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 P. Devon
Council Administrator
Date 11/7/23

ENROLLED

Council President
Date 11/7/23

BY THE COUNCIL

Read the third time.

Passed: LSD 23-028

Failed of Passage: ______________________

By Order

Mylin P. 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 P. Devon
Council Administrator

BY THE EXECUTIVE

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
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”, “mid-rise 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; EXCEPT FOR GARDEN APARTMENTS LOCATED WITHIN THE BOUNDARIES OF THE CHESAPEAKE SCIENCE AND SECURITY CORRIDOR (CSSC); 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; EXCEPT FOR GARDEN APARTMENTS LOCATED WITHIN THE BOUNDARIES OF THE CHESAPEAKE SCIENCE AND SECURITY CORRIDOR (CSSC); all as generally relating to zoning.

By the Council, September 5, 2023

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

on: October 2, 2023

at: 6:00 PM

By Order: ______________________, 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 October 2, 2023, and concluded on October 2, 2023.

Explanations:
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 struck out of Bill by amendment.

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

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

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

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

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

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

NOW THEREFORE,

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

Chapter 267. ZONING

Article VIII. Design Standards for Special Developments
§ 267-74 – Garden and mid-rise apartment dwellings (GMA).

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

B. Objectives.

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

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

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

C. Development standards.

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

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

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

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

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

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

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

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

Article IX. Special Exceptions

§ 267-88 – Specific Standards

F. Residential uses.
Apartments, high-rise. These uses may be granted in the R4 [and B3] District[s], provided that:

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

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

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

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

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

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

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

Section 2. And Be It Further Enacted that Table 267 Attachment 19, the Table of Permitted
BILL NO. 23-027
AS AMENDED

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

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

Section 3-4. And Be It Further Enacted that this Act shall take effect 60 calendar days from the 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.

Mylie A. Dixon
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). |
| "SE*"     | Indicates permitted subject to special-exception regulations, pursuant to Article XI. |
| A blank cell indicates that the use is not permitted. |

(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.

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<thead>
<tr>
<th>Use Classification</th>
<th>Zoning Districts</th>
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<tbody>
<tr>
<td></td>
<td>AG</td>
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<td>Sawmills</td>
<td>SE</td>
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<td>Wildlife refuge</td>
<td>P</td>
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<td>Residential: Conservation Development</td>
<td>SD</td>
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<td>Single-family detached dwellings</td>
<td>SD</td>
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<td>Residential: Conventional Development</td>
<td>SD</td>
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<td>Duplex dwellings</td>
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<td>Garden apartment dwellings</td>
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<td>High-rise apartment dwellings</td>
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<td>Multiplex dwellings</td>
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267 Attachment 19:12

Attachment A
As Amended