

COUNTY ORDINANCE NO. 06-06

A BILL ENTITLED

AN ACT CONCERNING Amendments to §18:1-12 and §18:1-174B. of the Code of Public Local Laws of Queen Anne's County to provide that Open Space may be subdivided for the purpose of conveying a portion of the Open Space to a Homeowners or Community Association.

FOR THE PURPOSE of providing that Open Space may be subdivided for the purpose of conveying a portion of the Open Space to a Homeowners or Community Association.

BY AMENDING §18:1-12 and §18:1-174B. of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-12 of the Code of Public Local Laws of Queen Anne's County be and is hereby repealed and readopted to read as follows:

**§ 18:1-12. Permitted uses in open space.**

A. The following are permitted or conditional *uses* allowed in *open space* areas required by this Chapter 18:1. Any *use* not specifically listed below is not permitted in required *open space* areas.

	A	B	C		
	Non-contiguous Open space/TDR	Multifamily/ Manufactured Home Community/ Master Planned Residential Development	AG/CS	NC	All Other
<b>Allowable Uses</b>					
Agricultural uses	Y	N	Y	Y	Y
Fields or pastures	Y	Y	Y	Y	Y
Accessory building	Y	Y	Y	Y	C
Commercial forestry	Y	N	C	C	C
Non-commercial forestry	Y	N	Y	Y	Y
Commercial stables	Y	N	Y	C	C
Public recreation	Y*	N	N	N	N
Private stables	Y	N	Y	Y	Y
Nurseries	Y	C	Y	C	Y
Farm employee dwelling	Y/N	N	Y	N	Y
Drainage structures	Y	C	Y	Y	Y
Minor extraction and dredge disposal uses	Y	N	Y	C	Y

<i>Shooting clubs</i>	C	N	C	C	C
<i>Outdoor recreation</i>	C	Y**	Y	C	C

NOTES:

\* Public *recreational uses* that include more than 10,000 square feet of enclosed *floor area* or are greater than one story in height shall be allowed only as a *conditional use*.

\*\* See § 18:1-26 to 18:1-33, district regulations, for additional *open space* requirements.

- B. *Open space* required by this Chapter 18 may not be provided on cluster *lots* created through *cluster subdivision* or *planned residential development*.
- C. The landowner shall only deed restrict the amount of *open space* land required to support the proposed *development*. Deed restricted area shall be graphically depicted on the plat with metes and bounds. (This section does not apply to *apartment development* as defined in Chapter 18App, Appendix A: Glossary.)
- D. For *cluster subdivisions* only, the *open space* may be administratively reconfigured to accommodate minor changes for *perc sites* and *lot lines*, but may not be used as an area for future *development*.
- E. The location of the deed restricted land shall be labeled on the plat. (Example: AG cluster *open space* or noncontiguous *open space*.)
- F. Lands not included in the subdivided *lots*, used for *roads*, or deed restricted *open space* shall be labeled as "future development potential" on plats.
- G. Open space required by this Chapter 18 may be subdivided for the purpose of deeding a portion of the open space to a Homeowners or Community Association for uses permitted under Section A.

**SECTION II**

**BE IT FURTHER ENACTED, that Section 18:1-174B. of the Code of Public Local Laws be and is hereby repealed and readopted to read as follows:**

§18:1-174 Design guidelines for major cluster subdivisions in AG, CS, NC, E, SE, SR and VC Districts.

. . .

- B. Design guidelines. All new *major cluster subdivisions* in the AG, CS, NC, E, SE, SR and VC Districts are strongly encouraged to incorporate the following design guidelines. The *Planning Director* and/or *Planning Commission* shall consider these guidelines in their review of all new *development* and *redevelopment* within these districts. The *Planning Director* and/or *Planning Commission* may not approve

*development* applications that have not made a practical and good faith effort to comply with the following design guidelines:

- (1) When site characteristic allows, residential units shall be located adjacent to existing tree lines instead of in open fields;
- (2) Street trees shall be planted at one-hundred to one-hundred-fifty-foot intervals in rural residential subdivisions;
- (3) Stormwater management areas should be incorporated into the landscaping of the site and should have the appearance of a landscape amenity;
- (4) Existing, mature trees shall be conserved to the extent possible on site;
- (5) Community amenities such as community areas, community stables, picnic tables, tot lots, playgrounds, playing fields, tennis courts, walking trails, etc., shall be provided in rural residential neighborhoods that contain more than 30 lots or use noncontiguous development;
- (6) Community amenities either required in this section or proposed by an applicant may be located on separate lots within required open space adjacent to the rural residential neighborhoods that do not meet the District Standards of Article V of this Chapter 18, provided the lots:
  - (a) are deeded to a homeowners association established pursuant to § 11B-101 et. seq., Real Property Article, Annotated Code of Maryland;
  - (b) are properly managed and maintained by the homeowners association;
  - (c) are of adequate size and configuration to fulfill their objective as area of common use and enjoyment of lot owners; and
  - (d) the separate lot can support improvements such as buffers, amenities or stormwater management facilities along with other community amenities.
- (67) Flag sewage reserve areas shall not be allowed;
- (78) A limited number of flag *lots* may be permitted in *subdivisions* that implement noncontiguous *development*;

(~~8~~9) A flag lot shall be at least 20 feet in lot width to accommodate proper access; and

(~~9~~10) In subdivisions with more than 30 lots, grid street patterns should be incorporated and linear street patterns should be avoided.

### SECTION III

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

INTRODUCED BY: Ben Cassell by request of a citizen

DATE: July 11, 2006

PUBLIC HEARING HELD: August 15, 2006 @ 7:30 p.m.

VOTE: 0 Yea 5 Nay

DATE OF ADOPTION: Failed