

CHAPTER 155: DEVELOPMENT AND SUBDIVISION OF LAND

AUTHORITY AND PURPOSE

155.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in [Chapter 158](#) or any other chapter of the Code. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

ATTACHED ACCESSORY DWELLING. A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking, and sanitation within the main dwelling unit, which may be internal, may be separated from the main dwelling unit by a continuous common wall, or may be separated by not more than fifteen feet of LIVABLE FLOOR AREA, but which is separate from the main dwelling unit’s cooking area, bathroom(s), and living areas.

DETACHED ACCESSORY DWELLING. A dwelling unit (excluding mobile homes) on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. A **DETACHED ACCESSORY DWELLING** unit shall provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

PARTICULAR AREAS

§ 155.095 CLUSTER SUBDIVISIONS.

(B) **Conditions requisite to approval in C District.** In the C District, the Planning Commission may approve a residential cluster subdivision, which includes the division of land into lots which may be smaller than otherwise required in this district, subject to the following conditions:

(1) Individual lots shall be a minimum of one acre in size, a minimum of 150 feet in width. The front yard shall be 40 feet, the side yard shall be 20 feet, and the rear yard shall be 50 feet;

(2) The total number of lots and dwelling units shall not exceed the number that would be permitted for the zoning district based on the gross area of the parcel or tract being subdivided if the area would be developed in conformance with its topographic characteristics and normal minimum lot size requirements. ~~The Planning Commission~~

~~may require percolation tests to determine the total number of lots that may be clustered;~~

(3) All individual lots shall be designed and located to minimize potential environmental degradation of the natural resources;

(4) The land derived from reduction of lot sizes shall be provided and maintained as open space or recreational areas;

(5) The open space shall be offered to the county and conveyed in fee simple if accepted by the county. If the county rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or recombined with one buildable lot in the subdivision and owned privately;

(6) Access arrangements to open space shall be carefully designed and located to enable perpetual maintenance and accessibility;

(7) Lots may not be further subdivided, and the record plat shall so indicate;

(8) In addition to easements required by any chapter of the County Code, all land lying within 300 feet as measured horizontally of the 100-year planned reservoir flood pool shall be designated as open space. All land lying within 100 feet of the thread (or centerline) of any tributary of a public water supply, whether now used or planned to be used for such a purpose as reflected by the Master Plan, shall be designated as open space or for use as agricultural land;

(9) Any private open space created shall be subject to a conservation easement, which shall be in a legal form satisfactory to the County Attorney and provide for such restrictions in accordance with any chapter of the County Code;

(10) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan. No piecemeal clustering plans may be approved by the Planning Commission; and

(11) No application for further subdivision of a property or any lots created through the minor subdivision process may be filed or approved prior to five years from the date of final plan approval of a minor subdivision of the property.
