

PROPOSED

AMENDED
February 6 and 21, 2017
March 6, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 41

Bill No. 94-16

Introduced by Mr. Grasso, Chairman
(by request of the County Executive)

By the County Council, December 19, 2016

Introduced and first read on December 19, 2016
Public Hearing set for and held on January 17, 2017
Bill AMENDED on February 6, 2017
Public Hearing on AMENDED BILL set for and held on February 21, 2017
Public Hearing on SECOND AMENDED BILL set for and held on March 6, 2017
Public Hearing on THIRD AMENDED BILL set for March 20, 2017
Bill Expires March 24, 2017

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development and Zoning –
2 Preservation-Oriented Development
3
4 FOR the purpose of repealing all subdivision and development and zoning provisions
5 related to cluster development; defining “preservation-oriented development”; adding
6 preservation-oriented development to certain subdivision and development and
7 zoning provisions; grandfathering certain types of preservation-oriented development
8 applications; allowing the Planning and Zoning Officer to approve modifications to
9 preservation-oriented development applications under certain circumstances; allowing
10 “dwelling, single family detached, preservation-oriented development” in the RA,
11 RLD, R1, R2, and R5 Zoning Districts as a conditional use; specifying the bulk
12 regulations applicable to preservation-oriented development; establishing conditional
13 use requirements for “dwellings, single family detached, preservation-oriented
14 development”; amending the conditional use and special exception use requirements
15 for duplex and semi-detached dwellings; and generally relating to subdivision and
16 development and zoning.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates amendments to bill.
~~Strikethrough~~ indicates matter stricken from bill by amendment.

1 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(9) and (10); 17-2-
2 108(a); 17-3-502(b) and (f); 17-3-505; 17-5-401(a)(2); 17-6-103(b) and (i)(1); 17-8-
3 205(4); 18-2-101(b)(6) and (7); 18-4-106; 18-4-301; 18-4-401(a)(1); 18-4-501; 18-4-
4 601; 18-4-701; 18-10-116; and 18-11-123 (as amended by Bill No. 75-16)
5 Anne Arundel County Code (2005, as amended)

6
7 BY repealing: § 18-1-101(27)
8 Anne Arundel County Code (2005, as amended)

9
10 BY renumbering: ~~§ 17-2-108(b) through (e) to be § 17-2-108(e) through (f), respectively;~~
11 § 18-1-101(28) through (81) to be § 18-1-101(27) through (80), respectively; and §§
12 18-10-118 through 18-10-151 to be §§ 18-10-119 through 18-10-152, respectively (as
13 amended by Bill Nos. 75-16 and 83-16)
14 Anne Arundel County Code (2005, as amended)

15
16 BY adding: § 17-2-101(b)(11); ~~17-2-108(b)~~; 18-1-101(81); 18-2-101(b)(8); and 18-10-
17 118
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
21 *Maryland,* That § 18-1-101(27) of the Anne Arundel County Code (2005, as amended)
22 be and is hereby repealed.

23
24 SECTION 2. *And be it further enacted,* That §§ ~~17-2-108(b) through (e)~~; 18-1-
25 101(28) through (81); and 18-10-118 through 18-10-151 of the Anne Arundel County
26 Code (2005, as amended) (and as amended by Bill Nos. 75-16 and 83-16) are hereby
27 renumbered to be §§ ~~17-2-108(e) through (f)~~; 18-1-101(27) through (80); and 18-10-119
28 through 18-10-152, respectively.

29
30 SECTION 3. *And be it further enacted,* That Sections of the Anne Arundel County
31 Code (2005, as amended) are amended to read as follows:

32
33 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

34
35 **TITLE 2. GENERAL PROVISIONS**

36
37 **17-2-101. Scope; applicability.**

38
39 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering
40 provisions of COMAR Title 27, this article applies to all pending and future proceedings
41 and actions of any board, department, or agency empowered to decide applications under
42 this Code, except that:

43
44 (9) subject to the election provisions of subsection (10), an application for a
45 building or grading permit, including preliminary plan approval and site development
46 plan approval, filed before November 19, 2012 shall be governed by the law as it existed
47 prior to April 16, 2013; [and]

1 (10) for any application described in subsection (8) or (9), the applicant may
2 make an election, in writing and filed with the Planning and Zoning Officer no later than
3 July 1, 2013, to be governed by the law as it exists after April 16, 2013[.]; AND
4

5 (11) AN APPLICATION FOR A PRESERVATION-ORIENTED CLUSTER DEVELOPMENT
6 FILED ON OR BEFORE THE EFFECTIVE DATE OF BILL NO. 94-16 SHALL BE GOVERNED BY
7 THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 94-16.
8

9 **17-2-108. Modifications.**
10

11 (a) **Generally.** [The] EXCEPT AS PROVIDED HEREIN, THE Planning and Zoning
12 Officer may approve an application for a modification to any provision of this article
13 other than one contained in Titles 5, 8, or 9, except as allowed by §§ 17-5-203(b), 17-5-
14 205(b), 17-8-201(b), 17-8-203(c), 17-8-403, 17-8-601(b)(2), 17-8-601(c), 17-8-901, or
15 17-9-401, and to any applicable regulations, manuals, or specifications, including the
16 DPW Design Manual, upon finding that:
17

18 (1) practical difficulties or unnecessary hardship will result from strict application
19 of this article;
20

21 (2) the purposes of this article, including minimization and mitigation of
22 environmental impacts through the use of [clustering] PRESERVATION-ORIENTED
23 DEVELOPMENT or other available design alternatives to preserve the character of the
24 impacted area, will be served by an alternative proposal;
25

26 (3) the modification is not detrimental to the public health, safety, or welfare or
27 injurious to other properties; and
28

29 (4) the modification does not have the effect of nullifying the intent and purpose
30 of this article, the General Development Plan, or Article 18 of this Code.
31

32 ~~(B) **Exception.** NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (A), THE~~
33 ~~PLANNING AND ZONING OFFICER MAY NOT MODIFY THE REQUIREMENTS OF § 17-6-111 OR~~
34 ~~ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE FOR A PRESERVATION-ORIENTED~~
35 ~~DEVELOPMENT WITH A GROSS SITE AREA OF LESS THAN FIVE CONTIGUOUS ACRES.~~
36

37 **TITLE 3. SUBDIVISION**
38

39 **17-3-502. Lot design criteria.**
40

41 (b) **Building envelope; preservation-oriented development.** A residential lot shall
42 be of sufficient size to have a building envelope. [Residential dwelling units on
43 residential lots shall be clustered to the maximum extent practicable as determined by the
44 Office of Planning and Zoning.] PRESERVATION-ORIENTED DEVELOPMENT SHALL BE
45 PERMITTED AS A CONDITIONAL USE IN ACCORDANCE WITH ARTICLE 18. In determining
46 the extent to which [clustering] PRESERVATION-ORIENTED DEVELOPMENT will be
47 required for a minor subdivision or subdivision of lots shown on a previously recorded
48 plat, the Planning and Zoning Officer shall evaluate the development patterns and lot
49 sizes of adjoining properties and approve development that does not substantially alter
50 the character of the neighborhood. The lots shall be of sufficient size to have a building

1 envelope unencumbered by easements or restrictions that substantially restrict the use of
2 the building envelope.

3
4 (f) **Easements on preservation-oriented development lots disfavored.** To the
5 extent practicable, forest conservation easements, natural area easements, historic
6 resource easements, archaeological easements, and cemetery easements may not be
7 located on [cluster] PRESERVATION-ORIENTED DEVELOPMENT lots.

8
9 **17-3-505. Residential subdivisions abutting heavy industrial zones.**

10
11 A residential subdivision on property abutting a W3 Heavy Industrial Zone shall be a
12 [cluster] PRESERVATION-ORIENTED development [pursuant to § 17-3-502. For a
13 residential subdivision developed on a parcel of at least 20 acres under this section, the
14 Office of Planning and Zoning shall approve a development in accordance with bulk
15 regulations under § 18-4-601 of this Code in order to ensure, to the extent reasonably
16 practicable, sufficient buffers for the {cluster subdivision} PRESERVATION-ORIENTED
17 DEVELOPMENT for sight obstruction and to shield against nuisances, including noise,
18 light, vibrations, noxious odors, dust, or debris emanating from the abutting industrial
19 zone] IN ACCORDANCE WITH ARTICLE 18 OF THIS CODE.

20
21 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

22
23 **17-5-401. Standards.**

24
25 (a) **Generally.** Except as provided in subsection (b) and in § 17-6-504(9), a
26 development passes the test for adequate road facilities if in the scheduled completion
27 year of the development it creates 50 or fewer daily trips or if:

28
29 (2) road facilities in the impact area of the proposed development will have an
30 adequacy rating of not less than 70 as defined by the Anne Arundel County road rating
31 program or, if not rated by the Anne Arundel County road rating program, have been
32 found by the County to be adequate with respect to road capacity, alignment, sight
33 distance, structural condition, design, and lane width, except that the requirements of this
34 subsection (a)(2) do not apply to development in a commercial revitalization district, to
35 scenic or historic roads in the impact area of the proposed development, or to roads other
36 than those that front on the [cluster] PRESERVATION-ORIENTED DEVELOPMENT lots in a
37 PRESERVATION-ORIENTED development in an RA or RLD District; or

38
39 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

40
41 **17-6-103. Road design.**

42
43 (b) **Road improvements for agricultural preservation subdivisions and**
44 **certain preservation-oriented developments.** In an agricultural preservation
45 subdivision, the road improvements required by the DPW Design Manual apply with
46 respect to the road frontage of the owner's and the childrens' lots only. In a [cluster]
47 PRESERVATION-ORIENTED development in an RA or RLD Zoning District, the road
48 improvements required by the DPW Design Manual apply with respect to the road
49 frontage of the [cluster] PRESERVATION-ORIENTED DEVELOPMENT lots only.

1 (i) **Public roads.** Public roads within a proposed subdivision shall be designed, to the
2 maximum extent practicable, to minimize impervious surfaces, grading, and impacts to
3 natural features.

4
5 (1) The right-of-way for public roads shall be conveyed by dedicating and
6 deeding the land to the County or State in fee simple. If a proposed subdivision other than
7 an agricultural preservation subdivision borders a County or State road that does not
8 comply with County or State standards, the developer shall dedicate and deed sufficient
9 right-of-way to comply with the standards and to accommodate pedestrian and bicycle
10 facilities identified in the County Pedestrian and Bicycle Master Plan, except that in a
11 [cluster] PRESERVATION-ORIENTED development in an RA or RLD District, the
12 developer shall dedicate and deed in fee simple sufficient right-of-way to comply with
13 the standards on the road frontage of the [cluster] PRESERVATION-ORIENTED
14 DEVELOPMENT lots only.

16 TITLE 8. CRITICAL AREA OVERLALY

17 18 17-8-205. Development in the IDA.

19
20 Development in the IDA shall comply with the following criteria in accordance with
21 COMAR requirements:

22
23 (4) Proposed development shall use [cluster] PRESERVATION-ORIENTED
24 development as a means to reduce lot coverage and maximize areas of vegetation.

26 ARTICLE 18. ZONING

27 28 TITLE 1. DEFINITIONS

29 30 18-1-101. Definitions.

31
32 Unless defined in this article, the Natural Resources Article of the State Code, or
33 COMAR, words defined elsewhere in this Code apply in this article. The following
34 words have the meanings indicated:

35
36 [(27) "Cluster development" means a residential development that permits
37 variation in lot sizes without an increase in overall density and preserves open space, tree
38 cover, and similar natural features.]

39
40 (81) "PRESERVATION-ORIENTED DEVELOPMENT" MEANS A RESIDENTIAL
41 SUBDIVISION CONSISTING OF CONTIGUOUS ACRES THAT PERMITS VARIATION IN LOT
42 SIZES WITHOUT AN INCREASE IN OVERALL DENSITY AND PRESERVES OPEN SPACE, TREE
43 COVER, AND SIMILAR NATURAL FEATURES TO THE GREATEST EXTENT POSSIBLE.
44 ACREAGE THAT INCLUDES ONLY COLLECTOR OR LOCAL ROADS IS CONSIDERED
45 CONTIGUOUS.

46 47 TITLE 2. GENERAL PROVISIONS

48 49 18-2-101. Scope; applicability.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(6) subject to the election provisions of subsection (7), development that falls within one of the exceptions set forth in § 17-2-101(b)(8) or (b)(9) of this Code shall be governed by the law as it existed prior to April 16, 2013; [and]

(7) for any application described in subsection (5) or (6), the applicant may make an election, in writing and filed with the Planning and Zoning Officer no later than July 1, 2013, to be governed by the law as it exists after April 16, 2013[.]; AND

(8) AN APPLICATION FOR A ~~PRESERVATION-ORIENTED~~ CLUSTER DEVELOPMENT FILED ON OR BEFORE THE EFFECTIVE DATE OF BILL NO. 94-16 SHALL BE REVIEWED AS A CLUSTER DEVELOPMENT UNDER THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 94-16.

TITLE 4. RESIDENTIAL DISTRICTS

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Dwellings, single-family detached	P	P	P	P	P	P	P	
DWELLINGS, SINGLE-FAMILY DETACHED, PRESERVATION-ORIENTED DEVELOPMENT	C	C	C	C	C			
Dwellings, townhouses					C	C	C	

18-4-301. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an RA District:

1

[Cluster development:	
Minimum lot size	20,000
Maximum lot size	120,000 square feet
Minimum width at front building restriction line	80 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot lines	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]
PRESERVATION-ORIENTED DEVELOPMENT	AS REQUIRED BY § 18-10-118

2

3

18-4-401. Bulk regulations.

4

5

(a) Generally.

6

7

(1) Except as provided otherwise in this article, the following bulk regulations are applicable in an RLD District:

8

9

[Cluster development	
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet

Side lot lines	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]
PRESERVATION-ORIENTED DEVELOPMENT	AS REQUIRED BY § 18-10-118

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18-4-501. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R1 District:

[Cluster development:	
Minimum lot size	None, except for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, each of which units shall be on a lot not less than 10,000 square feet
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 50%
Minimum width at front building restriction line	80 feet or, for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, 60 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet

Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]
PRESERVATION-ORIENTED DEVELOPMENT	AS REQUIRED BY § 18-10-118

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18-4-601. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R2 District:

[Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 60%
Minimum width at front building restriction line	50 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be

	reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]
PRESERVATION-ORIENTED DEVELOPMENT	AS REQUIRED BY § 18-10-118

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18-4-701. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R5 District:

[Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 75%
Minimum width at front building restriction line	40 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private

	recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]
PRESERVATION-ORIENTED DEVELOPMENT	AS REQUIRED BY § 18-10-118

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-116. Dwellings, duplexes and semi-detached.

A duplex or semi-detached dwelling development shall be a [cluster development] PRESERVATION-ORIENTED DEVELOPMENT in accordance with the requirements [of the district in which the use is located] SET FORTH IN § 18-10-118.

18-10-118. Dwellings, single family detached, preservation-oriented development.

SINGLE FAMILY DETACHED DWELLING UNITS IN A PRESERVATION-ORIENTED DEVELOPMENT SUBDIVISION SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

(1) PRESERVATION-ORIENTED DEVELOPMENT SHALL BE LOCATED ON A LOT OR PARCEL OF AT LEAST FIVE GROSS CONTIGUOUS ACRES.

~~(4)~~ (2) THE MINIMUM LOT SIZE PERMITTED SHALL BE:

- (I) IN THE RA, RLD, OR R1 DISTRICTS, 20,000 SQUARE FEET;
- (II) IN THE R2 DISTRICT, 6,000 SQUARE FEET; AND
- (III) IN THE R5 DISTRICT, 4,000 SQUARE FEET.

~~(2)~~ (3) MAXIMUM INDIVIDUAL LOT COVERAGE BY STRUCTURES MAY NOT EXCEED:

- (I) IN THE RA AND RLD DISTRICTS, THE LESSER OF 25% OR 7,500 SQUARE FEET;
- (II) IN THE R1 DISTRICT, 40%;
- (III) IN THE R2 DISTRICT, 50%; AND
- (IV) IN THE R5 DISTRICT, 55%.

~~(3)~~ (4) THE MINIMUM SETBACK FOR PRINCIPAL STRUCTURES FROM THE REAR LOT LINE SHALL BE ~~20~~ 15 FEET.

(4) (5) THE MINIMUM SETBACK FOR DECKS AND REAR PROJECTIONS FROM THE REAR LOT LINE SHALL BE 10 FEET, UNLESS THE REAR LOT LINES ABUT A PLATTED OPEN SPACE LOT THAT IS A MINIMUM OF ~~50~~ 35 FEET DEEP, IN WHICH CASE DECKS SHALL BE SET BACK AT LEAST THREE FEET FROM THE REAR LOT LINE.

~~(5)~~ (6) THE MINIMUM SETBACK FOR PRINCIPAL STRUCTURES FROM THE SIDE LOT LINE SHALL BE:

- (I) IN THE RA AND RLD DISTRICTS, 10 FEET; AND

1 (II) IN THE R1, R2, AND R5 DISTRICTS, 7 FEET.
2

3 ~~(6)~~ (7) THE MINIMUM SETBACK FOR PRINCIPAL STRUCTURES FROM THE FRONT
4 LOT LINE SHALL BE FIVE FEET, EXCEPT THAT THE PORTION OF THE FRONT FAÇADE
5 WHERE PARKING IS LOCATED SHALL BE SET BACK 18 FEET FROM THE FRONT LOT LINE;
6

7 ~~(7)~~ (8) THE MINIMUM LOT WIDTH AT THE FRONT BUILDING RESTRICTION LINE
8 SHALL BE:
9

10 (I) IN THE RA, RLD, AND R1 DISTRICTS, 80 FEET OR, FOR ADULT INDEPENDENT
11 DWELLING UNIT DEVELOPMENTS SERVED BY PUBLIC SEWER WITH A MINIMUM NET
12 AREA OF 50 ACRES, 60 FEET;
13

14 (II) IN THE R2 DISTRICT, ~~60~~ 50 FEET; AND
15

16 (III) IN THE R5 DISTRICT, ~~50~~ 40 FEET.
17

18 ~~(8)~~ (9) THE RECREATION AREA SHALL COMPLY WITH THE REQUIREMENTS OF § 17-
19 6-111 OF THIS CODE.
20

21 ~~(9)~~ (10) THE MINIMUM SETBACKS FROM SIDE AND REAR LOT LINES FOR
22 ACCESSORY STRUCTURES, OTHER THAN SHEDS THAT DO NOT EXCEED 64 SQUARE FEET
23 IN AREA AND EIGHT FEET IN HEIGHT, SHALL BE SEVEN FEET.
24

25 ~~(10)~~ (11) THE MINIMUM SETBACKS FROM SIDE AND REAR LOT LINES FOR
26 ACCESSORY STRUCTURES THAT DO NOT EXCEED EIGHT FEET IN HEIGHT, OTHER THAN
27 SWIMMING POOLS, TENNIS COURTS, BASKETBALL COURTS, AND SIMILAR RECREATIONAL
28 ACCESSORY STRUCTURES, SHALL BE FIVE FEET.
29

30 ~~(11) THE SITE SHALL BE SCREENED FROM ALL ADJACENT PROPERTY BY A~~
31 ~~WOODED BUFFER OF PLATTED OPEN SPACE AT LEAST 50 FEET IN DEPTH. THE WOODED~~
32 ~~BUFFER SHALL BE MAINTAINED AS EXISTING AT THE TIME OF APPROVAL, OR, IF NOT~~
33 ~~ALREADY FORESTED, THE BUFFER SHALL BE FORESTED IN ACCORDANCE WITH THE~~
34 ~~REQUIREMENTS OF ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE.~~
35

36 (12) ALL NEW LOTS CREATED IN A PRESERVATION-ORIENTED DEVELOPMENT
37 SHALL BE SCREENED FROM ADJACENT RESIDENTIAL PROPERTY BY A WOODED BUFFER
38 OF PLATTED OPEN SPACE AT LEAST 50 FEET IN DEPTH, EXCEPT FOR ANY PART OF A NEW
39 LOT THAT ABUTS AN EXISTING OR PROPOSED PRIVATE OR PUBLIC ROAD. THE WOODED
40 BUFFER SHALL BE MAINTAINED AS EXISTING AT THE TIME OF APPROVAL, OR, IF NOT
41 ALREADY FORESTED, THE BUFFER SHALL BE FORESTED IN ACCORDANCE WITH THE
42 REQUIREMENTS OF ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE. PUBLIC UTILITY
43 EASEMENTS ARE PERMITTED WITHIN THE WOODED BUFFER IF THE EXISTING ADJACENT
44 RESIDENTIAL PROPERTY WAS DEVELOPED WITH THE INTENT TO PROVIDE PUBLIC
45 UTILITY ACCESS TO THE PRESERVATION-ORIENTED DEVELOPMENT PROPERTY.
46

47 ~~(12)~~(13) THE DEVELOPMENT SHALL RESERVE A MINIMUM OF 30% OF THE GROSS
48 AREA OF THE SITE AS PLATTED OPEN SPACE. AN AREA WITHIN A DELINEATED 100 YEAR
49 FLOODPLAIN MAY BE INCLUDED IN THE MINIMUM 30% PLATTED OPEN SPACE
50 REQUIREMENT, UNLESS THE DELINEATED 100 YEAR FLOODPLAIN COMPRISES MORE
51 THAN 30% OF THE GROSS AREA OF THE SITE, IN WHICH CASE ALL STORMWATER
52 MANAGEMENT DEVICES, FOREST CONSERVATION EASEMENTS, AND RECREATION AREAS
53 SHALL BE LOCATED IN PLATTED OPEN SPACE THAT IS IN ADDITION TO THE MINIMUM
54 30% PLATTED OPEN SPACE.
55

56 ~~(13)~~(14) STREETS, PARKING AREAS, PATIOS, AND SIDEWALKS MAY NOT BE
57 INCLUDED IN THE OPEN SPACE CALCULATION. RECREATION AREAS AND STORMWATER
58 MANAGEMENT AREAS MAY BE INCLUDED IN THE OPEN SPACE CALCULATION. UTILITY
59 AND STORM DRAIN EASEMENTS MAY BE INCLUDED IN THE OPEN SPACE CALCULATION,

1 PROVIDED THE USE OF SUCH AREAS FOR PASSIVE OR ACTIVE RECREATION USE IS NOT
2 RESTRICTED BY THE TERMS OF THE UTILITY OR STORM DRAIN EASEMENT.
3

4 ~~(14)~~(15) THE NUMBER OF LOTS OR DWELLING UNITS IN A PRESERVATION-
5 ORIENTED DEVELOPMENT MAY NOT HAVE A GREATER DENSITY OF DEVELOPMENT THAN
6 IS PERMITTED IN THE ZONING DISTRICT IN WHICH THE DEVELOPMENT IS LOCATED.
7

8 ~~(15)~~(16) THE MINIMUM ROAD SECTION WIDTH SHALL BE 28 FEET, OR, IF ROLLED
9 CURBING IS USED, A MINIMUM OF 26 FEET.
10

11 ~~(16)~~ (17) FOR PURPOSES OF THIS SECTION, A PRESERVATION-ORIENTED
12 DEVELOPMENT ~~SITE MAY NOT BE BISECTED BY~~ MAY NOT INCLUDE A ROAD DESIGNATED
13 AS "ARTERIAL" OR ABOVE.
14

15 ~~(17) A PRESERVATION-ORIENTED DEVELOPMENT COMPRISED OF LESS THAN FIVE~~
16 ~~GROSS CONTIGUOUS ACRES IS NOT ELIGIBLE FOR ADMINISTRATIVE MODIFICATIONS TO~~
17 ~~THE REQUIREMENTS OF § 17-6-111 OR ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE. ANY~~
18 ~~MODIFICATION GRANTED FOR A PRESERVATION-ORIENTED DEVELOPMENT SHALL MEET~~
19 ~~ALL THE REQUIREMENTS FOR MODIFICATIONS AS SET FORTH IN § 17-2-108 OF THIS CODE.~~
20

21 (18) THE PLANNING AND ZONING OFFICER IS AUTHORIZED TO IMPOSE
22 ADDITIONAL SCREENING REQUIREMENTS, DESIGN TREATMENT, AND OTHER CONDITIONS
23 OR RESTRICTIONS AS NECESSARY TO PROTECT THE PATTERN OF RESIDENTIAL
24 DEVELOPMENT ADJACENT TO A PRESERVATION-ORIENTED DEVELOPMENT.
25

26 (19) THE MAXIMUM HEIGHT LIMITATIONS SHALL BE THE SAME AS THOSE
27 INCLUDED IN THE BULK REGULATIONS FOR THE UNDERLYING ZONING DISTRICT.
28

29 TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES 30

31 18-11-123. Dwellings, duplexes and semi-detached. 32

33 A duplex or semi-detached dwelling development shall be a [cluster] PRESERVATION-
34 ORIENTED development in accordance with the requirements [of the district in which the
35 use is located] SET FORTH IN § 18-10-118.
36

37 SECTION 4. *And be it further enacted*, That all references in this Ordinance to "the
38 effective date of Bill No. 94-16", or words to that effect, shall, upon codification, be
39 replaced with the actual date on which this Ordinance takes effect under Section 307 of
40 the County Charter as certified by the Administrative Officer to the Country Council.
41

42 SECTION 5. *And be it further enacted*, That this Ordinance shall take effect 45 days
43 from the date it becomes law.