

COUNTY ORDINANCE NO. 17-12

A BILL ENTITLED

AN ACT CONCERNING Amendments to Chapter 18:1 of the Code of Public Local Laws (the Queen Anne’s County Zoning and Subdivision Regulations) Regarding Moderately Priced Dwelling Units;

FOR THE PURPOSE OF including Commercial Apartments in developments subject to the requirements as to Moderately Priced Dwelling Units; including the Airport Protection and Kent Island Gateway (APKIG), Neighborhood and Village Center (NVC), Stevensville Historic Village Center (SHVC) and Waterfront Village Center (WVC) zoning districts in those districts requiring compliance with the provisions regarding Moderately Priced Dwelling Units for certain residential developments; removing the bonus provisions for Moderately Priced Dwelling Units in the Waterfront Village Center (WVC) zoning district and generally revising and updating the provisions regarding Moderately Priced Dwelling Units in Queen Anne’s County;

BY AMENDING Sections 18:1-108 and 18:1-26 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 18:1-108 and 18:1-26 of the Code of Public Local Laws of Queen Anne’s County be and are hereby AMENDED to read as follows:

Chapter 18 Land Use and Development

...

Article XXI: Inclusionary Housing

§ 18:1-108. Moderately priced dwelling units

A. Purpose and intent.

- (1) The purpose of this article is to implement the housing goals of the Queen Anne's County Comprehensive Plan Land Use Policy 4A such that:
  - (a) The development regulations are amended to include requirements for moderately priced dwelling units;

- (b) Private developers constructing moderately priced housing under this article have reasonable prospects of realizing a profit on the development;
- (c) Opportunities are retained for people that work in the County to live in the County;
- (d) Housing options are made available to moderate- income residents, and for special needs populations, including but not limited to the elderly.

...  
 C. Applicability. Compliance with the provisions of this article shall be required as a condition of approval for all residential development, including commercial apartments, that:

- (1) Is located within the following districts: APKIG, E, SE, SR, UR, VC, NC, WVC, CMPD, NVC, SHVC, TC, GPRN, SMPD, CS, and-AG. [Amended 8-2-2005 by Ord. No. 05-07]
- (2) In growth areas, consists of 20 or more lots or dwelling units; and outside of growth areas, consists of 60 or more lots; or dwelling units; and[Amended 8-24-2010 by Ord. No. 10-05]
- (3) An applicant may not avoid this article by submitting or phasing new development in increments below the thresholds above, the first being after the effective date of this article. An applicant may submit a request for residential development below the thresholds set forth above, but the applicant must agree in writing that when unit thresholds are reached, the applicant will meet the requirements of this article.

...  
 § 18:1-26 WATERFRONT VILLAGE CENTER (WVC) DISTRICT.

A. Purpose. [Amended 6-11-2013 by Ord. No. 13-09]

- (1) The Waterfront Village Center (WVC) District is intended to facilitate orderly mixed-use commercial, light industrial, marine-oriented, and seafood-industry-oriented uses at the Kent Narrows in accordance with the Kent Narrows Community Plan.
- (2) The WVC District is intended to preserve the character of the working waterfront in the Kent Narrows area and allow greater freedom, imagination, and flexibility in the development of land surrounding the waterfront while insuring excellence in urban design and district appearance. The WVC District allows flexibility in the relationship of uses, structures, open spaces, water views and vistas, and heights of structures.
- (3) This section is further intended to encourage more rational and economic development, and to encourage consistency with the objectives of the Kent Narrows Development Foundation, and the Community Plan for the Kent Narrows to accomplish the following objectives:
  - (a) To establish the Kent Narrows as a year-round destination by encouraging a mixture of uses that will attract visitors to the area.

(b) To link the quadrants of Kent Narrows for pedestrian access, centralize parking and provide for pedestrian circulation throughout the area, preferably along the waterfront, to alleviate the need for vehicular traffic throughout the community.

(c) To ensure that all new development and redevelopment will have architectural design sensitive to the character of Kent Narrows through establishing architectural design standards.

(d) To establish County incentives for developers and property owners to create public improvements on or off their sites that will enhance pedestrian access by creating public access boardwalks along the water and creating public plaza areas with pedestrian features such as ornamental lighting, illuminated bollards, benches, trash receptacles, information kiosks, wayfinding signage and other pedestrian furniture.

(e) To allow flexibility in development standards in order to encourage innovation and creativity in development and redevelopment and to discourage underutilization of valuable parcels of land.

...

F. Development standards.

(1) Residential densities. Mixed-use development shall be allowed at a density of 10 dwellings per acre.[Amended 6-11-2013 by Ord. No. 13-09]

(2) Bulk standards for all uses.

(a) Development in the WVC Zoning District must comply with the following bulk and dimensional standards.

...

[5] Residential units including commercial apartments shall comply with §18-1-108 Moderately priced dwelling units of this chapter.

...

N. Bonus.

(1) In general.

(A) When approving a site plan within the WVC District, the Planning Commission at the time of site plan review may consider a modification to Subsection F(2)(a)[2] and (4) to permit a maximum nonresidential floor area ratio of 0.40 and height of 55 feet (for any nonresidential or multifamily residential building with no other bonus provision requirements specified in Subsection N(2) below, provided at least 50% of the first floor area is elevated to allow for parking under the building.[Amended 7-10-2012 by Ord. No. 12-03]

(B) When approving a site plan within the WVC District, the Planning

Commission at the time of site plan review, may grant a bonus to the normally allowed floor area and building height standards as provided in Subsection F above.

(c) Subject to Subsection N(2) below, the Planning Commission may grant a specified bonus:

- [1] Up to 0.50 FAR; and
- [2] Up to 60 feet in allowable building height.

(d) The resulting bonus may not exceed the maximum bonus allowed by the bonus schedule

...

(2) Determination of bonus.

(a) Basis.

[1] The allowable bonus shall be determined based upon a monetary contribution or value of the amenity to be provided by the developer for the public benefit for the amount of improvements proposed that exceed those permitted under the ordinance. Public amenities include, but are not limited to:

[a] All amenities identified in Subsection K.

[b] In addition to the required 30% open space improvements, an additional 10% public open space improvements or monetary contribution for improvement of existing public lands, public art and heritage signage using the following formula:

[i] Commercial: 2% of construction costs.

[ii] Mixed-use: 2% of construction costs.

[c] Ten percent of proposed slips dedicated for public access.

~~[d] Mixed residential-commercial uses that provide 10% moderately-priced dwelling units in accordance with § 18:1-108.~~

## SECTION II

**BE IT FURTHER ENACTED that upon introduction, this**

Ordinance shall be referred to the Queen Anne's County Planning Commission for their investigation and recommendation.

SECTION III

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

INTRODUCED BY: Commissioner Buckey

DATE: June 13, 2017

PUBLIC HEARING HELD: October 10, 2017 @ 9:45 am

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: October 24, 2017

EFFECTIVE DATE: December 9, 2017