

VII. LAND USE and ZONING

Background

Land Use within South County is mostly rural. Guided by the Vision “*Keep South County Rural*” the Plan strives to curb growth while recognizing the need to maintain some commercial zoning to keep the area viable and livable. Land Use and Zoning is a two part process that designates the basic use of a property and the intensity to which it can be used (See Appendix 3). To provide the area with some business opportunities, the designated existing businesses as commercial on the land use map. The intent is to encourage the use and *reuse* of existing commercially used land, while discouraging new commercial zoning in South County. The commercial businesses identified on the land use map include some individual commercial businesses, the rural village of Friendship, and the commercial area of Wayson’s Corner (see Proposed Land Use Map).

Zoning within the South County Planning Area is predominately RA. There are four residential areas with a density of 5 dwellings per acre (R5): Patuxent Manor, Rose Haven, Holland Point and Wayson’s Trailer Park. Portions of Fairhaven and the area north of Mount Zion Marlboro Road are the only areas zoned with a two dwelling per acre density of R2. Most of Wayson’s Corner is zoned C3 and C4, and is designated Mixed Use.

The charge of the Plan was to review and refine the 1997 General Development Plan (GDP) Land Use and Zoning Maps. In reviewing the maps the plan establishes specific principles, and makes comprehensive parcel-specific recommendations for the area.

A. Land Use Recommendations (Guiding Principles)

- C Keep South County Rural by preserving and enhancing forested agricultural and open space land and historic resources and landscapes.
- C No expansion of public water or sewer service to the area.
- C Maintain the integrity of present RA zoning in South County.
- C Since South County has no existing or planned water and sewer (other than Rose Haven and Holland Point), it is not appropriate to direct an increase in development density to the area.
- C The integrity of Anne Arundel County zoning process should be maintained and not compromised by the land use patterns of adjoining counties.

Insert Map Proposed Land Use

Insert Map
Proposed Zoning

Existing zoning

lothian

harwood

friendship #1

Friendship #2

The following table shows the South County Small Area Plan Land Changes.

**South County Small Area Plan
Comprehensive Land Use Recommendations**

Name	Location	Existing Land Use	SAP Land Use Rec.	Plan Land Use
Southern Maryland Concrete	Patuxent River Road	Industrial (W3)	Rural	Industrial (W3)
Parcels not in commercial use surrounding the Amoco station in Lothian	Route 2, North of Lothian Traffic Circle Part of Parcels 175, 179, 165	Commercial /Rural (C1/RA)	Rural	Rural
Simi Sweet Mama’s	SE corner of Central Ave and Patuxent River Road p/o parcel 68	Commercial (C1)	Rural	Commercial (C1)
Moreland, parcel 52	NW corner of Owensville Road and 468	Commercial (C1)	Rural	Commercial (C1)
Parcels in residential use in Friendship	Parcels 64, 103, 59, 60, 61, 62, 56, p/o 177 141, 155 and 90	Commercial (C1)	Rural	Rural
Arthur/Dorr	South of Route 4, near Wayson’s, Vacant Commercial Property, parcel 14	Commercial (C3)	Rural	Commercial (C1) and Rural (RA)
Convenience Strip Center : 2 parts, multiple	Parcels 136 and 212	Commercial (C3)	Commercial (C1)	Commercial (C1)
Kolb/John	Southwest corner of Route 2 and Harwood Road, 103	Commercial (C4)	Commercial (C1)	Commercial (C1)
Dad’s Farm	Residential property located on parcel 52, south of Post Office and Antique Shop at RT2 and Harwood Road	Commercial Rural (C4/RA)	Rural	Rural

Recommendations

1. Reduce overall development potential within South County by extinguishing development rights (including those on approved undeveloped lots) through a variety of mechanisms including:
 - a. Donated conservation easements.
 - b. Purchase of development rights with county and state dollars.
 - c. Transfer of Development Rights (TDR)
 - The county will implement a TDR program that enables the transfer of rights from residential to residential zone, from commercial to commercial zone, and from residential to commercial zone.
 - A TDR transfer should be considered for any upzoning (residential, commercial and/or industrial) thereby requiring the purchase of development rights from property which is inconsistent with the character and needs of its surrounding community.
 - Such a program should be considered for all rezoning throughout Anne Arundel County to facilitate the permanent protection of RA or RLD zoned land.
2. The Land Use and Zoning maps presented in this document will define the intensity and density of land use and zoning in the South County Planning Area. These maps define the boundaries and the extent of commercial, industrial and residential use. Increases in density and intensity of use, especially commercial sprawl, is strongly discouraged.
3. Establish residential subdivision design guidelines that shall be required for all new subdivisions within the RA zoning district. (Guidelines for design standards are outlined in section C of this chapter).
4. Establish and apply design standards for all development by organizing a standing committee comprised of citizens, a landscape architect, and Planning and Zoning to review applications for new subdivisions.
5. Conduct a comprehensive evaluation of the County's permit process and fee structure. In particular, the relationship of the fee structure relative to community impact and County expenditure should be examined. The issuance of permits should be simplified and expedited without compromising environmental regulations or the character of the community. This review process should include citizen involvement.

6. Identify and designate existing historic rural villages, such as Friendship. Develop specific plans for each that would include buffer zones and design guidelines for new construction and renovation.
7. Eliminate or fix the provision for "family conveyance" within the zoning regulations. (detailed recommendations are included in Chapter VII, Section B and Appendix 4)
8. Eliminate the "alternative density" provision within the zoning regulations.
9. Revise the existing code for RA (rural Agricultural) zoning to support the vision to keep South County rural.
10. Foster a regional planning advisory board with geographic representation from adjoining Counties to provide recommendations on regional issues that impact the rural character of South County, such as impact on the roads and sensitive areas.
11. Develop Commercial Design Guidelines to ensure that commercial and industrial development is compatible with the rural scale and character of South County. Special attention will be devoted to the impact on roads and sensitive areas.
12. Remove the Mixed Use zoning designation from Wayson's Corner.
13. Large setbacks should be incorporated in residential subdivision guidelines for new subdivisions bordering major roads.
14. Public landscaping should utilize a palette of native plant materials rather than imported species.

After the Comprehensive Land Use and Zoning Recommendations were made available to the public in the draft plan citizens had the opportunity to request changes in zoning. Applications were accepted from the Office of Planning and Zoning during the period of April 17 - June 19 2000. They were reviewed by staff and listed below.

South County Planning Area Comprehensive Zoning Applications and Recommendations June, 2000

Applicant's Last Name	Property Street Address	Tax Map	Tax Parcel	Acreage	Property Zoning	Requested Zoning	SAP Rec	Plan Rec
Hill	5474 So. MD. Blvd.	71	136	" 1	C3	C3	C1	C1
South County LLC	Plummer La., Southern MD Blvd	71		60	RA	Mixed Use	RA	OS
Dorr/Arthur	Southern MD Boulevard	58	14	7	C3	C3	RA	C1/RA
South County LLC	Plummer La/Wrighton Rd	71	5, 65, 111	60	RA	Commercial	RA	OS
Johnson	5472-5490 Southern MD Blvd.	71	136	" 1	C3	C3	C1	C1
Hamel	3200 Patuxent River Road	54	127	18	W3	W3	RA	W3
Sutphin	436 West Central Avenue	55	205	1.71	RA	C4	RA	RA
Messenger	544 W. Central Avenue	55	0101	05	RA	C3	RA	RA
Howlin	W. Central Ave	58	14	1	RA/OS	Rezone 1 acre at int. to C1	RA	RA
Simi	1251 W. Central Avenue	58	68	1.4	C1/RA	C1/RA	RA	C1
Simi	1251 W. Central Avenue	58	68	.21	RA	C1	RA	RA
Habitat for Humanity	5043 Solomons Island Road	68	127	4.59	RA	R2	RA	RA
Butschky	320 Polling House Road	63	106	#11	RA	RLD	RA	RA
Kolb	4450 Solomons Island Road	63	103	2.3	C4/RA	All C4	C1	C1
Keets	940 Marlboro Road	72	39	53.8	RA	R5	RA	RA
Wayson	1091 Marlboro Road	72	0149	41	RA	R5	RA	RA
Brown	6801 Old Solomons Island Road	81	103	0.62	C1/RA	C1	RA	RA
Taylor	6815 Walke Road	81	141	1	C1/RA	C1	RA	RA
Hazen	512 James Avenue	82	9	#1	RA	R2	RA	RA
Wayson's Landholdings	Chesapeake Beach Road	83	12	12	RA	C3	RA	RA
Moreland	Owensville Road	64	80		C1	C1	RA	C1
Parks	454 E. Bayfront Road	73	36	8	RA	C4	RA	RA

B. Family Conveyance

In evaluating land use issues within the South County Planning Area, the plan recognized the inequity and abuse of the Family Conveyance Provision. Early in the process the recommendation was made to *eliminate or fix the "Family Conveyance" provision within the county code.*

The Family Conveyance regulations allow for the subdivision of property at an average density significantly higher than the current RA zoning density, and is having a negative impact on the rural character of South County. Additionally, while there have been prior "fixes" to the ordinance, there is still significant abuse. The result of the ordinance is that the development potential of a piece of property is based on the number of eligible family members, which is considered inequitable by some landowners who do not have as many family members as others.

The plan supports the elimination of the Family Conveyance provision, however the SAP Committee was not unanimous in its support of this option. The question arose as to why the provision even exists: to provide a way to keep families together, to support the family farm, or to compensate for the change in density permitted in the RA zoning district as a result of revising the zoning regulations in 1981. The objections to eliminating the provision included the recognition that rural South County is based on family farms, and landowners who had their density decreased in 1981 (from one unit per two acres to one per twenty acres) lost potential development value and "equity" in their land.

A portion of the argument not to eliminate the Family Conveyance provisions was that the landowners would potentially lose the ability to keep the family together and continue to give land to their children and grandchildren. Conversely the reality is that farming is no longer as viable an endeavor as it use to be, and that a single farm can barely provide for a single household much less a whole family. In many instances children are opting out of farming and moving on to more lucrative careers. Therefore the need to provide for family lots to keep children at home to work the family farm is not as necessary as it was several years ago.

If Family Conveyance provisions are kept than the following changes are recommended:

- a. Bonus lots would be required to be two acres or less (unless additional land was required to meet health codes). The goal would be to minimize any impact on and the fragmentation of the agricultural and forest resources of the property.
- b. The bonus lots would only be available for parcels of record as of the date of the introduction of a bill by the County Council, provided that the property had not been subdivided (or part of a subdivision) since 1981 (the time of the density decrease).

- c. When a property is subdivided to its maximum density, whether or not the bonus lot provision is applicable, the property will be deed restricted to prohibit any further subdivision of any parcels or lots that are part of the subdivision.
- d. The subdivision must comply with county and state environmental regulations as well as be subject to design review pursuant to guidelines recommended within this report.
- e. In addition, the allowance for tenant houses and accessory apartments (attached to current structures) were seen as alternatives to support farming and to keep family nearby.
- f. This bonus lot alternative to the family conveyance ordinance is only acceptable if all components recommended here are incorporated; making piecemeal changes negates the proposed compromise.

C. Rural Design Standards for New Subdivisions in the RA Zone

Anne Arundel County is located within thirty miles of two major metropolitan areas – Washington, D.C. and Baltimore, Maryland. Within its boundaries are located some of the largest continuous areas of unspoiled rural landscape in the entire region, principally within the South County Small Area, but extending to the west and north as well. These areas and all of South County are designated with rural land use.

Landscapes within the South County Small Area RA zone are characterized by rolling farm fields and pastures, woodlands and wetlands, as well as the open water at the county edges, in the form of the Chesapeake Bay and its numerous inlets and estuaries to the east, and the Patuxent River to the west. The view from the road is dominated by landscape, in which buildings appear as small objects in a large green setting.

The historic building pattern is the farm complex, typically with a vernacular 18th and 19th century farmhouse and associated outbuildings, which may include one or more smaller tenant houses. Many historic properties, listed on the Register of the Maryland Historic Trust, survive in the South County's RA zone, and together with their farmland settings define the character of its landscape (see Appendix 1). Other historic settlement types in the South County Small Area are the small rural villages of Davidsonville, Harwood, Owensville, Friendship, Tracy's Landing, and Fairhaven/Owings Cliffs.

The RA zone in South County is an irreplaceable resource in that it provides the entire county with its "green lung". Located here are many of its rural recreational opportunities, country walking, horseback riding, bicycling, and fruit picking to name a few. The consistently rural character is unique in a larger region that has become increasingly suburbanized.

During the public forums held at the beginning of the planning effort, the community consistently expressed the desire to preserve the quiet rural character of the area with its farms, open spaces and vistas, small country roads, and its sense of history. Some of the qualities identified by the public as what makes South County Rural are listed below. The greatest threat to the rural character is suburbanization – principally in the form of new residential subdivisions either platted before the adoption of the 20 acre zoning provision, or more recently platted under the family conveyance provision of the current zoning ordinance.

Over 90% of Anne Arundel County's RA zoned lands lie in South County. The Small Area Plan proposes that the following design standards, intended to prevent further suburbanization, be incorporated into the subdivision regulations, to be applied to any new proposals to subdivide land in the RA zone.

Separate design studies and guidelines are to be prepared for each of the historic rural villages, which shall be designated as design review districts. South County's rural villages are existing crossroads that possess a distinct, small scale, country identity and

sense of place. Two examples of rural villages within the planning area are Owensville and Friendship. The design guidelines, outlined below and in Appendix 5, will identify village boundaries and buffers, land use, lot size, setbacks, and architectural style elements such as massing, roof slope, fenestration and materials, for new construction as well as for renovation and additions.

Rural Qualities of the RA Zone to be preserved

- a. Large expanses of farmland and woodlands.
- b. Individual farmhouses framed in the context of the overall farm with surrounding fields and outbuildings.
- c. Gravel driveways of country roads, leading to a single house.
- d. Panoramic views over pastures and meadows.
- e. Lack of uniformity of lot and building size and of building setbacks and orientation.
- f. Farm products (crops and livestock) being grown, raised and harvested.
- g. Roadside farm stands selling local produce.
- h. Narrow winding rural roads with overhanging trees.
- i. Wooden barns.
- j. Native hedgerows with trees, shrubs, and vines intertwined.
- k. Houses planted with established native trees and shrubs.
- l. Small rural villages with centers and well-defined edges, and with a predominance of older buildings, many with historic significance, and established plantings.
- m. Country smells.
- n. Uncongested slow moving traffic, including farm vehicles on the roads.
- o. No street lights – darkness at night.
- p. Small scale commercial and institutional buildings and facilities.
- q. Peace, quiet, a slow moving way of life.

Suburban Qualities to be prevented from proliferation in the RA Zone

- a. New identical or very similar houses in highly visible areas and open lands.
- b. Subdivision entry features – permanent signs, monuments, walls, gates, etc.
- c. Developments with multiple uniform abutting lots five acres or smaller in size.
- d. Uniform building front, side and rear yard setbacks.
- e. Uniform building size and orientation.
- f. Continuous lawn setting between lots.
- g. Landscape plantings of exclusively exotic non-native species throughout the development.
- h. New, wide asphalt subdivision roads with curbs and gutters.
- i. Sidewalks.
- j. Streetlights.
- k. Street facing garages on the front of the house.

Site Analysis Recommendations for New Subdivisions in the RA Zone

New Subdivision applicants will be required to present the following site analysis documents (at the concept level of the application and review process under the proposed new regulations, or at the sketch level of the current regulations).

- a. Locate, and classify all environmentally sensitive land (streams and wetlands within 100 foot buffer area, slopes in excess of 25%.)
- b. Locate, and classify all prime farmland.
- c. Locate, and describe all open (unforested land) areas.
- d. Locate, and classify all woodland areas and identify surrounding root system protective buffer area (1.5 times the extent of the canopy overhanging in any direction).
- e. Inventory, locate, and describe all historic sites and structures, and archeological areas.
- f. Locate all areas of development including buildings, sites, and roadways.
- g. Inventory, locate and describe all special natural and cultural features including special wildlife habitat and corridors, endangered plant and animal species, and unique vegetation and landform.

Subdivision Guidelines in the RA zone shall focus on the following principles:

- a. Protect environmentally sensitive land and mature woodland.
- b. 80% of any new development site shall remain in permanent open space.
- c. New houses shall be concealed from view.
- d. New house siting and landscaping shall avoid suburban patterns.
- e. New roads shall resemble historic county roads or provide private driveways.
(More details are contained in Appendix 5)

Conclusion and Implementation Recommendations

To facilitate implementation of the design standards the following is recommended.

- a. That a qualified design professional be hired for the post of Rural Site Designer with responsibilities for reviewing new residential subdivisions in the Rural Overlay District, and for overseeing the development of the design guidelines for the rural villages.
- b. That a training session or workshop in the application of the design standards be provided for all Planning and Zoning staff who will be administering the design standards.
- c. That a developer/consultant workshop be provided to familiarize the development community with the design standards, and how to work with them.

- d. That a user-friendly pamphlet outlining, explaining and illustrating the design standards be developed for landowners in the Rural Overlay District who wish to subdivide and/or develop their property.
- e. Design guidelines should be developed for churches in the RA zone. The modern “mega-church” with its large asphalted parking area (currently allowed anywhere within the RA zone) is not consistent with South County’s rural landscape such projects should be subject to design review.

These design standards will prevent suburban development patterns from proliferating and further eroding the Southern Anne Arundel County’s unique and irreplaceable scenic and historic rural character. When applied correctly, the landscape character that prevails before the land is subdivided will continue to prevail in the new subdivision.