

Chapter 215. Agricultural Preservation Districts Summary of Proposed Changes by Section

Introduction:

Chapter 215 was adopted by the County Commissioners in January 1988 so that Charles County could participate in the Maryland Agricultural Land Preservation Program by allowing the creation of Agricultural Land Preservation Districts. In later years, these Districts also became the logical focus for sites to create transferrable development rights (TDRs).

In 2008, the State eliminated the Agricultural Land Preservation District component of its preservation program, leaving an option for counties to create their own agricultural preservation district program. This proposed amendment to Chapter 215 will create a Charles County agricultural preservation district program and will set forth a mechanism for the County to purchase and retire transferrable development rights from these properties through a purchase and retire (PAR) fund.

Section 215-1. Applicability.

This Section remains unchanged.

Section 215-2. Establishment; protected normal agricultural activities; proposed subdivisions.

This Section remains unchanged.

It is important to note that in August 2000, the County adopted a Right to Farm Ordinance, which further protects these rights countywide.

Section 215-3. Maintenance, revision and publication of Official Maps.

This Section remains unchanged.

Section 215-4. Legislative guidelines for establishment of districts; maintenance of records.

This Section changes to recognize existing agricultural preservation districts created under the State program prior to 2008 and sets forth what will be the criteria for establishing county agricultural preservation districts, including minimum size and soils criteria. These requirements are largely consistent with the State's land preservation program requirements.

Section 215-5. Property tax credit.

This Section remains unchanged.

Properties enrolled as Agricultural Preservation Districts will be eligible for a property tax credit on agricultural land and agricultural buildings for voluntarily enrolling their property into Agricultural Preservation Districts.

Section 215-6. Conservation plan required.

This Section remains unchanged.

Section 215-7. Sale and purchase of easements.

This Section remains unchanged.

Section 215-8. Lots established for family transfer.

This Section is being deleted and changed to more closely reflect current regulations for lots on agricultural preservation district properties. The section sets limits on the number of residential lots that can be created from an agricultural preservation district based on the size of the district property. However, these lots are not limited to interfamily transfer, where the State program regulations do limit them to interfamily.

Section 215-9. Applicability of other laws.

This Section is being moved to the end of the Chapter and will become Section 215-11.

Section 215-10. Sale and Purchase of transferrable development rights by the County Commissioners.

This Section is new and will set forth the mechanism for the County Commissioners to purchase and retire development rights. It also establishes certain review authority for the Agricultural Preservation Advisory Board. This Section was closely modeled after Calvert County's Purchase of Development Rights Program.

Section 215-11. Applicability of other laws.

This is the new section for the unchanged language concerning applicability of other laws.

Attachments:

Bill to amend Chapter 215.

Existing Chapter 215.

1 COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2
3
4 2014 Legislative Session

5
6 Bill No. _____

7 Chapter. No. 215

8 Introduced by Charles County Planning Division

9 Date of Introduction _____

10
11 **BILL**

12 AN ACT concerning

13 **AGRICULTURAL PRESERVATION DISTRICTS**

14
15 FOR the purpose of

16 Amending the code to create guidelines and eligibility criteria for establishment of
17 agricultural preservation districts and the purchase of development rights.

18
19 BY repealing and adding with amendments:

20 Chapter 215 – AGRICULTURAL PRESERVATION DISTRICTS

21 SECTIONS 215-4, 215-8 and 215-9

22 *Code of Charles County, Maryland*

23 *(2013 Edition)*

24
25 By adding

26 Chapter 215 – AGRICULTURAL PRESERVATION DISTRICTS

27 SECTION 215-10 and 215-11

28 *Code of Charles County, Maryland*

29 *(2013 Edition)*

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31
Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

1 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF**
2 **CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as**
3 **follows:**

4 Chapter 215. AGRICULTURAL PRESERVATION DISTRICTS

5
6 Section 215-4. Legislative guidelines AND ELIGIBILITY CRITERIA for establishment of
7 districts; maintenance of records.

8 A. Agricultural preservation districts shall be established in accordance with the terms of
9 this chapter, the current provisions of the Annotated Code of Maryland, Agricultural
10 Article, Section 2-501 through 2-515, and existing regulations adopted pursuant thereto
11 by the Maryland Agricultural Land Preservation Foundation, ~~OR THE FOLLOWING~~
12 TERMS AND CRITERIA AS OF (DATE OF ENACTMENT).

- 13 (1) THE MINIMUM ACREAGE REQUIREMENT FOR AN AGRICULTURAL
14 PRESERVATION DISTRICT IS FIFTY (50) CONTIGUOUS ACRES,
15 UNLESS THE PARCEL IS CONTIGUOUS WITH LAND ALREADY
16 PROTECTED BY CONSERVATION EASEMENT, RESTRICTIVE LAND
17 PRESERVATION COVENANTS OR FEE SIMPLE OWNERSHIP BY A
18 CONSERVATION ORGANIZATION COMPRISING A TOTAL
19 PRESERVATION AREA OF AT LEAST FIFTY CONTIGUOUS ACRES.
- 20 (2) USING THE USDA SOIL SURVEY OF CHARLES COUNTY, AT LEAST 50%
21 OF THE LAND SHALL BE IN CAPABILITY CLASSES I, II, III AND IV.
- 22 (3) IF THE NATURAL SOIL CONDITION HAS BEEN ALTERED OR TOPSOIL
23 HAS BEEN REMOVED, AN ON-SITE EVALUATION ADHERING TO USDA
24 NATURAL RESOURCES CONSERVATION SERVICE (NRCS) APPROVED
25 METHODS AND MAPPING PROCEDURES MUST BE PERFORMED BY A
26 QUALIFIED SOIL SCIENTIST TO DEMONSTRATE THAT AT LEAST 50%
27 OF THE LAND REMAINS AS PRODUCTIVE AS SOIL CAPABILITY
28 CLASSES I, II, III, AND IV. THE ON-SITE EVALUATION MUST BE
29 APPROVED BY THE CHARLES SOIL CONSERVATION DISTRICT.

- 1 (4) A LANDOWNER MAY WITHHOLD ACREAGE FROM THE
2 AGRICULTURAL PRESERVATION DISTRICT SO LONG AS THE AMOUNT
3 OF LAND WITHHELD DOES NOT EXCEED 10% OF THE TOTAL
4 ACREAGE OF THE EXISTING PARCELS SUBJECT TO THE DISTRICT
5 APPLICATION. WITHHELD ACREAGE SHALL BE LOCATED SO AS TO
6 HAVE MINIMAL IMPACT TO THE FARM AND FOREST OPERATIONS OF
7 THE AGRICULTURAL LAND PRESERVATION DISTRICT.
- 8 (5) THE OWNER OF THE PROPERTY MUST HAVE AND MAINTAIN AN
9 AGRICULTURAL USE ASSESSMENT AS DETERMINED BY THE
10 MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION
11 (SDAT).
- 12 (6) THE ESTABLISHMENT OF THE DISTRICT SHALL NOT TAKE EFFECT
13 UNTIL ALL LANDOWNERS OF THE PROPOSED DISTRICT HAVE
14 EXECUTED A DISTRICT AGREEMENT, STIPULATING THAT THE LAND
15 OWNERS AGREE TO THE PROVISIONS OF THIS CHAPTER AND TO
16 KEEP THE LAND IN AGRICULTURAL OR FORESTRY USE FOR A
17 MINIMUM PERIOD OF FIVE YEARS, AND THE AGREEMENT IS
18 RECORDED AMONG THE LAND RECORDS OF CHARLES COUNTY.
- 19 (7) IN THE EVENT OF SEVERE ECONOMIC HARDSHIP, OR OTHER CHANGE
20 IN CIRCUMSTANCE THAT WOULD WARRANT CONSIDERATION OF
21 RELEASE, THE COUNTY COMMISSIONERS, WITH RECOMMENDATION
22 FROM THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD,
23 MAY RELEASE THE LANDOWNER'S PROPERTY FROM THE DISTRICT
24 AGREEMENT. NOTHING IN THIS SECTION SHALL PRECLUDE THE
25 LANDOWNER FROM SELLING THE PROPERTY.

26 B. OWNERS OF PARCELS OF LAND ENROLLED IN AGRICULTURAL LAND
27 PRESERVATION DISTRICTS FROM WHICH NO DEVELOPMENT RIGHTS HAVE
28 BEEN CONVEYED MAY TERMINATE THEIR DISTRICT AGREEMENT AFTER
29 FIVE OR MORE YEARS FROM THE DATE THE DISTRICT AGREEMENT WAS
30 EXECUTED. WRITTEN NOTICE OF SUCH INTENT SHALL BE ADDRESSED TO
31 THE COUNTY COMMISSIONERS OF CHARLES COUNTY.

1 [B] C. All records concerning the establishment of agricultural preservation districts shall be
2 maintained in the office of the Charles County Department of Planning and Zoning.
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4 Section 215-8. [Lots established for family transfer.

5 The owner of property located in an agricultural preservation district may create a
6 residential building lot for himself/herself and for each of his/her children provided that:

- 7 A. He/she was the owner of the property at the time of the establishment of the agricultural
8 preservation district.
- 9 B. The lots are at least one (1) acre in size.
- 10 C. The lots do not exceed one (1) lot per twenty acre density for the agricultural preservation
11 district.
- 12 D. There are not more than ten (10) lots created per agricultural preservation district. The
13 creation of more than five (5) lots shall meet all requirements of the Charles County
14 Subdivision Regulations.
- 15 E. The owner obtains written permission from the foundation.
- 16 F. The lot is created for the purpose of construction of one (1) dwelling unit intended for
17 his/her or their personal use.
- 18 G. The creation of said lots shall meet all other criteria as established by the Maryland
19 Agricultural Land Preservation Foundation and the Annotated Code of Maryland,
20 Agricultural Articles, §§2-501 through 2-515.
- 21 H. In the event of the termination of an agricultural preservation district, the owners of any
22 residential lot created after the date of the agricultural preservation district agreement that
23 does not conform to current zoning regulations for the property shall file a revised
24 subdivision plan that brings the lot into conformation with the existing zoning district.
25 The revised plan shall be submitted to the Department of Planning and Zoning within
26 thirty (30) days of the termination date of the district agreement. No further subdivision
27 of the original parcel that constituted the agricultural preservation district shall be
28 permitted until all residential lots conform to the existing zoning regulations.]
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1 SUBDIVISION OF RESIDENTIAL LOTS FROM AN AGRICULTURAL LAND
2 PRESERVATION DISTRICT.

3 THE SUBDIVISION OF RESIDENTIAL LOTS FROM AN AGRICULTURAL LAND
4 PRESERVATION DISTRICT SHALL BE LIMITED TO THE FOLLOWING CRITERIA:

5 A. THE TOTAL NUMBER OF RESIDENTIAL LOTS SHALL NOT EXCEED THE
6 FOLLOWING DENSITIES:

- 7 1. ONE (1) LOT IF THE SIZE OF THE AGRICULTURAL LAND
8 PRESERVATION DISTRICT IS 20 ACRES OR MORE BUT FEWER THAN 70
9 ACRES;
10 2. TWO (2) LOTS IF THE SIZE OF THE AGRICULTURAL LAND
11 PRESERVATION DISTRICT IS 70 ACRES OR MORE BUT FEWER THAN
12 120 ACRES;
13 3. THREE (3) LOTS IF THE SIZE OF THE AGRICULTURAL LAND
14 PRESERVATION DISTRICT IS 120 ACRES OR MORE.

15 B. THE SUBDIVISION OF PRE-EXISTING DWELLINGS COUNTS AGAINST THE
16 DENSITY ALLOWANCES IN 215-10 (A).

17
18 Section 215-9. [Applicability of other laws.]

19
20 SUBDIVISION OF AN AGRICULTURAL LAND PRESERVATION DISTRICT FOR
21 AGRICULTURAL PURPOSES (AGRICULTURAL SUBDIVISION).

22 THE SUBDIVISION OF AN AGRICULTURAL LAND PRESERVATION DISTRICT FOR
23 AGRICULTURAL PURPOSES SHALL BE IN ACCORDANCE WITH THE MARYLAND
24 AGRICULTURAL LAND PRESERVATION FOUNDATION'S REGULATIONS FOR
25 AGRICULTURAL SUBDIVISION WITH APPROVAL BY THE AGRICULTURAL LAND
26 PRESERVATION ADVISORY BOARD.

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1 SECTION 215-10. SALE AND PURCHASE OF TRANSFERRABLE DEVELOPMENT
2 RIGHTS BY THE COUNTY COMMISSIONERS.

- 3 A. SUBJECT TO THE AVAILABILITY OF FUNDS, THE COUNTY COMMISSIONERS
4 MAY PURCHASE AND RETIRE TRANSFERRABLE DEVELOPMENT RIGHTS
5 (TDRS) FROM AGRICULTURAL LAND PRESERVATION DISTRICTS. THESE
6 RETIRED TDRS SHALL BE TERMINATED AND EXTINGUISHED AND SHALL
7 NOT BE USED OR TRANSFERRED TO ANY PORTION OF THE PROPERTY FROM
8 WHICH THEY CAME, OR TO ANY OTHER PROPERTY, NOR USED FOR THE
9 PURPOSE OF CALCULATING PERMISSIBLE LOT YIELD OF THE PROPERTY
10 FROM WHICH THEY CAME OR ANY OTHER PROPERTY. THE COUNTY
11 COMMISSIONERS SHALL DETERMINE AND ANNOUNCE, ON AN ANNUAL
12 BASIS, THE APPLICATION SCHEDULE AND THE AMOUNT OF FUNDING
13 AVAILABLE FOR THE PURCHASE AND RETIREMENT OF TDRS (PAR FUND).
- 14 B. THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD SHALL
15 RECOMMEND, FOR APPROVAL BY THE COUNTY COMMISSIONERS, THE
16 PRICE TO BE OFFERED FOR THE ANNUAL PURCHASE AND RETIREMENT OF
17 TDRS BY THE PAR FUND. THE AGRICULTURAL LAND PRESERVATION
18 ADVISORY BOARD SHALL CONSIDER THE VALUE OF TDR SALES AND
19 TRANSFERS DURING THE PRIOR YEAR IN RECOMMENDING THE OFFERING
20 PRICE.
- 21 C. THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD SHALL
22 REVIEW AND PRIORITIZE APPLICATIONS ACCORDING TO THE CHARLES
23 COUNTY EASEMENT SALE PRIORITIZATION SYSTEM FOR THE MARYLAND
24 AGRICULTURAL LAND PRESERVATION FOUNDATION AS APPROVED BY THE
25 COUNTY COMMISSIONERS AND THOSE APPLICATIONS RECEIVING THE
26 HIGHEST RANKING SHALL RECEIVE PRIORITY FOR PAR FUND PURCHASES.
- 27 D. THE COUNTY COMMISSIONERS SHALL ACCEPT APPLICATIONS FOR THE
28 SALE OF A MAXIMUM OF TWENTY (20) TDRS PER YEAR FROM THE OWNER
29 OF A RECORDED AGRICULTURAL PRESERVATION DISTRICT.
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1 E. NO INDIVIDUAL, GROUP OF INDIVIDUALS, PARTNERSHIP, CORPORATION OR
2 OTHER LEGAL ENTITY SHALL HAVE ANY VESTED INTEREST IN THE SALE
3 OF MORE THAN TWENTY (20) TDRS THROUGH THE PAR FUND PER
4 CALENDAR YEAR. THIS PROVISION SHALL NOT LIMIT THE NUMBER OF
5 APPLICATIONS THAT MAY BE MADE BY ANY SUCH ENTITY.

6 F. THE AGRICULTURAL LAND PRESERVATION DISTRICT FROM WHICH TDRS
7 ARE PURCHASED BY THE COUNTY COMMISSIONERS THROUGH THE PAR
8 FUND SHALL BE ENCUMBERED BY RESTRICTIVE COVENANTS THAT
9 RESTRICT THE USE OF THE LAND IN ACCORDANCE WITH THIS CHAPTER
10 AND THE AGRICULTURAL LAND PRESERVATION DISTRICT AGREEMENT.
11 ONCE AT LEAST FIFTY (50%) PERCENT OF THE TDRS HAVE BEEN RETIRED,
12 THESE COVENANTS SHALL BE PERPETUAL AND AS SUCH SHALL BE
13 INHERITABLE AND ASSIGNABLE AND RUN WITH THE LAND AS AN
14 INCORPOREAL INTEREST AND ARE ENFORCEABLE BY THE COUNTY
15 COMMISSIONERS AGAINST THE OWNER OF THE AGRICULTURAL LAND
16 PRESERVATION DISTRICT AND THEIR RESPECTIVE PERSONAL
17 REPRESENTATIVES, HEIRS, SUCCESSORS AND ASSIGNS.

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19 SECTION 215-11. APPLICABILITY OF OTHER LAWS.

20 THE ESTABLISHMENT OF AGRICULTURAL PRESERVATION DISTRICTS AND THE
21 SALE OF AGRICULTURAL PRESERVATION EASEMENTS SHALL BE SUBJECT TO THE
22 TERMS OF THE CHARLES COUNTY ZONING ORDINANCE AND THE CHARLES
23 COUNTY SUBDIVISION REGULATIONS.

24 EDITORS NOTE: SEE CH. 297, ZONING REGULATIONS, AND CH. 278, SUBDIVISION
25 REGULATIONS AND ALL OTHER LAWS AND REGULATIONS OF CHARLES COUNTY,
26 MARYLAND, EXCEPT AS OTHERWISE PROVIDED IN §§215-1 THROUGH 215-10 OF
27 THIS CHAPTER.

1 **SECTION 2. BE IT FURTHER ENACTED, that this act shall take effect forty-five**
2 **(45) calendar days after it becomes law.**

3 ADOPTED this ____ day of _____, 2014.

4
5 COUNTY COMMISSIONERS
6 CHARLES COUNTY, MARYLAND

7
8
9 _____
10 Candice Quinn Kelly, President

11
12 _____
13 Reuben B. Collins, II, Esq., Vice President

14
15
16 _____
17 Ken Robinson

18
19
20 _____
21 Debra M. Davis, Esq.

22
23 _____
24 Bobby Rucci

25
26 ATTEST:
27
28 _____
29 Carol DeSoto, Acting Clerk to the Commissioners

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

Existing Chapter

Charles County, MD
Wednesday, July 23, 2014

Chapter 215. AGRICULTURAL PRESERVATION DISTRICTS

[HISTORY: Adopted by the Board of County Commissioners of Charles County 1-26-1988 by Ord. No. 88-7. *Editor's Note: This ordinance repealed Ord. No. 80-43, adopted 6-11-1980, which appeared as former Ch. 215.* Amendments noted where applicable.]

GENERAL REFERENCES

Land records — See Ch. **77**.

Zoning — See Ch. **145**.

Planning Commission — See Ch. **200**.

Flood damage control — See Ch. **238**.

Subdivision regulations — See Ch. **278**.

Zoning regulations — See Ch. **297**.

§ 215-1. Applicability.

This chapter shall apply to all existing agricultural land preservation districts and any district created under this chapter.

§ 215-2. Establishment; protected normal agricultural activities; proposed subdivisions.

- A. In accord with statutory provisions referenced above, agricultural preservation districts may be established in Charles County. Such districts shall provide for the protection of normal agricultural activities in the districts through the following provisions:
- (1) Any farm use of land is permitted. This includes but is not limited to the following types of enterprises: tobacco, grain, oil crops, hay, vegetables, horticulture, floriculture, turf, specialty crops, garden plots, forestry, tree farming, biomass production, livestock, poultry, dairy, apiary, wildlife or game preserve, fish, game or poultry hatchery and aquaculture.
 - (2) Operation, at any time, of machinery used in farm production or the processing of agricultural products is permitted. This includes but is not limited to the following types of implements and equipment: land tillage; land clearing; land

leveling; crop harvesting; timber harvesting; sawmill; application of fertilizer, minerals, soil amendments, pesticides; irrigation; crop cleaning, drying, storage and aeration equipment; blending, processing and storage of feed and fertilizer for on-farm use; and devices to produce energy from solar, wind, biomass and farm waste and residue from crops and animals.

- (3) Agricultural activities and operations in accordance with good husbandry practices are permitted and preferred activities, including activities which may produce normal agriculturally related noise and odors.
 - (4) The sale of farm products, produced on the farm where the sales are made, is permitted. Farm produce stands and pick-your-own fruit and vegetable operations are permitted with the proper permits.
 - (5) Buildings and structures needed for production, processing and storage of crops and livestock and for the housing and maintenance of equipment and implements are permitted.
- B. Prior to the approval of a preliminary subdivision plat of six or more lots, the subdivider shall notify the owner of all adjoining agricultural preservation districts of the fact of the proposed subdivision. The Planning Commission will review subdivision plans which adjoin agricultural preservation districts, taking into consideration evidence produced by the owner of the adjoining agricultural preservation district, and determine whether mitigation is required.

§ 215-3. Maintenance, revision and publication of Official Maps.

Official Maps of agricultural preservation districts shall be maintained at the office of the Charles County Department of Planning and Zoning and shall be revised from time to time to reflect the establishment, alteration and abolition of agricultural preservation district boundaries. The Official Maps shall be made current at least once a year by June 30 of each year and shall be published at the same scale as the Department of Assessment and Taxation Property Maps.

§ 215-4. Legislative guidelines for establishment of districts; maintenance of records.

- A. Agricultural preservation districts shall be established in accordance with the terms of this chapter, the current provisions of the Annotated Code of Maryland, Agriculture Article, §§ 2-501 through 2-515, and existing regulations adopted pursuant thereto by the Maryland Agricultural Land Preservation Foundation.

- B. All records concerning the establishment of agricultural preservation districts shall be maintained in the office of the Charles County Department of Planning and Zoning.

§ 215-5. Property tax credit.

[Added 2-7-1989 by Ord. No. 89-17; amended 4-11-1989 by Ord. No. 89-36]

- A. The owner of all agricultural land, including farm improvements, which is located in an agricultural preservation district established pursuant to this chapter shall be entitled to a property tax credit against the County tax for all agricultural land, including farm improvements, which is located in an agricultural preservation district established pursuant to this chapter.
- B. The property tax credit shall not be applicable to any residential structures located within an agricultural preservation district.
- C. In order to be eligible for the property tax credit, the agricultural preservation district must be approved by the Maryland Agricultural Preservation Foundation on or before April 1 for the ensuing fiscal year for which application is made for the property tax credit.
- D. The property tax credit shall be applicable for each year during which the agricultural land is located in an agricultural preservation district.
- E. At such time as the agricultural preservation district is terminated or ceases to be in effect, the owner of the agricultural land shall pay to Charles County an amount of money equal to the total of the property tax credits granted in the preceding four years. The County shall have a lien on the agricultural land to the extent of the amount of the property tax credits granted in the preceding four years. The owner of the agricultural land shall pay the amount of money as above determined within 30 days of receiving a demand therefor. Thereafter, the amount of money shall bear interest at the rate of 10% per annum. The agricultural land shall not be transferred on the assessment records of Charles County until such time as the amount of money as above determined is paid to Charles County.
- F. The property tax credit shall be administered by the Director of Fiscal Services who is hereby authorized to adopt rules and regulations deemed necessary to provide for the orderly and systematic implementation of the property tax credit. The Director may require that an application be filed for the property tax credit. The Director is authorized to approve refunds of County property tax which is paid by the owner prior to the approval of a property tax credit authorized by this section.

§ 215-6. Conservation plan required.

Prior to the establishment of an agricultural preservation district, the owner of the property desired to be established as an agricultural preservation district shall secure a soil conservation and water quality plan, prepared in cooperation with the Charles Soil Conservation District. The conservation plan shall be incorporated into the agreement establishing an agricultural preservation district. The conservation plan shall emphasize control of erosion, sediment and animal waste, shall reflect the latest technology and approved conservation practices and shall be updated on a periodic basis.

§ 215-7. Sale and purchase of easements.

The sale and purchase of agricultural land preservation easements shall be in accordance with the terms of the current provisions of the Annotated Code of Maryland, Agriculture Article, §§ 2-501 through 2-515, and the existing regulations adopted pursuant thereto by the Maryland Agricultural Land Preservation Foundation.

§ 215-8. Lots established for family transfer.

The owner of property located in an agricultural preservation district may create a residential building lot for himself/herself and for each of his/her children, provided that:

- A. He/she was the owner of the property at the time of the establishment of the agricultural preservation district.
- B. The lots are at least one acre in size.
- C. The lots do not exceed one lot per twenty-acre density for the agricultural preservation district.
- D. There are not more than 10 lots created per agricultural preservation district. The creation of more than five lots shall meet all requirements of the Charles County Subdivision Regulations.
Editor's Note: See Ch. 278, Subdivision Regulations.
- E. The owner obtains written permission from the foundation.
- F. The lot is created for the purpose of construction of one dwelling unit intended for his/her or their personal use.
- G. The creation of said lots shall meet all other criteria as established by the Maryland Agricultural Land Preservation Foundation and the Annotated Code of Maryland, Agriculture Article, §§ 2-501 through 2-515.

- H. In the event of the termination of an agricultural preservation district, the owners of any residential lot created after the date of the agricultural preservation district agreement that does not conform to current zoning regulations for the property shall file a revised subdivision plan that brings the lot into conformation with the existing zoning district. The revised plan shall be submitted to the Department of Planning and Zoning within 30 days of the termination date of the district agreement. No further subdivision of the original parcel that constituted the agricultural preservation district shall be permitted until all residential lots conform to the existing zoning regulations.

§ 215-9. Applicability of other laws.

The establishment of agricultural preservation districts and the sale of agricultural preservation easements shall be subject to the terms of the Charles County Zoning Ordinance, the Charles County Subdivision Regulations

Editor's Note: See Ch. 297, Zoning Regulations, and Ch. 278, Subdivision Regulations.

and all other laws and regulations of Charles County, Maryland, except as otherwise provided in §§ 215-1 through 215-7 of this chapter.