

COUNTY ORDINANCE NO. 09-07

A BILL ENTITLED

AN ACT CONCERNING Expansion of Existing, Lawfully Non-conforming Disposal Uses;

FOR THE PURPOSE of permitting the Board of Appeals to allow the expansion of existing, non-conforming disposal uses previously approved by the Board of Appeals to adjacent parcels wholly or partially owned by an applicant on February 1, 2009; and reformatting certain provisions of Chapter 18 of the Code of Public Local Laws of Queen Anne's County pertaining to expansion of non-conforming disposal uses.

BY AMENDING Sections 18:1-128 and 18:1-129 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-128 and 18:1-129 of the Code of Public Local Laws be amended as follows:

*18:1-128. Change of nonconforming uses.*

...

~~*B. Disposal uses. The Board of Appeals shall grant conditional use approval before any nonconforming disposal uses may be expanded in any manner. A nonconforming extraction use may not be changed to a nonconforming disposal use or vice versa.*~~

*C. B Relocation. A nonconforming use, sign, or structure...*

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*18:1-129. Alteration of nonconforming uses.*

...

B. Disposal uses.

- (1) The Board of Appeals shall grant conditional use approval before any nonconforming disposal use is expanded in any manner.
- (2) The expansion of a non-conforming disposal uses may be permitted on adjoining lands on parcels owned, wholly or partially, by the existing surface mining permittee as of February 1, 2009, with the approval of the Board of Appeals.
- (3) A nonconforming extraction use may not be changed to a nonconforming disposal use and vice versa.

B. C. Nonconforming building..

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€.D. Nonconforming lot...

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Đ.E. Nonconforming residential use.

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E.F. Limitation. Nothing in this section shall be construed to allow any enlargement, expansion, or extension that would create or involve:

- (1) Any new, different or additional nonconforming use or status with respect to the dwelling or the lot on which it is located; or
- (2) The enlargement, expansion or extension of any nonconforming use except as provided in Subsection D of this section with respect to certain single-family detached dwellings and subsection B with respect to expansion of disposal uses.

F. G.      *Exceptions. This section does not apply to:*

- (1) *The strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the structure to be unsafe and orders its restoration to a safe condition, provided that the restoration is not otherwise in violation of any other provisions of this article; or*
- (2) *Normal maintenance and incidental repair of a nonconforming use that does not violate any other provision of this article.*

## SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its enactment.

Sponsored on behalf of a citizen

INTRODUCED BY: Commissioner Ransom

DATE: May 12, 2009

PUBLIC HEARING HELD: June 23, 2009 @ 6:40 p.m.

VOTE: 5 Yea    0 Nay

DATE OF ADOPTION: July 14, 2009

EFFECTIVE DATE: August 29, 2009