

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.

PROCESS

§ 155.061 LOT CREATION FROM CERTAIN LAND SUBJECT TO AGRICULTURAL LAND PRESERVATION EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION DISTRICT.

(B) A detached accessory dwelling unit shall not be subject to the eligibility for subdivision requirement as found in § 158.070(F)1.02; and

§ 155.062 TRANSFER OF LOT YIELD ACROSS ZONING LINES.

(C) **Conditions.** The subdivision lots shall be clustered subject to the following conditions which supersede the requirements of §§158.070(H) and 158.071(G)1.03.

PARTICULAR AREAS

§ 155.091 SUBDIVISION IN THE AGRICULTURAL DISTRICT.

(A) Lot yield.

(1) In addition to the ability to create off conveyances as provided for in this chapter, lots may be created for residential purposes from any tract of land pursuant to the following standard: where the tract to be subdivided is six to 20 acres, one new lot plus the remaining portion may be created; and for tracts over 20 acres, an additional new lot may be created for each 20-acre increment or part thereof. The area of a tract shall be calculated to the nearest 0.0001 acres. For purposes of this section, the standard is illustrated by this chart:

<i>Size of Tract to be Subdivided</i>	<i>New Lots</i>	<i>Remaining Portion</i>	<i>Total</i>
Under 6 acres	0	1	1
6 – 20 acres	1	1	2
20.0001 – 40 acres	2	1	3
40.0001 – 60 acres	3	1	4
60.0001 – 80 acres	4	1	5

(2) In addition to the lots which may be created pursuant to the A District, TDRs, subject to the provisions of § 155.090, may be added when the result does not exceed a density standard of one unit for each ten-acre increment. Any parcel from which a lot or lots have been created by subdivision and recorded in the Land Records of Carroll County since February 14, 1978, shall not be eligible for TDRs.

(3) A new subdivision lot created from a tract pursuant to division (A)(1) above may not be further divided for residential purposes, and when a tract is divided pursuant to division (A)(1), the owner shall designate on the subdivision plat the new lot or lots being created and the remaining portion, if any, and whether the remaining portion may be entitled to further division pursuant to division (A)(1) above.

(4) Further development of the remaining portion for purposes other than agricultural, as allowed by §158.071.01, shall be limited to one use per each remaining portion, with no further subdivision of the remaining portion allowed. For purposes of this subsection, a use shall be considered a single building, as defined in §158.002, or area of use for outdoor uses.

(45) Divisions (A)(1) and (2) above shall have no application to preliminary subdivision plans for residential purposes approved by the Planning Commission prior to April 29, 1978; provided, however, that a preliminary subdivision plan approved by the Planning Commission may not be revised to increase the density.

(56) Where land is described in a deed recorded in the Land Records of Carroll County as of April 23, 1963, which separately describes adjoining tracts of land such as a multi-parcel deed and where any of such separate adjoining tracts are existing and separated after July 1, 1989, by being individually conveyed or being individually presented for subdivision, then each tract so separated may be subdivided for residential purposes pursuant to the following standard: where the tract to be subdivided is six to 20 acres, one new lot plus the remaining portion may be created; and for tracts of 20 acres or more, one new lot may be created for each full 20-acre increment plus the remaining portion.

(67) Reconfiguration for the purpose of increasing the overall density beyond the individual lots yielded from the tracts or lawfully reconfigured tracts which existed as of July 1, 1989 is prohibited.

§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.
