

COUNTY ORDINANCE NO. 12-02

A BILL ENTITLED

AN ACT CONCERNING Apartment Development and Mixed Use Housing in Queen Anne’s County, Maryland.

FOR THE PURPOSE of making provisions for apartment development in the Urban Residential (UR), Village Center (VC), Chester Master-Planned Development (CMPD), Neighborhood and Village Center (NVC), Town Center (TC), Stevensville Master-Planned Development (SMPD), Grasonville Planned Residential Neighborhood (GPRN) and Grasonville Village Commercial (GVC) zoning districts in Queen Anne’s County; allowing increased density for apartment dwellings on a maximum of five (5) acres under certain conditions, including the provision of workforce, age restricted or moderately priced housing; providing for maximum density, minimum open space ratios and minimum site areas for apartment development in the Urban Residential (UR) District; providing for apartment development as a conditional use in the Grasonville Village Center (GVC) District; providing definitions of “Age Restricted Housing” and “Residential Care Facility”; revising the definition of Institutional Residential Use and Residential Use to allow for assisted living and residential care facilities; and generally providing for rental and mixed use housing in Queen Anne’s County.

BY AMENDING Sections 18 App. 1. Definitions 18:1-20, 18:1-25, 18:1-27, 18:1-27.1, 18:1-28, 18:1-29, 18:1-30 and 18:1-33 of the Code of Public Local Laws of Queen Anne’s County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY that Section 18 App. 1 and Sections 18:1-20, 18:1-25, 18:1-27, 18:1-27.2, 18:1-28, 18:1-29, 18:1-30 and 18:1-33 of Chapter 18 of the Code of Public Local Laws be amended to read as follows:

Chapter 18App A: Glossary

18 App. 1 Definitions. In Chapter 18 the following words will have the meanings indicated:

. . .

AGE RESTRICTED HOUSING- A residential complex containing multifamily or apartment dwellings designed for and occupied by

persons of 55 years or older. Such facilities may include a congregate meals program in a common dining area.

. . .

INSTITUTIONAL RESIDENTIAL USE -- Includes convents or monasteries, group-care facilities, rooming houses, migrant labor camps, shelter-care homes, ~~and~~ assisted living programs and residential care facilities. [Amended 9-7-2004 by Ord. No. 04-28]

. . .

INSTITUTIONAL USE -- Uses approved by the County or a municipal corporation, including:

...

C. Institutional residential uses such as convents or monasteries, group-care facilities, nursing homes, protective living facilities, rooming houses, ~~and sheltered-care homes,~~ assisted living programs and residential care facility;

. . .

RESIDENTIAL CARE FACILITY - A facility that provides primarily nonmedical resident services to six or more individuals in need of personal assistance essential for sustaining the activities of daily living or for the protection of the individual.

§ 18:1-20. Urban Residential (UR) District.

A. Purpose. The Urban Residential (UR) District is intended to provide for affordable high-density residential development within designated growth areas. A wide range of housing types are permitted. The UR District is characterized by high-quality, affordable, multifamily housing and apartment development served by public sewer.

B. Permitted uses.

(1) Apartment development.

(2)

...

(17) Single-family residential.

D. Density/intensity requirements.

(1) Maximum residential density.

(a) Apartment development: 10.

~~(a)~~ (b) Single-family cluster: 3.20.

~~(b)~~ (c) Multifamily: 8.50.

~~(c)~~ (d) Manufactured home community: 5.00.

(d) (e) In the *growth planning* area, density can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.

(f) In the *planning* area, the Planning Commission may increase the density for apartment development to 20.00 units per acre provided:

[1] The site area does not exceed 5 acres for the apartment development.

[2] Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and presents design, bulk, height and building materials that are compatible with surrounding development in the area.

[3] The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.

[4] Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.

[5] The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

E. Dimensional and bulk requirements.

(1) Residential uses.

(a) Minimum open space ratio.

[1] Apartment Development: .10.

{1} [2] Single-family cluster: .20.

{2} [3] Multifamily: .30.

{3} [4] Manufactured home community: .20.

...

(b) Minimum site area.

[1] Apartment Development: one acre.

{1} [2] Single-family cluster: two acres.

{2} [3] Multifamily: two acres.

{3} [4] Manufactured home community: five acres.

§ 18:1-25. Village Center (VC) District.

A. Purpose. The Village Center (VC) District is intended to preserve the unique mixed-use character of existing crossroads and unincorporated communities throughout the County. Development densities and design standards vary depending upon the availability of public sewers. Most nonresidential uses must be considered on a case-by-case basis by the Board to ensure compatibility with existing community character within the village.

B. Permitted uses.

(1) Apartment development, only with public sewer.

...

D. Density/intensity requirements.

(1) *Maximum residential density.*

...

(c) *Apartment development.*

[1] *With public sewer: 10.*

...

(e) In the growth area, *density* can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.

(f) In the planning area, the Planning Commission may increase the density for apartment development to 20.00 units per acre provided:

[1] The site area does not exceed 5 acres for the apartment development.

[2] Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents its design, bulk, height and building materials that are compatible with surrounding development in the area.

[3] The apartment development is providing workforce housing, age restricted housing, or moderately priced housing.

[4] Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.

[5] The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

§ 18:1-27. Chester Master-Planned Development (CMPD) District. [Amended 9-7-2004 by Ord. No. 04-17; 7-8-2008 by Ord. No. 08-12]

A. Purpose.

(1) *This district is intended to provide for master-planned residential or mixed-use development on sites at appropriate locations as identified in the Chester/Stevensville Community Plan. The district provides for a flexible development concept, good site design, architectural integration in the configuration and style of buildings, functional open space and required public facilities as part of a unified and coherent plan of development. Permitted uses generally include a variety of housing types, institutional uses and nonresidential uses that can be compatibly integrated within the development.*

...

E. Development standards.

(3) *Maximum density. Maximum residential density for a CMPD District development shall be six dwelling units per acre for that portion of the*

development used for residential purposes and eight dwelling units per acre if TDRs are used unless apartment development is proposed which may allow up to twenty units per acre limited to a maximum of five acres of the proposed master planned development subject to the following conditions:

- a. Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.
- b. The apartment development is providing workforce housing, age restricted housing, moderately priced housing.
- c. Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.
- d. The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

If the unified development plan consists of more than one parcel or lot, the acreage of the parcels or lots may be combined to compute the allowable residential density. If the development plan combines parcels or lots to compute allowable residential density, the lots or parcels may not thereafter be considered separately in any subdivision, site plan, or zoning certificate approvals.

§ 18:1-27.1. Neighborhood and Village Center (NVC) District. [Added 10-27-2009 by Ord. No. 09-11]

A. Purpose.

(1) This district is intended to guide the creation of neighborhoods, villages and protected countryside on lands designated as Chester Village Expansion Area in the Chester/Stevensville Community Plan and conform to the design standards for New Neighborhoods for the CMPD and SMPD Districts, adopted by resolution of the County Commissioners No. 08-06. The NVC District is intended to create a relatively self-contained community with a compact mix of residential, commercial, employment/office, and civic land uses. The NVC District provides for a range of housing choices, with design elements that foster pedestrian and bicycle activity, public safety, environmental protection, long-term investment, efficient use of infrastructure, and efficient provision of public services. . . .

. . .

J. Development standards.

(1) A range of residential unit types and lot sizes is required and shall be mixed throughout the neighborhood or village, with small lot units located closer to the commercial center or mixed/neighborhood village center of the neighborhood. Density shall decrease from the center to the periphery of the neighborhood. Lot sizes and frontage shall comply with one of the types identified in Table 3.^{iEN}

(2) Residential *development* standards.

(a) *Density/Intensity* requirements.

[1] *Maximum residential density. Density shall not exceed 4.0 units per acre for the entire site proposed for development unless apartment development is proposed which may allow up to twenty units per acre limited to the T5 and T6 transect to a maximum of five acres of the entire site proposed for development subject to the following conditions:*

a. *Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.*

b. *The apartment development is providing workforce housing, age restricted housing, or moderately priced housing.*

c. *Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.*

d. *The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.*

§ 18:1-28. Town Center (TC) District.

A. *Purpose. This district is intended to provide higher-density, mixed-use development and redevelopment along the Chester Main Street corridor as identified in the Chester/Stevensville Community Plan (MD Route 18, Main Street, Postal Road and Piney Creek Service Road). Design standards and guidelines are incorporated within this district to foster an attractive, pedestrian-oriented pattern of mixed-use residential and nonresidential development that focuses on the local roads as opposed to U.S. 50/301. [Amended 8-19-2008 by Ord. No. 08-11]*

(2) Residential *development* standards.

(a) *Density/intensity* requirements.

[a] *Single-family cluster: 3.2.*

[b] *Multifamily: 4.5.*

[c] *Apartment development: 10.00.*

[d] *Large-lot subdivision: equal to total site area divided by minimum large-lot area. [Amended 9-7-2004 by Ord. No. 04-12]*

[e] *In the growth areas, density can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.*

[f] In the planning area, the Planning Commission may increase the density for apartment development to 20.00 units per acre provided:

[1] The site area does not exceed 5 acres for the apartment development.

[2] Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.

[3] The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.

[4] Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.

[5] The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

§ 18:1-29. Stevensville Master-Planned Development (SMPD) District. [Amended 7-8-2008 by Ord. No. 08-12]

A. Purpose.

(1) *This district is intended to provide for master-planned residential or mixed-use development on sites at appropriate locations as identified in the Chester/Stevensville Community Plan. The district provides for a flexible development concept, good site design, architectural integration in the configuration and style of buildings, functional open space and required public facilities as part of a unified and coherent plan of development. Permitted uses generally include a variety of housing types, institutional uses and nonresidential uses that can be compatibly integrated within the development.*

...

E. Development standards.

...

(4) *Maximum density. Maximum density for a SMPD District development shall be 3.5 dwelling units per acre for that portion of the development used for residential purposes and 4.375 dwelling units per acre if TDRs are used unless apartment development is proposed which may allow up to twenty units per acre limited to a maximum of five acres of the proposed master planned development subject to the following conditions:*

a. *Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and*

- represents design, bulk, height and building materials that are compatible with surrounding development in the area.
- b. The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.
- c. Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.
- d. The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

If the unified development plan consists of more than one parcel or lot, the acreage of the parcels or lots may be combined to compute the allowable residential density. If the development plan combines parcels or lots to compute allowable residential density, the lots or parcels may not thereafter be considered separately in any subdivision, site plan, or zoning certificate approvals.

§ 18:1-30. Grasonville Planned Residential Neighborhood (GPRN) District.

A. Purpose. This district is intended to provide for ~~single-family~~ planned residential developments on sites as identified in the Grasonville Community Plan. The district provides for a flexible development concept, good site design, architectural integration in the configuration and style of buildings, functional open space, adequate public facilities, and the protection of sensitive natural, cultural and historic resources as part of a unified and coherent plan of development. Permitted uses generally include a variety of housing types, institutional uses and certain nonresidential uses which can be compatibly integrated within the development.

. . .

D. Development standards.

. . .

- (2) *Use mix.* In a GPRN District *development*, a minimum of 75% of the total residential units shall be single-family, fully detached homes. A maximum of 25% of the total residential units may be attached housing units
- (3) *Density.* Maximum *density* for the residential portion of the GPRN District *development* shall be 3.5 *dwelling units per acre* unless *transferable development rights* are utilized. If *transferable development rights* are utilized, the maximum gross *density* for the

residential portion of the *site* may be increased to a maximum of 4.375 *dwelling units* per *acre* unless apartment development is proposed which may allow up to twenty units per acre limited to a maximum of five acres of the proposed planned residential neighborhood development subject to the following conditions:

- a. Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.
- b. The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.
- c. Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.
- d. The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

. . .
(5) *Planning Commission* final determination on maximum *density* and *floor area ratio*. The *Planning Commission* may require a lower residential *density* and/or *floor area ratio* if it finds that the maximum permitted would result in *development* that would:

- (a) Not be compatible with existing or anticipated *development* in the surrounding area;
- (b) Create a detrimental impact on the environment; or
- (c) Create a situation where existing or planned public facilities, including, but not limited to, *roads* and schools, would not be adequate to serve the demands created by the *development*.

(6) The *Planning Commission* may allow apartment development at a density of 20.00 units per acre provided:

- [1] The site area does not exceed 5 acres for the apartment development.
- [2] Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.
- [3] The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.
- [4] Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.
- [5] The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed

apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

. . . .

(12)

...

§ 18:1-33. Grasonville Village Commercial (GVC) District.

- A. *Purpose.* This district is intended to foster development of a mixed-use village core along the Main Street corridor in Grasonville. Most types of residential development are allowed along with institutional uses and certain low- to medium-scale commercial uses. Development within the district should be pedestrian-oriented and should build upon the existing character of the community.
- B. *Location.* The GVC District is intended to have specific application to the Grasonville Growth Area. As such, the GVC District may only be applied to lands in the Grasonville Growth Area.

(2) Conditional uses. The following uses are allowed as conditional uses:

(a) Apartment development.

~~(a)~~ ...

(x)

. . . .

(c) No individual use and/or tenant space in a structure shall occupy more than 65,000 square feet of gross floor area, except for the following uses:

[8] Where approved by conditional use granted from the Board of Appeals:

[a] Apartment Development;

~~†a†~~ [b] Boat sales and repairs;

...

[h]

. . . .

2) Residential development standards.

(a) Density/intensity requirements.

[1] Maximum residential density.

[a] Single-family cluster: 3.2.

[b] Multifamily: 4.5.

[c] Large-lot subdivision: equal to total site area divided by minimum large-lot area. [Amended 9-7-2004 by Ord. No. 04-12]

[d] In the growth areas, density can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX

[e] The Planning Commission may allow apartment development at a density of 20.00 units per acre with the following conditions:

[1] The site area does not exceed 5 acres for the apartment development.

[2] Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.

[3] The apartment development is providing workforce housing, age restricted housing, or other moderately priced housing.

[4] Landscape screening is provided for the structure and parking areas for adjacent single family residential uses.

[5] The applicant conducts a public meeting in the community where the apartment development is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

SECTION II

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

INTRODUCED BY: Commissioner Dumenil

DATE: May 8, 2012

PUBLIC HEARING HELD: June 26, 2012 @ 6:10 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: July 10, 2012

EFFECTIVE DATE: August 25, 2012
