

COUNTY ORDINANCE NO. 99-05

A BILL ENTITLED

AN ACT Concerning the Open Space and Other Requirements for the Use of Noncontiguous Development In Determining Residential Density by the Repeal and Readoption with Amendments of Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of amending the manner in which noncontiguous land can be used to increase residential density on a developed parcel by repealing and reenacting with amendments Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to provide for a minimum lot size of twenty acres or one-half the size of the lot of record, whichever is less and by providing that noncontiguous parcels shall be subject to the same restrictions as TDR selling parcels.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and the same be reenacted to read as set forth on Exhibit A attached hereto.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: John McQueeney

DATE: 4-20-99

PUBLIC HEARING HELD: 10:00 am May 25, 1999

VOTE: 2 YEA _____ NAY - MR. McQUEENEY WAS ABSENT

DATE: 6-15-99

Effective: July 30, 1999

Due to a typo by news paper this bill will have a public hearing on June 8th 10:30

Sue Anne

Strike and Delete Format

Please note:

~~Strikeout~~ indicates language to be removed.

Highlight indicates language to be added.

Plain text indicates language to remain the same.

**Title 18, Land Use and Development
Part VIII. Development Alternatives and Bonuses**

Subpart 2. Noncontiguous Development

Pages 526 - 528

18-1-139. Definitions.

(a) *In general.*

In this subpart the following words have the meanings indicated.

(b) *Developed parcel.*

“Developed parcel” means a lot on which residential density will be increased by deed restricting open space on a noncontiguous parcel.

(c) *Development plan.*

“Development plan” means a comprehensive development plan containing information pertaining to the developed parcel and its associated noncontiguous parcels.

(d) *Noncontiguous parcel.*

“Noncontiguous parcel” means a parcel included within a development plan that:

- (1) is not contiguous with the developed parcel; and
- (2) is to be designated for deed restricted open space; and
- (3) may be less than all of a lot of record. However, the area of the noncontiguous parcel used must be at least 40 acres in size or constitute at least one-half the total area of the lot of record, whichever is less.

Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8100B.

The only changes are stylistic.

18-1-140. Scope of subpart.

This subpart applies only within agricultural (AG) and noncritical area countryside (CS) districts.

Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, §8100A.

The only changes are stylistic.

Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.

18-1-141. Application and standards.

(a) *Development plan.*

A landowner or group of landowners whose lots are in the same zoning district, but are not contiguous, may file a development plan under Part IX of this subtitle in the same manner as the owner of a single lot.

(b) *Open space*

The open space requirements of the appropriate district, as contained in Part V of this subtitle, shall apply to all land within the overall development plan, rather than separately to the developed parcel and noncontiguous parcel.

(c) *Base site area.*

For the purpose of computing base site area, the area of the noncontiguous parcel and the developed parcel shall be combined.

(d) *Open space ratio.*

The developed parcel shall use:

- (1) an open space ratio of no less than 0.5; and
- (2) a net density of no more than:
 - (i) 0.9 dwelling units per acre where individual septic tanks are used;

or

(ii) 2.31 dwelling units per acre where community sewer systems are used.

(e) *Resource protection land.*

(1) Total resource protection land shall be calculated for the developed parcel and noncontiguous parcel, as if combined.

(2) Natural resources shall be protected at the required percentage on the developed parcel and noncontiguous parcels, as if combined.

(f) *Noncontiguous parcel*

(1) Upon approval of a development plan, the noncontiguous parcel:

- (i) may not be subdivided or reconfigured; and
- (ii) shall be used only for agricultural purposes, or for publicly owned recreational facilities and uses; and
- (iii) shall not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the amount of deed restricted open space required by the development plan.

Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8101.

In subsection (d)(2)(ii) of this section, the word "sewer" is new language added for clarity.

The only other changes are stylistic.

Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.

18-1-142 Requirements for approval - Covenants.

(a) *Duties of landowner.*

In addition to any other requirements of this subtitle, including those relating to required improvements, guarantees, and other covenants, a landowner involved in an application shall, prior to any approval of a development plan, provide covenants by which land required to remain in open space is restricted to the uses allowed in Part IV of this subtitle.

(b) *Covenants.*

The covenants shall conform to the requirements relating to covenants in Part IX, Subpart 5 of this subtitle.

Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8102.

The only changes are stylistic.

Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.

18-1-143. Reserved.

18-1-144. Reserved.

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