

COUNTY ORDINANCE NO. 05-13

A BILL ENTITLED

AN ACT CONCERNING Scenic Corridor Development in Queen Anne's County, Maryland;

FOR THE PURPOSE of implementing the recommendations of the Preservation Task Force regarding Scenic Corridor Development in Queen Anne's County by providing incentives for development which is offset from identified scenic corridors;

BY Repealing and Reenacting with Amendments Section 18:1-14 D. and 18:1-15 D., Adopting new Sections 18-1-100 and 18:1-101 and a new definition of "Scenic Corridors" in Section 18 App-1. Definitions and renumbering existing Sections 18:1-100 et seq. to 18:1-102 et seq. of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland be amended as set forth on the attached.

SECTION II

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

INTRODUCED BY: Gene Ransom

DATE: June 7, 2005

PUBLIC HEARING HELD: July 26, 2005

VOTE: 4 Yea 0 Nay

DATE OF ADOPTION: August 2, 2005

§18:1-14. Agricultural (AG) District

D. Density/intensity requirements.

- (1) Maximum residential density.
 - (a) Single-family cluster: .125.
 - (b) Large-lot subdivision: equal to total site area divided by minimum large-lot area. **[Amended 9-7-2004 by Ord. No. 04-12]**
 - (c) Sliding-scale subdivision: one new lot up to the first 100 acres of a site, and one new lot for each additional 100 acres, or part thereof.
 - (d) Noncontiguous development: in accordance with Chapter 18:1, Part 6, Article XIX.
 - (e) Scenic corridor development: in accordance with Chapter 18:1, Part 6, Article XX.

§ 18:1-15. Countryside (CS) District

D. Density/intensity requirements.

- (1) Maximum residential density.
 - (a) Single-family cluster: .20.
 - (b) Multifamily: .20.
 - (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) Sliding-scale subdivision: one new lot up to the first 100 acres of a site, and one new lot for each additional 100 acres, or part thereof.
 - (e) Noncontiguous development: in accordance with Chapter 18:1, Part 6, Article XIX.
 - (f) In the critical area, density can be increased to the base density by using critical area TDRs in accordance with Chapter 18:1, Part 6, Article XX.
 - (g) Scenic corridor development: in accordance with Chapter 18:1, Part 6, Article XX.

ARTICLE XX
Scenic Corridor Development

§ 18:1-100. Scope

- A. This article applies only for properties adjoining those Scenic Corridors that are defined in this Chapter and zoned AG and the non-critical area CS District and using Single-family Cluster or Noncontiguous Development techniques. The provisions of this article provide a residential development technique that encourages protection of Scenic Corridors.

§ 18:1-101. Application and Standards

- A Development plan. A landowner whose property adjoins a Scenic Corridor and is zoned AG or noncritical area CS may file a development plan in accordance with the Scenic Corridor development technique. The decision to use the Scenic Corridor development technique must be made at the time of the initial major subdivision application.
- B Density and lot line setbacks.
- (1) Scenic Setback
- (a) If a property owner is willing to offset the property line(s) of new residential lots by at least 500 feet from the right-of-way of identified scenic corridors the following bonus will be applied:
- [1] For properties equal to or greater than 50 acres but less than 100 acres in size, one (1) additional lot will be awarded as a bonus.
- [2] For properties greater than 100 acres in size, two (2) additional lots or 5% of the total allowed base density, whichever is greater, will be awarded as a bonus.
- (b) If a property owner is willing to offset the property line(s) of new residential lots by at least 1000 feet from the right-of-way of identified scenic corridors the following bonus will be applied:
- [1] For properties equal to or greater than 50 acres but less than 100 acres in size, two (2) additional lots will be awarded as a bonus.
- [2] For properties greater than 100 acres in size, three (3) additional lots or 10% of the total allowed base density, whichever is greater, will be awarded as a bonus.
- (2) Open Space and Net buildable area.
- (a) If a landowner proposes the Scenic Corridor technique pursuant to this article, the restrictions on the percent net buildable area and open space may be reduced to accommodate the access through the scenic setback and bonus lots awarded in accordance with paragraph B of this section provided that an average net buildable area per lot for the entire subdivision is no more than:
- AG District: 1.5 acres
CS District: 1.00 acres (applies only to noncritical areas)
- C Upon approval of a development plan, the land located within the area of the scenic setback:

- (1) May not be subdivided or reconfigured:
 - (2) Shall be deemed open space and shall be limited to only those uses allowed pursuant to the open space table in § 18:1-12 of this Chapter 18:1: and
 - (3) Shall not be used in connection with any determination of site area or density, except as may be necessary in determining the amount of deed restricted open space required by the development plan.
- D Buffer Requirements: A planted tree buffer of 50 feet in width adjoining the lots fronting the scenic corridor to screen the subdivision from the public view and protect the scenic vista is required, and shall be located within the deed restricted open space. This planted buffer area can be used to satisfy open space requirements and may be used in conjunction with meeting the requirements of Chapter 18:2, Forest Conservation.

ARTICLE XIX

Transferable Development Rights

§ 18:1-100 102. Right Transfer.

(and renumber the remaining sections of Chapter 18 accordingly)

Chapter 18App

Appendix A: Glossary

§ 18App-1. Definitions

SCENIC CORRIDORS- The Chesapeake Country Scenic Byway (MD Routes 18 and 213), and U.S. Route 50, U.S. Route 301, and MD Route 404.