

COUNTY ORDINANCE NO. 07-11

A BILL ENTITLED

AN ACT CONCERNING Minimum Open Space Ratios in the Noncontiguous Development Standards of the Queen Anne's County Zoning Ordinance (Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland).

FOR THE PURPOSE of reducing the open ratios in connection with noncontiguous development; requiring that the minimum open space be owned by the community; allowing open space in excess of the minimum required to be owned by the developer; permitting reduction and reconfiguration of open space during future phases; and generally amending the open space requirements in connection with noncontiguous development in Queen Anne's County.

BY AMENDING Section 18:1-98 B. 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, MARYLAND that Section 18:1-98 B. of the Code of Public Local Laws be amended to read as follows:

**ARTICLE XIX
Noncontiguous Development**

. . .

§ 18:1-98. Application and standards.

. . .

B. Open space.

- (1) *The open space ratio of the appropriate district shall apply to all land within the overall development plan, rather than separately to the developed parcel and noncontiguous parcel. [Amended 9-7-2004 by Ord. No 04-28]*
- (2) *The minimum open space ratio for the developed parcel is .50.15. All said 15% open space shall be community owned. Open space in excess of 15% may be retained by the developer for future development or agriculture use.*
- (3) *Net buildable area and open space.*
 - (a) *After the date of adoption of this Chapter 18, if a landowner proposes a noncontiguous development,*

pursuant to this article, the net buildable area and open space on the developed parcel ~~may~~ must be identified and set aside only in accordance with the following two-step phasing schedule: on preliminary plan filed, which shall show the proposed configuration of future phases.

**~~Developed Parcel-
-Net Buildable Area~~**

**~~Developed Parcel-
-Open Space~~**

~~Phase 1~~ Not to exceed 0.30 Minimum of 0.50

~~Phase 2~~ Not to exceed 0.50 Minimum of 0.50

(b) The open space provided on the developed parcel during ~~Phase 1~~ the first Phase of the development shall be labeled "Noncontiguous Open Space Phase 1" and may be reduced and administratively reconfigured during ~~Phase 2~~ future Phases of the project as necessary.

SECTION II

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

CITIZEN SPONSORED

INTRODUCED BY: Commissioner Wargotz on behalf of the Board of County Commissioners

DATE INTRODUCED: May 8, 2007

PUBLIC HEARING HELD: May 29, 2007 @ 6:45 p.m.

VOTE: 0 YEA 5 NAY

DATE OF ADOPTION: Failed

FISCAL IMPACT NOTE

Legislation No: O-07-11 **Hearing Date:** 5-29-07
Date Introduced: 5-8-07 **Note Date:** 5-23-07

Legislation Title: Minimum Open Space Ratios in the Noncontiguous Development Standards of the Zoning Ordinance.

Description:

The purpose of this legislation is to reduce the open space ratios in connection with noncontiguous development, requiring that the open space be owned by the community, allowing open space in excess of the minimum required to be owned by the developer, and permitting reduction and reconfiguration of open space during future phases.

Analysis of Fiscal Impact:

There is no fiscal impact produced by this legislation, as it is simply a text amendment.