

**AMENDMENT NO. 1
TO COUNTY ORDINANCE NO. 17-12**

**AN AMENDMENT TO
A BILL ENTITLED**

AN ACT CONCERNING Amendments to Chapter 18:1 of the Code of Public Local Laws (the Queen Anne's County Zoning and Subdivision Regulations) Regarding Moderately Priced Dwelling Units;

FOR THE PURPOSE of amending pending County Ordinance No. 17-12 to require compliance with the provisions on Inclusionary Housing for all residential development including commercial apartments located within any zoning district other than SI, SIBE and LIHS; eliminating the deletion of 18:1-26 N. (2)[d]; and providing for grandfathering of matters with final or conditional final site plan or subdivision approval.

BY AMENDING County Ordinance No. 17-12.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that County Ordinance No. 17-12 be amended to read as follows:

Chapter 18 Land Use and Development

...

Article XXI: Inclusionary Housing

§ 18:1-108. Moderately priced dwelling units

A. Purpose and intent.

- (1) The purpose of this article is to implement the housing goals of the Queen Anne's County Comprehensive Plan Land Use Policy 4A such that:
 - (a) The development regulations are amended to include requirements for moderately priced dwelling units;
 - (b) Private developers constructing moderately priced housing under this article have reasonable prospects of realizing a profit on the development;
 - (c) Opportunities are retained for people that work in the County to live in the County;
 - (d) Housing options are made available to moderate- income residents, and for

special needs populations, including but not limited to the elderly.

...
C. Applicability. Compliance with the provisions of this article shall be required as a condition of approval for all residential development, including commercial apartments that:

(1) ~~Is~~ Are located within the following ~~all~~ any districts: ~~except SI, SIBE, and LIHS. and; APKIG, E, SE, SR, UR, VC, NC, WVC, CMPD, NVC, SHVC, TC, GPRN, SMPD, CS, and AG.~~ [Amended 8-2-2005 by Ord. No. 05-07]

(2) In growth areas, consists of 20 or more lots or dwelling units; and outside of growth areas, consists of 60 or more lots; or dwelling units; and [Amended 8-24-2010 by Ord. No. 10-05]

(3) An applicant may not avoid this article by submitting or phasing new development in increments below the thresholds above, the first being after the effective date of this article. An applicant may submit a request for residential development below the thresholds set forth above, but the applicant must agree in writing that when unit thresholds are reached, the applicant will meet the requirements of this article.

...

§ 18:1-26 WATERFRONT VILLAGE CENTER (WVC) DISTRICT.

A. Purpose. [Amended 6-11-2013 by Ord. No. 13-09]

(1) The Waterfront Village Center (WVC) District is intended to facilitate orderly mixed-use commercial, light industrial, marine-oriented, and seafood-industry-oriented uses at the Kent Narrows in accordance with the Kent Narrows Community Plan.

(2) The WVC District is intended to preserve the character of the working waterfront in the Kent Narrows area and allow greater freedom, imagination, and flexibility in the development of land surrounding the waterfront while insuring excellence in urban design and district appearance. The WVC District allows flexibility in the relationship of uses, structures, open spaces, water views and vistas, and heights of structures.

(3) This section is further intended to encourage more rational and economic development, and to encourage consistency with the objectives of the Kent Narrows Development Foundation, and the Community Plan for the Kent Narrows to accomplish the following objectives:

- (a) To establish the Kent Narrows as a year-round destination by encouraging a mixture of uses that will attract visitors to the area.
- (b) To link the quadrants of Kent Narrows for pedestrian access, centralize parking and provide for pedestrian circulation throughout the area, preferably along the waterfront, to alleviate the need for vehicular traffic throughout the community.

(c) To ensure that all new development and redevelopment will have architectural design sensitive to the character of Kent Narrows through establishing architectural design standards.

(d) To establish County incentives for developers and property owners to create public improvements on or off their sites that will enhance pedestrian access by creating public access boardwalks along the water and creating public plaza areas with pedestrian features such as ornamental lighting, illuminated bollards, benches, trash receptacles, information kiosks, wayfinding signage and other pedestrian furniture.

(e) To allow flexibility in development standards in order to encourage innovation and creativity in development and redevelopment and to discourage underutilization of valuable parcels of land.

...

F. Development standards.

(1) Residential densities. Mixed-use development shall be allowed at a density of 10 dwellings per acre.[Amended 6-11-2013 by Ord. No. 13-09]

(2) Bulk standards for all uses.

(a) Development in the WVC Zoning District must comply with the following bulk and dimensional standards.

...

[5] Residential units including commercial apartments shall comply with §18-1-108 Moderately priced dwelling units of this chapter.

...

N. Bonus.

(1) In general.

(A) When approving a site plan within the WVC District, the Planning Commission at the time of site plan review may consider a modification to Subsection F(2)(a)[2] and (4) to permit a maximum nonresidential floor area ratio of 0.40 and height of 55 feet (for any nonresidential or multifamily residential building with no other bonus provision requirements specified in Subsection N(2) below, provided at least 50% of the first floor area is elevated to allow for parking under the building).[Amended 7-10-2012 by Ord. No. 12-03]

(B) When approving a site plan within the WVC District, the Planning Commission at the time of site plan review, may grant a bonus to the normally allowed floor area and building height standards as provided in Subsection F above.

(c) Subject to Subsection N(2) below, the Planning Commission may grant a specified bonus:

- [1] Up to 0.50 FAR; and
- [2] Up to 60 feet in allowable building height.

(d) The resulting bonus may not exceed the maximum bonus allowed by the bonus schedule

...

(2) Determination of bonus.

(a) Basis.

[1] The allowable bonus shall be determined based upon a monetary contribution or value of the amenity to be provided by the developer for the public benefit for the amount of improvements proposed that exceed those permitted under the ordinance. Public amenities include, but are not limited to:

[a] All amenities identified in Subsection K.

[b] In addition to the required 30% open space improvements, an additional 10% public open space improvements or monetary contribution for improvement of existing public lands, public art and heritage signage using the following formula:

[i] Commercial: 2% of construction costs.

[ii] Mixed-use: 2% of construction costs.

[c] Ten percent of proposed slips dedicated for public access.

[d] Mixed residential-commercial uses that provide 10% moderately priced dwelling units in accordance with § 18:1-108.

SECTION II

BE IT FURTHER ENACTED, that the amendments contained herein shall not apply to any matter that, prior to the date of adoption, has received final site plan approval or final subdivision approval in accordance with §18:1-190 D. respectively, nor shall the amendments contained herein apply to any matter that, prior to the date of adoption, has received conditional final site plan or conditional final subdivision

approval in accordance with §18:1-190 E, so long as the conditional approval does not elapse.

SECTION III

BE IT FURTHER RESOLVED that this Amendment shall take effect upon its adoption.

INTRODUCED BY: Commissioner Moran

DATE: August 22, 2017

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: October 24, 2017