

## COUNTY ORDINANCE NO 02-04<sup>A</sup>

### AMENDMENT TO A BILL ENTITLED

**AN ACT** concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay Map Number 56.

**FOR THE PURPOSE OF** Amending and redesignating the Critical Area designation of 25.73 acres of the lands of Charles T. Breeding and Janet E. Yost (Breeding), shown and designated as Parcel 20 on 1996 Official Chesapeake Bay Critical Area Overlay Map Number 56, from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) through the use of "growth allocation" and further providing for the recapture of the 25.73 of the "growth allocation" in the event certain conditions are not met.

#### SECTION I

**BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND**, that the Local public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay map Number 56 is hereby repealed and the attached Map Number 56 be and is hereby adopted as the 1996 official Chesapeake Bay Critical Area Overlay Map Number 56 for Queen Anne's County Maryland.

#### SECTION II

**BE IT FURTHER ENACTED** that the attached Map Number 56 be considered null and void and of no force and effect to the end that Map Number 56 existing on the effective date of this Act will be substituted in its place and stead, in the event that (a) final site plan or subdivision approved for a 285 dwelling unit community as shown on the Growth Allocation Plan attached here to is not approved by the Queen Anne's County Planning Commission within one (1) year of the effective date of this Act and (b) the site plan or subdivision approved does not provide for each of the following:

- A. A reduction in or elimination of development within the 300' shore buffer to reduce the acreage for which growth allocation is sought.
- B. A development proposal that includes a mix of housing types.
- C. A proposal to dedicate a public right-of-way and/or construct a public road across the applicant's property from Route 8 to the Thompson Creek Service Road to assist in relieving traffic congestion on Route 8 near its intersection with US Route 50/301.
- D. The maintenance of height limitations in the approach/departure glide path for the Bay Bridge Airport and the possible dedication of land to the County to perpetually

protect the glide path from development.

E. An enforceable agreement or re-zoning proposal by which none of Ellendale Farms, LLC's lands to the north of the glide path and west of the proposed connector road will be used for residential development at any time.

F. A financial contribution for community, recreational or cultural facilities.

G. Design features, covenants, and fiscal impact studies demonstrating that the development proposal satisfies the eight (8) recommendations issued on May 10, 2001, by the Queen Anne's County Planning Commission following its review of the Growth Allocation Petition.

### SECTION III

**BE IT FURTHER ENACTED** that this Act will take effect on the forty-sixth day following its passage.

**MOTION TO AMEND BY:** \_\_\_\_\_

**INTRODUCED BY:** Marlene Davis

**VOTE:** 3 **YEA** \_\_\_\_\_ **NAY**

**DATE:** 5-7-02

**DATED:** 5-7-02

**PUBLIC HEARING HELD**

**VOTE:** \_\_\_\_\_ **YEA** \_\_\_\_\_ **NAY**

**DATE:** \_\_\_\_\_