

COUNTY ORDINANCE NO. 08-15

A BILL ENTITLED

AN ACT CONCERNING Minor Extraction and Dredge Disposal Uses in Queen Anne's County.

FOR THE PURPOSE of prohibiting minor extraction and dredge disposal uses which require issuance of a surface mining permit in required open space, and making any such use which requires a surface mining permit from the Maryland Department of the Environment a conditional use in the Agricultural (AG) District in Queen Anne's County.

BY AMENDING Sections 18:1-12 and 18:1-14 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 18:1-12 and 18:1-14 of the Code of Public Local Laws of Queen Anne's County, Maryland be amended to read as follows:

ARTICLE IV

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§ 18:1-12. Permitted uses in open space.

- A. The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas. [Amended 6-12-2007 by Ord. No. 06-22]

	A	B	C		
	Non-contiguous Open Space/TDR	Multifamily/ Manufactured Home Community/ Master Planned Residential Development	Single-Family Cluster Development		
Allowable Uses			AG/CS	NC	All Other
<i>Agricultural uses</i>	Y	N	Y	Y	Y
<i>Fields or pastures</i>	Y	Y	Y	Y	Y
<i>Accessory building</i>	Y	Y	Y	Y	C
<i>Commercial forestry</i>	Y	N	Y***	C	C
<i>Non-commercial forestry</i>	Y	N	Y	Y	Y

Commercial stables	Y	N	Y	C	C
Public recreation	Y*	N	N	N	N
Private stables	Y	N	Y	Y	Y
Nurseries	Y	C	Y	C	Y
Farm employee dwelling	Y/N	N	Y	N	Y
Drainage structures	Y	C	Y	Y	Y
<u>Minor extraction that does not require the issuance of a Surface Mining Permit in accordance with COMAR 26.21.01.08 (C), (D), (E) and (F) and dredge disposal uses</u>	Y	N	Y	C	Y
Shooting clubs	C	N	C	C	C
Outdoor recreation	C	Y**	Y	C	C

NOTES:

* Public recreational uses that include more than 10,000 square feet of enclosed floor area or are greater than one story in height shall be allowed only as a conditional use.

** See § § 18:1-26 to 18:1-33, district regulations, for additional open space requirements.

*** Commercial forestry requires Planning Commission review and approval in accordance with Subsection G of this section and §§ 18:2-16, 18:2-19, and 18:2-23 of this Chapter 18.

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ARTICLE V District Standards

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§ 18:1-14. Agricultural (AG) District.

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B. Permitted uses.

. . .

(19) Minor extraction that does not require the issuance of a Surface Mining Permit in accordance with COMAR 26.21.01.08 (C), (D), (E) and (F) and dredge disposal uses.

. . .

C. Conditional uses. [Amended 9-5-2006 by Ord. No. 06-10]

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(7) Major extraction and dredge disposal.

(8) Minor extraction and dredge disposal uses that require a Surface Mining License in accordance with COMAR 26.21.01

~~(8)~~ (9) Fraternal organizations.

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SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Wargotz

CO-SPONSORED BY: Commissioner Ransom

DATE: July 22, 2008

PUBLIC HEARING HELD: August 5, 2008 @ 6:15 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: August 19, 2008

EFFECTIVE DATE: October 4, 2008

Please refer to the amendments.
This Ordinance was Adopted as Amended.

FISCAL IMPACT NOTE

Legislation No: 0-08-15
Date Introduced: 7-22-08

Hearing Date: 8-05-08
Note Date: 7-31-08

Legislation Title: Minor Extraction and Dredge Disposal Uses in Queen Anne's County.

Description:

The purpose of this legislation is to prohibit minor extraction and dredge disposal uses which require issuance of a surface mining permit in required open space, and making any such use which requires a surface mining permit from MDE a conditional use in the Agricultural (AG) District.

Analysis of Fiscal Impact:

There is no fiscal impact produced by this legislation, as it is simply changes certain extraction and dredging activities to conditional uses in certain areas.