

**COUNTY ORDINANCE NO. 07-14**

**A BILL ENTITLED**

**AN ACT CONCERNING Design Guidelines for Major Cluster Subdivisions in AG, CS, NC, E, SE, SR and VC Districts under 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 authorizing the conveyance of lots up to five (5) acres in size to a homeowners association under certain circumstances.**

**BY AMENDING Section 18:1-74 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 18:1-74 B. of the Code of Public Local Laws be amended to read as follows:**

**ARTICLE XXVI**

***Subdivisions***

**§ 18:1-174. *Design guidelines for major cluster subdivisions in AG, CS, NC, E, SE, SR and VC Districts***

**...**

***B. Design guidelines. All new major cluster subdivisions in the AG, CS, NC, E, SE, SR and VC Districts are strongly encouraged to incorporate the following design guidelines. The Planning Director and/or Planning Commission shall consider these guidelines in their review of all new development and redevelopment within these districts. The Planning Director and/or Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines:***

- (1) When site characteristic allows, residential units shall be located adjacent to existing tree lines instead of in open fields;***
- (2) Street trees shall be planted at one-hundred to one-hundred-fifty-foot intervals in rural residential subdivisions;***
- (3) Stormwater management areas should be incorporated into the landscaping of the site and should have the appearance of a landscape amenity;***

- (4) Existing, mature trees shall be conserved to the extent possible on site;
- (5) Community amenities such as community areas, community stables, picnic tables, tot lots, playgrounds, playing fields, tennis courts, walking trails, etc., shall be provided in rural residential neighborhoods that contain more than 30 lots or use noncontiguous development;
- (6) Community amenities proposed by an applicant may be located on separate lots up to five (5) acres in area provided the lots:
- (a) Are deeded to a homeowners association established pursuant to § 11B-101 et. seq., Real Property Article, Annotated Code of Maryland; and
  - (b) Are properly managed and maintained by the homeowners association; and
  - (c) Are of adequate size and configuration to fulfill their objective as area of common use and enjoyment of lot owners; and
  - (d) Can support improvements such as buffers, amenities or stormwater management facilities; and
  - (e) Are permanently restricted to prevent use of the lots and the construction of any structures requiring on-site sewage disposal.
- ~~(6)~~ (7) Flag sewage reserve areas shall not be allowed;
- ~~(7)~~ (8) A limited number of flag lots may be permitted in subdivisions that implement noncontiguous development;
- ~~(8)~~ (9) A flag lot shall be at least 20 feet in lot width to accommodate proper access; and
- ~~(9)~~ (10) In subdivisions with more than 30 lots, grid street patterns should be incorporated and linear street patterns should be avoided.

**SECTION II**

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

**SPONSORED BY: Commissioner Wargotz**

**CO-SPONSORED BY: N/A**

**DATE INTRODUCED: May 8, 2007**

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

**VOTE: 4 YEA 1 NAY**

**DATE OF ADOPTION: June 12, 2007**

**EFFECTIVE DATE: July 28, 2007**

FISCAL IMPACT NOTE

**Legislation No:** O-07-14                      **Hearing Date:** 5-29-07  
**Date Introduced:** 5-8-07                      **Note Date:** 5-23-07

**Legislation Title:** Design Guidelines for Major Cluster Subdivisions in AG, CS, NC, E, SE, SR and VC Districts under the zoning Ordinance.

**Description:**

The purpose of this legislation is to authorize the conveyance of lots up to five acres in size to a homeowners association under certain circumstances.

**Analysis of Fiscal Impact:**

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