



Agricultural Land Preservation Program Howard County, Maryland



RURAL CLUSTER DEVELOPMENT DENSITY/CLUSTER EXCHANGE OPTION (DEO/CEO)

WHAT IS RURAL CLUSTER DEVELOPMENT

Definition

A rural cluster development consists of residential subdivision lots grouped together on a portion of a property being subdivided with the remaining area placed into a permanent preservation parcel. The rural cluster development provisions were established to accommodate low density residential development within the rural environment at a density of one dwelling unit per every 4.25 gross subdivision acres. Generally, cluster subdivision lots with individual private septic systems must range in size between 40,000 and 50,000 square feet, and cluster lot subdivisions which use a shared community septic system must have a minimum lot size of 33,000 square feet.

Purpose

The purpose of the rural cluster development regulations is to encourage the preservation of the rural and scenic quality of the landscape and farmland while allowing attractive low density clustered residential development. Cluster development is to be permitted only when it is located and designed to minimize adverse impacts on agricultural land, surrounding farming operations, sensitive environmental features and the intended use of the proposed preservation parcel(s) for the subdivision. The Department of Planning and Zoning (DPZ) discourages the location of one acre cluster lots immediately adjacent to existing 3 acre or larger lots on adjoining parcels. A perimeter open space or wooded buffer is strongly recommended. To accomplish these goals, the regulations allow site planning flexibility and require cluster development proposals be evaluated in terms of their effectiveness to minimize disturbance of existing topography, vegetation, and the rural landscape.

CLUSTER SUBDIVISION REQUIREMENTS

All of the residential land outside the public water and sewer service area boundary in Howard County is divided into two zoning districts: "RC" (Rural Conservation) and "RR" (Rural Residential). The official zoning maps of Howard County should be reviewed to verify zoning on a particular parcel of land. The zoning maps are available for review or purchase at the DPZ public service desk. Please see the Howard County Zoning Regulations for specific information concerning permitted uses and minimum setback requirements in the RC and RR zoning districts.

"RC" - Rural Conservation

- # On parcels 20 acres or larger, development must be clustered on approximately one-acre lots at a density of one dwelling unit per 4.25 gross acres. The remaining residual area is protected from further subdivision in preservation parcels. Only one preservation parcel within a cluster subdivision may be improved by a dwelling.
- # On parcels less than 20 acres in size, development is permitted as the traditional non-cluster subdivision on 3 acre minimum lots or may be clustered on 1 acre lots at a density of 1 dwelling unit per 4.25 gross acres. **However, parcels of less than 6 acres may not be subdivided using the cluster design method (ZRA #24).**
- # Parcels of land over 100 acres may be subdivided into lots of at least 50 acres each, known as large parcel subdivision.

- # Minor cluster subdivisions (3 or fewer lots plus a residue lot) are permitted without recording a preservation easement on the remainder if the potential density is not exhausted for the property. An easement is placed on the preservation parcel at the time of major subdivision for the remainder.

“RR” - Rural Residential

This zoning district permits both cluster and non-cluster subdivisions.

- # In a traditional non-cluster development, 3 acres is the minimum lot size requirement.
- # The cluster development option may be chosen on properties greater than 6 acres (ZRA-24). The subdivision must be at a density of one dwelling per 4.25 gross acres with lot sizes of approximately 1 acre. The remaining residual area is protected from further subdivision in preservation parcels. Similar to the RC zone, only one preservation parcel within a cluster subdivision may be improved by a dwelling.
- # Minor cluster subdivision requirements are similar to the RC zone as previously explained.

WHAT IS A PRESERVATION PARCEL?

Purpose

The remaining residual area after residential lots are clustered in a development is called the preservation parcel; there may be more than one preservation parcel per subdivision. The intended function of the preservation parcel, whether it is farming, environmental conservation or recreation, is a critical determinant of the design of each cluster development. The proposed residential development should minimize disturbance to existing farming operations (both on this and adjoining parcels) and attempt to preserve the rural, scenic and environmental quality of the landscape.

Use of the density or cluster exchange option (DEO/CEO) process will also result in the establishment of a preservation parcel on the sending property involved with a rural cluster development. The DEO/CEO process will be explained later in this process guide.

Preservation Parcel Design

There are three major types of preservation parcels: Agricultural, Environmental or Recreation/Green Space

- # ***Agricultural Preservation Parcel***
This type of preservation parcel should be as large as possible and separated from the cluster lots by a significant buffer. The DPZ Agricultural Preservation Program Administrator should be contacted early in the subdivision process so that the design of the subdivision can be evaluated for compliance with the guidelines for an agricultural easement on the preservation parcel, and the appropriate application materials prepared.
- # ***Environmental Preservation Parcel***
Properties with environmentally sensitive areas or natural amenities (floodplain, wetlands, streams, steep slopes, forested areas, etc.) should be designed with special consideration given to protecting these natural resources by locating them within the preservation parcel.
- # ***Recreation/Green Space Preservation Parcel***
Preservation parcels can be designed to create a green space amenity for cluster development by establishing an accessible, continuous and functional pattern of green space. The parcel layout should consider potential recreational uses, both active and passive for the cluster development residents.

Protection

When a cluster subdivision plan is recorded, a preservation parcel easement must also be recorded in the Land Records Office of Howard County. This easement document describes the prohibitions against further subdivision and development and the provisions for maintenance of the preservation parcel.

Preservation Easement Options

1. If the preservation parcel found to be consistent with the Program Guidelines, an easement may be dedicated to the County Agricultural Land Preservation Program.
2. If not donated to the Agricultural Land Preservation program, at least two of the following entities must be

parties to the easement agreement in addition to the property owner:

- # Howard County Government
- # Maryland Environmental Trust or Maryland Historic Trust
- # A land conservation organization such as the Audubon Society of Central Maryland
- # The development's Homeowner's Association

Only one of the above parties is required for easements on preservation parcels that are created solely to encompass stormwater management or shared sewage disposal facilities or if the preservation parcel will be owned by Howard County.

Subdivision Requirements

A preservation easement for the required preserved area of a cluster subdivision must be recorded at the same time that the final plat(s) are recorded for the cluster lots. Cluster subdivisions may be recorded in phases.

Permitted Uses

The uses allowed on preservation parcels by the Howard County Zoning Regulations are minimum restrictions. Easement agreements by the other entities may be more restrictive. Zoning uses permitted by right are:

1. Farming
2. Conservation and wildlife areas
3. One single-family detached dwelling unit on one of the preserved parcels for a cluster subdivision.
4. Commercial feed mills and grain processing facilities (only in the RC district).
5. Convents and monasteries uses for residential purposes.
6. Private outdoor recreational facilities for the cluster development residents.
7. Government uses, limited to schools, conservation areas, parks and recreational facilities.
8. Seasonal sale of Christmas trees.
9. Utilities, including underground pipeline, electric, telephone and cable lines, etc.
10. Commercial communication antennas subject to zoning regulation requirements.
11. Volunteer Fire Departments.

In addition, the following special exception uses may be permitted upon approval from the Board of Appeals:

1. Agribusiness (only in the RC district).
2. Country clubs and golf courses.
3. Farm tenant houses on lots at least 25 acres, but less than 50 acres.
4. Riding academies and stables.

Other special exception uses may be permitted on a preservation parcel upon approval from the Board of Appeals, if the use does not require the construction of new structures or use of more than .25 acres of outdoor area, provided the land area is not suitable for agriculture.

WHAT IS DENSITY/CLUSTER EXCHANGE OPTION (DEO/CEO)?

Purpose

DEO/CEO is an overlay zoning district established to provide land owners in the RC and RR zones the opportunity and incentive to preserve significant areas of farmland in the rural area of the County. This process is also intended to encourage the clustering of residential development in areas where development will not have an adverse impact on farm operations. To accomplish this goal, the DEO/CEO district allows residential density in the RC and RR zones to be transferred between parcels. Density exchanges employing this process should result in large parcels being preserved in perpetuity, while residential development is directed to areas of existing residential development.

Density Exchange Option (DEO)

Criteria - Residential density may be transferred between properties as sending and receiving parcels if the following eligibility requirements are met.

Sending Parcels

- # Must be in the RC zone.
- # The minimum preservation easement area shall be 20 contiguous acres.
- # The property must not be subject to any recorded easement or other agreement which restricts its subdivision or development.
- # Density may be transferred at a maximum rate of one development unit per three gross acres.
- # *Agricultural Land Preservation Program easements on sending parcels must encumber the entire property at the time the initial easement is recorded. Other preservation easements may be phased across the property, subject to approval by the easement holder and DPZ.*

Receiving Parcels

- # May be in the RC or RR zone.
- # The lot or parcel must not be subject to any recorded conservation easement or other agreement which restricts its subdivision or development.
- # Density may be developed up to one dwelling unit per two gross acres.
- # In the RC zone, the lot must be less than 50 acres in size and adjacent to lots of 10 acres or less along 60% of its perimeter. There is no minimum parcel size in RR district.
- # A minimum of 5% of the receiving subdivision must be dedicated open space, except that no open space is required if the preservation parcel is dedicated to the homeowners association or Howard County.
- # May not be located within 2,500 feet of the normal water level of a water supply reservoir.

Cluster Exchange Option (CEO)

The intent of the CEO option is to permit density to be exchanged between a sending parcel and an RC receiving parcel that does not meet the above criteria, but at a lower rate of density exchange (1 unit per 4.25 acres instead of 1:3).

HOW DO I PURCHASE OR SELL DEVELOPMENT RIGHTS?

The negotiations for the purchase and sale of development density rights takes place privately between the property owner and developer, subject to the approval of the sending and receiving parcels by DPZ. The developer must submit the density exchange information to DPZ concerning the potential sending parcels, gross acreage, its location(s) and the number of DEO/CEO sending units to be transferred. A preservation easement for each sending parcel must be recorded concurrent with the final plat for the receiving parcel. Please contact DPZ for procedures concerning the processing of the sending and receiving parcel DEO/CEO documentation and plans.

The DPZ maintains a list of potential sellers and purchasers of development rights to assist in this process. This list is available upon request at the DPZ public service desk.

AN IMPORTANT NOTE...

This guide is meant to provide a basic understanding of rural cluster development and the density/cluster exchange option process. It is not intended as a substitute for the Zoning or Subdivision and Land Development Regulations.

FOR MORE INFORMATION, WRITE, CALL OR VISIT...

Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043
410-313-5407

The Department of Planning and Zoning public service desk is located on the first floor of the George Howard Building. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.