

COUNTY ORDINANCE NO. 09-10

A BILL ENTITLED

AN ACT CONCERNING the Queen Anne's County Chesapeake Bay Critical Area Program, Chapter 14 of the Code of Public local Laws, Growth Allocation Process and Location Criteria;

FOR THE PURPOSE of implementing the changes to the Queen Anne's County Chesapeake Bay Critical Area Program mandated by House Bill 1253 enacted by the Maryland General Assembly in 2008;

BY AMENDING Sections 14:1-76(B) and 14:1-76(D) of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 14:1-76(B) and 14:1-76(D) of the Code of Public Local Laws be amended to read as follows:

ARTICLE XV  
Growth Allocation

§14:1-76. Growth allocation process {Amended 5-21-1999 by Ord.No. 99-02; 10-1-1999 by Ord. No. 99-14}

...

- B. All petitions for map amendments utilizing growth allocation shall be accompanied by a concept site plan or subdivision sketch plat, prepared in conformity with the requirements of the Queen Anne's County Zoning Ordinance in addition to any information required by §14:1-77A of this Chapter 14:1 and shall include all information, documentation, and agency comments required by COMAR §27.01.02.07 before the petition is submitted to the Critical Area Commission.

...

**ARTICLE XV  
Growth Allocation**

**§14:1-76. Growth allocation process {Amended 5-21-1999 by Ord.No. 99-02; 10-1-1999 by Ord. No. 99-14}**

...

**D. Review criteria. The following review criteria will guide the selection of projects that may be assigned growth allocation:**

- (1) Proposed development projects using growth allocation must be determined to be consistent with the Queen Anne's County Comprehensive Plan and Queen Anne's County Critical Area Program and the Growth Subarea Plans.**
- (2) Proposed development projects that implement specific development or redevelopment objectives of the Comprehensive Plan or a Growth Subarea Plan shall be given priority for growth allocation, and growth allocation is set aside for implementation of these projects in the Growth Management Pool.**
- (3) Proposed development projects determined by the County to be of substantial economic benefit and located in a designated growth area shall be given priority for growth allocation, and growth allocation is set aside for implementation of these projects in the Growth Management Pool.**
- (4) Proposed development projects located outside of designated growth areas may be assigned growth allocation if they are a commercial, industrial, residential or institutional project determined to be of substantial economic benefit to residents of the County and/or meet a recognized public need. Growth allocation for implementation of these projects may be from either the General Pool or the Growth Management Pool.**
- (5) Proposed development projects may be assigned growth allocation subject to the requirements of COMAR §27.01.02.06 and the following location criteria:**
  - (a) New intensely developed areas should be located in limited development areas or adjacent to existing**

intensely developed areas;

- (b) New limited development areas should be located adjacent to existing limited development areas or intensely developed areas;
- (c) New intensely developed areas and limited development areas should be located in order to minimize impacts to habitat protection areas as specified in COMAR §27.01.09 and in an area and in a manner that optimizes benefits to water quality;
- (d) New intensely developed areas should be located where they minimize their impacts to the defined land uses of the resource conservation area;
- (e) New intensely developed areas and limited development areas in the resource conservation area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters
- (f) No more than one-half of the total growth allocation of the County may be located in resource conservation areas, except as provided below;

  - (1) If the county is unable to utilize a portion of the growth allocated in (a) and (b) of this section within or adjacent to existing intensely developed or limited development areas, then that portion of growth allocation which cannot be so located may be located in the resource conservation area upon recommendation by the Planning Commission and approval by the County Commissioners. A developer shall be required to cluster any residential development in an area of expansion in order to minimize impacts.
  - (2) Proposed development located adjacent to the outermost edge of the resource conservation area may be designated as intensely developed area with specific consideration given to the following;

    - (a) Land area is required for a public utility or public service use;

**(b) The property exists within a growth area and is served by public water and sewer;**

**(c) The resource conservation area has been fragmented by major area infrastructure including major highways and public service uses;**

**(d) Habitat protection area has been physically compromised by natural means or manmade structures such as major infrastructure components, so as to render the area no longer valuable as a habitat protection area.**

...

## **SECTION II**

**BE IT FURTHER ENACTED** that upon introduction and conceptual approval by informal vote of the County Commissioners the proposed amendments shall be forwarded to the Maryland Chesapeake and Atlantic Coastal Bays Critical Area Commission for review and approval. Upon approval by the Critical Area Commission this Ordinance shall be set for public hearing and final action.

## **SECTION III**

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

**INTRODUCED BY:** Commissioner Ransom

**CO- SPONSORED:** Commissioner Wargotz

**DATE:** April 14, 2009

**PUBLIC HEARING HELD:** July 28, 2009 @ 6:45 p.m.

**VOTE:** 5 Yea 0 Nay

**DATE OF ADOPTION:** July 28, 2009

**EFFECTIVE DATE:** September 12, 2009