

COUNTY ORDINANCE NO. 98-10

A BILL ENTITLED

AN ACT concerning amendments to the Code of Public Laws of Queen Anne's County, Maryland, Title 18, *Land Use and Development*, particularly Part IX, Subpart 4. Site Plans.

FOR THE PURPOSE of amending the criteria for administrative approvals of amendments to approved site plans and defining minor site plans.

SECTION I

BE IT ENACTED by the County Commissioners of Queen Anne's County, Maryland that Section 18-1-209 of the Code of Public Laws of Queen Anne's County, 1996 Edition, be and is hereby amended to add the following:

PART IX.

Subpart 4. Site Plans

18-1-207. Applicability of subpart.

(a) *When required.*

(1) Except as provided in paragraph (2) of this subsection, site plan approval is required with respect to all planned residential development and nonresidential development.

(2) Site plan approval is not required for the following nonresidential development:

(i) farm buildings on a farm;

(ii) additions to existing nonresidential buildings that existed on April 9, 1987, if the addition and all previous additions to the building since April 9, 1987 cover 10% or less of the allowed floor area of the site in which the building is located, as determined under § 18-1-055 of this subtitle; and

(iii) improvements not related to buildings that do not decrease the landscape surface area, as determined under § 18-1-055 of this subtitle, by more than 10% as it existed on April 9, 1987.

(b) *Effect of requirement*

If site plan approval is required by this section, a permit or approval

required under Subpart 2 of this part may not be issued until a site plan has been finally approved in accordance with this subpart.

SECTION II

BE IT FURTHER ENACTED by the County Commissioners of Queen Anne's County, Maryland that Section 18-1-208 of the Code of Public Laws of Queen Anne's County, 1996 Edition be and is hereby amended to the following:

18-1-208. Responsibility of applicant.

A person seeking review and approval of a site plan has the sole burden of supplying all information required by this subpart and of establishing any fact necessary to any determination to be made under any provision of this subpart.

SECTION III

BE IT FURTHER ENACTED by the County Commissioners of Queen Anne's County, Maryland that Section 18-1-209 of the Code of Public Laws of Queen Anne's County, 1996 Edition be and is hereby amended to the following:

18-1-209. Minor site plans.

(a) ***Minor site plan - Defined.***

In this section "minor site plan" means a site plan that involves only:

- (1) duplex planned development units; or
- (2) an addition to an existing nonresidential building that will cover 20% or less of the allowed floor area as determined under § 18-1-055 of this subtitle; or results in the creation of 5,000 sq. ft. or less of additional floor area, whichever is greater.
- (3) a nonresidential use which meets the following conditions:
 - (i) The site's proposed floor area will cover 25% or less of the allowed floor area as determined under § 18-1-055 of this subtitle, or is less than 5,000 total square feet of floor area.
 - (ii) The site's proposed impervious area does not exceed 50% of the permitted impervious area, as calculated according to the landscape surface area provision of § 18-1-055 of this subtitle.
 - (iii) The proposed use is permitted. If the proposed use requires conditional approval from the Board of Appeals, it shall be at the discretion of the Planning

Director to either review the proposal administratively or refer the proposal for review by the Planning Commission.

(b) ***Procedure.***

(1) A minor site plan, or an amendment to a major or minor site plan that does not change its character, as indicated in Section 18-1-225, may be approved and signed by the Planning Director with the concurrence of all appropriate agencies.

(2) In connection with any minor site plan, the Planning Director shall have those powers conferred upon the Planning Commission by this subpart that are necessary to exercise that authority.

(3) A minor site plan may be referred to the Planning Commission for review under either of the following conditions:

(i) The Planning Director determines that the project warrants review by the Planning Commission; or

(ii) The applicant requests that the project be reviewed by the Planning Commission.

SECTION IV

BE IT FURTHER ENACTED by the County Commissioners of Queen Anne's County, Maryland that Section 18-1-225 of the Code of Public Laws of Queen Anne's County, 1996 Edition be and is hereby amended to the following:

18-1-225. Amendment of approval site plans.

(c) ***Initial review.***

(1) Prior to official acceptance, the Planning Director shall review the amendment and determine whether all necessary information has been supplied and whether review and approval by other appropriate agencies is required prior to submission to the Planning Commission. If such review and approval is required, the Planning Director shall notify the applicant in writing and transmit the proposed amendment to such agencies for review and further report. Further action may not be taken with respect to a proposed amendment until all information required by this subsection is furnished.

(2) The Planning Director shall have the authority to approve amendments to approved site plans provided the amendment does not:

(i) increase floor area to exceed 25% of the allowed floor area as determined under § 18-1-055 of this subtitle, or result in an increase in floor area of more than

5,000 total square feet, whichever is greater;

(ii) increase the site's impervious area to greater than 50% of the permitted impervious area, as calculated according to the landscape surface area provisions of § 18-1-055 of this subtitle;

(iii) change the parking design, circulation, or location of landscape islands in a manner or to a degree which the Planning Director considers inconsistent with County parking and loading standards;

(iv) significantly change building materials, architecture, or building layout or increase building height in a manner or to a degree which the Planning Director considers inconsistent with County standards or with previous Planning Commission approvals.

(v) require any other modifications that the Planning Director considers significant enough to warrant full Planning Commission review.

SECTION V

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

Introduced By: Commissioner Zimmer
Date of Introduction: June 16, 1998
Hearing Scheduled: July 21, 1998 10:30 A.m.
Action: 3 Yea - Nay
Date: Aug. 4, 1998
Effective date: Sept. 18, 1998