

Cluster Subdivisions

Discussion

May 28, 2026

Board of County Commissioners

Background

- ▶ Cluster Development (Freedom Comprehensive Community Plan) – “means a development that groups residential uses on a specific portion of a development site in order to provide for a reduction in permitted lot size and increase in resulting open space, environmental or landscape resources, or recreation or other public facilities.”
- ▶ BCC Work Session – October 23, 2025.
- ▶ Consultant is tasked with reviewing and recommending potential code changes.
- ▶ HB 548/SB 325 – Maryland Housing Certainty Act – Will allow early vesting for projects as of October 1, 2026.
- ▶ Cluster subdivisions in Freedom Area deferred until June 18, 2026.
- ▶ Options for text amendments

Text Amendment Options

- ▶ No Change
- ▶ Remove 155.036 (A)

§ 155.036 CLUSTER SUBDIVISIONS.

(A) **Conditions requisite to approval in R and H Districts.** In the H, R-40,000, R-20,000, and R-10,000 Districts, the Planning and Zoning Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in Chapter 158, provided that the following conditions are met:

- (1) The total number of lots and dwelling units may not exceed the number that would be permitted for the zoning district based on the gross area of the parcel or tract being subdivided;
- (2) Individual lots shall be a minimum of 20,000 square feet in the R-40,000 District, 10,000 square feet in the R-20,000 District, and 7,500 square feet in the R-10,000 District;
- (3) The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the county as agreed to by the Planning and Zoning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § [155.090](#)(D) and division (A)(5) of this section:
 - (4) Cluster subdivisions must be served by public water and sewerage facilities;
 - (5) Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision.
 - (a) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains;
 - (b) A minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%; and
 - (c) For tracts or parcels less than ten acres, the Planning and Zoning Commission may approve deviations from these percentage requirements.
- (6) A cluster subdivision receiving TDRs may increase density at two TDRs for every ten lots created in accordance with division (A) above; and
- (7) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.

Text Amendment Options

- Revert to previous code.

DIVISION V - Cluster Subdivisions

Sec. 14.5 Conditions prerequisite to approval

Sec. 14.5.1

In the "R-40,000", "R-20,000", "R-10,000", and "H" Districts, the Planning and Zoning Commission may authorize the division of tracts or parcels of land of not less than ten (10) acres into lots for "R" District uses, and such lots and yards, may be smaller than otherwise required in the "R" Districts in this Ordinance; provided that the following conditions are met:

- (a) The total number of lots and dwelling units shall not exceed the number that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements in the zoning district in which they are located.
- (b) The land derived from reduction of lot size shall be provided and maintained as "open space" or "recreational areas" for joint use by the residents of the cluster subdivision or offered to the County as agreed to by the Planning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDR's pursuant to section 14.46 and 14.5.1(e).
- (c) Public water and sewerage facilities shall be available to serve the cluster subdivision.
- (d) Common "open space" shall not be less than fifteen percent (15%) of the gross acreage of any tract submitted for cluster subdivision.
 - (1) A maximum of fifty percent (50%) of the required open space may be steep slopes, streams, ponds, watercourse, and flood plain.
 - (2) A minimum of ten percent (10%) of the required open space or 1.5 acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of three percent (3%).
- (e) A cluster subdivision receiving TDR may increase density at two TDR's for every ten lots created in accordance with Section 14.5.1(a).

(Ordinance No. 111 - 1993)

Changes 1993 to 2022

- ▶ Determination of number of lots
 - ▶ 1993 – Required conventional plan to determine lot yield
 - ▶ 2022 – Maximum lot yield determined by gross acreage
- ▶ Minimum parent parcel size
 - ▶ 1993 – Parent Parcel must be a minimum of 10 acres
 - ▶ 2022 – No Minimum. Planning Commission may allow for variance on open space requirements for lots less than 10 acres.
- ▶ Minimum lot size
 - ▶ 1993 – No minimum lot size
 - ▶ 2022 – Minimum lot size is half the size allowable by zoning district
- ▶ 2022 Addition – All lot yield must be used.

Options

- ▶ No action – Code remains as is.
- ▶ Direct staff to coordinate removal of 155.036(A) – Cluster subdivisions in Residential Zoning Districts from Chapter 155.
- ▶ Direct staff to coordinate specific amendments to 155.036(A).