

HARFORD COUNTY BILL NO. 23-011

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

ENROLLED

Mylia A. Dixon
Council Administrator

Council President

Date 6/20/2023

Date _____

BY THE COUNCIL

Read the third time.

Passed: LSD _____

Failed of Passage: 23-021

By Order

Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____
Day of _____, at _____ p.m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 23-011

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 23-012 Date April 18, 2023

AN ACT to repeal and reenact, with amendments: Section 267-74, Garden and mid-rise apartment dwellings (GMA) of Article VIII, Design Standards for Special Developments; and Section 267-88, Specific standards, Subsection F, Residential uses of Article IX, Special Exceptions; and the Permitted Uses Chart under Section 267-50 to remove “garden apartments” and “high-rise apartments” as permitted uses in the B3 General Business District unless appropriately integrated into a plan for mixed use development as permitted pursuant to Section 267-76; and to repeal and reenact, with amendments, Design Requirements Table 59-3 to eliminate the row labeled “apartments” from the table; all such amendments being related to the development of apartments within the B3 General Business District and made to generally prohibit the development of apartments within B3 General Business District unless being undertake pursuant to an approved mixed use development plan; all as generally relating to zoning.

By the Council, April 18, 2023

Introduced, read first time, ordered posted and public hearing scheduled:

on: May 16, 2023

at: 6:30 PM

By Order: *Mylia A. Dixon*, Council Administrator

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 May 16, 2023, and concluded on May 16, 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.

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; and

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].

4 B. Objectives.

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

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

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

11 C. Development standards.

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

13 (a) Garden apartments.

14 (b) Mid-rise apartments. In the R4 District, retail and service uses may be
15 incorporated into the overall project for up to 30% of the gross square
16 footage. Business uses shall be located on only the first floor of any
17 building. No more than 1 restaurant or bar shall be permitted per project.
18 Freestanding signs advertising the business uses shall be limited to 120
19 square feet in size per project.

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

22 (3) Design. The proposed project shall be designed with buildings which are
23 compatible and harmonious with surrounding uses. Efforts shall be made to
24 minimize the impact and maximize the aesthetics to adjoining or surrounding

1 properties. The design shall provide for adequate buffers, pursuant to § 267-30
2 (Buffer yards).

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

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

11 [(6) For development in the B3 Zoning District, which is located entirely within the
12 development envelope, the R4 conventional with open space (COS) design
13 standards shall be used. The permitted density shall not exceed 20 dwelling units
14 per acre.]

15 **Article IX. Special Exceptions**

16 **§ 267-88 – Specific Standards**

17 **F. Residential uses.**

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

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

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

- 1 (c) The location is suitable for apartment dwellings with regard to traffic, access,
2 efficiency and convenience of land use and safety.
- 3 (d) The proposed project is designed with properly arranged traffic flow,
4 pedestrian linkages and parking; buildings which are compatible and
5 harmonious with surrounding uses; and minimum obstruction to the view of
6 those who live in the surrounding area.
- 7 (e) The open space shall constitute at least 35% of the parcel area, of which at
8 least 40% shall be suitable for and devoted to active recreation.
- 9 (f) Any area not used for buildings, structures or parking shall be landscaped and
10 properly maintained.
- 11 [(g) In the B3 District, apartment dwelling structures shall be able to provide retail
12 and service uses primarily intended for the future residents. No individual
13 retail accessory use may exceed 1,500 square feet, and the total retail
14 accessory uses shall not exceed 150 square feet per dwelling unit. No
15 freestanding signs advertising the business uses shall be allowed.]

16 Section 2. And Be It Further Enacted that Table 267 Attachment 19, the Table of Permitted
17 Uses authorized by Section 267-50 be and hereby is amended as set forth as follows: Attachment
18 19:12, the line for use classification “Garden apartment dwellings” be and hereby is amended by
19 deleting such use as a “SD” permitted use pursuant to the special development regulations in Article
20 VII of Part 1 of the Zoning Code in the B3 General Business District; and Attachment 19:12, the line
21 for use classification “High-rise apartment dwellings” be and hereby is amended to delete such use
22 as a “SE” special exception permitted use in the B3 General Business District. See Attachment A,
23 which is Table 267 Attachment 19:12 of the Table of Permitted Uses depicting in brackets the

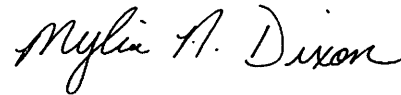
1 requisite deletions, which is incorporated herein by reference.

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

7 Section 4. And Be It Further Enacted that this Act shall take effect 60 calendar days from the
8 date it becomes law.

EFFECTIVE:

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