

## 1§267-72 Conservation Development Standards (CDS)

**Note: Lot size minimum is 0.75 acre, 2 acre maximum. Septic Reserve is 10,000 sq.ft. (Normal AG is 2 acre minimum lot with 20,000 sq.ft. septic reserve.)**

A. The provisions of these development standards may be applied to single family detached subdivisions located within the agricultural district **AND ZONED AG OR RR OR VR. Changed from "County's agricultural zoned (AG) areas or areas zoned for rural residential (RR) development."**

FOH: Clustering of houses on a large parcel of RR land outside the Development Envelope should be encouraged. That part of the old code should be reinstated.

(1) In order for a parcel to be developed under conservation development standards, it must be a minimum of 35 acres in size.

(2) Allowable densities under conservation development standards shall be that set forth in this §267-53 (AG Agricultural District).

**NEW** (3) The developable area shall not exceed 25% of the total parcel, including all land necessary to accommodate utilities and infrastructure, including roads, water, wastewater and electric lines. The preservation area shall not be less than 75% of the total parcel.

FOH: This is a very desirable addition.

(4) The developer shall submit a scaled drawing of the property. The drawing shall include the property boundaries, the general lot designs, road locations, forested areas, steep slopes, wetlands, streams and other sensitive areas. In addition, the drawing shall show the remaining agricultural use on the property including agricultural buildings, cropland and pasture areas.

(5) **To preserve AG land, all CDS projects shall require the purchase of TDRs.**

**NEW** B. The following uses are permitted in the preservation area, pursuant to the lot and setback requirements of this Section:

- (1) Agriculture;
- (2) Agricultural public events;
- (3) Agricultural retail sales;
- (4) Agricultural commercial;
- (5) Forestry;
- (6) Public Service Use; **No definition found for this. Could it be Schools without Board approval?**
- (7) Greenhouses and nurseries, commercial;
- (8) Park; **if 75% of the property remains pervious**
- (9) Wildlife refuge.

FOH: Large regional parks placed on AG land undermine the purpose of AG land by paving large portions and using lots of lights. By limiting the active recreation area, we can promote the passive recreation which is more in keeping with AG.

**NEW** C. The uses allowed in the developable area shall be limited to single-family residential.

D. Design standards.

(1) Development shall be designed in a manner that will minimize the effect on cropland, pasture, forest and areas of other significant value.

(2) **HOUSES SHALL BE CLUSTERED AND NOT PLACED ON RIDGES OR OTHER HIGH ELEVATIONS ON THE PARCEL.**

FOH: We recommend the addition of these parcel design standards (2) and (3). We should preserve the "look" of AG land. Other jurisdictions that want to preserve their agricultural areas have instituted so-called "ridge laws" that constrain building on highly visible elevations and thereby preserve the viewsapes -- for both residents and agricultural tourists--in rural areas.

(2) The preservation area should be determined with reference to the location of forested and agricultural land or preservation areas on adjacent properties so as to maintain contiguity where feasible.

OLD wording minor change: The existing forested and/or agricultural area to be retained should be determined with reference to the location of forested and agricultural land on adjacent properties so as to maintain contiguity where feasible.

(3) All land in the preservation area whether part of the created subdivision or platted and recorded separately, shall be subject to an easement in perpetuity in a form to be approved by the Department of Law and recorded in the land records of Harford County, Maryland, restricting any future development on that property, except those permitted in Subsection B.

OLD “All land remaining outside the development . . .” to: “All land in the preservation area . . .”

(4) If future public necessity warrants, the property owner and the County may agree to amend the terms of the easement, subject to the following requirements:

FOH: This could be a dangerous precedent. By saying the County may agree, we would require a legislative act by the County Council to set aside the promise of easement.

(a) The land may be developed only for a nonresidential use that is beneficial to the community, as specified in the amended easement;

(b) The agreement of the County Council shall be evidenced by legislative act of the Council; and  
(See above)

(c) An amended easement shall be effective only upon its recordation in the Land Records of the County.

(5) Public roads shall be designed in a manner that is consistent with the Harford County Road Code and with the surrounding rural character.

(6) The easement shall not provide for public access to any privately-owned land.

NEW (7) Landscaping and buffering. Landscaping and buffering in developable areas shall conform to the regulations in §267-29 (Landscaping) and §267-30 (Buffer yards)

Note: In existing Code Paragraph (5) Setbacks was omitted in draft Code

Note: In existing Code Section 267-42.2 – Flexible Design Development – was omitted.