

AMENDMENT NO. 1 TO
COUNTY ORDINANCE NO. 09-10

AN AMENDMENT TO
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 amending pending County Ordinance 09-10
to address the comments of the Maryland Chesapeake and Atlantic
Coastal Bays Critical Area Commission.

BY AMENDING pending County Ordinance 09-10.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that the amendments to Sections 14:1-76.B. and
14:1-76.D. as proposed by County Ordinance 09-10 be amended to
read as follows:

Chapter 14
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}

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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
§27.01.02.05-1 & 2. before the petition is submitted
to the Critical Area Commission.

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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) When locating new intensely developed or limited development areas, proposed development projects may be assigned growth allocation subject to the requirements of COMAR §27.01.02.06 and shall use the following location criteria:

- (a) Locate a new intensely developed area in a limited development area or adjacent to an existing intensely developed area;
- (b) Locate a new limited development area adjacent to an existing limited development area or intensely developed area;
- (c) Locate a new intensely developed area or a limited development area in a manner that minimizes impacts to habitat protection areas as defined in COMAR §27.01.09 and in an area and in a manner that optimizes benefits to water quality;
- (d) Locate a new intensely developed area and limited development areas in a manner that minimizes their impacts to the defined land uses of the resource conservation area;
- (e) Locate a new intensely developed area or a limited development area in the resource conservation area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters, unless the Critical Area Commission approves an alternative measure(s) proposed by the County for enhancement of water quality and habitat that provide greater benefits to the resources.
- (f) No more than one-half of the total growth allocation of the County may be located in resource conservation areas, except as provided in item (2) of this paragraph;
 - (1) New intensely developed or limited development areas involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the comprehensive zoning map submitted by

the County as part of its application to the commission for program approval or at a later date in compliance with § 8-1809(g) of the Environmental Article of the Annotated Code of Maryland and

(2) 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, conceptual approval by the County Commissioners and award of growth allocation. A developer shall be required to cluster any residential development in an area of expansion in order to minimize impacts.

(3) Location criteria that varies from the criteria required under (5) (a) and (b) of this subsection may be utilized to meet a public need for emergency or medical services including any facility that supports such services;

(a) the area of proposed IDA growth allocation may be less than 20 acres;

(b) no more than 20% of the growth allocation from the General Pool may be utilized by this non-adjacency standard.

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SECTION II

BE IT FURTHER ENACTED that upon introduction and conceptual approval, this Amendment shall be referred to the Maryland Chesapeake and Atlantic Coastal Bays Critical Area Commission for review and approval and to the Queen Anne's County Planning Commission for its further recommendations.

SECTION III

BE IT FURTHER ENACTED that this Amendment shall be effective immediately upon its adoption.

AMENDMENT INTRODUCED BY: Commissioner Ransom

DATE: June 9, 2009

VOTE ON AMENDMENT: _____ Yea _____ Nay

DATE OF VOTE: _____, 2009