

COUNTY ORDINANCE NO. 08-25

A BILL ENTITLED

AN ACT CONCERNING the Queen Anne's County Rural Preservation and Development Act;

FOR THE PURPOSE of requiring the use of transferable development rights for all subdivisions and residential development in designated growth areas of Queen Anne's County; exempting public housing projects and moderately priced dwelling units from this requirement; restricting residential development in other areas of Queen Anne's County to five or fewer new residential lots for each existing parcel of record as of the date of introduction of this Ordinance; and exempting subdivisions which have received final Planning Commission approval as of the effective date of this Ordinance from the provisions of this Bill;

BY AMENDING Sections 18:1-14B.(16), 18:1-15B.(13) and (14), 18:1-16B. (7) and (8), 18:1-17B.(7) and (8), 18:1-18B.(6) and (7), 18:1-25C.(11) and (12), 18:1-27E.(3), 18:1-28D.(2)(a)(1), 18:1-29E.(3), 18:1-30D.(3), 18:1-31D.(2)(a)(1), 18:132D.(2)(a)(1), 18:1-33D.(2)(a)(1), REPEALING Sections 18:1-100C.(5) and (6), 18:1-106C.(2)(b), (3)(b) and (7)(a) and ADDING Section 18:1-96.1 of the Code of Public Local Laws of Queen Anne's County.

WHEREAS, the vision for the future of Queen Anne's County has remained constant with emphasis on maintaining and enhancing a "predominately rural county with small towns connected by creeks and county roads through fields and forest - a great place to live; a county that encourages agriculture, seafood and maritime industries, tourism and outdoor sports, small business and high tech enterprise - a good place to work; a county that is a faithful steward of its natural and cultural heritage - a good neighbor for the Bay and other Eastern Shore counties; a county in which development by some does not impair the quality of life enjoyed by all - a good community that protects the expectations and opportunities of all its citizens."

AND WHEREAS, there are "Eight Visions" stated in Article 66B which the County seeks to achieve:

1. Development is concentrated in suitable areas.
2. Sensitive areas are protected.
3. In rural areas, growth is directed to existing population centers and resources areas are protected.

4. Stewardship of the Chesapeake Bay and the land is a universal ethic.

5. Conservation of resources, including a reduction in resource consumption, is practiced.

6. To assure the achievement of items (1) through (5) above, economic growth is encouraged and regulatory mechanisms are streamlined.

7. Adequate public facilities and infrastructure under the control of the County or municipal corporation are available or planned in areas where growth is to occur.

8. Funding mechanisms are addressed to achieve these visions.

AND WHEREAS, the County Commissioners of Queen Anne's County have unanimously adopted Resolution 08-18 which acknowledges and accepts that "smart growth" principals are essential for our sustainable future and that legislative measures may be necessary to support such principals;

AND WHEREAS, Resolution 08-18 provides as follows:

SMART GROWTH RESOLUTION  
Resolution 08-18

SMART GROWTH IS AN URBAN PLANNING AND TRANSPORTATION APPROACH THAT CONCENTRATES GROWTH IN DESIGNATED GROWTH AREAS, USUALLY EXISTING COMMUNITIES, TOWNS, AND CITIES TO AVOID URBAN SPRAWL. IT ADVOCATES COMPACT, TRANSIT-ORIENTED, WALKABLE, BICYCLE-FRIENDLY LAND USE INCLUDING MIXED-USE DEVELOPMENT WITH A RANGE OF HOUSING CHOICES. SMART GROWTH VALUES LONG-RANGE, REGIONAL CONSIDERATIONS OF SUSTAINABILITY. ITS GOALS ARE TO ACHIEVE A UNIQUE SENSE OF COMMUNITY AND PLACE, EXPAND THE RANGE OF TRANSPORTATION, EMPLOYMENT AND HOUSING CHOICES, EQUITABLY DISTRIBUTE THE COSTS AND BENEFITS OF DEVELOPMENT, PRESERVE AND ENHANCE NATURAL AND CULTURAL RESOURCES, AND PROMOTE PUBLIC HEALTH.

WHEREAS, Queen Anne's County recognizes the importance of appropriate careful planning for a sustainable future; and

WHEREAS, Queen Anne's County is currently updating its 2002 Comprehensive Plan which is underpinned by two dominant themes; directing growth to existing communities and keeping rural areas rural; and

WHEREAS, The County Commissioners' vision for the Update reiterates and strengthens this commitment as stated above; and

WHEREAS, Queen Anne's County understands and wishes to preserve and enhance its agricultural heritage and economy; and

WHEREAS, Queen Anne's County is an environmentally progressive jurisdiction and thus wishes to protect and preserve its sensitive environment; and

WHEREAS, it is the intent of this Resolution to express the general commitment of Queen Anne's County to certain smart growth principles and to clarify for the public, and, to the extent the same may be helpful, to the Queen Anne's County Planning Commission as they complete the Comprehensive Plan Update, the County's position with respect to smart growth;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND this 9th day of September, 2008 that Queen Anne's County acknowledges and accepts that smart growth principles are essential for our sustainable future, and further recognizes that, where appropriate, legislative measures may be necessary to support such principles. Specifically, the County is committed to the following general principles and propositions:

A. Growth shall occur where there is existing infrastructure or where infrastructure may be improved and/or reasonably extended, thereby saving taxpayers from the cost of building brand new infrastructure to support poorly planned development.

B. The County should encourage a mix of land uses and should take advantage of compact building design and create housing opportunities and choices in growth areas.

C. It is advisable to create walkable communities which foster distinctive, attractive community design with a strong sense of place while providing for a variety of transportation choices.

D. The preservation of open space, farmland, natural

beauty, and critical environmental areas through preservation programs and regulations resulting in growth areas as the receiving areas for development will protect unincorporated rural lands. Rights and privileges granted through Federal, State and/or Local agricultural and forest land preservation programs, and minor subdivision proposals shall be exempted.

E. Development decisions should be predictable, fair and cost-effective. The County should encourage community and stakeholder collaboration.

AND WHEREAS, the encouragement of the protection and preservation of farmland and open space and the direction of development toward community planning areas where public service and facilities can be more effectively provided are legislatively stated purposes of Part 6 of Chapter 18 of the Code of Public Local Laws.

#### SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-100C.(5) and (6), 18:1-106C.(2)(b), 18:1-106C.(3)(b) and 18:1-106C.(7)(a) be and are hereby REPEALED and the subsections following such repealed provisions shall be renumbered or redesignated appropriately.

#### SECTION II

BE IT FURTHER ENACTED that the following Sections of the Code of Public Local laws of Queen Anne's County, Maryland be AMENDED to read as follows:

§18:1-14. Agricultural (AG) District.

...

B. Permitted uses.

...

(16) ~~Major and m~~ Minor single-family cluster subdivision.

...

§18:1-15. Country-side (CS) District.

...

B. Permitted uses.

...

(13) ~~Major and m~~ Minor multifamily.

(14) ~~Major and m~~ Minor single-family cluster.

...

§18:1-16. Estate (E) District.

...

B. Permitted uses.

...

(7) ~~Major and m~~ Minor multifamily.

(8) ~~Major and m~~ Minor single-family cluster.

...

§18:1-17. Suburban Estate (SE) District.

...

B. Permitted uses.

...

(7) ~~Major and m~~ Minor multifamily.

(8) ~~Major and m~~ Minor single-family cluster.

...

§18:1-18. B. Suburban Residential (SR) District.

...

B. Permitted uses.

...

(6) ~~Major and m Minor~~ multifamily.

(7) ~~Major and m Minor~~ single-family cluster.

...

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

...

C. Conditional uses.

...

(11) ~~Major multifamily if in an area designated as a "community planning area" by the Queen Anne's County Comprehensive Plan.~~

(12) ~~Major single-family cluster if in an area designated as a "community planning area" by the Queen Anne's County Comprehensive Plan.~~

§18:1-27. Chester Master Planned Development (CMPD) District.

...

E. Development Standards.

...

(3) ~~Maximum density. Maximum residential density for a CMPD District development shall be six eight dwelling units per acre. for that portion of the development used for residential purposes and eight dwelling units per acre if TDRs are used. If the unified development plan consists of more than one parcel or lot, ...~~

§18:1-28. Town Center (TC) District.

...

D. Development Standards.

...

(2) Residential Development Standards:

(a) Development/intensity requirements.

(1) Maximum residential density.

- [a] Single-family cluster: ~~3.2~~ 4.0
- [b] Multi-family: ~~4.5~~ 5.625
- [c] Apartment Development: ~~10.00~~ 12.5
- [d] Large-lot subdivision: equal to total site area divided by minimum large-lot area with the result of such calculation multiplied by 1.25
- [e] In the growth areas, density can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:, Part 6, Article XX.

...

§18:1-29. Stevensville Master-Planned Development (SMPD) District.

...

E. Development Standards.

...

(3) Maximum density. Maximum density for a SMPD District development shall be ~~3.5~~ 4.375 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. If the unified development plan consists of more than one parcel or lot, ...

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

...

D. Development Standards.

(3) Density. Maximum density for the residential portion of the GPRN District development shall be ~~3.5~~ 4.375 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.

(4) ...

18:1-31. Stevensville Historic Village Center (SHVC)  
District.

...

D. Development Standards.

...

(2) Residential Development Standards.

(a) Density/intensity requirements.

[1] Maximum residential density

[a] Single-family cluster: ~~3.2~~ 4.0

[b] Multi-family: ~~4.5~~ 5.625

[c] Large-lot subdivision: equal to total  
site area divided by minimum large lot  
area plus 25%

~~[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.~~

(b) ...

18:1-32. Grasonville Neighborhood Commercial (GNC)  
District.

...

D. Development Standards.

...

(2) Residential development standards.

(a) Density/intensity requirements.

[1] Maximum residential density

[a] Single-family cluster: ~~3.2~~ 4.0

[b] Multi-family: ~~4.5~~ 5.625

[c] Large-lot subdivision: equal to total  
site area divided by minimum large-lot  
area plus 25%

~~[d] 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.

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

...

D. Development standards.

...

(2) Residential development standards.

(a) Density/intensity requirements.

[1] Maximum residential density.

[a] Single-family cluster: 3.2 4.0

[b] Multi-family: 4.5 5.625

[c] Large-lot subdivision: equal to total site area divided by minimum large-lot area plus 25%

[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.

### SECTION III

BE IT FURTHER ENACTED that a new Section 18:1-96.1 be added to the Code of Public Local Laws of Queen Anne's County, Maryland to read as follows:

18:1-96.1. Restrictions on Residential Development.

Notwithstanding any other provisions of this Chapter:

A. No residential subdivision in the community planning areas of Queen Anne's County (those areas designated as "community planning areas" by the Queen Anne's County Comprehensive Plan) or residential development proposed as part of a "mixed-use", multifamily, or condominium development in such community planning areas shall be permitted except through the use of transferable development rights as described in this Part 6. The requirement for use of transferable development rights shall not apply to public housing projects (any project primarily designed for elderly or low to moderate income housing owned or managed by or in cooperation with a public housing authority or a

local, State or Federal government) or to the creation of moderately priced development units under Section 18:1-108 of this Chapter.

B. The maximum residential development permitted in those unincorporated areas of Queen Anne's County which have not been designated as a community planning area shall be five residential lots per parcel of record existing as of October 28, 2008. Allowable density in such areas in excess of five residential lots per parcel of record existing as of October 28, 2008 may only be used in connection with the calculation of the number of development rights available for transfer under Article XX of this Chapter.

C. It is the declared policy and intent of Queen Anne's County to foster and encourage the municipalities within the County to require the use of transferable development rights in order to permit the residential development of lands annexed into any municipality in the County.

#### SECTION IV

BE IT FURTHER ENACTED that this Bill shall take effect on the forty-sixth (46th) day following its passage, provided, however that no provision hereof shall apply to any subdivision receiving final approval from the Queen Anne's County Planning Commission prior to the effective date hereof.

INTRODUCED BY: Commissioner Wargotz

CO-SPONSORED BY: Commissioner Fordonski and Ransom

DATE: October 28, 2008

PUBLIC HEARING HELD: Sent to PC for review and recommendation

VOTE: \_\_\_\_\_ Yea \_\_\_\_\_ Nay

DATE OF ADOPTION: Withdrawn - September 28, 2010