

AMENDMENT NO. 2 TO  
COUNTY ORDINANCE NO. 08-15

AN AMENDMENT TO  
A BILL ENTITLED

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

FOR THE PURPOSE of amending pending County Ordinance 08-15 to provide that minor extraction and dredge disposal uses that require the issuance of a Surface Mining Permit in accordance with COMAR 26.21.01 are a permitted use in the Agricultural (AG) District on parcels that have not been subject to a cluster subdivision nor are developed parcels for noncontiguous development, but may be a transferor parcel, and to provide that minor extraction and dredge disposals uses that require issuance of a Surface Mining Permit are a conditional use in open space on parcels that have been subject to cluster subdivision or are developed parcels for noncontiguous development, and to define for the purpose of this ordinance that "parcel" shall mean a lot of record existing on September 1, 2008.

BY AMENDING Section I of pending County Ordinance 08-15 to modify Sections 18:1-12.A., § 18:1-14.B. (19) and § 18:1-14.C. (8) .

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section I of pending County Ordinance 08-15 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]*

	<b>A</b>	<b>B</b>	<b>C</b>		
	<b>Non-contiguous Open Space/TDR</b>	<b>Multifamily/ Manufactured Home Community/ Master Planned Residential Development</b>	<b>Single-Family Cluster Development</b>		
<b>Allowable Uses</b>			<b>AG/CS</b>	<b>NC</b>	<b>All Other</b>
<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
<i>Commercial stables</i>	Y	N	Y	C	C
<i>Public recreation</i>	Y*	N	N	N	N
<i>Private stables</i>	Y	N	Y	Y	Y
<i>Nurseries</i>	Y	C	Y	C	Y
<i>Farm employee dwelling</i>	Y/N	N	Y	N	Y
<i>Drainage structures</i>	Y	C	Y	Y	Y
<b><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></b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>C</b>	<b>Y</b>
<b><u>Minor extraction and dredge disposal uses that require issuance of a Surface Mining Permit on a transferor parcel, provided the parcel has not been subject to a cluster subdivision nor is the parcel a developed parcel for noncontiguous development.</u></b>	<b><u>Y</u></b>	<b><u>N</u></b>	<b><u>Y</u></b>	<b><u>C</u></b>	<b><u>Y</u></b>
<b><u>Minor extraction and dredge disposal uses that require issuance of a Surface Mining Permit on a parcel that has been subject to a cluster subdivision or a parcel that is a developed parcel for noncontiguous development.</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<i>Shooting clubs</i>	C	N	C	C	C
<i>Outdoor recreation</i>	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.

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#### (19) Minor extraction and dredge disposal uses:

(a) 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).

(b) Minor extraction and dredge disposal uses that require the issuance of a Surface Mining Permit provided that the parcel has not been subject to a cluster subdivision nor is the parcel a developed parcel for noncontiguous development, but may be a transferor parcel, as defined by this Chapter 18. For the purposes of this subsection, parcel shall mean a lot of record existing on September 1, 2008.

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#### 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:

(a) Minor extraction that require a Surface Mining ~~License~~ Permit in accordance with COMAR 26.21.01, except as provided in § 18:1-14.B. (19)(b).

(b) Minor extraction and dredge disposal uses that require the issuance of a Surface Mining Permit on a parcel that has been subject to a cluster subdivision or a parcel that is a developed parcel for noncontiguous development. ~~provided that the use is not located within required open space areas.~~ For the purposes of this subsection, parcel shall mean a lot of record existing on September 1, 2008.

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

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SECTION II

BE IT FURTHER ENACTED that this Amendment shall take effect upon its adoption.

AMENDMENT INTRODUCED BY: Commissioner Gunther

DATE: August 19, 2008

VOTE ON AMENDMENT: 5 Yea 0 Nay

DATE OF VOTE: August 19, 2008

Effective Date: August 19, 2008