Average Lot Area (acres)	Minimum Lot Area Per Dwelling or Family Unit (square feet)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Building Height (stories)
Amusements						50	25	10	35	3
Institutional/motor vehicle	20,000				25	70	30	20	40	3
Natural resources	2 acres				50 (bldg.)					3
RESIDENTIAL: CONVENTIONAL										
Single-family detached	7,500					60	25	6 (total of 20)	22	3
Semi-detached	4,000					45	25	0 and 10	22	3
Duplex	8,000			4,000		70	25	15	22	3
[Apartments]	[5 acres]			[1,245]		[110]	[30]	[30]	[35]	[6]
Multiplex (interior units)*	1,800					18	25	0	25	3
Multiplex (end units)*	1,800					15	20	25	0	3
Lot line dwellings*	4,000					45	25	0 to 3 (total of 10)	22	2
Patio/court/atrium*	3,000					40	25	0	22	1 1/2
Townhouse*	1,800					18	25	0	22	3

NOTES:

General requirements shall apply to all permitted uses in the classification. Some uses may have additional requirements specifically cited in Article IX, Special Exceptions.

Section 2 of Bill 84-37 provided that said act "shall not apply to a prior conditional use approval authorized by the Board of Appeals or to any subdivision or development of land that has a recorded plat and has also received 3 or more building permits for the location of mobile homes by the effective date of said act."

* Only in the Chesapeake Science and Security Corridor.