

COUNTY ORDINANCE NO. 13-16

A BILL ENTITLED

AN ACT CONCERNING the Criteria for Designation as Intensely Developed Area (IDA) under the Queen Anne's County Chesapeake Bay Critical Area Act, Chapter 14:1 of the Code of Public Local Laws of Queen Anne's County;

FOR THE PURPOSE of revising and adding criteria with respect to Intensely Developed Areas under the Queen Anne's County Chesapeake Bay Critical Area Act; revising the definition of Intensely Developed Area under the Act; and generally dealing with Intensely Developed Areas in Queen Anne's County;

BY AMENDING Sections 14:1-76.D. and 14:1-11 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 14:1-76.D. and 14:1-11 of the Code of Public Local Laws be amended to read as follows:

ARTICLE XV

Growth Allocation

. . .

§ 14:1-76. *Growth allocation process.*

. . .

D. *Review criteria. The following review criteria will guide the selection of projects that may be assigned growth allocation: [Amended 7-28-2009 by Ord. No. 09-10]*

. . .

(5) *When locating new Intensely Developed or Limited Development Areas, proposed development projects may be assigned growth allocation subject to the requirements of COMAR§ 27.01.02 and Natural Resource Article 8-1801.1 shall use the following*

location criteria:

(a) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;

(b) A new Intensely Developed Area shall be at least 20 acres or adjacent to an existing Intensely Developed Area that together equals at least 20 acres. A new Intensely Developed Area may be less than 20 acres if it is:

(i) located in an existing growth area;
and

(ii) currently served by public sewer;
and

(iii) consistent with the goals and objectives of the adopted County comprehensive Plan; and

(iv) has an overall economic benefit to the community.

~~(b)~~ (c) Locate a new Limited Development Area adjacent to an existing Limited Development Area or Intensely Developed Area;

~~(c)~~ (d) Locate a new Intensely Developed Area or a Limited Development Area in a manner that minimizes impacts to Habitat Protection Areas as defined in COMAR § 27.01.09 and in an area and in a manner that optimizes benefits to water quality.

~~(d)~~ (e) Locate a new Intensely Developed Area and Limited Development Areas in a manner that minimizes their impacts to the defined land uses of the Resource Conservation Area.

~~(e)~~ (f) Locate a new Intensely Developed Area or a Limited Development Area in the Resource Conservation Area at least 300 beyond the

landward edge of tidal wetlands or tidal waters, unless the Critical Area Commission approves an alternative measure(s) proposed by the County for enhancement of water quality and habitat that provide greater benefits to the resources.

~~(f)~~. **(6)** No more than ½ of the total growth allocation of the County may be located in Resource Conservation areas, except as provided in Subsection **D. (6) (b)** of this section;

~~(1)~~ **(a)** New Intensely Developed or Limited Development Areas involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the Comprehensive Zoning Map submitted by the County as part of its application to the Commission for program approval or at a later date in compliance with §8-1809(g) of the Environmental Article of the Annotated Code of Maryland; and

~~(2)~~ **(b)** If the County is unable to utilize a portion of the growth allocated in **Subsection D. (5) (a), (b) and (c)** of this section within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of growth allocation which cannot be so located may be located in the Resource Conservation Area upon recommendation by the Planning Commission, conceptual approval by the County Commissioners and award of growth allocation. A developer shall be required to cluster any residential development in an area of expansion in order to minimize impacts.

~~(3)~~ **(c)** Location criteria that varies from the criteria required under **Subsection D. (5)**

(a), (b) and (c) of this section may be utilized to meet a public need for emergency or medical services including any facility that supports such services.

- ~~(a)~~ (i) The area of proposed IDA growth allocation may be less than 20 acres
- ~~(b)~~ (ii) No more than 20% of the growth allocation from the General Pool may be utilized by this non-adjacency standard.

E. Minimum mandatory design standards.

Once the maximum permitted density of development has been determined, the proposed project must demonstrate that it will meet or exceed the following design standards in order to be approved:

. . .

Text Amendment #13-16 also proposes the following:

ARTICLE II

Word Usage; Terms Defined.

. . .

§14:1-11. Definitions.

. . .

INTENSELY DEVELOPED AREA

An area of at least 20 adjacent acres except as provided in §14:1-76. D. (5) (a) and (b) or the entire upland portion of the Critical Area within the boundary of a municipality, whichever is less, where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat

occurs. An Intensely Developed Area shall have at least one of the following features as of December 1, 1985:

- A. Housing density equal to or greater than four dwelling units per acre;
- B. Industrial, institutional, or commercial uses are concentrated in the area; or
- C. Public Sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acres.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Dunmyer

DATE: July 9, 2013

PUBLIC HEARING HELD: July 23, 2013 @ 7:15 p.m.

VOTE: 4 Yea 0 Nay (Commissioner Moran Abstained from the vote)

DATE OF ADOPTION: January 28, 2014

EFFECTIVE DATE: March 15, 2014