

COUNTY ORDINANCE NO. 99-18

**A BILL ENTITLED**

AN ACT Concerning the Repeal and Readoption of the Critical Area Transfer Of Development Rights (TDR) Program provisions of the 1996 Chesapeake Bay Critical Area Program adopted on July 19, 1996 by Ordinance No. 96-04.

FOR THE PURPOSE of removing conditions limiting the use of private wetlands in residential density calculations for the subdivision of land in the Resource Conservation Area.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Critical Area Transfer Of Development Rights (TDR) Program provisions of the 1996 Chesapeake Bay Critical Area Program adopted on July 19, 1996, 1996 by Ordinance No. 96-04 be repealed and reenacted to read as set forth on the attached.

SECTION II

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

Introduced By: Marlene Davis 8-17-99

Date: Sept 7 11:30 AM

Vote: 3 Yea \_\_\_\_\_ Nay adopted 9-5-99

1 Nov. 19 99

SENT TO Mr. VALON 1-13-00

**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.

**CHESAPEAKE BAY CRITICAL AREA PROGRAM**

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**Critical Area Transfer of Development Rights (TDR) Program**

Notwithstanding other provisions of this Program relating to density limitations, development rights may be transferred from a Critical Area Resource Conservation Area (RCA) parcel provided:

- A. Twenty (20) acres are deed restricted as permanent open space on the RCA sending parcel for each development right that is transferred;
- B. When calculating the total number of development rights which may be transferred from an RCA sending property, areas of private tidal wetlands on the sending property may be included in the calculation; ~~provided a minimum of eight (8) acres of upland exists on the sending property for each development right to be transferred. Areas of private wetlands on the sending parcel shall be determined by reference to the 1972 State wetland maps or by private survey approved by the Maryland Department of Natural Resources and/or the U.S. Army Corps of Engineers;~~
- C. When TDRs are used, private tidal wetlands on either the Transferor or the Transferee Parcel may be included in the density calculations. The acreage of upland on the Transferor Parcel shall not affect the density of development on the Transferee Parcel;
- E.D. The transfer of development rights within the RCA must not result in development on the combined sending and receiving parcels at a density of greater than 1 dwelling unit per 20 acres;
- ~~D.E.~~ The transfer of development rights results in preservation of open space on the sending parcel and facilitates either clustering of development and/or infill of existing development areas on the receiving parcel;
- E.F. The transfer of development rights in the RCA and LDA shall not transfer impervious surface allowances or forest and developed woodland clearing allowances; and
- F.G. The use of TDRs is conducted in accordance with Article VIII, Part 2 of the Queen Anne's County Zoning Ordinance and Subdivision Regulations.