

# Garrett County Revised Land Development Ordinances

## Preliminary List of Amendments

### May 2009

The following chart compiles the revisions recommended by the 2008 Garrett County Comprehensive Plan to the Garrett County Subdivision Ordinance, Sensitive Areas Ordinances and Deep Creek Watershed Zoning Ordinance. The chart also lists possible revisions suggested by the County staff or the consultant to clarify, update or improve the ordinances.

The ordinance section numbers in this chart are from the ordinances available on the Garrett County website. A different numbering system is used in the online Garrett County Code published by American Legal Publishing ([www.amlegal.com](http://www.amlegal.com)). As part of the code revisions, the numbering system will be made consistent with this published version.

Garrett County has engaged Environmental Resources Management, Inc (ERM) to draft revisions to the County Code to implement these recommendations. The Planning Commission will hold a public meeting on the preliminary draft, anticipated to be complete in September, 2009. After the initial public meeting, the revised land development ordinances will be introduced as legislation, which will be the subject of public hearings before the Planning Commission and County Commissioners.

Comments and questions should be directed to John Nelson, Director of Planning and Land Development, at [jnelson@garrettcounty.org](mailto:jnelson@garrettcounty.org) or 301-334-1920.

<b>Table I. Potential Code Revisions: Subdivision Regulations</b>			
<b>Ordinance Section</b>	<b>Amendment</b>	<b>Comprehensive Plan section/page # or other source</b>	<b>Comment</b>
MAP	Revise Land Classification Map.	Page 3-39, Section 3-6	
302	<p>New residential development in RR and AR: minimum 80 percent of tract protected.            Planning Commission may approve minimum protection share as low as 66% subject to the following criteria:</p> <ul style="list-style-type: none"> <li>▪ The subdivision meets the intent of the land use category.</li> <li>▪ Existing and potential contiguous forest and agricultural resources are conserved to the extent possible.</li> <li>▪ The additional development area (between 80 and 66 percent) does not impact important elements of rural character such as scenic views, and the quality and extent of open space.</li> <li>▪ The subdivision will fully mitigate for any adverse impacts on forest and agricultural resources and rural character.</li> </ul>	Page 3-14, Section 3.4.2	Lots will have to average less than an acre in size to achieve 80% protection.
302	New residential development in RR and AR: within 20 percent developable area, encourage a maximum residential lot size of 1.5 acres	Page 3-14, Section 3.4.2	A note on page 3-14 of the Comp Plan states that, “The Garrett County Health Department estimates that 1.5 acres would be adequate to accommodate septic systems in areas where soils are not highly suitable for on-site wastewater disposal.”
302	New residential development in RR and AR: design emphasis on protection of contiguous resources, rather than location of home sites.	Page 3-14, Section 3.4.2	
302	New residential development in RR and AR: use shared septic systems if necessary	Page 3-12 and 3-13, Section 3.4.1 and 3.4.2	Shared septic would be necessary to achieve maximum density while also preserving 80%. Shared septic may be necessary to preserve 66 percent of the area.
402	New residential development in RR and AR: Require Sketch Plats for development on AR and RR land. The developer may prepare multiple Sketch Plats, but must, at minimum prepare one layout showing the maximum development intended on the parent tract.	Page 3-14, Section 3.4.2 Page 3-39, Section 3.6	

<b>Table I. Potential Code Revisions: Subdivision Regulations</b>			
<b>Ordinance Section</b>	<b>Amendment</b>	<b>Comprehensive Plan section/page # or other source</b>	<b>Comment</b>
302	Address subdivision solely for agricultural purposes in RR and AR; address minimum parcel size if needed.	Page 3-14, Section 3.4.2	
Article 3	Add a reference in the ordinance text to the required 500-foot buffer on land in the R land use category adjacent to state-owned lands in the RR category. The Land Classification Map refers to the buffer but the text does not.	Page 3-12, Section 3.4.1 Page 3-39, Section 3.6	
Article 10	Establish design criteria to protect the scenic qualities of Scenic Byways and adjacent land.	Page 6-16, Section 6.6.2 Page 6-18, Section 6.7	Scenic Byways are roads identified by the Maryland Scenic Byways Program.
Article 10	Require the County to review the impacts of all subdivisions on scenic views from roads.	Page 6-16, Section 6.6.2 Page 6-18, Section 6.7	This recommendation appears to apply not just to Scenic Byways, but to all roads in rural areas.
202	Add definitions of rural character, scenic views and viewshed.	Page 3-14, Section 3.4.2 Page 6-18, Section 6.7	
302	Clarify that development on public water and sewer on land designated TR is permitted at up to 8 multi-family dwelling units per acre.	Page 3-39, Section 3.6	
302	Clarify that development on public water and sewer on land designated TC is permitted at up to 9 multi-family dwelling units per acre.	Page 3-39, Section 3.6	
Article 3	Resolve issues concerning development of old platted lots that were of legal size when created but do not meet current health requirements for on-site water and/or wastewater systems.	Page 3-24, Section 3.5.1 Page 3-39, Section 3.6	Subdivision Ordinance may provide support for Health Department.
1002	Authorize Dept of Planning and Zoning, in consultation with Roads Dept, to require traffic impact study prior to final plat approval. Criteria: <ul style="list-style-type: none"> <li>▪ 50 or more residential units or non-residential development likely to generate comparable amount of traffic;</li> <li>▪ Near, but not on, a state road, but where SHA TIS is not required;</li> <li>▪ On or near County roads where traffic, geometric or safety concerns exist.</li> </ul>	Page 4-20, Section 4.6.2 Page 4-37, Section 4.12 Page 6-17, Section 6.7	
1002	Ensure that SHA has opportunity to review traffic studies related to development near state roads.	Page 4-37, Section 4.12	

<b>Table I. Potential Code Revisions: Subdivision Regulations</b>			
<b>Ordinance Section</b>	<b>Amendment</b>	<b>Comprehensive Plan section/page # or other source</b>	<b>Comment</b>
1002	Ensure County has authority to implement access management plans through plan review process. Authorize the Department of Planning and Zoning, in consultation with Roads Dept, to require access consolidation – in the form of frontage or service roads, shared driveways, shared parking lots, or other appropriate measures – on all County roads.	Page 4-20, Section 4.6.2 Page 4-33 Section 4.10.1 Page 4-38, Section 4.12 Page 6-12, Section 6.2.5 Page 6-17, Section 6.7	
1002	Ensure County has authority to require right-of-way reservation or dedication if subdivision is proposed on a parcel through which a road is proposed by the Comprehensive Plan.	ERM	The Comp Plan recommends a new road connection on page 4-20.
Article 10	Authorize Department of Planning and Zoning to require pedestrian facilities as part of new development in specific areas within the Deep Creek Watershed Influence Area where pedestrian connections are called for by the Comprehensive Plan.  Refer to and require use of AASHTO design guidelines for new on-road and off-rail trails.	Page 4-21, Section 4.6.2 Page 4-27, Section 4.9.1 Page 6-17 and 6.18, Section 6.7	Three aspects to pedestrian ways: <ul style="list-style-type: none"> <li>▪ Sidewalks within street right-of-way.</li> <li>▪ Within development site, internal pedestrian ways between parking, buildings, etc.</li> <li>▪ Path network outside of public road rights-of-way.</li> </ul>
1003	Amend stormwater provisions to refer to and be consistent with the MDE Stormwater Management Act of 2007 and the Stormwater Design Manual.	Page 5-32, Section 5.6 Page 7-15, Section 7.4	May have already been done in update of stormwater management ordinance.
305	Require that all major and minor subdivision proposals define the status of wetland delineation at the preliminary and final plat stage.	Page 7-15, Section 7.4	
305	In clustering and site layout regulations for AR and RR areas, require that development be channeled away from sensitive environmental areas and conserve contiguous areas of wetlands, agricultural and forest land.	Page 7-15, Section 7.4	
Articles 6 and 9	Clarify function of final plat and record plat.	Staff	

<b>Table II. Potential Code Revisions: Deep Creek Lake Zoning Regulations</b>			
<b>Ordinance Section</b>	<b>Amendment</b>	<b>Comprehensive Plan Section/page # or other source</b>	<b>Comment</b>
MAP	Revise the Deep Creek Watershed Zoning Map	Page 4-37, Section 4.12	
Primarily 300,302, 304	Rename LR District "LR1." Retain land uses and density from current LR District.	Page 3-16, Section 3.4.4; Page 4-15, Section 4.5.1; Page 4-37, Section 4.12	
Primarily 300,302, 304	Create LR2 District with maximum density of one du per 2 acres. Allow the same land uses in LR2 as in LR.	Page 3-16, Section 3.4.5; Page 4-15, Section 4.5.1; Page 4-37, Section 4.12	
Primarily 300,302, 304	Remove the RD Zoning District	Page 4-37, Section 4.12	
Primarily 300,302, 304	Create the AR and RR zoning districts, with the same permitted land uses as LR, and create clustering and site layout provisions that match the recommendations for AR and RR Land Classifications in the Subdivision Regulations. No public sewer service in AR and RR	Page 4-37, Section 4.12	
New article and section for an overlay district	Create a Scenic Protection Overlay District and define Scenic Protection Areas: <ul style="list-style-type: none"> <li>▪ Undeveloped or lightly developed, and view of or visible from the shore of Deep Creek Lake</li> <li>▪ Slope between 15 and 30 percent.</li> <li>▪ Is not already protected by state or County ownership, and free of slopes greater than 30 percent</li> <li>▪ Landowners can submit detailed watershed analyses with plat submittals.</li> </ul>	Page 4-24, Section 4.8.2	Need to carefully review Comp Plan Map 4-7- do the protection areas extend outside the area covered by the zoning ordinance?
New article and section	Add requirements applicable within Scenic Protection Areas: Locate buildings below or behind slope crest if possible. If building on slope crest: <ul style="list-style-type: none"> <li>▪ Retain 80 percent summer screen around buildings;</li> <li>▪ Retain trees at the rear (downhill side) of buildings;</li> <li>▪ Buildings may be no taller than trees to rear of building;</li> <li>▪ Agree to retain and/or replant trees after construction;</li> <li>▪ Replant or replace trees in previously cleared areas.</li> </ul>	Page 4-24, Section 4.8.2	May be good place for illustration, using Figure 4.1.
New article and section	Add provisions applicable within Scenic Protection Areas: <ul style="list-style-type: none"> <li>▪ Encourage clustering of homes</li> <li>▪ Encourage placement of non-residential development on the most suitable</li> </ul>	Page 4-37, Section 4.12	

**Table II. Potential Code Revisions: Deep Creek Lake Zoning Regulations**

Ordinance Section	Amendment	Comprehensive Plan Section/page # or other source	Comment
	<p>portion of a tract to preserve open space within the developed areas</p> <ul style="list-style-type: none"> <li>▪ Establish standards for identifying areas of outstanding scenic quality and for providing incentives to assure that development in such areas is harmonious with their scenic value.</li> </ul>		
New article and section	<p>Require landowners who harvest timber in scenic protection areas to replace trees if building occurs before the forest has regenerated. Coordinate with requirements for timber harvest plan.</p> <p>Details to be worked out:</p> <ul style="list-style-type: none"> <li>▪ Percentage of a harvest that would trigger the bonding requirement;</li> <li>▪ Size of trees to be replanted.</li> </ul>	Page 4-27, Section 4.8.2	
Article 8	Limit enlargement or extension of existing nonconforming structures under Section 801 of the Zoning ordinance.	Page 4-27, Section 4.8.3	
Article 5 – new section	Address development of new large houses or major expansion of existing houses on relatively small lots. (Watershed Study Recommendations)	Page 4-27, Section 4.8.3	
Article 5 – new section	Address compatibility of new commercial development through design standards governing material, roof styles and other aspects of building design.	Page 4-27, Section 4.8.3	
Article 5 – 502, new section	Encourage creation of private/quasi-public lake access points through the site development process.	Page 4-28, Section 4.9.2	In Town Center district for certain quasi-public or commercial uses.
401, Article 6, esp. 602	Implement future MDE guidelines for using Environmentally Sensitive Design in new development.	Page 5-32 ,Section 5.6 Page 7-15, Section 7.4	ESD may have implications for setbacks, landscape standards, impervious surface limits, parking design.

**Table III. Potential Code Revisions: Sensitive Areas Ordinance**

<b>Ordinance Section</b>	<b>Amendment</b>	<b>Comprehensive Plan Section/page # or other source</b>	<b>Comment</b>
MAP	Add Source Water Protection Areas to the Sensitive Areas Map.	Page 5-13, Section 5.2.7	
New section	Include mapped Source Water Protection Areas as a type of Sensitive Area. Limit development in and establish buffers around these areas.	Page 5-13, Section 5.2.7 Page 5-31 Section 5.6 Page 7-15, Section 7.4	
New section	Add a wetlands section stating that the County’s policy is to conserve contiguous wetlands, consistent with stat regulations governing development in wetlands. Refer to the Maryland Non-Tidal Wetlands Act and to the Subdivision Ordinance which govern development with the potential to impact wetlands.	Page 7-15, Section 7.4	
New section	Add a Floodplains section, which states that the County’s policy is to conserve contiguous floodplains and floodplain buffers, consistent with state and federal regulations governing development in floodplains. Refer to the County’s Floodplain Management Ordinance.	Page 7-15, Section 7.4	
4	Strengthen and clarify steep slope provisions.	Staff	
11	Update or delete the reference to scenic guidelines of previous Comprehensive Plan.	ERM	