

EX PARTE IN THE MATTER OF

BEFORE THE

THE PETITION OF MARINAS

COUNTY COMMISSIONERS

INTERNATIONAL, LTD., FOR AN

OF

AMENDMENT TO THE COMPREHENSIVE

QUEEN ANNE'S COUNTY

ZONING ORDINANCE OF QUEEN

COUNTY ZONING CASE

ANNE'S COUNTY

NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on August 17, 1982 at 2:00 p.m. upon the amended Petition of Marinas International, Ltd., and the recommendation of Queen Anne's County Planning Commission to amend the Queen Anne's County Comprehensive Zoning Ordinance (hereinafter "The Ordinance") as follows:

1. To amend Section 16.A.114 of the Ordinance to read as follows:

16.A.114 - Motels or hotels, and multi-family dwelling units as permitted in an R-4 Apartment District; provided that such multi-family dwelling units (a) be on tracts or parcels of not less than ten (10) acres, (b) be served by public sanitary sewers and a public or approved community water system, (c) be subject to the subdivision regulations of Queen Anne's County, and (d) be subject to Section 5.21 of Article 5 and Sections 11.301, 11.302, 11.40 and multi-family provisions of Section 11.50, Article 11 of this Article.

2. To amend Section 16.A.401 of the Ordinance to read as follows:

16.A.401 - One family and two-family dwellings, including tents, cabins, trailer or trailer houses; provided that a dwelling or trailer for a watchman or caretaker, which is accessory to a principal use permitted in this District, shall be permitted and shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere in this Ordinance.

TURNER & THOMPSON  
ATTORNEYS AT LAW  
100 LAWYERS ROW  
PUNTSVILLE, MARYLAND  
21617

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The hearing was held in the Office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The recommendations of the Queen Anne's County Planning Commission and Certificates of Publication evidencing advertisement of the public hearing were made a part of the record. There were no objections to the form or sufficiency of the procedure followed in processing the proposed amendments or to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide these matters.

Petitioners were represented by Vachel A. Downes, Jr., Esquire, who presented testimony on behalf of the proposed amendments. There was no testimony in opposition to the amendments.

After making the findings-of-fact required by Article 66B, the County Commissioners considered each amendment separately and in each amendment it was moved by Mr. Smith, seconded by Mr. Benton and unanimously resolved that the recommendation of the Queen Anne's County Planning Commission for an amendment to the Queen Anne's Comprehensive Zoning Ordinance be ADOPTED.

Date: August 17, 1982

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss,  
President

*Lynnda H. Palmatary*

*Lemuel H. Benton*  
Lemuel H. Benton,  
Vice President

*Leonard E. Smith*  
Leonard E. Smith

A RESOLUTION of the County Commissioners of Queen Anne's County authorizing the County to borrow money and incur indebtedness from time to time in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) and to evidence such borrowing by the issuance and private sale of its general obligation notes pursuant to the authority of Section 23-25A of the Code of Public Local Laws of Queen Anne's County (1974 Edition, as amended), said notes to be designated "Queen Anne's County Sanitary District Notes of 1982", and the net proceeds of the sale thereof to be disbursed for the public purpose of providing interim financing for a part of the costs of construction of a sewage collection, treatment, and disposal system to serve the Kent Narrows/Stevensville/Grasonville Area Wastewater Subdistrict; prescribing the form and tenor of the notes and other matters relating to the issuance, sale and delivery of the notes to the purchaser or purchasers thereof; providing for the disbursement of the proceeds of the notes; and providing for the levy and collection of taxes if necessary for the prompt payment of the maturing principal of and interest on the notes.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

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LIBER

3 PAGE 3

Section 1: Pursuant to the authority of Section 23-25A of the Code of Public Local Laws of Queen Anne's County (1974 Edition), as added by Chapter 430 of the Laws of Maryland of 1980 (the "Enabling Act"), the County Commissioners of Queen Anne's County (the "County") hereby determines to borrow money and incur indebtedness for the public purpose of providing interim financing for a part of the costs of constructing a sewage collection, treatment, and disposal system to serve the Kent Narrows/Stevensville/Grasonville Area Wastewater Subdistrict of the Queen Anne's County Sanitary District, including the construction, furnishing, and equipping of a sewage treatment plant, the acquisition and installation of pipes, pumps, tanks, and related machinery and equipment for the collection and disposal of sewage, and the acquisition and development of property rights, together with all planning, engineering, fiscal, and legal expenses related thereto.

Section 2: To evidence the borrowing described in Section 1, the County, acting pursuant to the authority of the Enabling Act, shall issue and sell from time to time one or more notes, in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000), to be known as "Queen Anne's County Sanitary District Notes of 1982" (the "Notes"), the net proceeds thereof to be used as provided in Section 1.

Section 3: Each of the Notes shall be issued in fully registered form and shall mature not later than December 1, 1983,



subject to prior redemption as hereinafter provided. The Notes shall bear interest payable on June 1, 1983 and (if not sooner redeemed) at maturity. Notes issued before June 1, 1983 shall be dated as of December 1, 1982; Notes issued on or after June 1, 1983 shall be dated as of June 1, 1983.

Section 4: At the option of the County, each of the Notes shall be subject to redemption as a whole on June 1, 1983, and on the first day of each calendar month thereafter, at a redemption price for each Note redeemed of the principal amount of the Note to be redeemed together with the unpaid interest accrued thereon to the date fixed for redemption. Unless notice of redemption shall be waived by the holders of all Notes to be redeemed, notice of call for redemption shall be given by mail, postage prepaid, at least ten (10) days prior to the redemption date, to all registered owners of Notes to be redeemed, which notice shall specify the redemption date and the redemption price, and shall further state that on such date the Notes called for redemption will be and become due and payable at the office of the County Treasurer in Centreville, Maryland, and that, from and after such date, interest thereon shall cease to accrue. On the date designated for redemption, notice having been mailed or waived, and moneys for the payment of the redemption price plus accrued interest being held by the County Treasurer, interest on the Notes so called for redemption shall cease to accrue, and the registered owners of such Notes so called for redemption shall

have no rights in respect thereof except to receive payment of the redemption price thereof from such moneys held by the County Treasurer.

Section 5. The Notes shall be executed in the name of the County and on its behalf by the manual signature of the President of the Board of County Commissioners of the County, and the corporate seal of the County shall be affixed thereto, authenticated and attested by the manual signature of the Clerk of the County. The Notes shall be registered as to both principal and interest in the name of the owner thereof, at the offices of the County Treasurer in Centreville, Maryland, hereby designated as Registrar, on registration books or other suitable records kept for such purpose. Interest payable on the Notes on June 1, 1983 shall be paid by check or draft mailed to the registered owner or owners thereof at the addresses shown on such registration books. The principal of the Notes and the interest payable thereon at maturity or prior redemption shall be payable at the offices of the County Treasurer in Centreville, Maryland. The Notes shall be issued in substantially the following form, and all the covenants and conditions therein contained are hereby adopted by the County as and for the form of obligation to be incurred by the County, and said covenants and conditions are hereby made binding upon the County, including the promise to pay therein contained. The President of the Board of County Commissioners is authorized to make such changes in the form of Notes as he shall deem necessary to carry into effect the purposes of this Resolution, or to comply with recommenda-

tions of legal counsel; provided, however, that said President shall make no change affecting the substance of the Notes as authorized by this Resolution:

§

No. R-

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

QUEEN ANNE'S COUNTY SANITARY DISTRICT  
NOTE OF 1982

Dated

County Commissioners of Queen Anne's County (the "County"), a body politic and corporate and a political subdivision of the State of Maryland, acknowledges itself indebted and for value received promises to pay to \_\_\_\_\_, or registered assigns or legal representatives, the principal sum of (\$ \_\_\_\_\_), on December 1, 1983 (or earlier as hereinafter referred to), and to pay interest thereon, from the date of this note until it matures or is called for prior payment at the rate of \_\_\_\_\_ per centum ( % ) per annum. [Such interest shall be paid on June 1, 1983 by check or draft mailed to the registered owner hereof at his address as it appears on the note registration books of the County.] The principal of this note and the interest payable thereon at maturity or prior redemption shall be paid only upon presentation and surrender thereof at the offices of the County Treasurer in Centreville, Maryland. Both the principal of and interest on this note will be paid in lawful money of the United States of America at the time of payment.

This note is and shall be fully registered as to both principal and interest in the name of the owner on records kept for that purpose at the offices of the County Treasurer in Centreville, Maryland, Registrar. This note is transferable only upon the records aforesaid by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized, and thereupon, within a reasonable time, the County shall issue in the name of the transferee a new registered note of like tenor.

This note is subject to redemption as a whole, at the option of the County, on June 1, 1983, and on the first

day of each calendar month thereafter, upon notice of call for redemption given by mail to the registered owner hereof at least ten (10) days prior to the redemption date, at a redemption price of the principal amount of this note together with the unpaid interest accrued thereon to the date fixed for redemption. If this note shall be called for redemption in the manner aforesaid and payment in cash of the redemption price shall be duly made or provided for, then, from and after the date of redemption fixed in the notice of call for redemption, this note shall cease to bear interest.

This note is issued pursuant to the provisions of Section 23-25A of the Code of Public Local Laws of Queen Anne's County (1974 Edition), as added by Chapter 430 of the Laws of Maryland of 1980 (the "Enabling Act") and by virtue of due proceedings had and taken by the Board of County Commissioners of Queen Anne's County, particularly a resolution adopted on November 3, 1982, as supplemented by a resolution adopted on November , 1982 (collectively, the "Resolution").

The full faith and credit and unlimited taxing power of the County are irrevocably pledged to the punctual payment of the principal of and interest on this note according to its terms and the County does hereby covenant and agree with the registered owner hereof to pay punctually the principal of and interest on this note, at the dates and in the manner mentioned herein, according to the true intent and meaning thereof.

It is hereby certified and recited: that the issue of notes, of which this is one, has been authorized for a valid public purpose; that this note, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of Maryland and the Enabling Act; and that all conditions, acts and things required by said Constitution or laws and the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this note, exist, have happened and have been performed.

IN WITNESS WHEREOF, the County has caused this note to be executed by the manual signature of the President of the Board of County Commissioners of Queen Anne's County and has also caused its corporate seal to be affixed hereto,

authenticated and attested by the manual signature of its Clerk,  
all as of the date hereinabove written.

ATTEST:

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
President

(Form of Transfer)

FOR VALUE RECEIVED,  
hereby sells, assigns and transfers the within Note to  
and hereby authorizes the Clerk to the Board of County Commissioners  
to transfer this Note on the books of the County.

\_\_\_\_\_  
(SEAL)

Dated:

WITNESS:

\_\_\_\_\_

Section 6: The Board of County Commissioners finds that it is in the public interest and for the best interest of the County that the Board of County Commissioners be, and it is hereby, authorized to sell the Notes by negotiation with a prospective purchaser or purchasers and without the solicitation of competitive bids. The Notes shall be issued and sold to such person or persons, in such denomination or denominations, and shall bear interest at such rate as the Board of County Commissioners hereafter determines by resolution supplemental hereto. Pursuant to this resolution and such supplemental resolution or resolutions, the President of the Board of County Commissioners and the Clerk are authorized and directed to have each of the Notes prepared in definitive form, and executed and delivered to the purchaser or purchasers thereof, as soon as may be appropriate to provide financing for the purposes described in Section 1, subject in the case of each such delivery to receipt of the purchase price and to receipt of a certificate of the purchaser conforming to the requirements of Section 8.

Section 7: The proceeds of the sale of each of the Notes shall be paid to the County Treasurer and, after payment of any legal, financing and incidental expenses incurred by the County in the sale, issuance, and delivery of the Notes, shall be used and expended exclusively and solely for the public purposes described in Section 1.

Section 8: It is the intention of the County that the Notes be offered for investment purposes only and not for resale to the general public. Accordingly, as a condition to the delivery of any of the Notes to any purchaser thereof, such purchaser shall deliver to the County a certificate in form satisfactory to counsel for the County representing that such notes are being purchased either for investment purposes only or for resale to institutional lenders or other sophisticated investors, and not for resale to the general public, and acknowledging that such purchaser has conducted its own independent investigation of the financial condition of the County and all other matters deemed by such purchaser to be relevant to the purchase of such Notes.

Section 9: (a) The President of the Board of County Commissioners and the County Treasurer shall be the officers of the County responsible for the issuance of the Notes. The President of the Board of County Commissioners and the County Treasurer shall also be the officers of the County responsible for the execution and delivery (on the date of delivery of the Notes) of a certificate of the County (a "Section 103(c) Certificate") which complies with the requirements of Section 103(c) of the Internal Revenue Code of 1954, as amended ("Section 103(c)") and the applicable regulations thereunder (the "arbitrage regulations"), and such officials are hereby directed to execute a Section 103(c) Certificate and to deliver the same on the date of delivery of the Notes.



(b) The County shall set forth in the Section 103(c) Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Notes, or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of such Notes pursuant to Section 103(c) or the arbitrage regulations (collectively, "Note Proceeds"). The County covenants that the facts, estimates and circumstances set forth in the Section 103(c) Certificate will be based on the County's reasonable expectations on the date of delivery of the Notes and will be, to the best of the certifying officials' knowledge, true and correct, as of that date.

(c) The County covenants with each of the holders of any of the Notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of any Note Proceeds which would cause any of the Notes to be an "arbitrage bond" within the meaning of Section 103(c) and the arbitrage regulations. The County further covenants that it will comply with Section 103(c) of the Internal Revenue Code of 1954, as amended, and the regulations thereunder which are applicable to the Notes on their date of delivery and which may subsequently lawfully be made applicable to the Notes.

Section 10: The Notes shall be general obligations of the County which shall be payable in the first instance from the proceeds of grants received from the United States Environmental Protection Agency. If and to the extent that such grant proceeds,

together with funds from such other sources as may be legally available for the payment thereof, may be insufficient to pay the principal of or interest on any of the Notes when due, the County in each and every fiscal year in which the Notes are outstanding shall levy and collect ad valorem taxes upon all assessable property within the corporate limits of the County in rate and amount sufficient to provide for such payments when due, and in the event the proceeds from the taxes so levied in any fiscal year are inadequate for such purposes, the County shall levy additional taxes in the succeeding fiscal year to make up any deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the Notes as and when the same become due, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Notes.

Section 11: This resolution shall take effect from the date of its passage.

Passed this 3<sup>rd</sup> day of November, 1982.

ATTEST:

Richard H. Palmatroy  
Clerk

COUNTY COMMISSIONERS OF QUEEN  
ANNE'S COUNTY

(currently out of town)  
\_\_\_\_\_  
President

James H. Benton  
Commissioner

James H. Benton  
Commissioner

THE MATTER OF THE  
PETITION OF GEORGE HILL, JR.  
AND MARY ANN HILL FOR A CHANGE  
IN ZONING CLASSIFICATION

BEFORE THE  
COUNTY COMMISSIONERS  
OF  
QUEEN ANNE'S COUNTY  
ZONING CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on November 23, 1982 at 3:30 p.m. upon the Petition of George Hill, Jr. and Mary Ann Hill for a change of Zoning classification of lands of the Petitioners located on the east side of Maryland Route 552 near Dominion, Fourth Election District, Queen Anne's County, and being designated as Parcel No. 65 and Parcel No. 66, Block 3 on Queen Anne's County Sectional Zoning Map No. 64 from A-1 (Agricultural) District to B-2 (General Business) District. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendation of the Queen Anne's County Planning Commission, certificates of publication of notices of the hearing in newspapers of general circulation in Queen Anne's County and a certificate as to posting of the property were entered as part of the record. There was no objection made to the form or sufficiency of the procedure followed in processing the Petition or to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Walter Litvinuck, Esquire, on behalf of the Petitioners, presented testimony and exhibits in favor of the proposed rezoning. Mr. Litvinuck contended that there was a mistake in the original zoning of the subject properties as one of the properties has been used for business purposes since prior to the original adoption of the Queen Anne's County Comprehensive Zoning Ordinance in 1964. Mr. Litvinuck also contended that there has been a change in the neighborhood as evidenced by increased traffic and population, and by an increase in the number of watermen seeking a market for their seafood harvest.

TURNER & THOMPSON  
ATTORNEYS AT LAW  
100 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

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There was no testimony in opposition to the Petition.

Mr. Wayne Gardner presented the recommendations of the Queen Anne's County Planning Commission on the proposed rezoning.

The County Commissioners of Queen Anne's County, after making the findings of fact required by Article 66B of the Annotated Code of Maryland, do find that there was a mistake in the original zoning of the subject properties.

Upon motion by Mr. Smith, seconded by Mr. Benton, it was unanimously resolved that the Queen Anne's County Comprehensive Zoning Ordinance be amended, as follows:

BE IT ORDAINED that the area described in the Petition for rezoning in this case being Parcel No. 65 and Parcel No. 66, Block 3, on Queen Anne's County Sectional Zoning Map No. 64 be and are hereby reclassified to B-2 (General Business) District.

DATED: November 23, 1982

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss  
President

*Lyndee H. Palmistry*

*Lemuel H. Benton*  
Lemuel H. Benton  
Vice-President

*Leonard E. Smith*  
Leonard E. Smith

IN THE MATTER OF THE  
PETITION OF ASPEN INSTITUTE  
FOR HUMANISTIC STUDIES FOR AN  
AMENDMENT TO THE COMPREHENSIVE  
ZONING ORDINANCE OF QUEEN  
ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF  
QUEEN ANNE'S COUNTY  
ZONING CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on November 11, 1982 at 2:00 p.m. upon the amended Petition of Aspen Institute for Humanistic Studies (hereinafter "Aspen") for an amendment to the comprehensive zoning ordinance of Queen Anne's County. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition (as amended), the recommendations of the Queen Anne's County Planning Commission and certificates of publication of notice of the hearing in newspapers of general circulation in Queen Anne's County were entered into evidence as part of the record of this proceeding without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition or to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Vachel A. Downes, Jr., Esquire, appeared on behalf of the Petitioner and presented testimony and exhibits in favor of the application for amendment. Mr. Downes contended that there was a mistake in the original Comprehensive Zoning Ordinance for Queen Anne's County by virtue of its failure to provide for conference centers as a specifically mentioned permitted use in any zone or district in Queen Anne's County.

Mr. Wayne Gardner presented the recommendations of the Queen Anne's County Planning Commission on this Petition.

Upon motion by Mr. Smith, seconded by Mr. Benton, it is unanimously resolved that the Comprehensive Zoning Ordinance of Queen Anne's County be and is hereby amended as follows:

WINNER & THOMPSON  
ATTORNEYS AT LAW  
109 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21017

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ADD new Section 8.208 to Article 8 R-1 Estate District to read as follows:

"8.208 - Conference Centers"

AND ADD new Section 3.12A to Article 3 - Definition to read as follows:

"3.12A - Conference Center: Facilities for the purpose of conducting training, discussions, meetings, conferences or seminars with attendant amenities required for such purposes and for the care of the participants including facilities for lodging, food service and recreation."

DATED: November 9, 1982

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

(not present for hearing)  
Vernon B. Sultenfuss  
President

*Lyndal K. Palmatary*  
\_\_\_\_\_

*Lemuel H. Benton*  
Lemuel H. Benton  
Vice-President

*Leonard E. Smith*  
\_\_\_\_\_

IN THE MATTER OF THE \* BEFORE THE  
 PETITION OF MILDRED L. DASHIELL \* COUNTY COMMISSIONERS  
 FOR A CHANGE IN ZONING \* OF  
 CLASSIFICATION \* QUEEN ANNE'S COUNTY  
 ZONING CASE NO. \_\_\_\_\_  
 \* \* \* \* \*

DECISION

A hearing was held on November 23, 1982 at 4:00 p.m. upon the Petition of Mildred L. Dashiell for a change of zoning classification of lands of the Petitioner located in the Fourth Election District of Queen Anne's County on Piney Creek Road and being designated as Parcel No. 163, Block 10 on Queen Anne's County Sectional Zoning Map No. 57 from R-3 (Urban Residence) District to B-2 (General Business) District. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendation of the Queen Anne's County Planning Commission, certificates of publication of notices of the hearing in newspapers of general circulation in Queen Anne's County and a certificate as to posting of the property were entered as part of the record. There was no objection made to the form or sufficiency of the procedure followed in processing the Petition. A discrepancy in the advertisement and posting of the requested zoning classification was disclosed and waived by all persons present, there being no objection thereto. The jurisdiction of the County Commissioners of Queen Anne's County to hear and decide this matter was not questioned.

Mildred L. Dashiell, Petitioner, presented testimony in favor of her Petition. Mrs. Dashiell contended that there was a mistake in the original zoning of this parcel of land as R-3 (Urban Residence) District as the property in question is essentially at the intersection of U.S. Route 50/301 and Piney Creek Road and is basically surrounded on three sides by lands zoned B-2 (General Business) District.

There was no testimony in opposition to the proposed rezoning.

RNER & THOMPSON  
 ATTORNEYS AT LAW  
 100 LAWYERS ROW  
 CENTREVILLE, MARYLAND  
 21617

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Mr. Wayne Gardner, Zoning Administrator, presented the recommendations of the Queen Anne's County Planning Commission.

The County Commissioners of Queen Anne's County, after making the findings of fact required by Article 66B of the Annotated Code of Maryland, determined that there was a mistake in the original zoning of the subject property.

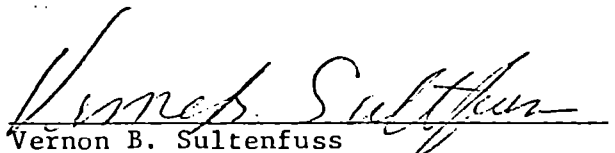
Upon motion by Mr. Benton, seconded by Mr. Smith, it was unanimously resolved that the Queen Anne's County Comprehensive Zoning Ordinance be and is hereby amended as follows:

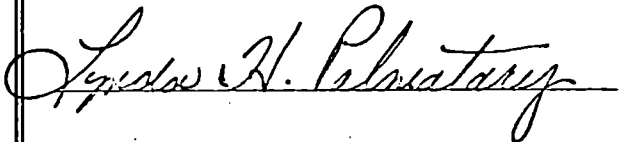
BE IT ORDAINED that the area described in the Petition for rezoning in this case being Parcel 163, Block 10 as shown on Queen Anne's County Sectional Zoning Map No. 57, be and the same is reclassified to B-2 (General Business) District.

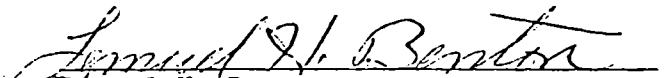
DATED: November 23, 1982

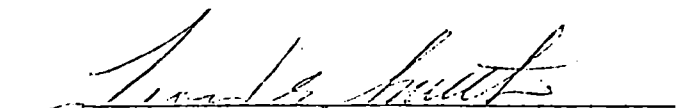
ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

  
Vernon B. Sultenfuss  
President



  
Lemuel H. Benton  
Vice-President

  
Leonard E. Smith



IN THE MATTER OF THE  
PETITION OF LEE C. BRANDENBERGER  
AND OF WINFRED E. CLEVINGER AND  
CATHERINE J. CLEVINGER FOR  
CHANGES IN ZONING CLASSIFICATION

BEFORE THE  
COUNTY COMMISSIONERS  
OF  
QUEEN ANNE'S COUNTY  
ZONING CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, November 23, 1982 at 2:30 p.m. upon the Petition of Lee C. Brandenberger for a change in zoning classification of lands of the Petitioner being the westerly portion of a parcel of land in the Fifth Election District of Queen Anne's County as shown on Queen Anne's County Sectional Zoning Map 58A as Parcel 629, containing approximately 2.5 acres of land, more or less, and upon the Petition of Winfred E. Clevenger and Catherine J. Clevenger for a change in zoning classification of lands adjoining the Brandenberger land being the westerly portion of a parcel of land in the Fifth Election District of Queen Anne's County as shown on Queen Anne's County Sectional Zoning Map 58A as Parcel 434 containing approximately 2.5 acres of land, more or less. Both Petitioners requested rezoning of the land from R-3 Urban Residence to B-2 General Business District. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petitions, recommendations of the Queen Anne's County Planning Commission, certificates of publication of notices of the hearing in newspapers of general circulation in Queen Anne's County and certificates as to postings of the properties were entered as part of the record without objection. There was no objection made to consolidation of the two Petitions for purposes of the hearing nor to the form or sufficiency of the procedure followed in processing the Petitions. No objection was made to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Petitioners presented testimony from Winfred E. Clevenger and Marlin S. Clevenger in favor of the Petitions. Messrs. Clevenger contended

ERNER & THOMPSON  
ATTORNEYS AT LAW  
100 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

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that there was a mistake in the original zoning of the subject properties as the Clevenger Parcel had been used for business purposes for a period in excess of 20 years, and that the Bradenberger property is bordered by property on the South and West with a B-2 General Business Classification, and on the North by the Clevenger property which has had a business use conducted thereon since before the enactment of the original Comprehensive Zoning Ordinance in 1964. There was no testimony in opposition to the proposed rezonings.

Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

The County Commissioners of Queen Anne's County find from the evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, do hereby decide that there was a mistake in the original zoning of the subject properties.

Upon motion by Mr. Smith, seconded by Mr. Benton, it was unanimously resolved that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the areas described in the Petitions for rezoning in these cases, being parts of parcels 629 and 434 as shown on Queen Anne's County Sectional Zoning Map No. 58A, be and are hereby reclassified to B-2 (General Business) District.

DATED: November 23, 1982

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss  
President

*Leopold H. Palmarczyk*

*Lemuel H. Benton*  
Lemuel H. Benton  
Vice-President

*Leonard E. Smith*  
Leonard E. Smith

IN THE MATTER OF THE  
PETITION OF BEACH HARBOR  
DEVELOPMENT COMPANY, INC. and  
BEACH HARBOR CAMPERS COOPERATIVE,  
INC., FOR AN AMENDMENT TO THE  
COMPREHENSIVE ZONING ORDINANCE  
OF QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF  
QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on November 30, 1982 at 2:00 p.m. before the County Commissioners of Queen Anne's County upon the amended Petition of Beach Harbor Development Company, Inc. and Beach Harbor Campers Cooperative, Inc., for an amendment to the Queen Anne's County Comprehensive Zoning Ordinance to add a new Section 6.310 to Article 6 of said ordinance to read as follows:

"6.310 - Business signs under the provisions of Section 17.06 as accessory to a use permitted under Section 6.203, 6.205, 6.206, 6.207, 6.213, 6.214, 6.216, 6.217, 6.218, 6.219 and 6.220 in the A-1 Agricultural District and under Section 7.206 in the A-2 Agricultural-Conservation District."

The hearing was held in the County Commissioners Office, County Office Building, Banjo Lane, Centreville, Maryland.

The Petition, certificate of advertising, and recommendation of the Queen Anne's County Planning Commission were entered into the record of the proceedings. There was no objection to the procedure followed in processing the Petition or to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Samuel J. Brown, Esquire, appeared on behalf of the Petitioners. Mr. Brown presented no testimony or exhibits but contended that the proposed Amendment was necessary to insure uniformity of treatment of businesses in Agricultural Zones with their treatment in other zones in the County insofar as allowable sign area.

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CLERK, CIRCUIT COURT

1982 DEC 13 AM 10:51

QUEEN ANNE'S COUNTY

Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission and answered a number of questions relating to the proposed Amendment.

Following discussion, it was moved by Mr. Benton, seconded by Mr. Smith and unanimously resolved as follows:

That the foregoing Amendment to the Comprehensive Zoning Ordinance be and is hereby ADOPTED.

Dated: November 30, 1982

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss  
President

*Lynnda H. Palmatary*

*Lemuel H. Benton*  
Lemuel H. Benton  
Vice-President

*Leonard E. Smith*  
Leonard E. Smith

ORDINANCE NO. \_\_\_\_\_

MARYLAND TRANSPORTATION BONDS

AN ORDINANCE to authorize Queen Anne's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal of and interest on bonds to be issued by the Department of Transportation of Maryland, pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof, hereinafter designated as Department of Transportation -- County Transportation Bonds -- First Issue, Sixth Series; and to authorize Queen Anne's County to participate in the proceeds of the Bonds; and to authorize the Commissioners of Queen Anne's County to take such further action as may be necessary and proper to consummate the execution and delivery of the said Participation Agreement and the issuance and sale of the Bonds.

WHEREAS

Pursuant to §3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof (the "Act"), the Department of Transportation of Maryland (the "Department") is authorized to issue bonds in order to enable the counties of the State to accelerate programs of road construction and reconstruction, to provide local participating funds for federally aided transportation projects, to make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions, and to provide funds generally to finance the capital cost of transportation facilities;

WHEREAS

Queen Anne's County (the "County") has notified the Department of its desire to participate in the sale of Department of Transportation -- County Transportation Bonds -- First Issue, Sixth Series (the "Bonds") to be issued during the fiscal year, beginning July 1, 1983;

CLERK OF THE COURT

1983 JUL -7 AM 9 58

QUEEN ANNE'S COUNTY

Ordinance No. \_\_\_\_\_

Page Two

## WHEREAS

The Department has approved the County's participation in the proceeds of the Bonds in an amount not to exceed \$ 600,00.00 ;

## WHEREAS

§3-307 of the Act requires that the Department and the County enter into an agreement as more particularly described therein (the "Participation Agreement");

## WHEREAS

The County has determined that it would be in the public interest to enter into such an agreement and participate in the proceeds of the Bonds in order to provide the County with funds to undertake road and transportation projects for which there is a current need but for which funds are not currently available.

NOW THEREFORE BE IT ENACTED BY THE COUNTY COMMISSIONERS

OF Queen Anne's COUNTY, MARYLAND

SECTION I

That the Participation Agreement to be entered into between the County and the Department in substantially the form attached hereto and made a part hereof as Exhibit A be and it is hereby approved; and that the COUNTY COMMISSIONERS OF Queen Anne's COUNTY, be and are hereby authorized and directed to execute the Participation Agreement on behalf of the County in substantially the form attached hereto and made a part hereof, with such changes and insertions as they shall deem to be in the best interest of the County and their execution of the Participation Agreement shall constitute conclusive evidence of their approval of the final form thereof.

SECTION II

That the COUNTY COMMISSIONERS OF Queen Anne's COUNTY and the other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the Participation Agreement, including the issuance and sale by the Department of the Bonds.

SECTION III

That the County is hereby authorized to participate in the proceeds of the Bonds in an aggregate principal amount not to exceed \$ 600,000.00.

SECTION IV

AND BE IT FURTHER ENACTED BY the Board of County Commissioners of Queen Anne's County, Maryland that this ORDINANCE shall become effective on the 28th day of June, 1983.

ADOPTED this 28<sup>th</sup> day of June, 1983.

COUNTY COMMISSIONERS OF  
Queen Anne's COUNTY

Oscar A. Schub  
, President

Thomas E. P...  
, Commissioner

Vernon B. Sutherland  
, Commissioner

Linda H. Palmatier  
, Clerk

IN THE MATTER OF THE  
PETITION OF MAREEN D. WATERMAN,  
ET AL., FOR A CHANGE IN ZONING  
CLASSIFICATION, FOURTH ELECTION  
DISTRICT, QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, August 2, 1983 at 2:00 p.m. upon the Petition of Mareen D. Waterman, William F. Wolfe, III, Aurora B. Wolfe, Richard M. Hunt, Sharon D. Hunt, Charles E. Jones, Sr. and Karen R. Jones for a change in zoning classification of lands of the Petitioners situated on Maryland Route 18 near the village of Chester in the Fourth Election District of Queen Anne's County, Maryland, from B-1 (Community Business) District and R-3 (Urban Residence) District to B-2 (General Business) District. The properties which are the subject of this Petition are designated as Parcels Nos. 177, 178, 179, 180, 181 and 182 on Queen Anne's County Sectional Zoning Map No. 57.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certificates of Publication evidencing advertisement of the public hearing and Certifications as to posting the properties, were entered as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissions of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., represented the Petitioners and presented extensive testimony and exhibits on behalf of the proposed rezoning. Mr. Price contended that there has been a substantial change in the character of the neighborhood since the original zoning of the subject properties.

TURNER & THOMPSON  
ATTORNEYS AT LAW  
109 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

FILED  
CLEARED  
AUG 24 11:30  
QUEEN ANNE'S COUNTY



There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

Following the hearing, the County Commissioners resubmitted the proposed rezoning to the Queen Anne's County Planning Commission for their further recommendation, pursuant to Article 21, Section 21.23 of the Zoning Ordinance. The further recommendations of the Planning Commission have been duly received.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and testimony and evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood sufficient to justify the proposed rezoning.

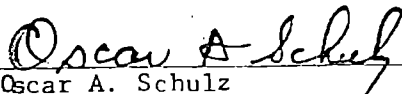
Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

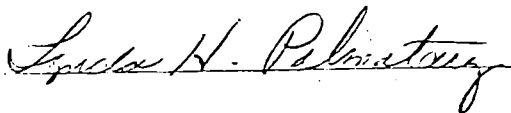
BE IT ORDAINED that the areas described in the Petition for rezoning in this case, being Parcels Nos. 177, 178, 179, 180, 181 and 182 as shown on Queen Anne's County Sectional Zoning Map No. 57, be and are hereby reclassified to B-2 (General Business) District.

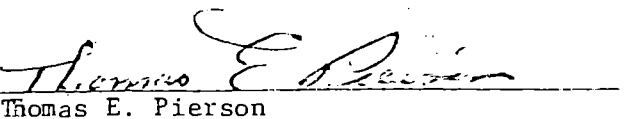
Dated: August 16, 1983

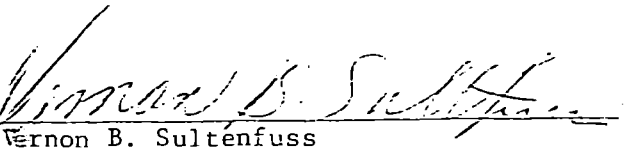
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz



  
Thomas E. Pierson

  
Vernon B. Sultenfuss

TURNER & THOMPSON  
ATTORNEYS AT LAW  
109 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

IN THE MATTER OF THE	*	BEFORE THE
RECOMMENDATION OF THE QUEEN		COUNTY COMMISSIONERS
ANNE'S COUNTY PLANNING COMMISSION	*	OF
FOR AN AMENDMENT TO ARTICLES 20 AND		QUEEN ANNE'S COUNTY
21 OF THE COMPREHENSIVE ZONING	*	COUNTY ZONING
ORDINANCE OF QUEEN ANNE'S COUNTY		CASE NO. _____

\* \* \* \* \*

DECISION

A hearing was held on August 2, 1983 at 1:30 p.m. before the County Commissioners of Queen Anne's County upon the recommendations of the Queen Anne's County Planning Commission to amend the Comprehensive Zoning Ordinance of Queen Anne's County by deleting the present Section 20.33 and in lieu thereof to add a new Section 20.33 to read as follows:

"20.33 - The filing fee established by the Queen Anne's County Commissioners shall accompany each application or appeal to the board."

And to delete the present Section 21.25 and in lieu thereof to add a new Section 21.25 to read as follows:

"21.25 - The filing fee established by the Queen Anne's County Commissioners shall accompany each application for a change in zoning."

The recommendations of the Queen Anne's County Planning Commission made pursuant to Article 21 of the Comprehensive Zoning Ordinance and certificate of publication of advertisements giving notice of the hearing were entered into the record of the proceeding without objection. There was no objection noted to the procedure followed in processing the proposed Amendments nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission and explained the purpose, objectives and anticipated effects of the proposed amendments.

TURNER & THOMPSON  
ATTORNEYS AT LAW  
109 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

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QUEEN ANNE'S COUNTY

There was no testimony or public comment offered on the proposed Amendments.

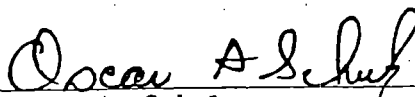
Following discussion, it was moved by Mr. Pierson, seconded by Mr. Sultenfuss and unanimously RESOLVED as follows:

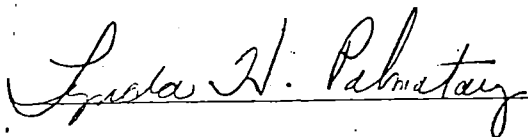
That the foregoing Amendments to the Comprehensive Zoning Ordinance of Queen Anne's County be and are hereby ADOPTED.

Dated: August 2, 1983

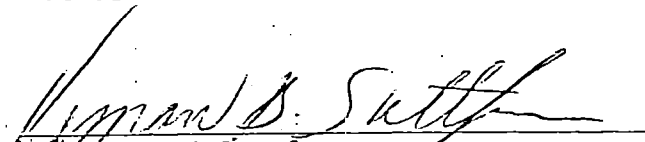
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz



  
Thomas E. Pierson

  
Vernon B. Sultenfuss



After a thorough consideration of the Petition and of the testimony, exhibits and recommendations presented to it and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County find that there has in fact been a change in the neighborhood and that such change would justify a rezoning of the subject property to B-1 (Community Business) District.

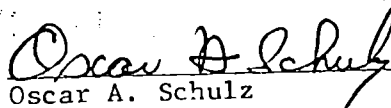
It was thereupon moved by Mr. Sultenfuss, seconded by Mr. Pierson and unanimously resolved as follows:

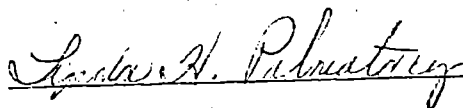
Be it ORDAINED by the County Commissioners of Queen Anne's County that Parcels 2 and 98 on Queen Anne's County Sectional Zoning Map No. 59 and Parcel 57 on Queen Anne's County Sectional Zoning Map No. ~~56~~<sup>51</sup> be and they are hereby reclassified from M-2 (General Industrial) District to B-1 (Community Business) District.


Dated: November 1, 1983

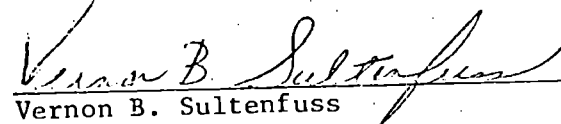
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz

  
Linda H. Palmar

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE : BEFORE THE  
 RESOLUTION OF THE COUNTY : COUNTY COMMISSIONERS  
 COMMISSIONERS OF QUEEN ANNE'S : OF QUEEN ANNE'S COUNTY  
 COUNTY INITIATING A CHANGE IN : ZONING  
 IN ZONING CLASSIFICATION, FOURTH : CASE NO. \_\_\_\_\_  
 ELECTION DISTRICT, QUEEN ANNE'S :  
 COUNTY :

: : : : : : : : : :

DECISION

A hearing was held on Tuesday, November 22, 1983 at 2:00 p.m. upon the Resolution of The County Commissioners of Queen Anne's County initiating a change in zoning classification of certain lands containing 159 acres, more or less now owned by The County Commissioners of Queen Anne's County located near Stevensville in the Fourth Election District of Queen Anne's County from A-1 (Agricultural) District to M-2 (General Industrial) District. The property which is the subject of this rezoning initiative or designated as Parcel 88 on Queen Anne's County Sectional Zoning Map No. 48 and part of Parcel 14 or Queen Anne's County Sectional Zoning Maps No. 56 and No. 48.

The hearing was held in the office of The County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Resolution of The County Commissioners dated August 30, 1983, the recommendations of The Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing, and certification as to posting of the property were entered as part of the record without objection to the form or sufficiency of the procedure followed in processing the rezoning nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

There was no testimony in favor of the proposed rezoning. Some residents of the area testified in opposition to the proposed rezoning.

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 QUEEN ANNE'S COUNTY

Mr. Wayne C. Gardner presented the recommendations of The Queen Anne's County Planning Commission.

Upon consideration of the proceedings, including the recommendations of the Planning Commission and the testimony and evidence presented and after making the findings of fact required by Article 56B of The Annotated Code of Maryland, The County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood sufficient to justify the proposed rezoning. In so doing, The County Commissioners of Queen Anne's County specifically adopt the recommendations of The Queen Anne's County Planning Commission.

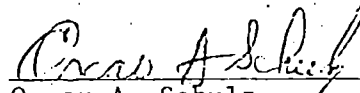
Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously RESOLVED that The Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

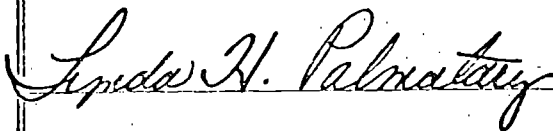
BE IT ORDAINED that the area described in the Resolution initiating this rezoning, being Parcel 88 on Queen Anne's County Sectional Zoning Map No. 48 and part of Parcel 14 on Queen Anne's County Sectional Zoning Maps No. 56 and No. 48 be and are hereby rezoned to M-2 (General Industrial) District.

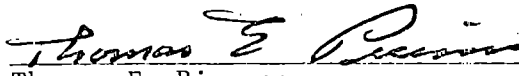
Dated: November 22, 1983

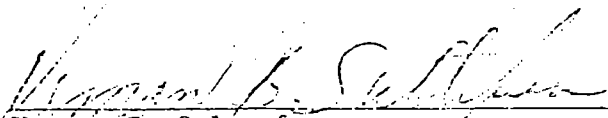
THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz



  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE	*	BEFORE THE
RECOMMENDATION OF THE QUEEN		COUNTY COMMISSIONERS
ANNE'S COUNTY PLANNING COMMISSION	*	OF
FOR AN AMENDMENT TO ARTICLES 3, 16,		QUEEN ANNE'S COUNTY
6 and 7 OF THE COMPREHENSIVE ZONING	*	COUNTY ZONING
ORDINANCE OF QUEEN ANNE'S COUNTY		CASE NO. _____

\* \* \* \* \*

DECISION

A hearing was held on October 11, 1983 at 1:30 p.m. before the County County Commissioners of Queen Anne's County upon the recommendations of the Queen Anne's County Planning Commission to amend the Comprehensive Zoning Ordinance of Queen Anne's County. Reference is made to an excerpt from the minutes of the August 10, 1983 meeting of the Queen Anne's County Planning Commission for the full text of said amendments, the same being hereby incorporated herein as if set forth in full.

The recommendations of the Queen Anne's County Planning Commission made pursuant to Article 21 of the Comprehensive Zoning Ordinance and certificates of publication giving notice of the hearing were entered into the record of the proceeding without objection. There was no objection made to the procedure followed in processing the proposed Amendment.

David C. Bryan, Esquire, appeared on behalf of the Queen Anne's County Planning Commission and explained the purpose, objectives and intended effects of the proposed Amendments. Mr. Bryan presented testimony from Mr. Wayne L. Gardner, Zoning Administrator and Secretary to the Planning Commission, regarding the proposed Amendments.

Testimony was received from Waller S. Hairston, Esquire, and Lawrence B. Kurland, Esquire, representing Ad+Soil Services, Inc., in opposition to the proposed Amendments. Messrs. Hairston and Kurland also submitted a written summary of their objections entitled "Stated Objections to the Adoption of Proposed Amendments to the Queen Anne's County Comprehensive Zoning Ordinance", which document, together with the attached exhibits, was made a part of the record in this proceeding.

*filed 12/29/83*



It is apparent to the County Commissioners of Queen Anne's County that the Comprehensive Zoning Ordinance does not presently address the storage and distribution of Sewage Sludge within Queen Anne's County. The proposed Amendments would address this omission in the Zoning Ordinance and appears to be a fair and reasonable regulation of sewage sludge storage and distribution. Permanent sludge storage and distribution in the M-2 General Industrial District is compatible with the other permitted uses in the M-2 General Industrial District and the temporary storage of sludge in the A-1 (Agricultural) District and A-2 (Agricultural-Conservation) District is compatible with the permitted uses in those zones. For the reasons stated on the record in this proceeding by the counsel for the Queen Anne's County Planning Commission, the County Commissioners determine that the enactment of the proposed Amendments are needed and would serve to promote the health, safety, morals and general welfare of the citizens of Queen Anne's County, and is in conformance with the Queen Anne's County Master Plan and with the purpose and intent of the Queen Anne's County Zoning Ordinance.

It was thereupon moved by Mr. Sultenfuss, seconded by Mr. Schulz (Mr. Pierson being absent from deliberations) and unanimously ORDAINED that the foregoing amendments to the Comprehensive Zoning Ordinance of Queen Anne's County be and they are hereby ADOPTED.

Dated: October 25, 1983

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Billie P. Canell

Oscar A. Schulz  
Oscar A. Schulz

Vernon B. Sultenfuss  
Vernon B. Sultenfuss

IN THE MATTER OF THE	*	BEFORE THE
PETITION OF KENT ISLAND LIMITED		COUNTY COMMISSIONERS
PARTNERSHIP FOR A CHANGE IN ZONING	*	OF
CLASSIFICATION OF LANDS OF THE		QUEEN ANNE'S COUNTY
PETITIONER, FOURTH ELECTION	*	COUNTY ZONING
DISTRICT, QUEEN ANNE'S COUNTY		CASE NO. _____
* * * * *		* * * * *

DECISION

Two hearings have been held on this matter. The first hearing was held on June 7, 1983 upon the request of Petitioner to rezone the subject property from M-1 Industrial Park District to partially B-2 General Business District and partially M-3 Maritime District. The second hearing was held October 4, 1983 on the Petitioner's amended request that the entire of the subject property be rezoned M-3 Maritime District. The subject property is designated as parts of Parcels 280 and 90 on Queen Anne's County Sectional Zoning Map No. 56, Fourth Election District, Queen Anne's County. Both hearings were held in the offices of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

At each hearing the Petition, recommendation of the Queen Anne's County Planning Commission, certificates of publication of notices of the hearings in newspapers of general circulation in Queen Anne's County and certificates as to postings of the property were entered as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition. No objection was made to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

At each hearing the Petitioner was represented by Vachel A. Downes, Jr., Esquire, who, in each instance presented testimony from Nathan Morris in support of the granting of the Petition. At each hearing the recommendations of the Queen Anne's County Planning Commission were presented by Mr. Wayne L. Gardner.

*Filed 12/29/83*

Following the first hearing the matter was resubmitted to the Queen Anne's County Planning Commission for their further recommendation pursuant to Section 21.23 of the Queen Anne's County Comprehensive Zoning Ordinance. Following the second hearing the County Commissioners reviewed the entire record in this proceeding and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, do hereby decide that there was a mistake in the present zoning of the subject property.

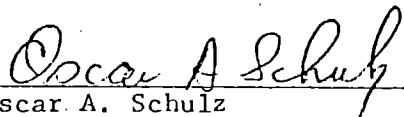
Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously resolved that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

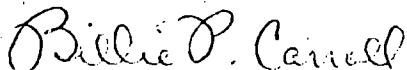
BE IT ORDAINED that the areas described in the Petition for rezoning in this case, being parts of parcels 280 and 90 on Queen Anne's County Sectional Zoning Map No. 56, be and are hereby reclassified to M-3 (Maritime) District.

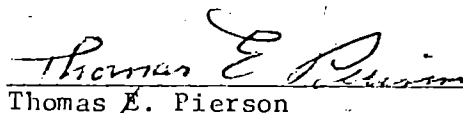
Dated: October 25, 1983

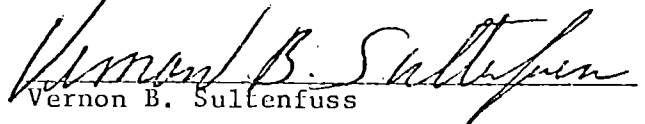
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz

  
Billie D. Canell

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION  
 OF BAY BRIDGE AIRPARK LIMITED  
 PARTNERSHIP FOR A CHANGE IN  
 ZONING CLASSIFICATION, FOURTH  
 ELECTION DISTRICT, QUEEN  
 ANNE'S COUNTY

\*  
\*  
\*  
\*

BEFORE THE  
 COUNTY COMMISSIONERS  
 OF  
 QUEEN ANNE'S COUNTY  
 COUNTY ZONING  
 CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, June 7, 1983 at 3:00 p.m. upon the Petition of Bay Bridge Airpark Limited Partnership for a change in zoning classification of lands of the Petitioner being a portion (lots 2 through 6) of Parcel 280 as shown on Queen Anne's County Sectional Zoning Map No. 56, containing approximately 6.34 acres, more or less, from M-1 Industrial Park District to B-1 Community Business District. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, the recommendations of the Queen Anne's County Planning Commission, certificates of publication of notices of the hearing in newspapers of general circulation in Queen Anne's County and a certificate as to posting of the property were entered as part of the record without objection. There was no objection of the procedure followed in processing the Petition. No objection was made to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

The Petitioner was represented by Vachel A. Downes, Jr., Esquire, who presented several witnesses in favor of the granting of the Petition and further presented testimony regarding the proposed use of the property should it be rezoned. Mr. Downes contended that there was a mistake in the original zoning of the subject property and that there has been a change in character of the neighborhood.

There was testimony presented from several residents of Bay City in opposition to the Petition as well as testimony on behalf of the Kent Island Civic Confederation and the Bay City Improvement Association, also in opposition.

*Filed 12/29/83*

Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission made at their meeting of September 16, 1982.

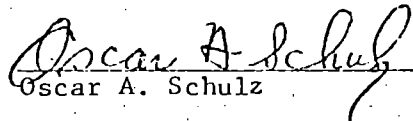
The County Commissioners of Queen Anne's County find from the evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, do hereby decide that there was no mistake in the original zoning of the subject property nor has there been shown a sufficient change in the character of the neighborhood to warrant a change in the original zoning of the property. Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously resolved that the recommendation of the Queen Anne's County Planning Commission be adopted. It is therefore,

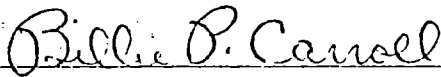
ORDAINED that the Petition for rezoning in this case be and the same is DENIED.

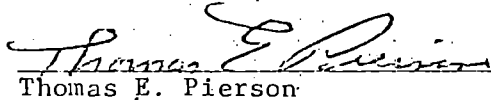
Dated: October 25, 1983

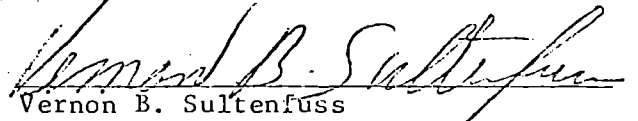
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz

  
Billie P. Canoll

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

- QUEEN ANNE'S COUNTY

BUILDING CODE

1983

THE COUNTY COMMISSIONERS  
QUEEN ANNE'S COUNTY

CENTREVILLE, MARYLAND

RECEIVED  
CLERK OF COURT

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QUEEN ANNE'S COUNTY

ORDINANCE \_\_\_\_\_

WHEREAS, by virtue of the authority contained in Chapter 197 of the Acts of the General Assembly of 1979, Code of Public Laws of Queen Anne's County, Section 25 - County Commissioners, Section 3(s) (3), Annotated Code of Maryland (Replacement Volume and 1978 Supplement), the County Commissioners of Queen Anne's County are authorized to adopt and promulgate and from time to time amend, revise, rescind or change a Building Code and Plumbing Code, and an Electrical Code, and;

WHEREAS, the adoption of such codes would be in the best interest of the citizens of Queen Anne's County.

NOW, THEREFORE, the County Commissioners of Queen Anne's County hereby adopt and enact for purposes of controlling all matters pertaining to the construction, alterations, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings, and structures, the "BOCA" Basic Building Code, BOCA Basic Energy Conservation Code and the One and Two Family Dwelling Code as adopted by the Building Officials and Code Administrators International, Inc., and as amended by the Building Officials and Code Administrators International, Inc. from time to time (it being the intent of this ordinance that such codes shall be effective as amended from time to time including such subsequent editions as may be adopted subject only to the amendments, changes, etc., listed below and such further or additional changes or amendments as may be specifically adopted by the County Commissioners of Queen Anne's County) such Code being effective within the unincorporated territory of Queen Anne's County on the date of adoption shown herein, and of which not less than one (1) copy shall be filed in the office of the County Commissioners of Queen Anne's County, and the same is hereby adopted and incorporated as fully as if set out at length herein with the below listed changes, amendments, revisions, deletions, substitutions and additions.

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

100.1 GENERAL:

Substitute "Queen Anne's County" for the phrase "Name of Municipality" or "Jurisdiction" wherever it appears in the Building Code.

103.1 CONTINUATION OF EXISTING USE:

The legal use and occupancy of any structure existing on (date of adoption of this code) or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this code or as may be deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

108.1 GENERAL:

All new, alteration, repair, expansion, addition or modifications work involving the practice of professional architecture or engineering as defined by the statutory requirements of the professional registration laws of the State of Maryland in which the construction is to be undertaken, shall be prepared by registered professional architects or engineers as certified by the State of Maryland. All plans, computations and specifications required for a building permit application for such work must be prepared by or under the direct supervision of a registered architect or engineer and bear his signature and seal in accordance with the State of Maryland statutes and regulations governing the professional registration and certification of architects or engineers (see Section 111.7).

109.1 BUILDING OFFICIAL:

The Department of Building Permits and Inspections of Queen Anne's County is hereby created and the executive official in charge shall be known as the Building Official. In event a Building Official has not been appointed, the appointing authority shall designate a person to be responsible for enforcing the provisions of the Building Code.

109.2 APPOINTMENT:

The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

114.1 FEES - GENERAL:

A permit to begin work for new construction, alteration, removal, demolition or other building operations shall not be issued until the fees prescribed in this section shall have been paid to the Department of Permits and Inspections or other authorized agency of the jurisdiction nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

114.2 SPECIAL FEES:

The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the



work contemplated by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for Entrance Permits, Sediment Control Permits, Sign Permits, Water and Sewer Connection charges, Fees of Inspection, Certificates of Use and Occupancy or other privileges or requirements, both within and without the jurisdiction of the Department of Permits and Inspections.

114.5 REFUNDS:

A building permit or an application therefore shall not be transferred from the applicant's name to another's without the express approval of the Building Official.

115.1 PRELIMINARY INSPECTION:

Before issuing a permit, the Building Official may examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish, or change the use thereof, and he shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit. He shall maintain a record of all examinations and inspections and of all violations of the Basic Code. The listed Contractor must notify the Department of Permits and Inspections and request an inspection following each of the phases of construction listed below:

1. Footer Trench (in advance of pouring) and site inspection.
2. Walls, including parging and waterproofing.
3. Drain tile, Installed.
4. Framing, prior to close-in.
5. Final - includes grading, seeding, and driveway apron - (if required).

NOTE: "FINAL" means "complete and ready for use". The Building Official shall have the authority to act on any question relative to what is "complete and ready for use" and whether the construction has been done in "good workmanlike manner".

The Contractor shall not proceed with the construction of the next phase unless notification has been given and inspection has been completed and approved.

Inspection request must be made at least twenty-four (24) hours in advance of desired time, specifying either A.M. or P.M. Request for inspection shall be given to the Department of Permits and Inspections Office. In the event the inspector finds when visiting the site, the construction pertaining to this requested inspection was not ready, the Building Official may impose a reinspection fee of \$ for each additional call for the same inspection for each permit.

The Building Official may also impose a reinspection fee of \$ for the following reasons:

- a. Permit not posted on premises.
- b. Plans not on premises for footer and framing inspections.
- c. Premises locked.
- d. Lack of safe access into premises.
- e. Lack of safe access between floors.
- f. Previous violations not corrected on call back.

In addition to the building category, final inspection must be made on the plumbing, electrical and well and sewer work, if applicable, prior to the issuance of a Use and Occupancy Permit. The listed Plumber and listed Electrician must request their own inspections.

#### 115.6 FARM BUILDINGS:

Buildings on farms including those facilities for housing farm animals, for farm equipment, and for farm storage, but not including residential buildings, shall be exempt from the provisions of the Code with the exception of Section 114 and Article 15 of the Basic Code.

#### 117.3 PROSECUTION OF VIOLATION:

If the notice of violation is not complied with promptly, the Building Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

#### 117.4 VIOLATION PENALTIES:

Any person who shall violate a provision of this code or shall fail to comply with any of the

requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Official or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or by imprisonment not exceeding Thirty (30) Days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

117.5 ABATEMENT OF VIOLATION:

The imposition of the penalties herein prescribed shall not preclude the County Commissioners, County Attorney, Building Official or any person who would be specifically damaged by a violation from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

117.6 WITHHOLDING OF PERMITS:

Whenever the Building Official shall find that any contractor or owner is in violation of the provisions of this code or of the rules and regulations of any other department or agency of Queen Anne's County in connection with the erection, maintenance or repair of buildings, structures, lands or equipment thereon or therein, he may refuse to grant any further permits to such contractor or owner until all violations have been corrected.

118.2 UNLAWFUL CONTINUANCE:

Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to penalties specified in Section 121.4.

119.7 SUBDIVISION STREETS AND DRIVEWAY ENTRANCE PROVISIONS:

When a street is required to be constructed in accordance with subdivision regulations for Queen Anne's County, no temporary or permanent use and occupancy permit shall be granted until the Department of Public Works of Queen Anne's County, Roads Division certifies that the grading and construction of the said street has been completed in accordance with the existing specifications, or in lieu thereof, a bond or guarantee for this construction has been given. Private

driveways that join a County or State Road must be in accordance with the specifications or regulations, and be accepted by the appropriate agency prior to the issuance of a Use and Occupancy Permit.

120.5 POSTING UNSAFE NOTICE:

If the person addressed with an unsafe notice cannot be found within the County after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

120.6 DISREGARD OF UNSAFE NOTICE:

Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the Building Official shall be advised of all the facts and he shall institute the appropriate action to compel compliance in accordance with Section 121.0 herein.

124.0 BOARD OF BUILDING APPEALS

124.1 APPLICATION FOR APPEAL:

The owner of a building or structure or any other person may appeal from a decision of the Building Official covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Board of Building Appeals. Application for appeal may be made when it is claimed that: the true intent of this code or the rules legally adapted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used.

124.2 MEMBERSHIP OF BOARD:

The Board of Building Appeals shall consist of three (3) members appointed by the County Commissioners of Queen Anne's County: One (1) member to be appointed for three (3) years; One (1) member for two (2) years and One (1) to serve One (1) year, and thereafter each new member to serve for three (3) years or until his successor be appointed. In addition, an alternate shall be appointed to serve in the absence of a regular member.

124.2.1 QUALIFICATIONS OF BOARD MEMBERS:

The Board shall be the County Commissioners or an appointed Board with at least two (2) members with at least five (5) years' building experience as licensed professional engineers or architects, building inspectors, contractors or superintendents of building construction for three (3) years of which

they shall have been responsible charge of work.  
Third member shall be Member-at-Large.

124.4 NOTICE OF MEETING;

The Board shall meet upon notice of the chairman within ten (10) days of the filing of an appeal and the payment of a fee by the applicant, or at stated periodic meetings if warranted by the volume of work.

124.6 ADJOURNED MEETING:

When all qualified members are not present to consider a specific appeal, either the appellant, the Building Official or their representatives may request a postponement of the hearing.

124.7 ACTION OF THE BOARD:

The Board shall affirm, modify or reverse the decision of the Building Official by concurring vote of a majority of the Board.

124.7.2 DETERMINING VOTE:

Failure to secure a majority vote of the Board in support of the appellant shall be a confirmation of the Building Official's decision.

124.8 COURT REVIEW:

Any person aggrieved by a decision of the Board of Building Appeals, whether or not a previous party to the decision, or any officer or official board of the jurisdiction, may apply to the appropriate court for a writ of certiorari to correct errors of laws in such decisions. Applications for review shall be made to the proper court of jurisdiction within thirty (30) days after the filing of the Board's decision in the office of the Building Official.

ARTICLE 2

DEFINITIONS AND CLASSIFICATIONS

201.0 GENERAL DEFINITIONS:

ALLEY:

A secondary thoroughfare dedicated for the public use of vehicles and pedestrians affording access to abutting property.

## GENERAL BUILDING LIMITATIONS

## 500.1 SCOPE:

The provisions of this article shall control the division of Queen Anne's County into fire limits and the general limitations of height and area of all buildings hereafter erected, and extensions to existing buildings hereafter altered or enlarged as affected by the fire and life hazard incident to type of construction, use group, density of development, exterior exposure and accessibility of buildings and structures to fire-fighting facilities and equipment.

## 501.2 FIRE LIMITS:

The fire limits shall comprise the areas containing congested business, commercial, manufacturing and industrial uses and multi-family residential in the following zoning districts: "B-1", Community Business District; "B-2", General Business District; "M-1", Industrial Park District; "M-2", General Industrial District; "M-0", Controlled Industrial District; "M-3", Maritime District; and the "R-4", Apartment District where the building exceeds six (6) stories or seventy-five (75) feet in height, as designated on the official zoning maps for Queen Anne's County.

## 514.1 GENERAL:

Pursuant to a variance granted by the Board of Building Appeals under the provisions of Section 124.0, the Building Official may issue a permit for temporary construction as approved by the Board of Building Appeals. Such permits shall be limited as to time of service, but such temporary construction shall not be permitted for more than one (1) year.

## 515.0 PHYSICALLY HANDICAPPED AND AGED:

Use: Maryland Building Code for Handicapped and Aged 05.01.07

ARTICLE 6

## SPECIAL USE AND OCCUPANCY REQUIREMENTS

## 602.1.1 INSIDE STORAGE;

Unless otherwise approved by the local State Fire Marshall, inside storage in process rooms shall be

limited to one (1) day's supply in approved sealed containers of not more than five (5) gallon capacity or in approved steel barrels or drums of not more than fifty-five (55) gallon capacity.

#### ARTICLE 8

##### MEANS OF EGRESS

###### 804.2.1 APPEAL FROM EXITWAY ORDER:

Within seven (7) days after the service of the exitway order of the Building Official, the owner may file a written appeal therefrom.

#### ARTICLE 9

##### STRUCTURAL AND FOUNDATION LOADS AND STRESSES

###### 911.2 DESIGN SNOW LOAD:

The one hundred (100-) year mean recurrence interval (18 psf) shall be used for all buildings in use group A, H, I, and R-1. The fifty (50-) year mean recurrence interval (16 psf) shall be used for all buildings in use group B, F, M, R-2 and R-3. The twenty-five (25) year mean recurrence interval (14 psf) shall be used for buildings in use group S and any building in miscellaneous use group T which does not have human occupants. The snow load design used for temporary buildings shall be approved by the Building Official.

###### 912.1 DESIGN:

All exposed structures or parts of structures shall be designed to resist the pressures due to wind in any direction, as provided in Section 912.0 to 915.0 inclusive. The basic minimum wind speeds (80 mph) are shown in Figure 912.1 for the geographic location of the structures. The minimum wind pressures corresponding to specific wind speeds and heights are shown in Table 912.1. In all cases, the wind loads shall be considered as acting normal to the surfaces to which they apply. These provisions do not apply to structures of unusual shape, exposure, or structural characteristics which would make them susceptible to unusual stresses. In such cases, special engineering investigations are required.

1005.1 FROST PROTECTION:

Except when erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures larger than one hundred (100) square feet in area or ten (10) feet in height shall extend below the frost line (24 inches) of the locality, and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil. Or, such structures shall be supported on piles or ranging timbers when solid earth to rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character.

ARTICLE 17

FIRE PROTECTION SYSTEMS

1700.3 MAINTENANCE:

The owner, tenant or lessee of every building or structure shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety and welfare of the occupants. Fire protection systems shall not be disconnected or otherwise rendered un-serviceable without first notifying the Building Official who then shall notify the Fire Board. When installations of required fire protection systems are interrupted for repairs or other necessary reasons, the owner, tenant or lessee shall immediately advise the Building Official and shall diligently prosecute the restoration of the protection.

1717.7.3 PRE-SIGNAL SYSTEMS:

A pre-signal system may be installed in institutional occupancies. Pre-signal systems shall not be installed in other occupancies, unless approved by the department or the local State Fire Marshall. Where a pre-signal system is installed, twenty-four (24) hour personnel supervision shall be provided at location approved by the Fire Board, in order that the alarm signal can be actuated in the event of fire or other emergency.

ARTICLE 18

PRECAUTIONS DURING BUILDING OPERATIONS

1807.2.1 DEEP EXCAVATIONS:

Whenever an excavation is made to a depth of more



than four (4) feet below the established curb, the person who causes such excavation to be made, if afforded the necessary license to enter the adjoining premises, shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises which may be affected by the excavation. If the necessary license is not afforded, it shall be the duty of the owner of the adjoining premises to make his building or structure safe by installing proper underpinning or foundations or otherwise; and such owner, if it be necessary for the prosecution of his work shall be granted the necessary license to enter the premises where the excavation or demolition is contemplated.

1807.2.2 SHALLOW EXCAVATIONS:

Where an excavation is made to a depth less than four (4) feet below the curb, the owner of a neighboring building or structure the safety of which may be affected by the proposed excavation, shall preserve and protect from injury and shall support his building or structure by the necessary underpinning or foundations. If necessary for that purpose, he shall be afforded a license to enter the premises where the excavation is contemplated.

ARTICLE 19

SIGNS

1906.1 FILING:

A person shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond shall have been filed in the sum of \$10,000.00 as herein required or until an insurance policy shall have been filed for public liability in the amount of \$300,000.00 per accident and for property damage in the amount of \$50,000.00 as herein required.

ARTICLE 21

ELEVATOR, DUMBWAITER AND CONVEYOR  
EQUIPMENT, INSTALLATION AND MAINTENANCE

2102.4.1 PERIODIC INSPECTION INTERVALS:

Use: Division of Labor and Industry

2103.0 CERTIFICATE OF COMPLIANCE:

Use: Division of Labor and Industry

ONE AND TWO FAMILY DWELLING CODE

CHAPTER 1

ADMINISTRATIVE

R-104      AUTHORITY:  
 thru  
 R-113      The Administration and Enforcement of this Code shall  
 be as prescribed by Article 1 of the BOCA Basic  
 Building Code/1981.

CHAPTER 2

BUILDING PLANNING

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Live Load lbs. per sq. ft.	Roof Snow Load lbs. per sq. ft.	Wind Velocity in lbs. per sq. ft.	Seismic Condition by Zone	SUBJECT TO DAMAGE FROM			
				Weather- ing	Frost Line Depth	Termite	De
Refer to Page 206 Table 710 BOCA CODE	20	30	1	Yes 2,500	Yes 24"	Yes Zone 2	Y Ze

CHAPTER 3

FOUNDATIONS

R-302      MATERIALS:

Conformity with the applicable standards specified in Section S-26.302 shall be evidence that the materials for foundations, footings and basement walls as set forth in this Chapter are reasonably safe to persons and property.

The ultimate compressive strength of concrete at 28 days shall be not less than 2500 pounds per square inch except where weather exposure requires a greater strength or cement content as set forth in Table No. 2A.

CHAPTER 11

EQUIPMENT GENERAL

M-1114 APPLIANCES:

Appliances installed in garages or other areas where they may be subjected to mechanical damage shall be suitably guarded against damage.

Appliances generating a flame, glow or spark capable of igniting flammable vapors may be installed at least eighteen (18") inches above the floor of a garage provided that a door of the garage opens to an adjacent ground or driveway level that is at or below the level of the garage floor.

EXCEPTION:

Sealed combustion system appliances may be installed at floor level.

CHAPTER 20

GENERAL PLUMBING REQUIREMENTS  
AND DEFINITIONS

Delete in its entirety and substitute:  
"Maryland State Plumbing Code 09.20"

CHAPTER 21

PLUMBING MATERIALS

Delete in its entirety and substitute:  
"Maryland State Plumbing Code 09.20"

CHAPTER 22

PLUMBING, DRAINAGE  
AND VENTING SYSTEMS

Delete in its entirety and substitute:  
"Maryland State Plumbing Code 09.20"

CHAPTER 23

PLUMBING FIXTURES, TRAPS AND RECEPTORS

Delete in its entirety and substitute:  
"Maryland State Plumbing Code 09.20"

CHAPTER 24

WATER SUPPLY AND DISTRIBUTION

Delete in its entirety and substitute:  
"Maryland State Plumbing Code 09.20"

CHAPTER 25

SEWERS AND PRIVATE OR INDIVIDUAL  
SEWAGE DISPOSAL SYSTEMS

Delete in its entirety and substitute:

"COMAR 10.17.02"

INDIVIDUAL WATER SUPPLY AND SEWAGE  
DISPOSAL SYSTEMS FOR HOMES AND  
OTHER ESTABLISHMENTS IN THE COUNTIES  
OF MARYLAND WHERE PUBLIC WATER SUPPLY  
AND SEWERAGE ARE NOT AVAILABLE

AND BE IT FURTHER RESOLVED THAT should any section, paragraph or sub-paragraph of this ordinance be declared null and void by any court of competent jurisdiction, the remaining sections, paragraphs or sub-paragraphs shall not be affected thereby, it being the intent of this act that all sections, paragraphs or sub-paragraphs shall be severable.

BE IT FURTHER RESOLVED THAT this code shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this ordinance shall be instituted, proceeded with the prosecuted to final determination and judgment as if this ordinance had not become effective.

Adopted this 3<sup>rd</sup> day of January, 1984

Effective: July 1, 1984

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz, President

Vernon B. Sultenfuss  
Vernon B. Sultenfuss

ATTEST:

Lucas H. Palmatier  
Clerk

Thomas E. Pierson  
Thomas E. Pierson

Approved for Legal Sufficiency:

David E. Wapner  
County Attorney

QUEEN ANNE'S COUNTY

ORDINANCE NO. \_\_\_\_\_

ETHICS PROVISIONS

1. Applicability.

The provisions of this Ordinance apply to the following Queen Anne's County Officials and employees:

All County officials and employees.

2. Ethics Commission.

There shall be a Queen Anne's County Ethics Commission, which shall be composed of three (3) members appointed by the County Commissioners of Queen Anne's County. The Commission shall be advised by the County Attorney and shall have the following responsibilities:

- a. To devise, receive and maintain all forms generated by this Ordinance;
- b. To provide published advisory opinions to persons subject to the Ordinance as to the applicability of the provisions of this Ordinance to them;
- c. To process and make determinations as to complaints filed by any person alleging violations of this Ordinance; and
- d. To conduct a public information program regarding the purposes and application of this Ordinance.

3. Conflicts and Interest.

Queen Anne's County officials and employees who are subject to this Ordinance shall not:

- a. Participate on behalf of the County in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.
- b. Hold or acquire an interest of Fifty-One per cent (51%) or greater in a business entity that has a contract of, or is negotiating a contract of, Five Thousand Dollars (\$5,000.00) or more with the County or is regulated by that persons's agency except as exempted by the Commission where the interest is disclosed pursuant to Section 6 of this Ordinance.
- c. Hold any outside employment relationship that would impair their impartiality or independence of judgment.
- d. Represent any party, for a contingent fee, before any County body.
- e. Within one (1) year following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a County official or employee.
- f. Solicit any gift or accept gifts of greater than Twenty-Five Dollars (\$25.00) in value, from any person that has a contract with, or is negotiating a contract with, the County or is regulated by that person's agency, except when these gifts would not present a conflict of interest as determined by the Commission. "Gift" as herein used, shall mean the transfer of anything of

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QUEEN ANNE'S COUNTY

economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of Article 33 §§26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it, or if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, the foregoing does not apply to:

- I. Meals and beverages;
- II. Ceremonial gifts or awards which have insignificant monetary value;
- III. Unsolicited gifts of nominal value or trivial items of informational value;
- IV. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
- V. Gifts of tickets or free admission extended to an elected official or employee to attend a professional or inter-collegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office.

g. Use the prestige of their office for their own benefit or that of another.

h. Use confidential information acquired in their official County position for their own benefit or that of another.

#### 4. Financial Disclosure.

a. The County officials and employees listed in Paragraph (c) of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the County or any person regulated by their agency. The statement shall identify the donor of this gift and its approximate retail value at the time of receipt.

b. Candidates for elective offices listed in Paragraph (c) of this section shall file statements consistent with the requirements of Subsection (a) of this section at the time that they file their certificate of candidacy

c. Officials and employees required to file:

- I. All elected County officials.
- II. All Department Heads so designated by the County Commissioners of Queen Anne's County.

d. All County officials and employees listed in Paragraph (c) of this section or candidates for elective office to positions subject to this section shall file a statement with the Commission disclosing any interest or employment the



holding of which would require disqualification from participation pursuant to §3(a) of this Ordinance, sufficiently in advance of any anticipated action so as to allow adequate disclosure to the public.

e. Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

5. Lobbying Disclosure.

a. Any person who personally appears before any County official or employee with the intent to influence that person in performance of his official duties and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of Five Hundred Dollars (\$500.00) on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission not later than January 15 of the calendar year or within five (5) days after first making these appearances.

b. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances, and shall cover a defined registration period not to exceed one (1) calendar year.

c. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gift provided to a County official or employee. When a gift or series of gifts to a single official or employee exceed One Hundred Dollars (\$100.00) in value, the official or employee shall also be identified.

d. The registrations and reports filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

6. Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of Section 3 and 4 of this Ordinance if it determines that application of those provisions would:

- a. Constitute an unreasonable invasion of privacy;
- b. Significantly reduce the availability of qualified persons for public service; and
- c. Not be required to preserve the purposes of this Ordinance.

7. Enforcement.

a. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of this order in the Circuit Court of Queen Anne's County.

b. A County official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action, including suspension of County salary or other compensation.

c. Violation of Section 3, 4 or 5 of this Ordinance shall be a misdemeanor subject to a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment of up to six (6) months, or both.

8. This Ordinance shall take effect the 1st day of July, 1982.

Adopted this 24th day of February, 1982, by the County Commissioners of Queen Anne's County.

Readopted as amended this 17th day of January, 1984.

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz, President

Lyda H. Palmatary  
Lyda H. Palmatary, Clerk

Thomas E. Pierson  
Thomas E. Pierson

Vernon B. Sultenfuss  
Vernon B. Sultenfuss

AN ORDINANCE PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN CLOVERFIELDS, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County, held public hearings on February 13, 1979 and on November 24, 1980 after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment;

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner of record of each parcel of property proposed to be assessed, to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County;

NOW THEREFORE be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 1st day of November, 1982, that special assessment charges shall be levied against the properties abutting the roads

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or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of the ordinance and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be 60% of \$381,312.00, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a public record of the names of property owners and amount of the benefit charges hereby levied.

D. The special assessment levied may be payable in ten equal annual installments of principal and interest. Interest shall be calculated at the rate of 8% (eight per centum) per annum. The first installment shall be due and payable on July 1, 1982 and annually on the same date thereafter and shall be collectible in the same manner as county taxes.

E. No transfer of title to property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 16th day of November, 1982.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Vernon B. Sultenfuss*  
VERNON B. SULTEFUSS, PRESIDENT

*Lemuel H. Benton*  
LEMUEL H. BENTON, VICE PRESIDENT

*Leonard E. Smith*  
LEONARD E. SMITH, MEMBER

ATTEST:

*Lynda H. Palmatary*  
Lynda H. Palmatary, Clerk

AN ORDINANCE PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN LONG POINT, FIFTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County, held a public hearing on February 8, 1979 after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment;

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner of record of each parcel of property proposed to be assessed, to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County;

NOW THEREFORE be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 8th day of November, 1983, that special assessment charges shall be levied against the properties abutting Long Point Road leading from Jackson Creek Lane to the end of Long Point subdivision and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be 60% of \$110,761.24, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a

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proportionate amount of the total road front footage of the project area.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a public record of the names of property owners and amount of the benefit charges hereby levied.

D. The special assessment levied may be payable in ten equal annual installments. Interest shall be calculated at the rate of 8% (eight per centum) per annum. The first installment shall be due and payable on July 1, 1983 and annually on the same date thereafter and shall be collectible in the same manner as county taxes.

E. No transfer of title to property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 8th day of November, 1983.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
OSCAR A. SCHULZ, PRESIDENT

Thomas E. Pierson  
THOMAS E. PIERSON

Vernon B. Sultenfuss  
VERNON B. SULTENFUSS

ATTEST:

Lynda H. Plamatary  
Lynda H. Plamatary, Clerk

RESOLUTION

A RESOLUTION TO LEVY SPECIAL ASSESSMENT CHARGES UPON PROPERTY IN QUEEN ANNE COLONY SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, PROVIDING FOR THE REPAYMENT OF THE BONDED INDEBTEDNESS INCURRED FOR BENEFITS CONFERRED UPON SUCH PROPERTY AND PROVIDING FOR THE FORM OF ORDINANCE TO BE ADOPTED LEVYING SUCH SPECIAL ASSESSMENTS.

WHEREAS, on June 28, 1983, the County Commissioners of Queen Anne's County, ("the County") entered into a Participation Agreement with the State of Maryland Department of Transportation, pursuant to Sections 3-301 to 3-309 of the Transportation Article of the Annotated Code of Maryland for the purpose of providing funds for road repairs and to finance the capital cost of such road repair and improvement;

AND WHEREAS, the County will use such funds for the repair and improvement of roads and ways located in the subdivision known as Queen Anne Colony, Kent Island, Fourth Election District, Queen Anne's County, Maryland;

AND WHEREAS, the County has, on June 28, 1983, adopted an Ordinance approving said Participation Agreement and authorizing participation in the proceeds of the sale of Department of Transportation -- County Transportation Bonds -- First Issue, Sixth Series to the extent of \$600,000.00;

NOW, THEREFORE, BE IT RESOLVED, this 9<sup>th</sup> day of August, 1983, by the County Commissioners of Queen Anne's County, as follows:

A. That special assessment charges shall be levied upon the property in Queen Anne Colony Subdivision pursuant to Section 22-11 of the Code of Public Local Laws of Queen Anne's County, for benefits conferred upon such property by the construction and paving of public ways and roads. The levying of such special assessments and the payment of a portion of the cost thereof (the property owners' portion) shall be accomplished by the adoption of an ordinance substantially in the form of the Ordinance attached hereto as "Exhibit A" and made a part hereof.

B. That the Queen Anne's County Roads Board shall be reimbursed from the General Fund of Queen Anne's County for the reduction in highway user revenues resulting from repayment of the aforementioned bonded indebtedness.

TURNER & THOMPSON  
ATTORNEYS AT LAW  
100 LAWYERS ROW  
CENTREVILLE, MARYLAND  
21617

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C. That such special assessments shall be effective and shall be a lien upon the properties benefitted upon the adoption of the Ordinance attached hereto as Exhibit A and in the amount or amounts therein specified.

D. That the Clerk of the Court of Queen Anne's County be instructed to keep a public record of properties affected among the lien records of Queen Anne's County together with the amount of benefit charges levied upon the determination thereof.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County this 9<sup>th</sup> day of August, 1983.

ATTEST:

Oscar A. Schulz (SEAL)  
Oscar A. Schulz

Linda H. Palmatary  
Thomas E. Pierson (SEAL)  
Thomas E. Pierson

Vernon B. Sultenfuss (SEAL)  
Vernon B. Sultenfuss



IN THE MATTER OF THE PETITION OF \*  
THOMPSON CREEK MALL JOINT VENTURE  
AND THOMPSON CREEK CONDOMINIUMS, \*  
INC., FOR A CHANGE IN ZONING  
CLASSIFICATION, FOURTH ELECTION \*  
DISTRICT, QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, November 29, 1983 at 1:30 p.m. upon the Petition of Thompson Creek Mall Joint Venture and Thompson Creek Condominiums, Inc., for a change in zoning classification of lands of the Petitioners situated near Thompson Creek in the Fourth Election District of Queen Anne's County, Maryland, from M-1 (Industrial Park) District to R-4 (Apartment) District and B-1 (Community Business) District. The properties which are the subject of this Petition are designated as Parcel No. 270 and part of Parcel No. 252 on Queen Anne's County Sectional Zoning Map No. 56.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing and Certification as to posting the property, were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., represented the Petitioners and presented extensive testimony and exhibits on behalf of the proposed rezoning. Mr. Price contended that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

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QUEEN ANNE'S COUNTY

Following the hearing, the County Commissioners resubmitted the proposed rezoning to the Queen Anne's County Planning Commission for their further recommendation, pursuant to Article 21, Section 21.23 of the Zoning Ordinance. The further recommendations of the Planning Commission have been duly received.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and testimony and evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood sufficient to justify the proposed rezoning.

Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the areas described in the Petition for rezoning in this case, being Parcel No. 270 and part of Parcel No. 252 as shown on Queen Anne's County Sectional Zoning Map No. 56, be and are hereby reclassified to B-1 (Community Business) District, as to the area of approximately 7.50 acres and to R-4 (Apartment) District as to the balance of land described in said Petition.

Dated: *January 31, 1984*

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

*Oscar A. Schulz*  
Oscar A. Schulz

*Lynda H. Palmatary*  
Lynda H. Palmatary, Clerk

*Thomas E. Pierson*  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

SECTION I DEFINITIONS

As used in this ordinance, the following terms mean;

Animal Abandonment: Any owner of a dog or other domesticated animal who does not humanely dispose of the animal or transfer ownership to some responsible person, when ownership is no longer desired, shall be guilty of "animal abandonment".

Animal Control Authority: A Maryland licensed veterinarian appointed by the County Commissioners of Queen Anne's County.

Animal Control Commission: The duly appointed Animal Control Commission for Queen Anne's County.

Animal Control Facility or Animal Pound: Any premises so designed by the County Commissioners of Queen Anne's County and the Animal Control Commission for the purpose of impounding and caring for stray animals, animals found running at large, or animals found in violation of this ordinance.

Animal Control Officer: The person or persons and their assistants appointed by the County Commissioners of Queen Anne's County under the County Civil Service Regulations to enforce the Ordinance.

Animal Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or exposed to any animal infected with rabies. This determination shall be made by the Maryland Public Veterinarian or the County Health Officer.

At Large: Any dog or other animal will be deemed to be "at large" when not under restraint.

Domesticated Animal: Any animal that is accustomed to living in or about the habitation of man, including, but not limited to cats, dogs, cows, horses, swine, and fowl.

Health Officer: The physician in charge of Queen Anne's County Health Department.

Kennel Operator: Any person, group of persons, association or corporation engaged in the business of breeding, buying, selling, boarding, training of dogs, or who keeps seven or more dogs on the premises. All equipment on the premises used in the operation of such activities shall be deemed part of the kennel.

Owner: Any person, partnership, association, or corporation owning, keeping or harboring a dog or other animal.

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Pet: An animal kept for pleasure rather than utility. Pets include but are not limited to birds, cats, dogs, fish, hamsters, mice, reptiles, domesticated wild animals, and other animals associated with man's environment.

Public Nuisance Animal: Any animal or animals which:

1. molests passerby or passing vehicles
2. attacks other animals
3. trespasses on school grounds
4. is repeatedly at large
5. damages private or public property
6. barks, whines, or howls in an excessive, continuous, or timely fashion

Queen Anne's County: All of Queen Anne's County incorporated municipalities until said corporate municipality notifies Queen Anne's County that it is adopting an animal control ordinance substantially similar to this ordinance.

Restraint: A dog or other animal is under "restraint" within the meaning of this ordinance if it is controlled by a leash, or under the direct control of an owner or other responsible person and obedient to that person's commands, or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

Stray: A domesticated animal for which ownership is not established or for which the owner disclaims future responsibility.

Vicious Animal: Any fierce or dangerous animal which constitutes a threat to the safety and well being of a person or other animal.

## SECTION II. ANIMAL CONTROL COMMISSION

(a) Membership--The County Commissioners of Queen Anne's County shall appoint at least three (3) and no more than seven (7) persons to serve as the Animal Control Commission. The term of each member shall be set by the County Commissioners of Queen Anne's County. The members so appointed shall receive no remuneration for their service and may be removed prior to the expiration of their term by action of the said County Commissioners.

(1) One member appointed as aforesaid shall be designated by the said County Commissioners to serve as Chairman. The Animal Control Commission shall select other officers as it deems necessary.

(2) The Animal Control Commission may appoint an individual other than a Commission member to serve as a non-voting, recording secretary.

(3) The Animal Control Commission shall meet at the call of the chairman or two (2) Commission members to:

- (1) Adopt rules and regulations concerning:
  - (a) The operation of the Animal Control Facility or Facilities.
  - (b) Standards for the collection, care, custody, and disposal of animals as set forth in the Ordinance; and
  - (c) Standards for the maintenance of kennels and pet shops.
- (2) Review budgets of the Animal Control Facility and the Animal Control Commission, and make recommendation to the County Commissioners in accordance with County budgets procedure.
- (3) Conduct public hearings on matters concerning the Animal Control Commission, its rules, or laws, and upon written application, hear appeals on decisions of the Animal Control Officers.
- (4) Recommend to the Board of County Commissioners any necessary changes in the law or Ordinance regarding the control of animals.
- (5) Adopt necessary rules and regulations for the control of domesticated animals in Queen Anne's County in conformance with the Ordinance.
- (6) Supervise enforcement of existing rules, regulations and laws.
- (7) Issue licenses and keep accurate records of all licensing procedures.
- (8) Enter into agreement with Maryland licensed veterinarians for the care of animals under the jurisdiction of the Animal Control Commission.
- (9) Cooperate with the Humane Society of Queen Anne's County for the humane care and treatment of all animals.

### SECTION III. ENFORCEMENT

The provisions of this ordinance and the rules adopted pursuant thereto by the Animal Control Commission shall be enforced by the Animal Control Officers.

### SECTION IV. LICENSING

Application for all licenses required by this ordinance shall be made in writing to the Animal Control Commission or such agents including the County Treasurer as may be designated by the Animal Control Commission. The License fee shall be paid at the time of making application, thereupon a receipt and a numbered identification tag shall be issued to the owner. These identification tags shall meet the requirements of the Maryland State Department of Health.

(a) No persons shall own, keep or harbor any dog in Queen Anne's County unless such dog is licensed except as herein provided under Section XV-EXEMPTION. Application for the license shall state, name and address of the owner and name, breed, color, age and sex of the dog and shall be accompanied by a current certificate of rabies immunization. All dogs over the age of four (4) months licensed in Queen Anne's County shall be periodically immunized against rabies by a Maryland licensed veterinarian or by an antirabies clinic authorized by the County Health Department in accordance with Article 43 of the Maryland Code. Antirabies clinics may be operated by the County Health Department, which is hereby authorized to charge such reasonable fees as may be deemed necessary to defray the actual cost of such services.

(b) The yearly license fee shall be four dollars (\$4.00) for each dog over the age of four (4) months, payable on or before June 30th for each licensing year. The License fee for any dogs owned by citizens over the age of sixty-five (65) years shall be an annual fee of one dollar (\$1.00) for each dog owned up to six (6) dogs.

(c) Every kennel operator who owns, harbors, or keeps seven (7) or more dogs over four (4) months of age, shall maintain a valid kennel license and pay an annual fee therefor of:

7 through 20 dogs.....	\$20.00
21 dogs and up.....	\$40.00

All dogs kept as part of a kennel must meet the rabies vaccination requirements of Section IV (a).

(d) Every pet shop shall maintain a valid pet shop license. The fee shall be twenty-five dollars (\$25.00) per year. Pet shops will be required to maintain satisfactory conditions and all the requirements which may be set forth for them by the County or State Department of Health or the Maryland Livestock Sanitary Service or the Animal Control Commission of Queen Anne's County. Pet shops will maintain a psittacine bird permit from the County Health Department and meet all requirements thereof if psittacine birds are kept in the shop.

(e) All licenses and certificates of registration are issued for one year beginning with the first day of July; although applications for licenses and certificates may be made beginning April 1, preceding each license year. An owner must acquire a valid license and certificate within:

1. thirty (30) days following the procurement of a dog;
2. thirty (30) days following the establishment of residency within Queen Anne's County.
3. thirty (30) days after the dog becomes four (4) months of age.

Failure to secure a valid license and certificate within the time intervals aforementioned may result in a penalty assessment of six dollars (\$6.00). Individuals may appeal penalties in writing to the Animal Control Commission.

(f) In the event a license tag issued for a dog is lost, the owner may obtain a duplicate tag upon payment of one dollar (\$1.00).

(g) If there is a change in ownership of a dog, kennel or pet shop during the license year, it is the new owner's responsibility to notify the Animal Control Center.

(h) In the event a dog has a valid license by another Maryland County which has the equivalent requirements for licensing and the owner becomes a resident of Queen Anne's County, a registration fee of one dollar (\$1.00) will be charged.

(i) Seeing-Eye Dogs Exempt from Fees: If the license application discloses that the dog is to be used as a seeing-eye dog, the license will be issued without fee. The issuing agent shall record across the face of the certificate of registration in red ink the words "Seeing-Eye Dog".

#### SECTION V. TAG AND COLLAR

(a) Upon complying with the provisions of Section IV of this ordinance there shall be issued to the owner a license tag approved by the Maryland State Department of Health for this purpose.

(b) Every owner is required to see that the license tag is securely fastened to the dog's choke chain, collar, or harness which must be worn by the dog at all times unless the dog is accompanied by its owner and is engaged in supervised hunting or other sport where a collar might endanger the dog's life or safety.

#### SECTION VI. RESTRAINT

It shall be unlawful for any person to permit an animal to run at large off the premises of its owner, except when it is under restraint. Notwithstanding this section or any other section or provision of this ordinance it shall not be unlawful for any person to permit an animal to run at large when that animal is accompanied by its owner or the authorized agent of its owner and actually engaged in lawful hunting activities, nor shall such animal be subject to impoundment or penalty under this ordinance.

#### SECTION VII. IMPOUNDMENT AND SICK OR INJURED ANIMALS

(a) A dog without a license tag or an animal found running at large shall be taken by the Animal Control Officer to the Animal Control Facility and there confined in a humane manner for a period of not less than three (3) days, and if not redeemed within said period shall become the property of the Animal Control Center and disposed of at their discretion. Dogs wearing a currently valid license tag or animals which have obviously received good care will be held for a period of not less than five (5) days and a reasonable effort made to contact the owner prior to their disposal. If such animal is the subject of a complaint for viciousness or public nuisance, it shall not be eligible for redemption until a determination on the complaint is rendered by the Animal Control Commission.

(b) Immediately upon impounding any animal the Animal Control Officer shall make a prompt and reasonable effort to notify the owner of the impoundment.

(c) Domesticated animals other than dogs may be impounded when found stray, abandoned, lost, injured or sick and may be disposed of in accordance with the procedures established by the Animal Control Commission.

(d) The Animal Control Officer shall collect all dead animals found on roads owned and maintained by Queen Anne's County or upon private property if the owner of the property is not the owner of the animal. Animals found in critical condition may at the discretion of the Animal Control Officer or a Maryland licensed veterinarian, be destroyed with no time limitations. If the owner of such animals is found they shall upon notification pay all expenses incurred. Persons responsible for destroying such animals shall not be held liable for their acts.

#### SECTION VIII. REDEMPTION OF IMPOUNDED ANIMALS AND REDEMPTION FEES

(a) The owner of any impounded animal shall be entitled to resume possession, except as hereinafter provided, upon compliance with the license provisions of Section IV of this ordinance, payment of penalties and boarding fees. Proof of ownership must be established. Proof of ownership may include a license receipt, affidavits of neighbors, a photograph or other valid evidence.

(b) The fee to redeem an animal which has been impounded shall be ten dollars (\$10.00). If it is the second time the animal has been impounded the fee shall be twenty-five (\$25.00). Thereafter each time the animal is impounded the fee shall be fifty dollars (\$50.00). Additional charges will be made for boarding the animal and any other expenses for veterinary treatment. All fees and charges must be paid at the time the animal is redeemed.

#### SECTION IX. MONETARY PENALTY

In addition to and concurrent with all other remedies and sections pertaining to penalties and the enforcement of this Ordinance the Animal Control Officer may impose upon the owner or owners of any animal in violation of this ordinance a monetary penalty. The penalty shall be fifteen dollars (\$15.00) for the first offense; thirty dollars (\$30.00) for the second offense; and fifty dollars (\$50.00) for the third and each subsequent offense during a thirty-six month period. Any person aggrieved by the imposition of a monetary penalty under this section may, within thirty (30) days of the imposition of said penalty appeal the same to the Animal Control Commission.



SECTION X. COMPLAINTS CONCERNING NUISANCE AND VICIOUS ANIMALS

The Animal Control Commission may, upon recommendation of an Animal Control Officer or upon a sworn affidavit of complaint, declare an animal to be vicious or a public nuisance subject to the following procedural requirements.

(1) The Commission shall cause an investigation to be made as to the allegations of each complaint, and upon determination on the complaint, that there is just cause for the complaint, shall then notify the owner of the allegations. Such notice shall also state the time, date and place of their next scheduled meeting. Such notice will further provide that the owner has the right to be present and defend such complaint so long as the owner notifies the Commission of his intention to defend within three (3) days after receiving notice.

Upon receiving the owner's notification of his intention to defend, the Commission may, at the request of the owner, postpone the hearing to a reasonable time. The aforesaid notice to the owner shall, if the animal is licensed, be by certified mail to the address designed on the license application, or in the case of an unlicensed animal, notice shall be given personally in the event that the owner attempts to redeem the animal. If the animal is one for which a license is not required, the Commission shall make a prompt and reasonable effort to ascertain the owner, and if the owner is found shall notify him by certified mail.

(2) The Commission, upon review of all the circumstances at the hearing, may cause an animal to be declared vicious or a public nuisance. The Commission has the authority to do any of the following:

- (a) Establish such terms and conditions with which the owner must comply;
- (b) Establish such terms and conditions upon which the owner may redeem the animal; or
- (c) Provide for any other disposition of the animal.

SECTION XI. CONFINEMENT OF CERTAIN ANIMALS

(a) Every female dog or cat while in heat shall be under its owners direct control or kept confined in a building or secure enclosure in such a manner that she will not be in contact (except for intentional breeding purposes) with another dog or cat, as to create a nuisance by attracting other animals.

(b) Any fierce or dangerous animal by virtue of its demonstrated behavior or specific training, with the exception of animals belonging to government agencies acting in the performance of their duty, shall be confined within a building or secure enclosure unless securely muzzled and suitably controlled.

SECTION XII. RABIES CONTROL

A report of the circumstances wherein a person is bitten by an animal shall be made promptly to the County Health Department by every person having first-hand knowledge of the occurrence of the bite. The owner of the animal shall be responsible to personally go to the Queen Anne's County Health Department within twenty-four (24) hours after the animal bite is known to have occurred and there sign a written report describing the animal bite incident. The County Health Department will investigate the incident and, if possible, issue an order of confinement of the animal on behalf of the County Health Officer. Thereafter, confinement of the animal shall continue for clinical observation in a manner prescribed by the Health Officer for a period of at least ten (10) days and the animal shall not be released from confinement until the owner obtains a certificate from a licensed veterinarian and delivers same to the County Health Officer. Confinement may be on the premises of the owner if a responsible adult will sign an agreement for responsibility. The animal may also be confined at any animal shelter, veterinary hospital, or humane organization shelter at the owner's option and expense.

(a) When rabies has been diagnosed in an animal confined for clinical observation as provided by this ordinance, or rabies is suspected by a veterinarian, physician, or Animal Control Officer, and the animal dies while under such observation, the Animal Control Center shall immediately order the head removed and sent to the Maryland State Department of Health Laboratory in Baltimore for pathological examination. The investigation authority shall notify the Health Officer of reports of human and animal contacts.

(b) When the County Health Officer has been notified of a positive diagnosis of rabies, he shall immediately notify all area veterinarians. The Health Officer may impose an area-wide quarantine for a period of not less than sixty (60) days and as long as he deems necessary and upon invoking such quarantine, no pet animal shall be taken into the streets or permitted to be in the street unless properly leashed and accompanied by an adult during quarantine. During such quarantine, no animal shall be taken or shipped from the residence without written permission from the Maryland Public Health Veterinarian.

No animal, which has been impounded and is unclaimed by its owner, is allowed to be adopted from any animal shelter during the period of rabies emergency quarantine, except by special authorization of the Maryland Public Health Veterinarian.

(c) Dogs and other animals kept as pets that have been bitten by a known rabid animal may be destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a manner approved by the Maryland Public Health Veterinarian shall be enforced. If the dog or other animal has been previously vaccinated against rabies within the time limits established by the Maryland State Department of Health based on the kind of vaccine used, compliance with revaccination request and restraint shall be carried out in a manner approved by the Maryland Public Health Veterinarian.

(d) Any animal imported from an area in which a rabies quarantine has been imposed shall be held for observation in a manner approved by the Maryland Public Health Veterinarian.

(e) In the event there are any additional cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for additional period of time as established by the Maryland Public Health Veterinarian or Health Officer. During such quarantine, any farm animal suspected of having been exposed to rabies may be quarantined by the Maryland Public Health Veterinarian or the Director of the Maryland Livestock Sanitary Service. No quarantined farm animal may be moved from its place of residence without the written permission of the Director of the Maryland Livestock Sanitary Service and the Maryland Public Health Veterinarian, or his appointed deputy.

(f) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of being rabid or of having been exposed to rabies, or any animal which has bitten a human, except as herein provided, nor remove such animal from the jurisdiction of the County without the written permission of the Maryland Public Health Veterinarian or his appointed deputy.

(g) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to an Animal Control Officer or others appointed by the County Health Office of the Maryland Public Health Veterinarian, and disposed of in accordance with the regulations of the State Department of Health.

#### SECTION XIII. REPORTS OF BITE CASES

Any hospital and/or physician who treats an individual for an animal bite shall within twenty-four (24) hours after the treatment, mail a report of said treatment to the Queen Anne's County Health Department, Centreville, Maryland 21617.

#### SECTION XIV. RESPONSIBILITIES OF VETERINARIANS

It shall be the duty of every veterinarian to report to the Animal Control Commission and to the Maryland Public Health Veterinarian any animal considered by him to be rabid or a rabies suspect.

#### SECTION XV. EXEMPTIONS

(a) The licensing requirements of this ordinance shall not apply to any dog belonging to a non-resident of the County and kept confined within the boundaries of the County for not longer than ninety (90) days, provided that all such dogs at the time of entry into the County be properly vaccinated against rabies, and while kept within the County, meet all other requirements of this Ordinance.

(b) Veterinary Hospitals or Clinics where dogs are hospitalized, kennels belonging to local or state governmental agencies, and research

facilities which are licensed by federal law or where the main business therein is to conduct bonafide medical research, in the opinion of the Animal Control Commission, are exempt from the licensing requirements of this Ordinance. However, they shall register with the Animal Control Commission annually.

(c) Persons bringing dogs into the County will have readily available as proof of vaccination or valid rabies vaccination certificate signed by an accredited veterinarian or issued by an approved government agency. Animals without valid rabies vaccination certificate will be impounded and either deported or vaccinated by a Maryland licensed veterinarian. Animals which may have been exposed to rabies must comply with the provisions set forth in Section XIII of this Ordinance.

(d) Dogs brought into the County for training by licensed Maryland kennels will be exempt for licensure, but must meet the rabies vaccination requirements of this Ordinance.

(e) Individual dogs, because of an illness, may be exempted from the rabies vaccination requirements of this Ordinance for a period of not more than sixty (60) days, if a request signed by a Maryland licensed veterinarian is received by the Animal Control Commission prior to the owner being in violation of this Ordinance.

#### SECTION XVI. HUMANE CARE

(a) All owners of animals shall provide such animals with sufficient food, water, suitable shelter, veterinary care when needed to prevent suffering and with humane care and treatment.

(b) No person shall poison any animal other than rodents.

(c) No person shall mistreat any animal in such a manner as to cause suffering by such animal.

(d) No person shall abandon any animal.

#### SECTION XVII. INVESTIGATION

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Animal Control Officer may enter any premises upon which it is suspected a violation of the provisions of this Ordinance exists. It is further provided that the Animal Control Officer may enter the premises where any animal is kept or suspected of being kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when in their opinion it requires humane or medical treatment. A certificate from a Maryland licensed veterinarian must be obtained within twenty-four (24) hours and this certificate must enumerate the signs of inhumane treatment.

SECTION XVIII INTERFERENCE

No person shall interfere with, hinder or molest the Animal Control Officer in the performance of his duty.

SECTION XIX RECORDS

In the manner prescribed by the Animal Control Commission:

(a) It shall be the duty of the Animal Control Officer to keep, or cause to be kept for three (3) years, accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his custody.

(b) It shall be the duty of the Animal Control Officer to keep or cause to be kept for three (3) years, accurate and detailed records of the bite-cases reported to him and investigate the same.

(c) It shall be the duty of the Animal Control Officer to keep or cause to be kept for three (3) years, accurate and detailed records of all monies collected and expended within this program.

The Animal Control Commission shall make all such records open to inspection at reasonable times by authorized persons.

SECTION XX. PENALTY AND PROSECUTION

Any person violating or refusing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof before any District Court or Circuit Court, shall be fined a sum of not less than twenty-five dollars (\$25.00); nor more than one-hundred dollars (\$100.00). Each day of violation constitutes a new offense. It shall be the duty of the State's Attorney and the Animal Control Officers as the agents of the Animal Control Commission of Queen Anne's County to prosecute all persons found violating the law or refusing to comply with its provisions.

APPEALS

(a) Any persons shall have the right to appeal all decisions of the Animal Control Officers to the Animal Control Commission.

(b) Such appeals must be filed in writing with the Animal Control Commission within ten (10) days of the decisions.

SECTION XXI. DISPOSITION OF FINES

All fines imposed under this Ordinance shall be paid over to the Treasurer for Queen Anne's County monthly.

SECTION XXII. SEVERABILITY

If any part of this Ordinance shall be held invalid, such part shall be deemed severable, and shall not affect the validity of the remaining parts of this Ordinance.

SECTION XXIII. DOGS ATTACKING ANIMALS OR HUMANS

Any person may kill any dog which he sees in the act of pursuing, attacking, wounding or killing any poultry, livestock, or other domesticated animals or attacking human beings, whether or not such dog bears the proper license tag required by the Ordinance. There shall be no liability on such persons in damages or otherwise for such killing.

SECTION XXIV. EFFECTIVE DATE

This Ordinance shall take effect and be in force on July 1, 1977.

Adopted as amended this 9th day of October, 1979.

Adopted as amended this 11th day of November, 1981.

Adopted as amended this 31st day of January 1984.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
OSCAR A. SCHULZ, PRESIDENT

Thomas E. Pierson  
THOMAS E. PIERSON

Vernon B. Sultenfuss  
VERNON B. SULTENFUSS

ATTEST:

Lynda H. Palmatary  
LYNDA H. PALMATARY, CLERK

IN THE MATTER OF THE  
PETITION OF HENRY COVINGTON  
AND KETHRYN R. COVINGTON, HIS WIFE,  
FOR A CHANGE IN ZONING CLASSIFICATION  
FOR LANDS IN THE THIRD ELECTION  
DISTRICT, QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
ZONING CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, February 14, 1984 at 11:00 a.m. upon the Petition of Henry Covington and Kathryn R. Covington his wife for a change in zoning classification of lands of the Petitioner situated at the southwest corner of the intersection of Routes 213 and 301 in the Third Election District of Queen Anne's County, Maryland, from A-1 (Agricultural) District to B-2 (General Business) District. The property which is the subject of this petition is designated as part of Parcel No. 4 on Queen Anne's County Sectional Zoning Map No. 52.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certification of Publication evidencing advertisement of the public hearing and certification as to posting the property were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire both testified and represented the Petitioners, and presented testimony and exhibits on behalf of the proposed rezoning. Mr. Price contended that there had been a mistake in the original zoning of the subject property. According to Mr. Price this mistake was apparently compounded by a misalignment of the Petitioner's B-2 lands by previous Zoning Administrations. This misalignment was discovered and corrected by the present Zoning Administrator and resulted in the Petitioner's having substantially less commercially zoned lands than they had believed.

FILED  
CLERK OF COURT  
1984 FEB 23 AM 9:40  
QUEEN ANNE'S COUNTY

There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County, do hereby determine that there was a mistake in the original zoning of the subject property.

Upon motion by Mr. Sultenfuss seconded by Mr. Schultz (Mr. Pierson being absent from deliberations), it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in the Petition for rezoning and exhibits entered in this proceeding, being a part of Parcel No. 4 as shown on Queen Anne's County Sectional Zoning Map No. 52 be and it is hereby reclassified to B-2 (General Business) District.

Dated February 14, 1984

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST

Oscar A. Schulz  
Oscar A. Schulz, President

Billie P. Carroll  
Billie P. Carroll, Deputy Clerk

(absent during deliberations)  
Thomas Pierson

Vernon B. Sultenfuss  
Vernon B. Sultenfuss



IN THE MATTER OF THE PETITION OF \* BEFORE THE  
 KATHARINE ANN SMITH FOR A CHANGE COUNTY COMMISSIONERS  
 IN ZONING CLASSIFICATION OF LANDS OF QUEEN ANNE'S COUNTY  
 IN THE THIRD ELECTION DISTRICT, \* COUNTY ZONING  
 QUEEN ANNE'S COUNTY CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on April 17, 1984 at 2:00 p.m. on the Petition of Katharine Ann Smith for a change of zoning classification. The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The land which is the subject of this hearing is located at the intersection of Maryland Route 213 and the county road known as Hatchett Road in an area known as Brown's Corner in the Third Election District of Queen Anne's County, Maryland, and is designated as Parcel No. 76 on Queen Anne's County Sectional Zoning Map No. 29. The requested rezoning is from A-1 (Agricultural) District to B-2 (General Business) District.

The Petition, the recommendations of the Queen Anne's County Planning Commission, certificates of publication evidencing advertisement of the public hearing and a certification as to posting of the property were entered as a part of the record in this procedure without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

James E. Thompson, Jr., Esquire, represented the Petitioner and presented testimony and exhibits on behalf of the proposed rezoning. Mr. Thompson contended that there had been a mistake in the original zoning of the subject property in that it was, at the time of the adoption of the zoning ordinance and continuing today, used in conjunction with a contiguous parcel (Parcel No. 50) which is zoned B-2.

There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

1984 APR 27 AM 10:30  
 QUEEN ANNE'S COUNTY

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

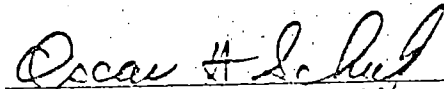
Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be and is hereby amended as follows:

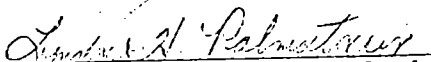
BE IT ORDAINED that the area described in the Petition for rezoning and exhibits entered in this proceeding, being Parcel No. 76 on Queen Anne's County Sectional Zoning Map No. 29, be and it is hereby reclassified to B-2 (General Business) District.

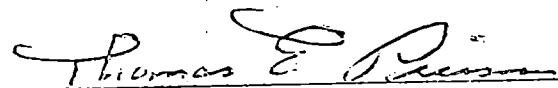
Dated: April 17, 1984

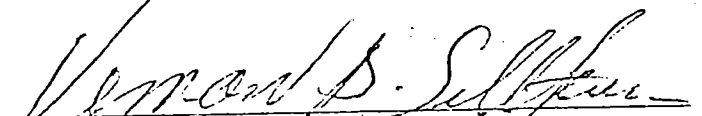
ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

  
Oscar A. Schulz, President

  
Linda H. Palmatary, Clerk

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION OF \*  
WILLIAM D. JONES AND ETHEL M. JONES,  
HIS WIFE, FOR A CHANGE IN ZONING \*  
CLASSIFICATION, FOURTH ELECTION \*  
DISTRICT, QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, May 22, 1984 at 1:30 p.m. upon the Petition of William D. Jones and Ethel M. Jones, his wife, for a change in zoning classification of lands of the Petitioners situate on Cox Neck Road in the Fourth Election District of Queen Anne's County, Maryland, from R-3 (Urban Residence) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as a part of Parcel 8 on Queen Anne's County Sectional Zoning Map No. 57, and is more particularly described with reference to a plat prepared by Ronald K. Schrader, dated February 1984, attached to the Petition as "Exhibit A".

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing and Certification as to posting the property were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, III, Esquire, represented the Petitioners and presented testimony and arguments on behalf of the proposed rezoning. Mr. Price contended that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

CLERK

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QUEEN ANNE'S COUNTY

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood sufficient to justify the proposed rezoning.

Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously RESOLVED that the Queen Anne's Comprehensive Zoning Ordinance be amended as follows:

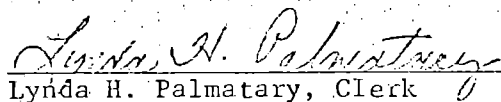
BE IT ORDAINED that the area described in the Petition for rezoning in this case, being a part of Parcel 8 on Queen Anne's County Sectional Zoning Map No. 57, containing 1.107 acres of land, more or less, be and is hereby reclassified to B-2 (General Business) District.

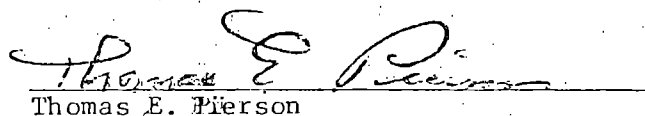
Dated: May 22, 1984

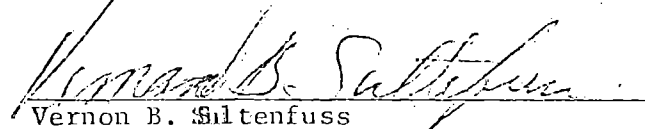
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

  
Oscar A. Schulz

  
Lynda H. Palmatary, Clerk

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION OF  
THOMAS P. DAVIDSON FOR A CHANGE  
OF ZONING CLASSIFICATION,  
SECOND ELECTION DISTRICT,  
QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, June 19, 1984 at 9:00 a.m. upon the Petition of Thomas P. Davidson for a change in zoning classification of lands of the Petitioner situate on the northeast side of Flat Iron Square Road in the Second Election District of Queen Anne's County, Maryland, from R-5 (General Residence) District and A-1 (Agricultural) District to M-2 (General Industrial District). The property which is the subject of this Petition is designated as a part of Parcel 32 on Queen Anne's County Sectional Zoning Map No. 22 and is more particularly described with reference to a survey by Ronald K. Schrader, dated March 1984, attached to the Petition as Exhibit No. 3, containing 18,600 acres, more or less.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing and certification as to posting the property were entered as a part of the record without objection. There was no initial objection made to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter. Mr. Alexander D. Burt, III, Esquire, representing several persons, opposed to the rezoning noted in his concluding remarks that the advertisement of the public hearing and the posting of the property both refer to a change in zoning classification from R-5 (General Residence) District to M-2 (General Industrial) District and did not indicate that a part of the subject property is presently in an A-1 (Agricultural) District. The County Commissioners of Queen Anne's County hereby determine that any objection to

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QUEEN ANNE'S COUNTY

the sufficiency or adequacy of the posting and publication were not made in a timely fashion at the hearing. Furthermore, it is determined that the legal requirements for posting of the property and publication of notice of hearing are found in Section 21.22 of the Queen Anne's County Comprehensive Zoning Ordinance, to wit:

" . . . at least fifteen (15) days notice of the hearing shall be published in a paper of general circulation in the county, and the property in question shall be posted conspicuously with a notice of the hearing." (See also Article 2B, Section 4.04.)

It is apparent from the foregoing provisions that the requirements in question are designed to give the public at large and the adjoining property owners in particular notice of the hearing itself and are not designed to do more than to place such persons on notice that a change in zoning is being sought on a particular piece of property. The Board finds no requirement that the advertisement and posting give complete details of every aspect of the Petition. The newspaper advertisement and the posting of the property in this case were sufficient to put any interested person on notice of the hearing and, therefore, comply in all substantial respects with legal requirements.

James E. Thompson, Jr., Esquire, represented the Petitioner and presented testimony and arguments on behalf of the proposed rezoning. Mr. Burt presented testimony and argument in opposition of the proposed rezoning.

Mr. Bartow Van Ness, III, presented, without elaboration, the recommendations of the Queen Anne's County Planning Commission.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings are made:

1. The property in question is located in a largely rural area with a relatively stable population. Few public facilities other than roads are located in the area or likely to be available to the subject property.
2. The subject property is located on Flat Iron Square Road with convenient access to Route 213, a major artery in the County and a primary

road for use by local residents and farmers in the northern end of Queen Anne's County.

3. The area surrounding the subject property is not likely to become highly developed within the near future. The largely agricultural nature of northern Queen Anne's County is very likely to remain.

4. The proposed continuation of the existing use of the premises (a use compatible only with M-2 zoning) would be of great benefit to farmers and the farming community. Petitioner's business is, to a large extent, a service to the farming community.

5. The Queen Anne's County Planning Commission has issued a favorable recommendation on the proposed rezoning. As always, the County Commissioners place great weight on the recommendations and expertise of the Planning Commission and will, in this case, incorporate the recommendations of the Planning Commission as a part of this decision.

6. There was little or no provision made in the original zoning of the northern part of Queen Anne's County for M-2 (General Industrial) Districts, also, as aforesaid, such zoning is needed for agricultural-type support and service industries.

Based upon the foregoing findings, the County Commissioners do determine that a mistake was made in the original zoning of the subject property.

Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it is unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in the Petition for rezoning in this case, being a part of Parcel 32 on Queen Anne's County Sectional Zoning Map No. 22, containing 18,600 acres, more or less, be and is hereby reclassified to M-2 (General Industrial) District.

Dated: June 19, 1984

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Oscar A. Schulz*  
Oscar A. Schulz

*Lynda H. Palmatary*  
Lynda H. Palmatary

*Thomas E. Pierson*  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss



IN THE MATTER OF THE PETITION OF \*  
DELMARVA POWER & LIGHT COMPANY,  
OWNER, AND SHORE DISTRIBUTORS, INC.,  
CONTRACT PURCHASER, FOR A CHANGE IN  
ZONING CLASSIFICATION OF LANDS IN \*  
THE FIFTH ELECTION DISTRICT,  
QUEEN ANNE'S COUNTY

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING  
CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, June 19, 1984 at 2:30 p.m. upon the Petition of Delmarva Power & Light Company and Shore Distributors, Inc., for a change in zoning classification of lands of the Petitioners situate on the south side of U.S. Route 50 (but not immediately adjacent thereto) in the Fifth Election District of Queen Anne's County, Maryland, from B-1 (Community Business) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as Parcel 41 on Queen Anne's County Sectional Zoning Map No. 58A, and is more particularly described with reference to a plat submitted as Petitioner's Exhibit No. 2, containing 1.72 acres.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition (with exhibits), recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the Public hearing and Certification as to the posting of the property were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

James E. Thompson, Jr., Esquire, represented the Petitioners and presented testimony and exhibits on behalf of the proposed rezoning. Mr. Thompson contended that there was a mistake in the original zoning of the subject property and that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

CLERK

1984 JUL 5 AM 10:15

QUEEN ANNE'S COUNTY

There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Bartow Van Ness, III, presented the recommendations of the Queen Anne's County Planning Commission.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

Upon motion by Mr. Sultenfuss, seconded by Mr. Pierson, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in the Petition for rezoning in this case, being Parcel 41 on Queen Anne's County Sectional Zoning Map No. 58A, containing 1.72 acres, more or less, be and is hereby reclassified to B-2 (General Business) District.

Dated: June 19, 1984

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

*Oscar A. Schulz*  
Oscar A. Schulz

*Lynda H. Palmatary*  
Lynda H. Palmatary

*Thomas E. Pierson*  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss

1984 JUL 12 PM 1:19

QUEEN ANNE'S COUNTY  
STORMWATER MANAGEMENT  
O R D I N A N C E

Table of Contents

	<u>Page</u>
1.0 Purpose and Authority .....	1
2.0 Definitions .....	2-4
3.0 Applicability .....	5-6
3.1 Scope .....	5
3.2 Exemptions .....	5
3.3 Waivers .....	5
3.4 Variances .....	6
4.0 Stormwater Management Plans .....	7-8
4.1 Review and Approval of Stormwater Management Plans .....	7
4.2 Contents of the Stormwater Management Plan .....	7-8
5.0 Permits .....	9
5.1 Permit Requirement .....	9
5.2 Permit Fee .....	9
5.3 Permit Suspension and Revocation .....	9
5.4 Permit Conditions .....	9
6.0 Stormwater Management Criteria .....	10-12
6.1 Minimum Control Requirements .....	10
6.2 Stormwater Management Measures .....	10
6.3 Specific Design Criteria .....	10-12
7.0 Performance Bond .....	13
8.0 Inspection .....	14-16
8.1 Inspection Schedule and Reports .....	14
8.2 Inspection Requirements During Construction .....	14-15
8.3 Final Inspection Reports .....	15
8.4 Inspection for Preventive Maintenance .....	15-16
9.0 Maintenance .....	17
9.1 Maintenance Agreement .....	17
9.2 Maintenance Responsibility .....	17
10.0 Appeals .....	18
11.0 Severability .....	19
12.0 Penalties .....	20

QUEEN ANNE'S COUNTY  
STORMWATER MANAGEMENT ORDINANCE

1.0 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this Ordinance pursuant to Section 8-11A-02 Natural Resource Article, Annotated Code of Maryland, 1983 Replacement Volume are adopted under the authority of Title 1 of Article 18 of the Code of Public Local Laws of Maryland and shall apply to all development occurring within Queen Anne's County. The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Department of Public Works of Queen Anne's County shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

2.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions describe the meaning of the terms used in this Ordinance:

- (1) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (2) "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (3) "Applicant" means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (4) "Aquifer" means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (5) "Clearing" means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.
- (6) "Detention structure" means a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.
- (7) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.
- (8) "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
- (9) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- (10) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.
- (11) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.
- (12) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

- (13) "Infiltration" means the passage or movement of water into the soil surface.
- (14) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.
- (15) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (16) "Porous paving" means an open graded asphaltic or reticular concrete or other material which allows water to pass through it.
- (17) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (18) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (19) "Sites" means any tract, lot or parcel-of land or combination of tracts, lots, or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
- (20) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
- (21) "Stormwater management" means:
- (a) for quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
  - (b) for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.
- (22) "Stormwater Management Plan" means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.
- (23) "Stripping" means any activity which removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.
- (24) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the Ordinance.

- (25) "Waiver" means the relinquishment from stormwater management requirements by the Department of Public Works of Queen Anne's County for a specific development on a case by case review basis.
- (26) "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.
- (27) "Watershed" means the total drainage area contributing runoff to a single point.
- (28) "Wetlands" means an area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.



### 3.0 APPLICABILITY

#### 3.1 Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses without having provided for appropriate stormwater management measures that control or manage runoff from such developments, except as provided within this section.

#### 3.2 Exemptions.

The following development activities are exempt from the provisions of this Ordinance and the requirements of providing stormwater management:

- (a) Agricultural land management activities;
- (b) Additions or modifications to existing single family detached residential structures;
- (c) Developments that do not disturb over 5,000 square feet of land area;
- (d) Land development activities which the Water Resources Administration determines will be regulated under specific State laws which provide for managing stormwater runoff; or
- (e) Residential developments consisting of single family houses each on a lot of two acres or greater.

#### 3.3 Waivers.

The Department of Public Works may grant a waiver of the stormwater management requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate that:

- (a) The proposed development will not generate more than a 10 percent increase in a 2-year pre-development peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or waterbody; or
- (b) A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or
- (c) Provisions to control direct outfall to tidewater are provided when the first inch of rainfall is managed according to infiltration standards and specifications promulgated by the Water Resources Administration.

3.4 Variances.

The Department of Public Works may grant a written variance from any requirement of Section 6.0 Stormwater Management Criteria of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for variance shall be provided to the Department of Public Works and shall state the specific variances sought and reasons for their granting. The Department of Public Works shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the person developing land.

#### 4.0 STORMWATER MANAGEMENT PLANS

##### 4.1 Review and Approval of Stormwater Management Plans.

- (a) A stormwater management plan or an application for a waiver shall be submitted to the Department of Public Works by the developer for review and approval for any proposed development, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Department of Public Works shall review the plan to determine compliance with the requirements of this Ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.
- (b) Notification of approval or reasons for the disapproval or modification shall be given to the applicant within 30 days after submission of the completed stormwater plan. If a decision is not made within 30 days the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Director of the Department of Public Works on the plan.

##### 4.2 Contents of the Stormwater Management Plan.

The developer is responsible for submitting a stormwater management plan which meets the design requirements provided by this Ordinance. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff.

The plan shall be prepared only by individuals experienced in stormwater management. The Department of Public Works shall be the final authority in determining which individuals are qualified to prepare stormwater management plans and when deemed necessary by the Department of Public Works, to protect the public or the environment, the plan shall be prepared by a registered professional engineer. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- (a) Site characteristics:
- (1) Topography survey showing existing and proposed contours, including area necessary to determine downstream analysis for proposed stormwater management facility.
  - (2) Soils investigation including borings for construction of small ponds and infiltration practices.
  - (3) Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.

- (4) Delineation of 100-year floodplains, if applicable.
- (5) Structure classification (SCS Pond Standard 378).

(b) Computations:

- (1) Hydrology;
- (2) Hydraulic; and
- (3) Structural.

In addition to the information listed above stormwater management design plans shall include:

(a) Stormwater management plans:

- (1) Vicinity map.
- (2) Drainage area map showing the watershed boundaries, drainage area, and stormwater flow paths.
- (3) Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities, if applicable.
- (4) Location of utilities where applicable or necessary.
- (5) Structural details for all components of the proposed drainage systems and stormwater management facilities.
- (6) Timing schedules and sequence of development clearing, including stripping, rough grading, construction, final grading, and vegetative stabilization.
- (7) Maintenance schedule.
- (8) Notes on drawings specifying materials to be used.
- (9) Construction specifications.
- (10) Location of easements.

(b) Estimate of stormwater management construction cost.

(c) Other information as required.

## 5.0 PERMITS

### 5.1 Permit Requirement.

A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Department of Public Works as meeting all the requirements of this Ordinance. Where appropriate, a building permit may not be issued without:

- (a) Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right of way;
- (b) A recorded stormwater management maintenance agreement; and
- (c) Performance Bond.

### 5.2 Permit Fee.

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration and management of the permitting process, and inspection of all projects subject to this Ordinance. A permit fee schedule shall be established by the Department of Public Works based upon the relative complexity of the project and may be amended from time to time.

### 5.3 Permit Suspension and Revocation.

Any grading or building permit issued by the Planning & Zoning Department may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- (a) Any violation(s) of the conditions of the stormwater management plan approval.
- (b) Changes in site runoff characteristics upon which a waiver was granted.
- (c) Construction is not in accordance with the approved plans.
- (d) Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
- (e) An immediate danger exists in a downstream area in the opinion of the Department of Public Works.

### 5.4 Permit Conditions.

In granting the plan approval, the Department of Public Works may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the public health and safety.

## 6.0 STORMWATER MANAGEMENT CRITERIA

### 6.1 Minimum Control Requirements.

- (a) The minimum stormwater control requirements shall require that all developments provide management measures necessary to maintain the post-development peak discharge for a 24-hour, 2-year frequency storm event at a level that is equal to or less than the 24-hour, 2-year pre-development peak discharge rate, through stormwater management practices that control the volume, timing, and rate of flows. Where runoff is discharged into an off-site stormwater management facility, the control requirements and procedures shall be in accordance with subsection 6.3 (c).
- (b) Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Water Resources Administration in accordance with the Flood Hazard Management Act of 1976 (Section 8-9A-01 et. seq., Natural Resources Article).

### 6.2 Stormwater Management Measures.

- (a) Stormwater management measures shall be required to satisfy the minimum control requirements. The stormwater management practices to be utilized in developing a stormwater management plan shall be according to the following order or preference:
- (1) Infiltration of runoff on-site;
  - (2) Flow attenuation by use of open vegetated swales and natural depressions;
  - (3) Stormwater retention structures; and
  - (4) Stormwater detention structures.
- (b) Infiltration practices shall be utilized to reduce volume increases to the extent possible as determined in accordance with infiltration standards and specifications established by the Water Resources Administration. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the person developing land for rejecting each practice based on site conditions.

### 6.3 Specific Design Criteria.

- (a) Infiltration systems shall be designed in accordance to standards and specifications that are developed or approved by the Water Resources Administration and shall meet the following requirements:

- (1) Infiltration systems greater than 3 feet deep shall be located at least 10 feet from basement wall;
  - (2) Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be a minimum of 100 feet from any water supply well;
  - (3) Infiltration systems may not receive runoff until the entire contributary drainage area to the infiltration system has received final stabilization; and
  - (4) The stormwater management facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
- (b) Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service and shall include the following items:
- (1) Velocity dissipation devices shall be placed at the outfall of all detention or retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course.
  - (2) Where deemed necessary by the Department of Public Works, the developer shall submit to the Department of Public Works an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow, established with the concurrence of the Department of Public Works, downstream of a tributary of the following size:
    - (i) The first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
    - (ii) The first downstream tributary whose drainage area equals or exceeds the largest designed release rate of the pond.
  - (3) The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at the downstream dam, highway, structure, or natural point of restricted streamflow. The release rate of the structure shall:
    - (i) Be reduced to a level that will prevent any increase in flooding or stream channel erosion at the downstream control point;
    - (ii) Be not less than 1-year pre-development peak discharge rate; and
    - (iii) Meet the requirements established in section 6.1.

- (4) Small pond approval shall be obtained from the Soil Conservation District or the Water Resources Administration pursuant to Natural Resources Article 8-803(b).
- (c) Off-site structures to be considered:
- (1) Shall have a contributory drainage area not in excess of 400 acres unless, on a case by case basis, a larger drainage area is approved by the Water Resources Administration;
  - (2) Shall provide for a permanent pool of water or provide for 24-hour detention period for detaining and releasing the volume of runoff from a 1-year frequency storm;
  - (3) Shall manage the increase in peak discharge(s) for the 2-(and 10-) year frequency storm event(s); and
  - (4) May not be located so as to discharge to Class III Natural Trout Waters identified in COMAR 10.50.01.021, unless authorized by the Water Resources Administration in permits issued pursuant to Natural Resources Article Section 8-803.
- (d) The pre-development peak discharge rate shall be compound assuming that all land uses in the site to be developed are in good hydrologic condition.
- (e) The developer shall give consideration to incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.
- (f) The Department of Public Works shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case by case review of stormwater management plans.
- (g) Where a stormwater management plan involves direction of some or all runoff of the site, it shall be the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any such rights.
- (h) The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department of Public Works and the Water Resources Administration, shall be those of the Soil Conservation Service, generally found in the most current edition of the following publications or subsequent revisions:
- (1) "Urban Hydrology for Small Watersheds", Technical Release No. 55, January, 1975.
  - (2) "Storm Water Management Pond Design Manual", Maryland Association of Soil Conservation Districts, June, 1975.
  - (3) "Soil Conservation Service Engineering Field Manual", latest edition, as applicable.
  - (4) "Soil Conservation Service Standard and Specifications for Ponds", Specification No. 378, July, 1981.



## 7.0 PERFORMANCE BOND

The Department of Public Works shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department of Public Works prior to the issuance of any building and/or grading permit for construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all the provision of this Ordinance and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of completed work by the Department of Public Works, submission of "As-Built" plans, and certification of completion by the Department of Public Works of the stormwater management facility as being in compliance with the approved plan and the provisions of this Ordinance. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described, and scheduled on the required plans and specifications. The developer shall notify the Department of Public Works upon completion of each stage that is ready for inspection.

## 8.0 INSPECTION

### 8.1 Inspection Schedule and Reports.

- (a) Prior to approval of a stormwater management plan, the developer will submit to the Department of Public Works a proposed inspection and construction control schedule. The Department of Public Works or their authorized representative shall conduct inspections and file reports for periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- (b) No work shall proceed until the Department of Public Works inspects and approves the work previously completed and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.
- (c) Any portion of the work which does not comply will be promptly corrected by the developer, after written notice from the Department of Public Works. The notice shall set forth the nature of corrections required and the time within which corrections will be made.
- (d) The developer shall notify the Department of Public Works before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.

### 8.2 Inspection Requirements During Construction.

After commencing initial site operations, regular inspections shall be made at the following specified stages of construction:

- (a) Infiltration systems at the commencement, during, and upon completion of construction.
- (b) Porous paving infiltration systems-at the following stages so as to ensure proper placement and allow for infiltration into the subgrade:
  - (1) Upon completion of stripping, stockpiling, the construction of temporary sediment control and drainage facilities;
  - (2) Upon completion of subgrade section;
  - (3) Upon completion of reservoir base course;
  - (4) Upon completion of the top crushed stone course; and
  - (5) Throughout the placement of the porous asphaltic concrete surface course to ensure proper laying temperatures and compaction.
- (c) Flow attenuation devices, such as open vegetated swales upon completion of construction.
- (d) Retention and detention structures-at the following stages:

- (1) Upon completion of excavation to sub-foundation and where required, installation of structural supports or reinforcement for structures, including but not limited to:
  - (i) Core trenches for structural embankments;
  - (ii) Inlet-outlet structures and anti-seep structures, watertight connectors on pipes; and
  - (iii) Trenches for enclosed storm drainage facilities.
- (2) During placement of structural fill, concrete and installation of piping and catch basins;
- (3) During backfill of foundations and trenches;
- (4) During embankment construction; and
- (5) Upon completion of final grading and establishment of permanent stabilization.

### 8.3 Final Inspection Reports.

A final inspection shall be conducted by the Department of Public Works upon completion of the stormwater management facility to determine if the completed work is constructed in accordance with approved plan and this Ordinance. "As-Built" certification by a registered professional engineer licensed in Maryland is also required to certify that the facility has been constructed as shown on the "As-Built" plans and meets approved plans and specifications. The developer will receive written notification of the results of the final inspection. The Department of Public Works shall maintain a permanent file of inspection reports.

### 8.4 Inspection for Preventive Maintenance.

- (a) Preventive maintenance shall be ensured through inspection of all infiltration systems, retention, or detention structures by the Department of Public Works. The inspection shall occur during the first year of operation and least once every 3 years thereafter.
- (b) Inspection reports shall be maintained by the Department of Public Works on all retention and detention structures and shall include the following:
  - (1) The date of inspection;
  - (2) Name of inspector;
  - (3) The condition of:
    - (i) Vegetation;
    - (ii) Fences;
    - (iii) Spillways;

- (iv) Embankments;
  - (v) Reservoir Area;
  - (vi) Outlet channels;
  - (vii) Underground drainage;
  - (viii) Sediment load; and
  - (ix) Any other item that could affect the proper function of the stormwater management system.
- (4) Description of needed maintenance.
- (c) If, after an inspection by the Department of Public Works, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department of Public Works shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by Queen Anne's County shall be assessed against the owner(s), as provided in subsection 9.1(c).

## 9.0 MAINTENANCE

### 9.1 Maintenance Agreement.

- (a) Prior to the issuance of any building permit for which stormwater management is required, the Department of Public Works shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Department of Public Works or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.
- (b) The agreement shall be recorded by the applicant and/or owner in the land records of Queen Anne's County.
- (c) The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work and satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by Queen Anne's County.

### 9.2 Maintenance Responsibility.

- (a) The owner of the property on which work has been done pursuant to this Ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations, and maintenance shall be in accordance with approved plans.
- (b) A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan.

10.0 APPEALS

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforcement the Ordinance in regard to a specific application, shall have the right to appeal the action to the County Commissioners of Queen Anne's County. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under the Administrative Procedure Act of Article 41 of the Annotated Code of Maryland.

11.0 . SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance, it being the intent of the County Commissioners of Queen Anne's County that this ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

12.0 PENALTIES

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each and every violation with costs imposed in the discretion of the court. Each day that the violation continues shall be a separate offense. In addition thereof, the County Commissioners of Queen Anne's County institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.



IN THE MATTER OF THE PETITION OF	*	BEFORE THE
E.J.H. PROPERTIES, INC. FOR A	*	COUNTY COMMISSIONERS
CHANGE IN ZONING CLASSIFICATION	*	OF QUEEN ANNE'S COUNTY
FOR LANDS IN THE FOURTH ELECTION	*	COUNTY
DISTRICT, QUEEN ANNE'S COUNTY	*	ZONING CASE NO. _____
* * * * *	* * *	* * *

DECISION

A hearing was held on July 3, 1984 at 11:00 a.m. upon the Petition of E.J.H. Properties, Inc. for a change in zoning classification of lands of which the Petitioner is contract purchase situate on Thompson Creek Road in the Fourth Election District of Queen Anne's County, Maryland from M-1 (Industrial Park) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as part of Parcel 252 on Queen Anne's County Sectional Zoning Map No. 56, containing 4.41 acres, more or less.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition, recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing and Certificate as to the posting of the property were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire, represented the Petitioners and presented testimony and exhibits on behalf of the proposed rezoning. Mr. Price, Contended that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

There was no testimony on public comment offered in opposition to the proposed rezoning. Mr. Wayne L. Gardner presented the recommendations of the Queen Anne's County Planning Commission.

Upon consideration of the Petition the recommendations of the Queen Anne's County Planning Commission, and the testimony and evidence presented and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a substantial change in the neighborhood of the subject property.

Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

1984 JUL 30 PM 2:21

BE IT ORDAINED that the area described in the Petition for rezoning in this case, being a 4.41 acre part of Parcel 252 on Queen Anne's County Sectional Zoning Map No. 56 be and is hereby reclassified to B-2 (General Business) District.

Dated: July 3, 1984

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

ATTEST:

*Oscar A. Schulz*  
\_\_\_\_\_  
Oscar A. Schulz, President

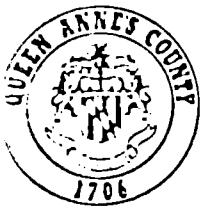
*Lynda H. Palmatary*  
\_\_\_\_\_  
Lynda H. Palmatary, Clerk

*Thomas E. Pierson*  
\_\_\_\_\_  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
\_\_\_\_\_  
Vernon B. Sultenfuss

QUEEN ANNE'S COUNTY  
FLOODPLAIN MANAGEMENT ORDINANCE

RECEIVED  
CLERK, CIRCUIT COURT  
1984 AUG -9 AM 11: 32  
QUEEN ANNE'S COUNTY



THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ANNEX BUILDING  
CENTREVILLE, MARYLAND 21617  
758-0322

OSCAR A. SCHULZ, PRESIDENT  
THOMAS E. PIERSON  
VERNON B. SULTENFUSS

ROBERT D. SALLITT, ADMINISTRATOR  
LYNDA H. PALMATARY, CLERK  
PATRICK E. THOMPSON, ATTORNEY

RESOLUTION

QUEEN ANNE'S COUNTY  
FLOODPLAIN MANAGEMENT  
ORDINANCE

WHEREAS, the purpose of this Ordinance is to establish and delineate a Floodplain District within Queen Anne's County, and furthermore to control floodplain development to protect persons and property from danger and destruction and to preserve the biological values and the environmental quality of the watersheds;

AND WHEREAS the provisions of this Ordinance are in compliance with and pursuant to Section 8-9A-01 et. seq. Natural Resources Article, of the Annotated Code of Maryland, 1983 Replacement Volume.

BE IT RESOLVED, that the "Queen Anne's County Floodplain Management Ordinance", as attached hereto, is hereby adopted under the authority of Title 1 of Article 18 of the Code of Public Local Laws of Maryland.

BE IT FURTHER RESOLVED, that this Ordinance shall become effective September 28, 1984 and shall apply to all development occurring within Queen Anne's County.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Oscar A. Schulz*  
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Oscar A. Schulz, President

*Thomas E. Pierson*  
\_\_\_\_\_  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
\_\_\_\_\_  
Vernon B. Sultenfuss

Dated: August 7, 1984  
Attest:

*Lynda H. Palmatary*  
\_\_\_\_\_  
Lynda H. Palmatary

## ARTICLE I - REGULATORY PROVISIONS

### SECTION I: Short Title

This Ordinance shall hereafter be referred to as the "Queen Anne's County Floodplain Management Ordinance".

### SECTION II: Findings and Intent

Whereas, certain areas of Queen Anne's County are subject to periodic inundation which results in loss of life and property, health and safety, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief; and

Whereas, flood losses and associated losses are created by structures inappropriately located, inadequately elevated or otherwise unprotected and vulnerable to floods or erosion or by development which increases flood or erosion damage to other lands or development;

Whereas, the biological values of floodplains, particularly tidal and non-tidal wetlands, can be adversely affected by floodplain development;

Whereas, Queen Anne's County has the responsibility under the Flood Control and Watershed Management Act Section 8-9A01 et seq. Natural Resources Article of the Annotated Code of Maryland to control floodplain development to protect persons and property from danger and destruction and to preserve the biological values and the environmental quality of the watersheds or portions thereof under its jurisdiction.

It is therefore the purpose of this Ordinance to protect human life and health; minimize public and private property damage; encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; protect individuals from buying lands and structures which are unsuited for intended purposes because of the flood hazards; protect water supply, sanitary sewage disposal and natural drainage; reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding; provide for public awareness of the flooding potential and provide for the biological and environmental quality of the watersheds or portions thereof located in Queen Anne's County. The provisions of this Ordinance provide a unified comprehensive approach to floodplain management which addresses requirements of the federal and state programs concerned with floodplain management; namely, the National Flood Insurance Program and the President's Executive Order 11988 of May 27, 1977 on floodplain management; the State Waterway Construction Program, the U.S. Army Corps of Engineers Section 10 and Section 404 permit programs; and the State's Coastal Zone Management Program. The provisions of this Ordinance also establish a local program which is consistent with federal and state regulatory programs concerned with the management of floodplain resources and activities; in particular, the Corps Section 10 and 404 permit programs, and the State's watershed permit and wetlands permit programs.

### SECTION III: Definitions

- A. "Development" means any construction, reconstruction, modification, extension or expansion of buildings or structures, placement of fill dumping,

storage of materials, land excavation, land clearing, land improvement, or any combination thereof.

- B. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- C. "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- D. "Flood" means a temporary inundation of normally dry land areas.
- E. "Floodplain" means (1) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- F. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments of properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.
- G. "Land Development" means (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land.
- H. "Mobile Home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.
- I. "Mobile Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.
- J. "New Construction" means structures for which the start of construction as herein defined commenced on or after the effective date of this Ordinance. This term does not apply to any work on a structure existing before the effective date of this Ordinance.

- K. "One Hundred (100) Year Flood" means a flood that has one chance in one-hundred or a one percent chance of being equalled or exceeded in any given year.
- L. "Principally Above Ground" means where at least 51 percent of the actual cash value of a structure, less land value, is above ground.
- M. "Start of Construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of a structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- N. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.
- O. "Subdivision" means the division or redivision of a lot, tracts, or parcels of land by any means into two or more lots, tracts, parcels, or other divisions of land, including a change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development.
- P. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### SECTION IV: Establishment of Floodplain District

- A. The County Commissioners of Queen Anne's County shall establish a Floodplain District to include all areas subject to inundation by the waters of the

One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for Queen Anne's County, Maryland issued effective September 28, 1984. The Floodplain District shall be deemed an overlay on any existing, and hereafter established, zones or districts within Queen Anne's County.

- B. The Floodplain District shall be comprised of the following subdistricts:
1. Floodway (F1) - that portion of the Floodplain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions.
  2. Floodway Fringe (F2) - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the Floodway in areas where detailed study data and profiles are made available.
  3. Approximated Floodplain (F3) - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed but where a One Hundred (100) Year Flood Plain Boundary has been approximated.
  4. Coastal Flood Plain (CF4) - those portions of the Floodplain District subject to Coastal Flooding by a One Hundred (100) Year Flood, where detailed study data is available.
  5. Coastal High Hazard Area (CF5) - those portions of land within the Coastal Floodplain District, subject to inundation by high velocity waters and wave action.
- C. An "Official Floodplain Map" shall be prepared and maintained in force as part of this Ordinance which reflects the boundaries of the Floodplain District and its subdistricts. Prior to the initial adoption of the map and all subsequent changes, a public hearing shall be held regarding the Floodplain District. Notice of the hearing shall be published in at least one newspaper of general circulation within Queen Anne's County. The Floodplain District Base Map shall be available at least 30 days prior to the public hearing for public inspection in a local repository specified by the County Commissioners of Queen Anne's County.
- D. The delineation of the Floodplain District may be revised, amended and modified by the County Commissioners of Queen Anne's County in compliance with the National Flood Insurance Program and the Maryland Department of Natural Resources when:
1. there are changes through natural or other causes;
  2. changes are indicated by future detailed hydrologic and hydraulic studies; and/or
  3. when social and economic factors favor a realignment.



All such changes shall be subject to the review and approval of the Federal Insurance Administrator and the Secretary of the Maryland Department of Natural Resources.

- E. Should a dispute concerning any district boundary arise, an initial determination shall be made by the Permit Enforcement Officer. Any party aggrieved by this decision may appeal to the County Commissioners of Queen Anne's County. The burden of proof is on the appellant.

#### SECTION V: Development Regulations

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and substantial improvements to existing structures occurring in the Floodplain District.

- A. In the Floodway (F1), the following regulations will apply:

1. All residential development shall be prohibited.
2. No development shall be permitted except where the effort of such development on flood heights is fully offset by accompanying stream modifications and the development is approved by all appropriate local authorities, Maryland's Water Resources Administration and the U.S. Army Corps of Engineers. Any non-residential construction allowed by variance shall be flood-proofed by dry flood-proofing as prescribed by the U.S. Army Corps of Engineers Flood Proofing Regulations June, 1972. When a developer proposes to offset the effects of development in the Floodway by construction of stream modifications, an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction shall be submitted. The report shall use the One Hundred (100) Year Flood as herein defined as the basis of the analysis. Any development allowed shall meet the requirements of Article I Section V, B.
3. Existing non-conforming structures and/or activities shall not be substantially improved unless the effect of the proposed improvement on flood heights is fully off-set by accompanying stream modifications and the improvement is approved by Maryland Water Resources Administration.
  - (a) The modifications, alteration, repair, reconstruction or improvement of any kind of a non-conforming structure and/or activity to an extent or amount of less than fifty (50) percent of its market value, should be elevated and/or flood-proofed to the greatest extent possible.
  - (b) Substantial improvement of a non-conforming structure and/or activity regardless of location shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
  - (c) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

4. The placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited. Any mobile home permitted in the Floodway shall meet the requirement of Article I, Section V, B. generally and Article I, Section V, B.13 in particular.
5. The following shall not be placed or caused to be placed in the Floodway:
  - (a) fences, except two-wire fences; and
  - (b) other matters which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

B. In the Floodway Fringe (F2), the following regulations will apply:

1. Any development approved shall be in conformance with the requirements of the permit programs of the Water Resources Administration and the U.S. Army Corps of Engineers.
2. All development shall be consistent with the flood control and watershed management plans for the area in which the development is proposed to be located.
3. The construction, reconstruction, and/or modifications of any residential, commercial, or industrial structure within the 100-Year Floodplain and below the level of the 100-Year frequency flood event shall not be permitted. Routine maintenance and alteration and repair shall be exceptions. In addition, modifications to existing structures for flood proofing purposes shall be an exception. These modifications shall include elevating the lowest floor of the structure to or above the level of one (1) foot above the elevation of the 100-Year Flood Frequency Event, or completely dry or essentially dry type flood proofing as specified by the U.S. Army Corps of Engineers.
4. The elevation of the lowest floor of all new or improved structures shall be at least one foot above the elevation of the 100-Year frequency flood event.
5. Any variances allowed under the provisions of this ordinance shall meet the requirements specified in Article II, Section II of this Ordinance.
6. All development shall be undertaken in a manner which minimizes adverse impacts on aquatic or terrestrial habitat and their related flora and fauna.
7. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow and height of the flood water.
8. Landscape Design

- a. Adequate ground cover shall be provided for soil stabilization within the Floodplain District.
- b. Design of land contours and choice of plant materials shall direct surface runoff away from structures and shall not increase surface runoff onto neighboring properties.

9. Electric Systems

- a. All electric water heaters, electric furnaces and other permanent electrical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.
- b. No electrical distribution panels shall be permitted at an elevation less than three feet above the level of the One Hundred (100) Year Flood.

10. Plumbing

- a. Water heaters, furnaces and other permanent mechanical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.

11. Storage

- a. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life shall be stored below 1 foot above the level of the One Hundred (100) Year Flood.

12. Where allowed, fill material shall meet the following additional requirements:

- a. Fill shall consist of soil or rock materials only. Sanitary soil fills shall not be permitted.
- b. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
- c. Fill slopes shall be no steeper than one (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Enforcement Officer.
- d. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

13. Mobile Homes

- a. Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at one foot above the One Hundred (100) Year Flood Elevation.
- b. Adequate surface drainage and access for a mobile hauler shall be provided.

- c. When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above the ground level.
- d. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by:
- (i) Providing over-the-top ties at each of the four corners of the mobile home, with two additional ties per side and intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side;
  - (ii) Providing frame ties at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.
  - (iii) Requiring all components of the anchoring system be capable of carrying a force of 4,800 pounds.
  - (iv) Requiring any addition to a mobile home be similarly anchored.
- e. The owner or operator of a mobile home park or subdivision shall file with the Civil Defense Office of Queen Anne's County, an evacuation plan which indicates alternate vehicular access and escape routes.
- C. In the Approximated Floodplain (F3), the following regulations apply:
- 1. The County Commissioners of Queen Anne's County shall obtain, review and reasonably utilize any One Hundred (100) Year Flood elevation data available from a Federal, State or other source in the enforcement of the Ordinance within the Approximated Floodplain.
  - 2. When the One Hundred (100) Year Flood Elevation is not known, the Water Resources Administration shall evaluate each site.
  - 3. The Development Regulations of Section V-B of this Ordinance shall be applied within the Approximated Floodplain.
- D. In the Coastal Floodplain (CF4), the regulations for the Floodway Fringe (F2) cited in Section V-B of this Ordinance shall apply.
- E. In the Coastal High Hazard Area (CF5), the following regulations shall apply in addition to the regulations cited in Section V-B of this Ordinance.
- 1. No land below the level of the One Hundred (100) Year Tidal Flood may be developed unless the new construction or substantial improvements:
    - (a) is located landward of the reach of the mean high tide;

- (b) is elevated on adequately anchored piles or columns, and securely anchored to such piles or columns so that the lowest portion of structural members of the lowest floor is elevated to at least one (1) foot above the One Hundred (100) Year Tidal Flood level.
  - (c) has been certified by a Registered Professional Engineer or architect that it is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricanes wave wash.
  - (d) has no basement and has the space below the lowest floor free of obstructions or is constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation.
  - (e) Does not utilize fill for structural support of buildings or structures.
2. Existing non-conforming uses and/or structures located on land below the level of the One Hundred (100) Year Tidal Flood shall not be expanded.
  3. The placement of mobile homes, except in existing mobile home parks and subdivisions is strictly prohibited.
  4. The alteration of sand dunes which would increase potential flood damage is prohibited.
- F. In those areas of the Floodplain District identified as flood-related erosion-prone areas, the following requirements shall apply in addition to the regulations cited in Section V-B of this Ordinance:
1. All site alterations and modifications shall be reasonably safe from floor-related erosion and shall not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard.
  2. If a proposed modification would be in the path of flood related erosion or would increase the erosion hazard, it must be relocated or adequate protective measures taken which will not aggravate the existing erosion hazard.
  3. All new development must have a shoreline setback consisting of a natural vegetative buffer or contour strip. The width of the buffer shall be based upon the erosion rate, the anticipated useful life of shoreline buildings, and the geologic, hydrologic, topographic and climatic characteristics of the areas in which they are located.
- G. In the entire Floodplain District, the design, placement and construction of all public and private utilities and facilities shall meet the following requirements:
1. New or replacement water supply systems and/or sanitary sewerage systems shall be designed to eliminate or minimize infiltration of flood waters

into the systems and discharges from the systems into flood waters, to avoid impairment during flooding and minimize flood damage.

- (a) Cesspools and seepage pits are prohibited.
  - (b) Septic tanks are permitted provided they are securely anchored to resist buoyant forces during inundation.
  - (c) All pipes connected to sewage systems shall be sealed to prevent leakage.
2. All gas, electrical and other facility and utility systems shall be located and constructed to eliminate or minimize flood damage.
  3. All new storm drainage facilities within and leading to or from the Floodplain District shall be adequately designed and installed to eliminate or minimize property damage resulting from the flood waters of the One Hundred (100) Year Flood and to minimize adverse environmental impacts of their installation and use.

## ARTICLE II - ADMINISTRATIVE PROVISIONS

### SECTION I: Permit Requirements

A permit is required for all development (including, but not limited to, the subdivision of land, construction of buildings and structures, placement of mobile homes, fill or any combination of these) in the Floodplain District and shall be granted only after necessary permits from the State of Maryland, Water Resources Administration and all other applicable state and federal agencies have been obtained.

- A. The application for a building permit shall contain information including, but not limited to, the following:
1. Name and address of applicant. The applicant must be the owner or an authorized agent of the owner.
  2. Name and address of owner of land on which construction is proposed.
  3. Name and address of contractor.
  4. Site location.
  5. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures.
  6. Summary description of proposed work and estimated cost.
  7. Depending on the type of structure involved, the following information shall also be included in the application:
    - (a) for structures to be elevated above the One Hundred (100) Year Flood Elevation, the plans shall show:
      - (i) the size of the proposed structure and its relation to the lot where it is to be constructed.
      - (ii) the elevation of the proposed final grading and lowest floor, and the existing ground and One Hundred (100) Year Flood Elevation as certified by a Registered Professional Engineer, Surveyor or Architect.
      - (iii) the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. These plans shall be prepared by a Registered Professional Engineer or Architect.
      - (iv) if a variance is being applied for under the provisions of Article II, Section II, certification that appropriate measures will be undertaken to flood proof floors and walls below the One Hundred (100) Year Flood elevation including that:

- (a) Wood flooring used at or below the first floor level will be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
  - (b) All finished flooring used at or below the first floor level will be made of materials which are stable and resistant to water damage.
  - (c) All carpeting or carpet cushions employed as a finished flooring surface at or below the first floor level will be made of materials which are resistant to water damage.
  - (d) Plywood used at or below the first floor level will be of an "exterior" or "marine" grade and of a water-resistant or water-proof variety.
  - (e) Basement ceilings in non-residential structure will have sufficient wet strength and be so installed as to survive inundation.
- B. All proposals for the subdivision of land and/or new development shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. If the 100 Year Flood Elevation has been determined by the Flood Insurance Study or other reliable source approved by the Water Resources Administration, such Flood Elevation shall be delineated on the proposed plan. If the proposal is greater than fifty (50) lots or greater than five (5) acres and the 100 Year Flood Elevation has not been determined for the land area the developer shall determine the 100 Year Flood Elevation and delineate such Flood Elevation on the proposed plan. All plans shall be certified by a Registered Professional Engineer and shall be reviewed by Queen Anne's County to assure that:
- 1. All such proposals are consistent with the need to minimize flood damage.
  - 2. All necessary permits have been received from the State of Maryland, Water Resources Administration and appropriate Federal agencies.
  - 3. All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located and constructed to minimize or eliminate flood damage.
  - 4. Adequate drainage is provided to reduce exposure to flood hazard.
  - 5. Adequate measures have been taken to minimize the adverse environmental impacts of the proposed development.
- C. All permits shall be granted only after it has been determined that the proposed work will be in conformance with the requirements of this and all other applicable codes and ordinances.



- D. When the proposed development includes the relocation or alteration of a watercourse, evidence shall be presented as part of the permit application that all adjacent communities and the State Coordinating Office have been notified of the proposed alteration or relocation by certified mail. Copies of these notifications shall then be forwarded to the Federal Emergency Management Agency, Federal Insurance Administration. In addition, the developer shall assure the municipality or county, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.
- E. After the issuance of a building permit by Queen Anne's County, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Enforcement Officer.
- F. Work on the proposed construction shall begin within one (1) year after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Permit Enforcement Officer.
- G. During the construction period the Permit Enforcement Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable laws and ordinances. The premises shall also be subject to inspection by the State of Maryland, Water Resources Administration. In the event that the Permit Enforcement Officer determines that the work is not in compliance with the permit or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Permit Enforcement Officer shall revoke the building permit and report such fact to the County Commissioners of Queen Anne's County for whatever action it considers necessary.

## SECTION II: Variances

- A. Variances may be issued by the County Commissioners of Queen Anne's County for (1) new construction of or substantial improvements to non-residential structures which will be flood proofed or (2) other new construction or substantial improvements to developments below the one hundred flood level which, unless sufficient technical justification is provided, shall be limited to new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the 100 year flood level. The issuance of variances shall be subject to the following conditions:
1. A showing of good and sufficient cause;
  2. For new construction or substantial improvements falling in category (2) above, a determination that failure to grant the variance would result in exceptional hardship to the applicant;
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.

4. The stipulation that all residential structures will have the lowest floor elevated to the greatest extent possible with respect to the One Hundred (100) Year Flood Elevation.
5. For new construction or substantial improvements requiring a variance from Water Resources Administration Regulations, obtainment of such a variance which involves (i) showing the overall public interest requires issuance of a variance by Water Resources Administration, (ii) submittal of evidence that all structures are designed and constructed so as to have the pressures and effects of buoyancy resulting from the One Hundred (100) Year Flood and compliance with Conditions B and C of this section.
  - B. A variance shall not be granted within the Floodway if any increase in flood levels during the One Hundred (100) Year Flood discharge would result.
  - C. Variances shall only be granted upon a determination that the variances are the minimum necessary, considering the flood hazard, to afford relief.
  - D. The applicant shall be notified by the County Commissioners of Queen Anne's County of the increased premium rates for flood insurance and such construction below the level of the One Hundred (100) Year Flood increases risk to life and property.
  - E. A record of all variance actions, including justifications for their issuance, shall be maintained by Queen Anne's County and all such information shall be included in the Annual Report submitted to the Federal Insurance Administrator.
  - F. All requests for variances must be submitted in writing to the County Commissioners of Queen Anne's County within thirty calendar days of the refusal to issue a permit.
  - G. The County Commissioners of Queen Anne's County must take official action on a request for a variance within thirty calendar days of the receipt of the request.
  - H. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic places, without regard to the procedures set forth herein.

### SECTION III: Penalties

- A. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or direction of the Permit Enforcement Officer or any other authorized employee of Queen Anne's County shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each and every violation with costs imposed in the discretion of the court.
- B. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

- C. The imposition of a fine or penalty for any violation of a non-compliance with the Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.
- D. Any structure constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance shall be declared by the County Commissioners of Queen Anne's County to be a public nuisance and abatable as such.

SECTION IV: Miscellaneous

A. Municipality Liability

The grant of a permit or approval is not a representation, guarantee, or warranty of any kind and shall create no liability upon the municipality, its officials or employees.

B. Abrogation and Greater Restrictions

This Ordinance supersedes any ordinance currently in effect in the Floodplain District. However, any other ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

C. Partial Invalidity and Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

IN THE MATTER OF THE PETITION OF  
NORMAN GEORGE FISCHER FOR A CHANGE  
IN ZONING CLASSIFICATION FOR LANDS  
IN THE FIFTH ELECTION DISTRICT,  
QUEEN ANNE'S COUNTY, MARYLAND

BEFORE THE  
COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ZONING CASE  
NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, August 7, 1984 at 2:00 p.m. upon the Petition of Norman George Fischer for a change in zoning classification of lands of the Petitioner, situate on U.S. Route 50 in the Fifth Election District of Queen Anne's County, Maryland, from A-1 (Agricultural) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as part of Parcel No. 44 on Queen Anne's County Sectional Zoning Map No. 67 and is more particularly described with reference to a plat submitted as Exhibit 2 to the Petition, containing 16.65 acres, more or less.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition (with exhibits), recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the Public hearing and Certification as to the posting of the property were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire, represented the Petitioner and presented testimony and evidence on behalf of the proposed rezoning. Mr. Price contended that there was a mistake in the original zoning of the subject property and that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

There was no testimony or public comment offered in opposition to the proposed rezoning. Ms. Joan Q. Dawkins presented the recommendations of the

Queen Anne's County Planning Commission.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood since the original zoning of the subject property sufficient to justify a change in zoning classification.

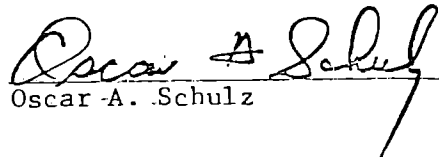
Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

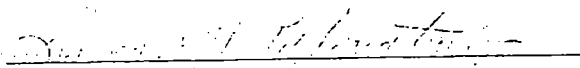
BE IT ORDAINED that the area described in the Petition for rezoning in this case, being part of Parcel No. 44 on Queen Anne's County Sectional Zoning Map No. 57, containing 16.65 acres, more or less, be and is hereby reclassified to B-2 (General Business) District.

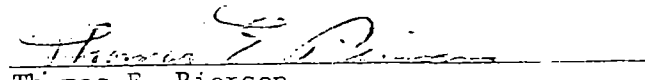
Dated: August 7, 1984

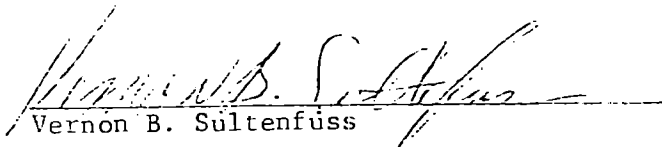
ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

  
Oscar A. Schulz

  
Lynda H. Palmatary

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION OF  
NORMAN GEORGE FISCHER FOR A CHANGE  
IN ZONING CLASSIFICATION FOR LANDS  
IN THE FIFTH ELECTION DISTRICT,  
QUEEN ANNE'S COUNTY, MARYLAND

\*

\*

\*

BEFORE THE

COUNTY COMMISSIONERS

OF QUEEN ANNE'S COUNTY

COUNTY ZONING CASE

NO. \_\_\_\_\_

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DECISION

A hearing was held on Tuesday, August 7, 1984 at 2:00 p.m. upon the Petition of Norman George Fischer for a change in zoning classification of lands of the Petitioner, situate on U.S. Route 50 in the Fifth Election District of Queen Anne's County, Maryland, from A-1 (Agricultural) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as part of Parcel No. 44 on Queen Anne's County Sectional Zoning Map No. 67 and is more particularly described with reference to a plat submitted as Exhibit 2 to the Petition, containing 16.65 acres, more or less. The Queen Anne's County Planning Commission has recommended that a parcel owned by Delmarva Power & Light Company, containing 2.35 acres and designated as Parcel 2 on Queen Anne's County Sectional Zoning Map No. 67 be included in the rezoning, and the rezoning of this property from A-1 (Agricultural) District to B-2 (General Business) District, was also a subject of the hearing.

The hearing was held in the office of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition (with exhibits), recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the Public hearing and Certification as to the posting of the properties were entered as a part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire, represented the Petitioner and presented testimony and evidence on behalf of the proposed rezoning. Mr. Price contended that there was a mistake in the original zoning of the subject properties and

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QUEEN ANNE'S COUNTY

that there has been a substantial change in the character of the neighborhood since the original zoning of the subject properties.

There was no testimony or public comment offered in opposition to the proposed rezoning. Ms. Joan Q. Dawkins presented the recommendations of the Queen Anne's County Planning Commission.

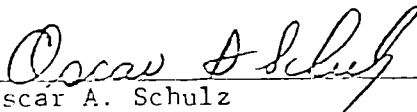
Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, the County Commissioners of Queen Anne's County do hereby determine that there has been a change in the character of the neighborhood since the original zoning of the subject properties sufficient to justify a change in zoning classification.

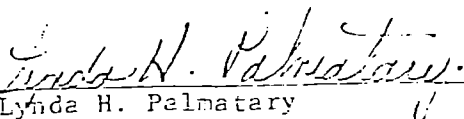
Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

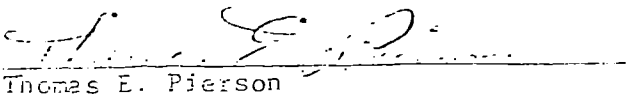
BE IT ORDAINED that the area described in the Petition for rezoning in this case, being part of Parcel No. 44 on Queen Anne's County Sectional Zoning Map No. 67, containing 16.65 acres, more or less, and the property of Delmarva Power & Light Company being Parcel No. 2 on Queen Anne's County Sectional Zoning Map No. 67, containing 2.35 acres, more or less, be and are hereby reclassified to B-2 (General Business) District.

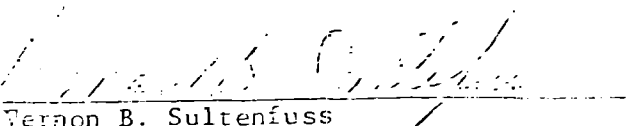
ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

  
Oscar A. Schulz

  
Lynda H. Palmatary

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION \* BEFORE THE COUNTY  
 OF DELMARVA POWER & LIGHT COMPANY, \* COMMISSIONERS  
 OWNER, AND SHORE DISTRIBUTORS, \* OF  
 INC., CONTRACT PURCHASER, FOR A \* QUEEN ANNE'S  
 CHANGE IN ZONING CLASSIFICATION \* COUNTY  
 OF LANDS IN THE FIFTH ELECTION \*  
 ELECTION DISTRICT, QUEEN ANNE'S \*  
 COUNTY, MARYLAND \* ZONING CASE NO. \_\_\_\_\_

\* \* \* \* \*

DECISION

A hearing was held on Tuesday, November 27, 1984 at 1:30 p.m. upon the Petition of Delmarva Power & Light Company and Shore Distributors, Inc., for a change in zoning classification of lands of the Petitioners, situate on the south side of U.S. Route 50 in the Fifth Election District of Queen Anne's County, Maryland, from R-3 (Urban Residence) District and B-1 (Community Business) District to B-2 (General Business) District. The property which is the subject of this Petition is designated as part of Parcel 41 on Queen Anne's County Sectional Zoning Map No. 58A, and is more particularly described with reference to a plat submitted as Petitioner's Exhibit No. 2, containing a total of 3.079 acres, a portion of which has been previously rezoned per a decision of the County Commissioners of Queen Anne's County following a hearing held June 19, 1984.

The hearing was held in the office of The County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Petition (with exhibits) recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the Public Hearing and certification as to the posting of the property were entered as a part of the record without objection. There was likewise no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

James E. Thompson, Jr., Esquire, represented the Petitioner, and presented the Petition and exhibits on behalf of the proposed rezoning. Mr.

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Thompson contended that there has been a substantial change in the character of the neighborhood since the original zoning of the subject property and that there was a mistake in the original zoning of the subject property. Mr. Thompson further explained that an error in the Queen Anne's County Sectional Zoning Maps respecting this subject property led to its non-inclusion in the prior rezoning of this property.

There was no testimony or public comment offered in opposition to the proposed rezoning. The Queen Anne's County Planning Commission per their minutes of October 10, 1984 recommended that the proposed rezoning be granted.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission, and the testimony and evidence presented and after making the findings of fact required by Article 66B of the Annotated Code of Maryland, The County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

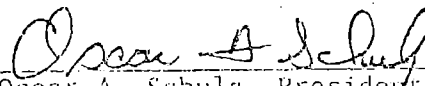
Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was unanimously RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

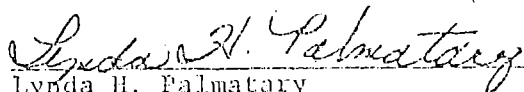
BE IT ORDAINED that the area described in the Petition for rezoning in this case, being the balance of Parcel 41 on Queen Anne's County Sectional Zoning Map No. 58A and all that property shown on the Plat introduced as Petitioner's Exhibit No. 2 which has not heretofore been reclassified to B-2 (General Business) District, be and is hereby reclassified to B-2 (General Business) District.

Dated: December 11, 1984.

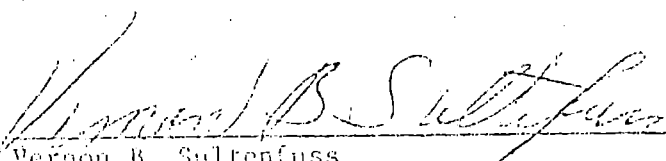
ATTEST:

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

  
Oscar A. Schulz, President

  
Lynda H. Palmatary

  
Thomas E. Pierson

  
Vernon B. Sultenfuss

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PURSUANT TO SECTION 13-111 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN CLOVERFIELDS, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 13-111 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 13-111 of the Code of Public Local Laws of Queen Anne's County, held a public hearing on October 4, 1983 after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment;

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner of record of each parcel of property proposed to be assessed, to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County;

NOW THEREFORE be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 1st day of December, 1984, that special assessment charges shall be levied against the properties abutting the roads of portions of roads listed on the "Cloverfields Road Estimate, May Lane and Kimberly Way" attached hereto as "Exhibit A" as a part of the Ordinance and be it further ORDAINED as follows:

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QUEEN ANNE'S COUNTY

A. The total special assessment charges levied against the aforesaid properties shall be 60% of \$27,929.62, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.

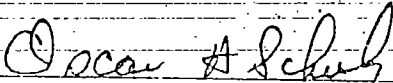
C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a public record of the names of property owners and amount of the benefit charges hereby levied.

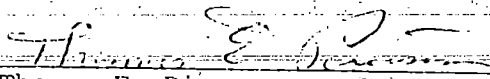
D. The special assessment levied may be payable in ten equal annual installments of principal and interest. Interest shall be calculated at the rate of 8% (eight per centum) per annum. The first installment shall be due and payable on February 1, 1985 and annually on the same date thereafter and shall be collectible in the same manner as county taxes.

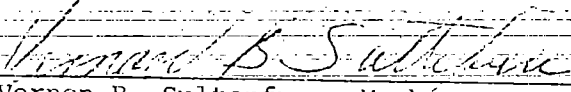
E. No transfer of title to property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 11th day of December, 1984.

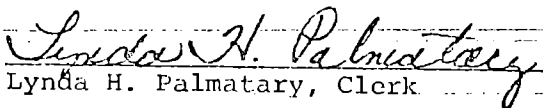
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

  
Oscar A. Schulz, President

  
Thomas E. Pierson, Member

  
Vernon B. Sultenfuss, Member

ATTEST:

  
Lynda H. Palmatary, Clerk

QUEEN ANNE'S COUNTY  
EROSION AND SEDIMENT CONTROL  
ORDINANCE

FEBRUARY 19, 1984

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QUEEN ANNE'S COUNTY

TABLE OF CONTENTS

1.0	PURPOSE AND AUTHORITY . . . . .	1
2.0	DEFINITIONS . . . . .	2
3.0	APPLICABILITY . . . . .	4
3.1	Scope. . . . .	4
3.2	Exemptions . . . . .	4
3.3	Variances. . . . .	4
4.0	EROSION AND SEDIMENT CONTROL PLANS. . . . .	5
4.1	Review and Approval of Erosion and Sediment Control Plans. . . . .	5
4.2	Content of the Erosion and Sediment Control Plans . . . . .	5
4.3	Modifications to Erosion and Sediment Control Plans . . . . .	8
5.0	PERMITS . . . . .	9
5.1	Permit Requirements. . . . .	9
5.2	Permit Expiration and Renewal. . . . .	9
5.3	Permit Fee . . . . .	9
5.4	Permit Suspension and Revocation . . . . .	9
5.5	Permit Conditions. . . . .	9
6.0	PERFORMANCE BOND. . . . .	10
7.0	INSPECTION. . . . .	11
7.1	Inspection Frequency and Reports . . . . .	11
7.2	Right of Entry . . . . .	12
7.3	Modifications to Erosion and Sediment Control Plans . . . . .	12
7.4	Complaints . . . . .	12
8.0	ENFORCEMENT . . . . .	13
8.1	Enforcement Procedures . . . . .	13
9.0	SEVERABILITY. . . . .	14
10.0	PENALTIES . . . . .	15
11.0	EFFECTIVE DATE. . . . .	16

## 1.0 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with accelerated soil erosion and resultant sedimentation. Minimizing soil erosion and off-site sedimentation will minimize damage to public and private property, and assist in the attainment and maintenance of water quality standards.

The provisions of this Ordinance pursuant to Natural Resources Article Sections 8-1101 through 8-1108 Annotated Code of Maryland are adopted under the authority of the Code of Public Local Laws of Queen Anne's County and shall apply to all grading occurring within the unincorporated area of Queen Anne's County. The application of this Ordinance and the provisions expressed herein shall be the minimum erosion and sediment control requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Queen Anne's County Department of Planning and Zoning shall be responsible for coordination and enforcement of the provisions of this Ordinance.

## 2.0 DEFINITIONS

1. "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment or life or property, including outdoor recreation.
2. "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Logging and timber removal operations may not be considered a part of this definition.
3. "Applicant" means any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
4. "Clear" means any activity which removes the vegetative ground cover.
5. "Department" means the Department of Natural Resources, Water Resources Administration.
6. "Developer" means a person undertaking, or for whose benefit any or all the activities covered by this Ordinance are commenced or carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.
7. "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
8. "Erosion" means the process by which the land surface is worn away by the action of wind, water, ice, or gravity.
9. "Erosion and Sediment Control" means a system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.
10. "Erosion and Sediment Control Plan" means an erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Soil Conservation Service and this Ordinance, and designed in accordance with the Standards and Specifications.
11. "Exemption" means those land development activities that are not subject to the erosion and sediment control requirements contained in this Ordinance.

12. "Grade" means to cause disturbance of the earth. This shall include but not be limited to any excavating, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance, or any combination of them.
13. "Permittee" means any person to whom a building or grading permit has been issued.
14. "Person" includes the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.
15. "Responsible personnel" means any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances.
16. "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or other artificial means.
17. "Site" means any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in own ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
18. "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
19. "Standards and Specifications" means the "1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.
20. "Variance" means modification of the criteria set forth in the Standards and Specifications.
21. "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.
22. "Watershed" means the total drainage area contributing runoff to a single point.
23. "Wetlands" means any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.



### 3.0 APPLICABILITY

#### 3.1 Scope

No person shall clear or grade land without implementing soil erosion and sediment controls in accordance with the requirements of this Ordinance except as provided within this section.

#### 3.2 Exemptions

- a. Agricultural land management practices and construction of agricultural structures;
- b. Single family residences or their accessory buildings on lots of 2 acres or more;
- c. Clearing or grading activities that disturb less than 5000 square feet of land area and disturb less than 100 cubic yards of earth.
- d. Clearing or grading activities that are subject exclusively to State approval and enforcement under State law and regulations.

#### 3.3 Variances

The Soil Conservation Service may grant a written variance from the requirements of the Standards and Specifications if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this Ordinance. The developer shall submit a written request for a variance to the Soil Conservation Service. The request shall state the specific variances sought and reasons for requesting the variance. The Soil Conservation Service shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the developer.

#### 4.0 EROSION AND SEDIMENT CONTROL PLANS

##### 4.1 Review and Approval of Erosion and Sediment Control Plans

- a. A person may not clear or grade land without first obtaining an erosion and sediment control plan approved by the Soil Conservation Service.
- b. The applicant shall submit an erosion and sediment control plan and any supporting computations to the Soil Conservation Service for review and approval. The erosion and sediment control plan shall contain sufficient information drawings, and notes to describe how soil erosion and off-site sedimentation will be minimized. The Soil Conservation Service shall review the plan to determine compliance with this Ordinance and the Standards and Specifications prior to approval. The plan shall serve as a basis for all subsequent grading and stabilization.
- c. In approving the plan, the Soil Conservation Service may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Ordinance, the State Sediment Control Regulations, COMAR 08.05.01, the Standards and Specifications, or the preservation of public health and safety.
- d. The Soil Conservation Service shall notify the applicant of approval or reasons for the disapproval or modification within 30 days after submission of the completed erosion and sediment control plan. If a decision is not made within 30 days, the Soil Conservation Service shall inform the applicant of the status of the review process and the anticipated completion date. The erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Soil Conservation Service on the plan.
- e. Approved plans may remain valid for 2 years from the date of approval unless renewed by the Soil Conservation Service.

##### 4.2 Contents of the Erosion and Sediment Control Plan

The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the Soil Conservation Service, this Ordinance, the State Sediment Control Regulations, COMAR 08.05.01 and the Standards and Specifications. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential

impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

Applicants shall submit the following information:

1. A letter of transmittal;
2. A vicinity sketch indicating north arrow, scale, and other information necessary to easily locate the property;
3. A plan at an appropriate scale indicating at least:
  - a. Name, address, and telephone number of:
    1. The owner of the property where the grading is proposed;
    2. The developer;
    3. The applicant.
  - b. The existing and proposed topography.
  - c. The proposed grading and earth disturbance including:
    1. Surface area involved;
    2. Volume of spoil material;
    3. Volume of borrow material, and
    4. Limits of grading including limitation of mass clearing and grading whenever possible.
  - d. Storm drainage provisions, including:
    1. Velocities and quantities of flow at outfalls; and
    2. Site conditions around points of all surface water discharge from the site;
  - e. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:
    1. Provisions to preserve topsoil and limit disturbance;
    2. Details of grading practices;

3. Design details for structural controls; and
4. Details of temporary and permanent stabilization measures including placement of the following statement on the plan: Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within:

- a. Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and
- b. Fourteen days as to all other disturbed or graded areas on the project site.

The requirements of sections 3.e.4.a. and 3.e.4.b. do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the "1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

- f. Sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, as a minimum, include a schedule and timeframe for the following activities.
  1. Clearing and grubbing for those areas necessary for installation of perimeter controls;
  2. Construction of perimeter controls;
  3. Remaining clearing and grubbing;
  4. Road grading;
  5. Grading for the remainder of the site;
  6. Utility installation and weather stormdrains will be used or blocked after construction;
  7. Final grading, landscaping or stabilization, and

8. Removal of controls.

- g. A statement placed on the plan indicating that the developer shall request that the Queen Anne's County Department of Planning and Zoning approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and this Ordinance.
  - 1. On all sites with disturbed areas in excess of 2 acres, approval of the inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until this initial approval by the inspection agency is made; and
  - 2. Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of 2 acres before removal of controls.
- h. Certification by the owner or developer that any clearing, grading, construction, or development, or all of these, will be done pursuant to this plan and that responsible personnel involved in the construction project will have a Certification of Training at a Department of Natural Resources approved training program for the control of sediment and erosion beginning the project. The Certification of Training for Responsible Personnel requirement may be waived by the Soil Conservation Service on any project involving four or fewer residential units.
- i. Any additional information or data deemed appropriate by the Soil Conservation Service.

4.3 Modifications to Erosion and Sediment Control Plans

The Soil Conservation Service may revise approved plans as necessary. Modifications may be requested by a permittee and the Queen Anne's County Department of Planning and Zoning.

## 5.0 PERMITS

### 5.1 Permit Requirements

Before a grading or building permit for any lot or parcel is issued by the Queen Anne's County Department of Planning and Zoning, the Soil Conservation Service must review and approve an erosion and sediment control plan for the site.

### 5.2 Permit Expiration and Renewal

The building or grading permit shall expire 2 years from the date of issuance unless extended or renewed by the Queen Anne's County Department of Planning and Zoning. Application for permit renewal shall be made at least 2 months prior to the permit expiration date.

### 5.3 Permit Fee

A permit fee schedule may be established by the County Commissioners of Queen Anne's County for the administration and management of the erosion and sediment control program. Capital improvement projects, refuse disposal areas, sanitary landfills, and public works projects shall be exempt from the permit fee.

### 5.4 Permit Suspension and Revocation

The Queen Anne's County Department of Planning and Zoning may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons:

1. Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit;
2. Noncompliance with violation notice(s) or stop work order(s) issued; or
3. Changes in site characteristics upon which plan approval and permit issuance was based.
4. Any violation(s) of this Ordinance or any rules and regulations adopted under it.

### 5.5 Permit Conditions

In issuing the grading permit, the Queen Anne's County Department of Planning and Zoning may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Ordinance or the preservation of the public health and safety.

6.0 PERFORMANCE BOND

When deemed necessary by the Queen Anne's County Department of Planning and Zoning, the developer shall furnish a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Queen Anne's County Department of Planning and Zoning.

## 7.0 INSPECTION

### 7.1 Inspection Frequency and Reports

- a. The permittee shall maintain a copy of the approved erosion and sediment control plan on site.
- b. On all sites with disturbed areas in excess of 2 acres, the permittee shall request that the Queen Anne's County Department of Planning and Zoning inspect work completed at the stages of construction specified below to ensure accordance with the approved erosion and sediment control plan, the grading or building permit, and this Ordinance:
  1. Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the inspection agency is made; and
  2. Upon final stabilization before to removal of sediment controls.
- c. Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on the average once every 2 weeks.
- d. Inspectors shall prepare written reports after every inspection. The inspection report shall describe:
  1. The date and location of the site inspection;
  2. Whether or not the approved plan has been properly implemented and maintained;
  3. Any practice deficiencies or erosion and sediment control plan deficiencies; and
  4. If a violation exists, the type of enforcement action taken.
- e. The Queen Anne's County Department of Planning and Zoning shall notify the on-site personnel or the owner/developer in writing when violations are observed, describing:
  1. The nature of the violation;
  2. The required corrective action; and
  3. The time period in which to have the violation corrected.



## 7.2 Right of Entry

It shall be a condition of every grading or building permit that the Queen Anne's County Department of Planning and Zoning has the right to enter property periodically to inspect for compliance with this Ordinance.

## 7.3 Modifications to Erosion and Sediment Control Plans

When inspection of the site indicates the approved erosion and sediment control plan needs modification, the modification shall be made in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:

- a. The permittee shall submit requests for major modifications to approved erosion and sediment control plans, such as the addition or deletion of a sediment basin, to the plan approval agency to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection; and
- b. The inspector may approve minor modifications to approved erosion and sediment control plans in the field if documented on a field inspection report. The plan approval agency shall, in conjunction with the inspection agency, develop a list of allowable field modifications for use by the inspector.

## 7.4 Complaints

The Queen Anne's County Department of Planning and Zoning shall receive complaints and initiate enforcement procedures when violations are confirmed. Any complaint received shall be acted upon, routinely within 3 days and the complainant shall be notified of any action or proposed action routinely within 7 days of receipt of the complaint.

## 8.0 ENFORCEMENT

### 8.1 Enforcement Procedures

- a. When the Queen Anne's County Department of Planning and Zoning or an inspector determines that a violation of the approved erosion and sediment control plan has occurred, the inspector shall notify the on-site personnel or the permittee in writing of the violation, describe the required corrective action and the time period in which to have the violation corrected.
- b. If the violation persists after the date specified for corrective action in the notice of violation, the Queen Anne's County Department of Planning and Zoning shall stop work on the site. The Queen Anne's County Department of Planning and Zoning shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.
- c. If reasonable efforts to correct the violation are not undertaken by the permittee, the Queen Anne's County Department of Planning and Zoning shall refer the violation for legal action.
- d. The Queen Anne's County Department of Planning and Zoning may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of a building or grading permit or approved erosion and sediment control plan.
- e. Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.
- f. If a person is working without a permit, the Queen Anne's County Department of Planning and Zoning shall stop work on the site except activity necessary to provide erosion and sediment control.

## 9.0 SEVERABILITY

If any portion, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance, it being the intent of the County Commissioners of Queen Anne's County that this Ordinance shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

## 10.0 PENALTIES

- a. Any person who violates any provision of this Ordinance is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not exceeding ninety (90) days or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.
- b. Any agency whose approval is required under this Ordinance or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this Ordinance.
- c.
  1. In addition to any other sanction under this Ordinance, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved plan shall be liable to the County Commissioners of Queen Anne's County or the State in a civil action, for damages in an amount equal to double the cost of installing or maintaining the controls.
  2. Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:
    1. Correcting to the extent possible the failure to implement or maintain erosion and sediment controls; and
    11. Administration of the sediment control program.

11.0 EFFECTIVE DATE

And be it further enacted, that this Ordinance shall take effect immediately upon enactment.

Enacted this 19th day of February, 1985.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Oscar A. Schulz*  
OSCAR A. SCHULZ PRESIDENT

ATTEST:

*Lynda H. Palmatary*  
LYNDA H. PALMATARY  
CLERK TO THE COUNTY COMMISSIONERS

*Thomas E. Pierson*  
THOMAS E. PIERSON

*Vernon B. Sultenfuss*  
VERNON B. SULTENFUSS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE, PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN QUEEN ANNE COLONY SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County held public hearings after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment.

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner of record of each parcel of property proposed to be assessed to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW, THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 1st day of July, 1985, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

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A. The total special assessment charges levied the aforesaid properties shall be SIXTY PER CENT (60%) of \$518,230.53, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a public record of the names of property owners and amount of the benefit charges hereby levied.

D. The special assessment levied may be payable in TEN (10) equal annual installments of principal. Interest shall be calculated at the rate of 9% (NINE PER CENTUM) per annum on unpaid balance. The first installment shall be due and payable on July 1, 1985, and annually on the same date thereafter and shall be collectable in the same manner as county taxes.

E. No transfer of title to property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 7th day of May, 1985.

ATTEST:

Oscar A. Schulz (SEAL)  
Oscar A. Schulz

Lynda H. Puberty

Thomas E. Pierson (SEAL)  
Thomas E. Pierson

Vernon B. Sultenfuss (SEAL)  
Vernon B. Sultenfuss

IN THE MATTER OF THE PETITION  
 OF BAYSIDE MARINA ASSOCIATES  
 FOR A CHANGE IN ZONING  
 CLASSIFICATION FOR LANDS IN  
 FOURTH ELECTION DISTRICT,  
 QUEEN ANNE'S COUNTY, MARYLAND

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BEFORE THE  
 COUNTY COMMISSIONERS  
 OF QUEEN ANNE'S COUNTY  
 COUNTY ZONING CASE  
 NO. 85-001

\* \* \* \* \*

DECISION

A hearing was held on Thursday, July 16, 1985, at 1:30 p.m. upon the Amended Petition of Bayside Marina Associates for a change in zoning classification of lands of the Petitioner situate near Castle Marina subdivision, Fourth Election District of Queen Anne's County, Maryland from A-1 (Agricultural) District and B-2 (General Business) District to M-3 (Maritime) District. The property which is the subject of this Petition is more particularly described by reference to a survey of the same which was entered into evidence in this cause as Petitioner's Exhibit No. 6 and contains approximately 64.5 acres of land, more or less.

The hearing was held in the offices of the County Commissioners of Queen Anne's County, County Annex Building, Banjo Lane, Centreville, Maryland.

The Amended Petition, recommendations of the Queen Anne's County Planning Commission, Certificate of Publication evidencing advertisement of the public hearing and certification as to posting the property were entered into evidence as a part of the record without objection. There was no objection to the sufficiency of the procedure followed in processing the application nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Jeffrey E. Thompson, Esquire, appeared on behalf of the Petitioner and presented extensive testimony and exhibits in favor of the proposed rezoning. Mr. Thompson contended that there has been a substantial change in the character of the neighborhood and that there was a mistake in not zoning the subject property to an M-3 (Maritime) District at the time the County adopted provisions creating M-3 zoning.

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TURNER & THOMPSON  
 ATTORNEYS AT LAW  
 109 LAWYERS ROW  
 CENTREVILLE, MARYLAND  
 21017



There was no testimony or public comment offered in opposition to the proposed rezoning. Mr. Barry Perkel, County Planning and Zoning Administrator, presented the recommendations of the Queen Anne's County Planning Commission and a staff evaluation of the proposed rezoning.

Upon consideration of the Amended Petition, the recommendations of the Queen Anne's County Planning Commission, the staff evaluation and the testimony and evidence presented the following findings of fact are made:

A. The "neighborhood" is fairly defined as that area bounded by U.S. Routes 50/301, Chester River, Macum Creek and Cox Creek.

B. The development of Queens Landing has had a significant impact on the neighborhood through the increased population created thereby and the significant change in appearance of the area.

C. A substantial number of properties in the neighborhood have been rezoned. The area appears to be undergoing a change to a high density residential area with water related amenities. The M-3 (Maritime) designation is consistent with this type of development.

D. The property is within the Kent Narrows/Stevensville/Grasonville wastewater subdistrict and although present capacity is unavailable to enable development of the property, such sewer capacity may be available in the foreseeable future. Development of areas already served by the sewer system is consistent with the Queen Anne's County Master Water and Sewerage Plan.

E. Although development of the subject property would result in some increase in traffic, it is hoped that the State Highway Administration will take the necessary steps to alleviate the existing traffic problems by the time that significant development could occur.

F. The proposed rezoning is consistent with the existing Queen Anne's County Master Plan.

G. Development of the property consistent with M-3 (Maritime) District would have no significant adverse environmental impact.

H. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.

Based upon the foregoing matters and after careful consideration, the County Commissioners of Queen Anne's County do hereby determine that this

has been a substantial change in the character of the neighborhood since the original zoning of the subject property.

Upon motion by Mr. Pierson, seconded by Mr. Sultenfuss, it was RESOLVED that the Queen Anne's County Comprehensive Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in the Amended Petition for rezoning in this case, containing 64.5 acres of land, more or less be reclassified to M-3 (Maritime) District.

Dated: August 13, 1985

ATTEST:

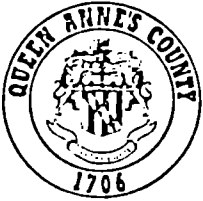
THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

*Susan B. Fowler*

*Oscar A. Schulz*  
Oscar A. Schulz

*Thomas E. Pierson*  
Thomas E. Pierson

*Vernon B. Sultenfuss*  
Vernon B. Sultenfuss



THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ANNEX BUILDING  
CENTREVILLE, MARYLAND 21617  
758-0322

OSCAR A. SCHULZ, PRESIDENT  
THOMAS E. PIERSON  
WILLIAM V. RIGGS, III

ROBERT D. SALLITT, ADMINISTRATOR  
LYNDA H. PALMATARY, CLERK  
PATRICK E. THOMPSON, ATTORNEY

AN ORDINANCE ESTABLISHING ALTERNATE MEMBERS OF THE QUEEN ANNE'S  
COUNTY PLANNING COMMISSION

BE IT ENACTED AND ORDAINED that the County Commissioners of Queen Anne's County may appoint up to three alternate members of the Queen Anne's County Planning Commission to serve for a period of five years from the date of their appointment. When requested, an alternate member shall substitute for any regular member, but not for an ex officio member, who is unable to attend any regular or special meeting of the Planning Commission. An alternate member shall receive the same per diem compensation, if any, as a regular member. An alternate member may be removed by the same procedure and the same process as a regular member. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the County Commissioners of Queen Anne's County.

Adopted this 7<sup>th</sup> day of January, 1986.

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THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
OSCAR A. SCHULZ, PRESIDENT

Thomas E. Pierson  
THOMAS E. PIERSON

William V. Riggs III  
WILLIAM V. RIGGS, III

Attest:

Lynda H. Palmatary  
Lynda H. Palmatary, Clerk

RESOLUTION

WHEREAS, Section 14-820 of the Tax-Property Article of the Annotated Code of Maryland provides that the County Commissioners of Queen Anne's County may fix the rate of redemption for property sold at tax sale.

NOW THEREFORE, Be It RESOLVED by the County Commissioners of Queen Anne's County that the rate of redemption as set forth in Section 14-820(b)(13) of the Tax-Property Article shall be 12% a year until such time as the same be amended, modified or repealed.

WITNESS the hands and seals of the County Commissioners of Queen Anne's County this 28<sup>th</sup> day of January, 1986.

ATTEST: THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz

Linda N. Palmatier

Thomas E. Pierson  
Thomas E. Pierson

William V. Riggs, III  
William V. Riggs, III

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AN ORDINANCE TO ESTABLISH A PARTIAL MORATORIUM ON THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE CRITICAL AREAS OF QUEEN ANNE'S COUNTY, MARYLAND AS DEFINED IN THE MARYLAND ANNOTATED CODE, NATURAL RESOURCES ARTICLE, SS8-106 ET SEQ (1985 CUM SUPP.)

WHEREAS the General Assembly of the State of Maryland has enacted certain legislation creating a Chesapeake Bay Critical Area Protection Program, which legislation is codified in the Maryland Annotated Code, Natural Resources Article, SS1802-1816 et seq (1985 Cum Supp.); and;

WHEREAS said legislation created a Chesapeake Bay Critical Area Commission to propose criteria to apply to the subdivision and development of land within one thousand feet of the Chesapeake Bay and its tributaries; and,

WHEREAS the Commission has developed proposed criteria, which include therein provision that any subdivision of land approved by a local political jurisdiction after December 1, 1985, may be counted against and subtracted from that jurisdiction's allocated growth increment as described in the proposed criteria; and,

WHEREAS the approval of subdivisions or other development within the critical areas of Queen Anne's County, Maryland, after December 1, 1985, and before the Queen Anne's County Office of Planning and Zoning has an opportunity to do the mapping and land use planning required by the critical areas legislation, could, under the proposed criteria, irrevocably use all or most of Queen Anne's County's "growth increment", thereby limiting future growth in the County and preventing effective land use planning; and,

WHEREAS application of such criteria may create issues of regulatory inequity between development occurring within the interim period and development occurring after Program adoption due to the application of

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different development standards; and,

WHEREAS future growth and land development issues, and proper planning therefore, are vital to the health, safety, and welfare of the residents of Queen Anne's County; and

WHEREAS the location and density of residential dwelling units, as well as commercial uses and structures, are matters of significant environmental, economic and social impact upon the residents of Queen Anne's County,

NOW THEREFORE, based upon reports and information received from members of the Critical Areas Commission, its staff, members of the Queen Anne's County Planning Commission, the Queen Anne's County Planning Director, the Comprehensive Plan Consultants, and various interested citizens of Queen Anne's County,

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, as follows:

Section 1: The County Commissioners of Queen Anne's County, Maryland hereby finds and determines that an emergency exists, in that continued approval of subdivision and certain other development applications for land within the critical areas of Queen Anne's County after December 1, 1985, and before all resource conservation areas, intensely developed areas, and limited development areas are located and mapped, could, under the proposed criteria for the Chesapeake Bay Critical Area Protection Program, limit the quantity of land available for future residential and commercial use within the County, and could result in development which is inconsistent with sound land use planning.

Section 2: From the effective date of this Ordinance, neither the

Queen Anne's County Planning Director, nor the Queen Anne's County Planning Commission and Board of Appeals, nor any other Queen Anne's County official, appointee, agency or commission, shall approve any subdivision, or other development of land as defined under SS8-1802 (a) (3), within the critical areas of Queen Anne's County until adoption of the Queen Anne's County Critical Area Protection Program, or until June 1, 1986, whichever occurs sooner.

Section 3: Excluded from this moratorium are: 1) Residential development on single lots of record within subdivisions approved from June, 1984 through December, 1985 and such other subdivisions grandfathered by Comar 14.15.07; 2) those subdivisions whose density is one dwelling unit per twenty acres or less, 3) development located in its entirety over 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides as referenced under NR8-1807 (a) (2), and; 4) development which presents evidence and documentation to the Board of County Commissioners that (1) the land in question is clearly demonstrated to be in an intensely developed area or in a limited development area; and (2) that the proposed development is of such intensity that other lands within the County similarly situated would not have their future development adversely affected by permitting the proposed development; and (3) that the development complies with the proposed Critical Area Criteria for development in the type development area in which the site is located.

Section 4: The moratorium upon the subdivision or other development of land, hereby created, shall commence upon date of adoption of this ordinance and shall continue in full force and effect until adoption of the Queen Anne's County Critical Area Protection Program, or until June 1, 1986, whichever first occurs. This moratorium may be terminated,

modified, amended, or extended by the County Commissioners based upon the advice of the Queen Anne's County Planning Director and Queen Anne's County Planning Commission concerning their progress in locating and mapping the various development areas created by the criteria adopted by the Chesapeake Bay Critical Area Commission.

As Witness The Hand and Seals of the County Commissioners of Queen Anne's County this 28th day of January, 1986.

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz, President

Lynda H. Palmatary  
Lynda H. Palmatary, Clerk

Thomas E. Pierson  
Thomas E. Pierson

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William V. Riggs, III  
William V. Riggs, III



IN THE MATTER OF THE \* BEFORE THE  
 RECOMMENDATIONS OF THE QUEEN \* COUNTY COMMISSIONERS  
 ANNE'S COUNTY PLANNING COMMISSION \* OF QUEEN ANNE'S COUNTY  
 TO AMEND QUEEN ANNE'S COUNTY \*  
 ORDINANCE NO. 17, SUBDIVISION \* ZONING CASE NO. 2/A  
 REGULATIONS \*  
 \* \* \* \* \*

DECISION

A hearing was held before the County Commissioners of Queen Anne's County on February 18, 1986 at 9:00 a.m. upon the recommendations of the Queen Anne's County Planning Commission to amend Ordinance No. 17, Subdivision Regulations, to read as follows:

"II. Definitions:

. . . B. 'Subdivision' means any division of a lot, tract, or parcel of land or part thereof, as now owned or hereafter acquired into two (2) lots or parcels and is for future transfer of ownership or building development."

The hearing was held in the office of the County Commissioner County Annex Building, Banjo Lane, Centreville, Maryland.

A certificate of publication giving notice of the public hearing and the recommendations of the Queen Anne's County Planning Commission (in the form of an excerpt from the minutes of their meeting of November 25, 1985) were made a part of the record of this proceeding, without objection. There was no objection to the sufficiency or form of the procedure followed in processing the proposed Amendment nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

There was no public comment or testimony offered either in favor of or in opposition to the proposed Amendment. Mr. Barry Perkel, Planning and Zoning Administrator for Queen Anne's County explained the intent and purpose of the proposed Amendment.

After review of the proposed Amendment, the testimony offered and the recommendations of the Queen Anne's County Planning Commission, the County Commissioners do hereby determine that the proposed Amendment will be in the general public interest and will promote the health, safety and welfare of the community.

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Upon motion by Mr. Pierson, seconded by Mr. Riggs, it was unanimously RESOLVED as follows:

BE IT ORDAINED by the County Commissioners of Queen Anne's County that the proposed Amendment to Ordinance No. 17, Subdivision Regulations be and hereby are ADOPTED effective February 18, 1986.

Dated: February 18, 1986

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz

Lynda H. Palmatier

Thomas E. Pierson  
Thomas E. Pierson

William V. Riggs, III  
William V. Riggs, III

ARTICLE 17.08

PLANNED UNIT DEVELOPMENT DISTRICT

The Planned Unit Development zones have fewer specific requirements and restrictions than other zones and permit more flexibility of design and use, subject to a binding plan proposed by the developer and accepted by the Planning Commission.

17.08.01 PUD ZONE: The Planned Unit Development Zone is a permitted use in A-1, R-1, R-2, R-3, R-4 and R-5 districts consistent with findings of 12.A.041.

17.08.02 PURPOSE AND INTENT: It is the purpose of this section to permit unified development consistent with densities allowed by the Comprehensive Zoning Ordinance of Queen Anne's County adopted by the County Commissioners of Queen Anne's County. It is intended that this zone provide a means of regulating development which allows flexibility of design, the integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience and amenity. This zoning category will be utilized to implement County policies in a manner more closely compatible with County plans and policies than may be possible under conventional zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area, and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and neighborhood commercial uses, as well as related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising of owner occupancy units, rental occupancy units, one-family units, multiple-family units and other structural types.

It is also the purpose of this zone to preserve and take the greatest possible aesthetic advantage of existing topography and other natural features and to minimize the amount of disruption to the existing natural environment.

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It is further the purpose of this zone to encourage and provide for open space, not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation, and social activity. Open space should be so situated as part of the plan and design of each development so to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of the zone to encourage and provide for the development of comprehensive pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial areas, employment areas and public facilities to thereby minimize reliance upon the automobile as a means of transportation within the Planned Unit Development.

Many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units. Large scale developments offer opportunities for a wider range of related residential and nonresidential uses. It is, therefore, the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

17.08.03

PRINCIPAL USES: The following principal uses shall be permitted subject to the approval of the final master development plan, prepared in accordance with the provisions of Section 17.08.07 and subject to the use limitations set forth in this Section and 17.08.04 below.

1. Dwellings, single family detached.
2. Dwellings, single family attached.
3. Duplex.
4. Townhouses.
5. Dwellings, multiple family.
6. Public uses.
7. Zero lot line/patio homes

Accessory Uses

1. Golf course
2. Private Park, lake or waterway
3. Recreation area.
4. Recreation building, clubhouse or social hall.
5. Other accessory structure which the Board of Appeals finds is designed to serve primarily the residents of the Planned Unit Development, and is compatible with the design of the Planned Unit Development.

17.08.04

USE LIMITATIONS: Uses of a neighborhood commercial nature shall be permitted only in a Planned Unit Development District which has a minimum of one hundred fifty (150) residential dwelling units.

Secondary uses of a commercial nature shall be designed to serve primarily the needs of the residents of the planned development in which they are located. Such uses shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:

- A. Commercial and non-residential uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building, such as a gasoline station. This section does not supercede any other requirement for commercial uses contained in the Comprehensive Zoning Ordinance of Queen Anne's County.

4

- B. When located within the same building as residential uses, commercial and office uses shall be limited to the lower two (2) floors.
- C. Signage and landscaping requirements approved in the Master Development Plan shall apply to secondary commercial uses in the Planned Unit Development.

No building permit for any non-residential commercial use shall be issued (nor may any building be used for such use) prior to the issuance of a Certificate of Use and Occupancy for not less than one hundred fifty (150) dwelling units within the immediate service area of such proposed use.

17.08.05 FINDINGS FOR PROJECT APPROVAL: The Planning Commission shall approve a Preliminary Development Plan for a Planned Unit Development only if it finds that the Planned Unit Development will satisfy standards of this Article including the following:

(1) The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and wetlands.

17.08.06 FEES: The County Commissioner shall periodically establish the fees for processing Planned Unit Development applications.

17.08.07 MASTER DEVELOPMENT PLAN: The Master Development Plan for Planned Unit Development review procedure shall consist of the following stages:

STAGE I: Notification to the Planning Commission and Board of Appeals of the developers intent to file for a Planned Unit Development. This letter of intent shall be accompanied by preliminary plans and sketches giving basic site information such as, acreage, number of dwellings, general location, environmental conditions, source of water supply and distribution, proposed sewer disposal methods, and surrounding land uses. The planning staff will indicate to the Developer the County's position on the various issues raised by the Planned Unit Development at a preapplication conference, which shall be scheduled upon receipt of the sketch Master Development Plan.

17.08.08

STAGE 2: Preliminary Master Development Plan shall be submitted to the Planning Commission. The applicant shall include with application for approval of a Planned Unit Development the following described at 17.08.09 and 17.08.10.

- (1) Written statements and documents.
- (2) Site plans, drawings, maps and sketches.

17.08.09

(1) WRITTEN DOCUMENTS:

- (a) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (b) A statement of planning objectives to be achieved by the Planned Unit Development. This statement should include a description of the character of the proposed development.
- (c) A development schedule indicating the approximate date when construction of the Planned Unit Development and/or stages of the Planned Unit Development can be expected to begin and be completed.
- (d) A statement of the applicant's intentions with regard to future selling, leasing, ownership, and maintenance of all or portions of the Planned Unit Development.
- (e) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of nonresidential construction (including a separate figure for commercial or institutional facilities).
- (f) Economic feasibility of the project, market analysis and school impact studies, public safety considerations for emergency services.
- (g) Design standards to ensure unified development of the Planned Unit Development with consistent requirements for signage, landscaping, lighting, pedestrian and vehicular circulation and building facades.

17.08.10

(2) SITE PLAN AND SUPPORTING MAPS:

A site plan at a scale of 1"=200' and any maps necessary to show the major details of the proposed Planned Unit Development containing the following minimum information:

- (a) The existing site conditions including contours at 2 foot intervals, water courses, flood plains, wetlands, and upland natural areas as mapped by Maryland Natural Heritage Program. Additional information may be required if the proposed development is within the Chesapeake Bay Critical Area.
- (b) Proposed lot lines and plot designs.
- (c) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures, including commercial facilities.
- (d) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
- (e) The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership -- public or private -- should be included.
- (f) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
- (g) The existing and proposed utility systems including sanitary sewers, storm sewer, water lines, electric lines, gas lines, and telephone lines. All proposed utility systems shall be located underground except where physical constraints prevent.
- (h) A preliminary landscape plan indicating the treatment of materials used for private and common spaces.
- (i) Detailed information on land areas adjacent to the proposed Planned Unit Development to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
- (j) The proposed treatment of the perimeter of the Planned Unit Development, including materials and techniques used as screens, fences and walls as may be required.



- 17.08.11 TIME FRAME FOR APPROVAL: A minimum of 30 days and a maximum of 90 days may elapse between the application date and the date on which the Planning Commission responds.
- 17.08.12 STAGE 3: FINAL MASTER DEVELOPMENT PLAN: Within a maximum of 6 months following the recommendation of the Preliminary Development Plan by the Planning Commission, the applicant shall file with the Board of Appeals a final Development Plan for approval as a conditional use pursuant to Section 20.44 of the Queen Anne's County Comprehensive Zoning Ordinance containing in final detailed form the information required in the Preliminary Development Plan or withdraw the project from further consideration. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final Development Plan with the Board of Appeals.
- 17.08.13 The final Development Plan shall be deemed in substantial compliance with the Preliminary Development Plan, provided modification by the applicant does not involve a change of one or more of the following:
- (a) Violate any provision of this or any other Section of the Ordinance;
  - (b) Vary the lot area agreed to as part of the preliminary master development plan by more than ten (10) percent;
  - (c) Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space.
  - (d) Increase the floor area proposed for nonresidential use by more than ten (10) percent; and
  - (e) Increase the total ground area covered by buildings by more than five (5) percent.
- 17.08.14 Signed Developers Agreements requiring that the developer abide by the conditions in the final Master Development Plan shall be required for each Planned Unit Development application.
- 17.08.15 AUTHORIZATION TO GRANT OR DENY PLANNED UNIT DEVELOPMENT: A Planned Unit Development listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this article and Section 20.44.

In judging whether or not a Planned Unit Development proposal shall be approved or denied, the Planning Commission and Board of Appeals shall weigh its appropriateness, desirability, and public convenience or the demand for such a facility against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are met, can be met by observance of conditions, or are not applicable.

- (1) The proposal will be consistent with the comprehensive plan, objectives of the zoning ordinance and other applicable policies of the County.
- (2) The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the liveability, value or appropriate development of abutting properties and the surrounding area.
- (3) The location and design of the site and structures for the proposal will protect scenic and environmentally valuable areas to the extent possible.

17.08.16

**TIME LIMIT ON PERMIT FOR PLANNED UNIT DEVELOPMENT:**

Authorization of a Planned Unit Development shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year upon request.

17.08.17

**AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:** Minor changes in the location, siting, and height of the buildings and structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:

- (1) A change in the use or character of the development;
- (2) An increase in overall coverage of structures;
- (3) An increase in the intensity of use;
- (4) An increase in the problems of traffic circulation and public utilities;

- (5) A reduction in approved open space;
- (6) A reduction of off-street parking and loading space;
- (7) A reduction in required pavement widths.

17.08.18 All other changes must be made after the recommendation of the planning staff and the approval by the Planning Commission or by reapplication to the Board of Appeals. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.

17.08.19 DENSITY: The total gross density of development shall not exceed that of the maximum permitted number of dwelling units for the district wherein located. Density calculations shall be based on the entire acreage in the development.

17.08.20 The density of lots or development sites within the Planned Unit Development which abut residential zoning districts shall be equal to or be less dense than those immediately abutting residential districts.

17.08.21 SIZE OF THE PLANNED UNIT DEVELOPMENT SITE: Except as set forth in Section 17.08.22 of this Article, a Planned Unit Development shall be on a tract of land of sufficient size to accommodate 50 or more dwelling units.

17.08.22 Notwithstanding the provisions of Section 12.A of this Article, a Planned Unit Development may be for a tract of land that will accommodate more than five dwelling units but less than 50 dwelling units if the Planning Commission finds, upon a showing by the land owner, that a Planned Unit Development is in the public interest because one or more of the following conditions exist:

- (a) An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood, which can be conserved and still leave the land owner equivalent use of the land by the use of a Planned Unit Development.

(b) The property or its neighborhood has a historical character of importance to the community that will be protected by the use of a Planned Unit Development.

(c) The property is adjacent to or across a street from property which has been developed or redeveloped under a Planned Unit Development, and a Planned Unit Development will contribute to the maintenance of the amenities and values of the neighborhood planning development.

- 17.08.23 DIMENSIONAL AND BULK STANDARDS: The minimum lot area, width, frontage and yard requirements do not apply within a Planned Unit Development except for structures on lots abutting residential districts; said structures shall comply with the setback requirements of the zoning district in which the Planned Unit Development is located.
- 17.08.24 If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
- 17.08.25 Buildings, off-street parking, loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- 17.08.26 The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the Planned Unit Development is proposed, except that a greater height may be approved by the Board of Appeals if surrounding open space within the Planned Unit Development, building setbacks and other design features are used to avoid any adverse impact due to the greater height.
- 17.08.27 OPEN SPACE: Minimum open space area required in Planned Unit Developments shall be seventy percent (70%) of the gross site area. (Gross site area is the area within the metes and bounds of the property).
- 17.08.28 No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

(a) The location, shape, size and character of the common open space is suitable for the planned development.

(b) The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwelling provided.

(c) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

(d) The development schedule which is part of the Development Plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the Planned Unit Development.

(e) If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed in a timely fashion. The County Commissioners or their agent shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

17.08.29 Minimum improved active recreation space such as pools, decks, fitness trails, etc.\* requirements shall not use more than twenty percent (20%) of the required open space.

\* Improved active recreation space such as pools, decks, fitness trails, etc.

17.08.30 Land shown on the final development plan as open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state. This association shall adopt articles of incorporation and bylaws, and adopt and impose a declaration of covenants and restrictions on the common open space that are acceptable to the Planning Commission to provide for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. All open space shall be deed restricted, and those deeds recorded with the Clerk of the Court. Future funding for the maintenance of open space shall be required by the

association and must be submitted for approval with the final Master Development Plan.

17.08.31

No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

17.08.32

ENVIRONMENTAL DESIGN: Planned Unit Developments shall comply with open space requirements for the following environmentally sensitive areas.

- Beaches All beaches shall remain in permanent open space. The following uses are permitted on beaches: Swimming, boat launching and recreational uses not involving any permanent structures or the movement of sand or earth.
- Bluffs All such areas shall remain in permanent open space. Recreational uses consisting of pedestrian accessways or other passive recreation shall be permitted and erosion control measures.
- Floodplains Development in all floodplains shall be consistent with current County regulations.
- Tidal Wetlands All such areas shall remain in permanent open space. Recreational uses consistent with pedestrian access shall be permitted, however, they must be consistent with State standards.
- Nontidal Wetlands 100% of nontidal wetlands larger than 1 contiguous acre and classified as palustrine aquatic bed, palustrine emergent, palustrine forested, palustrine open water, palustrine scrub shrub as defined in U.S. Fish and Wildlife Service maps shall not be disturbed.
- Steep Slopes No more than 60% of area with slopes of 10-15% may be disturbed by grading or stripping vegetation. No more than 40% of areas with slopes between 15-25% may be cleared or stripped. Development on slopes greater than 25% percent shall be prohibited unless development is the only effective way to maintain or improve the stability of the slope.

High Erosion Hazard areas      Development in all such areas shall remain consistent with existing County Ordinances and State regulations.

Forests and Developed Woodlands      No more than 20 percent of any forest or developed woodland may be removed from use permanently without a 150% replacement mitigation requirement.

- 17.08.33      Planned Unit Developments shall comply with the following regulations for environmentally sensitive areas.
- (a) Tidal wetlands will not be disturbed.
- (b) A 100 foot vegetative buffer shall be required adjacent to all tidal wetlands adjacent to water bodies, and the buffer may be planted in grasses.
- (c) Shore erosion shall be mitigated. Bonds for 100% of the estimated cost of shore protection shall be required.
- (d) Additional regulation may be required if the planned development is within the Chesapeake Bay Critical Area.
- 17.08.34      Provisions regarding the maximum possible preservation and management of existing vegetation, sensitive features, such as wetlands, hydric soils, flood hazard areas, shall apply to the entire site.
- 17.08.35      TRAFFIC CIRCULATION: Projects shall produce a traffic study documenting impact on public roads and intersections within 1/2 mile of the proposed site. Traffic studies shall show the existing capacity as well as the projected volume generated by the Planned Unit Development.
- 17.08.36      The internal street system shall be designed for the efficient and safe flow of vehicles without having a disruptive influence on the activities and functions of the common areas and facilities.
- 17.08.37      PRIVATE STREETS: Those streets designated as privately owned in a Planned Unit Development shall be so indicated on the Site Plan. A private mechanism for maintaining private streets and parking areas shall be required.
- 17.08.38      PARKING STANDARDS: Parking standards of the Planned Unit Development to meet Section 17.02 of the Zoning Ordinance.

We, the County Commissioners of Queen Anne's County, do hereby adopt the revised Planned Unit Development Ordinance by affixing our signature below and repeal the existing Section 17.08 (Planned Unit Development) of the Comprehensive Zoning Ordinance of Queen Anne's County as adopted and amended and replace it with text attached hereto.

## COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Oscar A. Schulz  
Oscar A. Schulz  
President

Thomas E. Pierson  
Thomas E. Pierson  
Member

William V. Riggs, III  
William V. Riggs, III  
Member

ATTEST:

Lynda H. Palmatary  
Lynda H. Palmatary  
Clerk to the County Commissioners

Date: June 10, 1986





THE COUNTY COMMISSIONERS  
OF QUEEN ANNES COUNTY  
COUNTY ANNEX BUILDING  
CENTREVILLE, MARYLAND 21617  
758-0322

OSCAR A. SCHULZ, PRESIDENT  
THOMAS E. PIERSON  
WILLIAM V. RIGGS, III

ROBERT D. SALLITT, ADMINISTRATOR  
LYNDA H. PALMATARY, CLERK  
PATRICK E. THOMPSON, ATTORNEY

OVERALL MORATORIUM

WHEREAS, the County Commissioners of Queen Anne's County have authorized the preparation of a revised Comprehensive Plan and Zoning Ordinance for the regulation of land use in the unincorporated areas of Queen Anne's County, and;

WHEREAS, said regulations are entering the final stages of preparation, and;

WHEREAS, the Planning Commission and County Commissioners are empowered by Article 66B of the Annotated Code of Maryland to regulate the use of land in Queen Anne's County, and;

WHEREAS, the proposed regulations for the use of land are intended to protect and promote the health, safety and general welfare of the County, and;

WHEREAS, the effectiveness of the proposed regulations will be threatened by speculative and poorly thought out development proposals prepared specifically to avoid the intent of the proposed regulations, and;

WHEREAS, it is in the public interest to protect the health, safety and general welfare of the citizens of Queen Anne's County through the sound regulation of the use of land, and;

FURTHERMORE, the following facts are hereby recognized by the County Commissioners in consideration of the proposed moratorium:

1. The available capacity of the Kent Island Grasonville sewage treatment plant is nearing capacity and that the remaining capacity is to be reserved for the Chesapeake Bay Business Park and those existing lots immediately abutting the existing collection system.
2. The Chesapeake Bay Critical Areas Criteria caused a volume of development proposals that otherwise would not have occurred and which were determined to be a threat to the health, safety and general welfare of the population of Queen Anne's County. The proposed regulations contained in the revised Comprehensive Plan and Zoning Ordinance will have a similar effect, triggering development contrary to sound land use planning and will, therefore, be a similar threat to the health, safety and general welfare of the citizens of Queen Anne's County.

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QUEEN ANNE'S COUNTY

3. The County Commissioners did adopt on January 28, 1986 and renewed on June 3, 1986 a moratorium on the development of land in the Chesapeake Bay Critical Area, (SS8-1808(d) Annotated Code of Maryland) in order to promote and protect the health, safety and general welfare of the population of Queen Anne's County as well as to promote sound land use planning and development.
4. The development of single family homes on lots created and finally approved, prior to the effective date of this Ordinance, will be permitted to continue as will the development of multi-family dwellings and commercial structures which have received a final site plan approval from the Planning Commission or its designee as called for in Section 17.16 of the Comprehensive Zoning Ordinance as revised on October 1, 1985.

NOW THEREFORE BE IT RESOLVED, that the County Commissioners of Queen Anne's County hereby determine that:

1. Continued development at the present rate, or an accelerated pace, will result in detrimental growth which is inconsistent with sound land use planning and is hereby found to be a threat to public health, safety and welfare of the County and its citizens.
2. That after the effective date of this resolution, no official of Queen Anne's County may accept, process or approve:
  - (a) Any subdivision of more than two (2) lots, excluding transfers of tracts of more than 25 acres to be used for agricultural purposes. Upon the creation of such lots one principal dwelling shall be permitted;
  - (b) Any major site plan as defined in section 17.16 of the Comprehensive Zoning Ordinance of Queen Anne's County as adopted and amended. However minor site plans for any multiple family, multiple group dwelling, or commercial or industrial building involving less than 5,000 square feet of disturbed net acreage shall be exempt from the requirements of this moratorium and may be approved as called for in Section 17.16 dealing with minor site plans.
3. (a) Projects with preliminary subdivision or site plan approval shall be permitted to continue through the approval process. However, these projects must obtain final subdivision or site plan approval prior to the adoption of the proposed comprehensive plan and zoning ordinance. Projects not receiving final subdivision or site plan approval shall be deemed invalid and shall be obligated to revise their plans in accordance with the new regulations.
  - (b) Resubdivision of existing lots of record or recombination of such lots in which no additional building lots are to be created shall be permitted.
4. This resolution shall be effective from July 16, 1986, which shall be its effective date, and shall continue until December 31, 1986,

or until the adoption of a new Queen Anne's County Comprehensive Master Plan and associated zoning, subdivision and other development regulations, whichever first occurs. The effect of this resolution may be terminated, amended or extended by the County Commissioners of Queen Anne's County based upon the advise of the Queen Anne's County Planning Commission and the Planning Director as to the progress in the development of the proposed Master Plan and development regulations.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY, MARYLAND

DATE July 15, 1986

Oscar A. Schulz  
OSCAR A. SCHULZ, PRESIDENT

Thomas E. Pierson  
THOMAS E. PIERSON, MEMBER

ATTEST:

Linda H. Palmatary  
LYNDA H. PALMATARY, CLERK

William V. Riggs, III  
WILLIAM V. RIGGS, III, MEMBER

RESOLUTION NO. 44

WHEREAS, on July 15, 1986 the County Commissioners of Queen Anne's County adopted a moratorium on certain development and subdivision within Queen Anne's County;

AND WHEREAS, Triangle Oil Company has requested an exemption from said moratorium to allow them to develop a parcel of property fronting on Starr-Grange Hall Road in Queen Anne's County;

AND WHEREAS, the County Commissioners have determined that the relocation of Triangle Oil Company's existing storage facilities in the Centreville Wharf area would alleviate an existing potential threat to the safety health and welfare of the citizens of Queen Anne's County;

AND WHEREAS, Triangle Oil Company has been involved in obtaining permits to develop the aforesaid property for a period in excess of one year prior to the adoption of the aforesaid moratorium;

AND WHEREAS, the proposed use would not result in additional sewerage flow nor would it be inconsistent with the proposed Master Plan, Zoning Ordinance and Comprehensive Rezoning;

NOW THEREFORE, be it resolved by the County Commissioners of Queen Anne's County this 14 day of September, 1986 that Triangle Oil Company be allowed to file for necessary permits and approvals to develop the aforesaid property in accordance with the preliminary site plan attached to its request of August 21, 1986. Triangle Oil Company is required to comply with all existing County Ordinances and Regulations including site plan review and landscaping requirements and is exempted hereby only from the effect of the moratorium of July 15, 1986.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County the day and year above written.

WITNESS:

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Syda H. Palmatary

Oscar A. Schulz  
Oscar A. Schulz

Syda H. Palmatary

Thomas E. Pierson  
Thomas E. Pierson

Syda H. Palmatary

William V. Riggs III  
William V. Riggs III

PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522B  
ORASONVILLE, MD 21638

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QUEEN ANNE'S COUNTY

RESOLUTION

RESOLUTION of the County Commissioners of Queen Anne's County providing for interim construction financing for the local share of the new County Detention Center by the issuance and sale of its Bond Anticipation Notes in an amount not to exceed \$2,500,000 in anticipation of the sale of its general obligation bonds in like par amount as authorized by Chapter 81 of the Laws of Maryland of 1986.

WHEREAS, the County Commissioners of Queen Anne's County have been authorized by Chapter 81 of the Laws of Maryland of 1986 to borrow \$3,000,000 for the purpose of financing a portion of the cost of designing, developing, constructing and equipping a new County jail (the "Detention Center"); and

WHEREAS, application has been made to and tentatively approved by the Farmers Home Administration, United States Department of Agriculture under which that agency would lend up to \$2,500,000 to the County for that purpose on a 30-year, level debt service basis at an annual interest rate of 7.625 percent; and

WHEREAS, the regulations of the Farmers Home Administration require the County to seek interim construction financing from private sources at a reasonable interest cost; and

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QUEEN ANNE'S COUNTY

WHEREAS, the Board of County Commissioners has received construction bids for the project and expects shortly to need funds for construction purposes; and

WHEREAS, upon solicitation of expressions of interest from various banking concerns to provide such funds the Board received a number of proposals and, upon due consideration, has determined that the proposal of Farmers National Bank of Maryland (the "Bank"), dated July 18, 1986, as supplemented, is in the best interests of the County, and hereby accepts that proposal; and

WHEREAS, the Board has further determined that the best interests of the County will be served if it issues a single Note to the Bank and its borrowing for construction financing purposes is undertaken on account of that Note to the extent feasible on a monthly basis as construction work progresses, borrowing to be undertaken and payment made on requisitions submitted by the contractor duly reviewed and approved by the project architect and submitted to the Board of County Commissioners for approval.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Pursuant to Section 12 of Article 31 of the Annotated Code of Maryland and Chapter 81 of the Law of Maryland of 1986, it is hereby determined that the County

Commissioners of Queen Anne's County ("County") shall borrow money and incur indebtedness in an amount not to exceed \$2,500,000 for the public purpose of providing construction financing for a portion of the cost of designing, developing, constructing and equipping a new County detention center (which undertaking is at present more particularly described in plans, specifications and reports prepared by Dewberry and Davis/Phillips Swager Associates currently on file in the offices of the County Commissioners).

Section 2. To evidence such borrowing the County shall issue and sell, upon its full faith and credit and in anticipation of the issuance of its general obligation bonds to Farmers Home Administration, United States Department of Agriculture ("FmHA") up to \$2,500,000 of its Bond Anticipation Notes to be known as "Detention Center Bond Anticipation Notes" ("Notes"). The Notes shall be issued from time to time as needed in the attached fully registered form, shall be dated the date of delivery and shall mature and be payable at the earlier of (i) the date of closing of the bond issue with FmHA or (ii) November 30, 1987. Each Note shall bear interest from its date of issuance until maturity at the rates hereinafter provided, payable quarter-annually and at maturity, calculated from the date of the Note on a 360-day basis on the first days of January, April, July and October, or at different intervals as may be fixed by a supplemental Resolution.

Section 3. The Notes will be registered as to principal and interest in the name of the owner at the Office of the Clerk to the County Commissioners in Centreville, Maryland, hereby designated "Registrar", on registration books or other suitable records kept for that purpose. Interest shall be paid by check or draft mailed to the registered owner at the address shown on the registration records. Principal and the interest payable at maturity shall be paid upon presentation and surrender of the Note at the offices of the County Commissioners in Centreville, Maryland. The Notes shall be issued in substantially the attached form, and all the covenants and conditions therein contained are hereby adopted by the County as and for the form of obligation to be incurred by it, and the covenants and conditions contained in it are hereby made binding upon the County, including the promise to pay. The President of the Board of County Commissioners is authorized to make such changes in the form of note as may be deemed necessary to carry into effect the purposes of this Resolution or to comply with recommendations of bond counsel, provided that the President may make no change affecting the substance of the notes authorized by this Resolution.

Section 4. The Notes shall be offered for investment purposes only and not for resale to the general public. Accordingly, as a condition to delivery, the purchaser shall provide the County with a certificate in form satisfactory to



counsel which represents and warrants that the Notes are being purchased for investment purposes only and not for resale to the general public, and further certifying that the purchaser has conducted its own independent and satisfactory inquiry of the financial condition of the County and any other matters deemed to be relevant to a reasonably informed decision to purchase the Notes.

Section 5. The Board has determined that the proposal submitted to it by the Farmer's National Bank of Maryland is reasonable and in the best interests of the County and hereby awards sale of the Notes to the Bank upon the terms and conditions stated herein, with interest payable on amounts borrowed from date of issue through December 31, 1986, at the rate of 4.70%, and on amounts borrowed from January 1, 1987 through November 30, 1987, at the higher of 4.70% or 60% of the Bank's prime rate. If the Federal tax laws are amended so as to alter the tax-exempt status of interest payments to the Bank, a tax equivalent rate will be fixed upon mutual agreement between the County and the Bank. To evidence its construction financing borrowing, the County shall deliver a single "Detention Center Bond Anticipation Note" to, and registered in the name of, Farmers National Bank of Maryland in the form of Attachment A hereto. Advances with respect to the amount authorized to be borrowed under the Note shall be made by the Bank from time to time as work progressed upon requisitions

reviewed and approved by the project architect and submitted to and approved by the Board of County Commissioners. It is the intention of the Board that payments shall be made monthly on or about the twentieth day of each calendar month upon appropriately documented request made on or before the first of that calendar month and that it will borrow from the Bank the amount necessary in each calendar month to pay the amount of each approved requisition to the end that the borrowing by the County from the Bank and the payment of costs of the project can be effected on a contemporaneous basis. The Bank shall be authorized to make advances with respect to the Note upon written request of the President (or any other designated member) of the Board of County Commissioners in substantially the form of Attachment B hereto.

Section 6. The proceeds of the sale of each of the Notes shall be paid to the County and deposited in the proper accounts of the County and, after payment of all administrative, financing, legal and other incidental expenses incurred by the County in connection with the sale, issuance and delivery of the Notes shall be used and expended exclusively and solely for the new jail project described in Section 1 in accordance with the applicable rules, regulations and contractual commitments required by FmHA.

Section 7. The County covenants with the registered owners of the Notes that it will not make or, to the extent that it exercises control or discretion, permit to be made, any use of the Note proceeds which would cause the Notes to be "arbitrage bonds" within the meaning of Section 103 of the Internal Revenue Code.

Section 8. (a) For the purpose of paying the principal of and interest on the Notes and for the purpose of permanently financing the costs of the jail project described in Section 1, the County shall, on or before the date of maturity of the Notes, borrow money and incur indebtedness in an amount not less than that necessary to provide (together with any other funds legally available for the purpose) for the payment of the total principal of and interest on the Notes maturing and due on that date, by the issuance of its general obligation bonds. Such bonds shall constitute an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on such bonds when due, said payment to be secured by the levy of ad valorem taxes upon all assessable property within the corporate limits of the County in rate and amount sufficient to provide for said payment, such bonds to bear such designation, date, maturity, schedule, interest rate or rates, media of payment and other provisions, and to be executed, sealed and attested as the County shall, by subsequent resolution, fix and determine.

(b) The County covenants with the registered owners of the Notes that it will pay the Notes and the interest thereon from the first proceeds of the bonds in anticipation of the sale of which the Notes are issued and further covenants that it will issue the bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists.

Section 9. This Resolution shall be effective on the date of its adoption.

Oscar A. Schulz  
Oscar A. Schulz, President

ATTEST:

Thomas E. Pierson  
Thomas E. Pierson

Lynda H. Palmatary  
Lynda H. Palmatary,  
Clerk

William V. Riggs, III  
William V. Riggs, III

ADOPTED August 26, 1986

RESOLUTION

RESOLUTION supplementing the August 26, 1986 Resolution of the County Commissioners of Queen Anne's County that authorized the issuance of \$2,500,000 Detention Center Bond Anticipation Note of 1986 so as to provide for compliance with the Tax Reform Act of 1986 and to designate the Note as a qualified tax-exempt obligation under that Act.

WHEREAS, the County Commissioners of Queen Anne's County (the "County") adopted on August 26, 1986, a resolution (the "Resolution") authorizing the issuance and sale of its Detention Center Bond Anticipation Note of 1986 (the "Note") in an amount not to exceed \$2,500,000; and

WHEREAS, a Conference Committee of the United States House of Representatives and the United States Senate on September 18, 1986 issued its report on H.R. 3838 known as the Tax Reform Act of 1986 (the "Act"); the Act, as reported, was adopted by the United States House of Representatives on September 25, 1986 and by the United States Senate on September 27, 1986; and

WHEREAS, the Act, if signed into law by the President, would establish certain new requirements with respect to the Note or any draw on the Note that may have to be met in order for the interest on the Note to be and continue to be exempt from Federal income taxation; and

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QUEEN ANNE'S COUNTY

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the County that the Note retain its tax-exempt status if the Act as reported by the Conference Committee becomes law.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

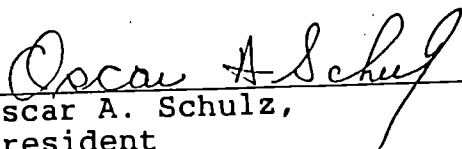
1. With respect to the County Commissioners of Queen Anne's County Detention Center Bond Anticipation Note of 1986 (the "Note") authorized to be issued by a resolution adopted by the Board of County Commissioners on August 26, 1986 (the "Resolution"), County Commissioners of Queen Anne's County (the "County") specifically covenants that, unless it is advised by nationally recognized bond counsel that failure to do so will not cause interest on the Note to become subject to federal income taxation, the County shall comply with the provisions of H.R. 3838, being the Tax Reform Act of 1986, or similar tax legislation applicable to the Note, including without limitation, compliance with any provisions of such legislation regarding the timing of the expenditure of the proceeds of the Note, the use of such proceeds, the restriction of investment yields, the filing of information with the Internal Revenue Service, and the rebate of certain earnings resulting from the investment of the proceeds of the Note. The County further covenants that it shall make such use of the proceeds of the Note, regulate the investment of the proceeds

thereof, and take such other and further actions as may be required to maintain the exemption from federal income taxation of interest on the Note. All officers, employees and agents of the County are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Note, as may be necessary or appropriate from time to time to comply with, or to evidence the County's compliance with, the covenants set forth in this Resolution.

2. The County hereby designates the Note a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1954 as it would be amended by Section 902(a) of H.R. 3838 as reported by the Conference Committee, the County and its subordinate entities reasonably expecting to issue no more than \$10,000,000 aggregate face amount of tax-exempt obligations during the calendar year 1986.

This resolution shall be effective on the date of its adoption.

[SEAL]

  
\_\_\_\_\_  
Oscar A. Schulz,  
President

ATTEST:

LRFR

3 PAGE 204

Thomas E. Pierson  
Thomas E. Pierson

Lynda H. Palmatary  
Lynda H. Palmatary,  
Clerk

William V. Riggs, III  
William V. Riggs, III

ADOPTED October 7, 1986



AN ORDINANCE TO ESTABLISH A PARTIAL MORATORIUM ON THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE CRITICAL AREAS OF QUEEN ANNE'S COUNTY, MARYLAND AS DEFINED IN THE MARYLAND ANNOTATED CODE, NATURAL RESOURCES ARTICLE, SS8-106 ET SEQ (1985 CUM SUPP.)

WHEREAS the General Assembly of the State of Maryland has enacted certain legislation creating a Chesapeake Bay Critical Area Protection Program, which legislation is codified in the Maryland Annotated Code, Natural Resources Article, SS1802-1816 et seq (1985 Cum Supp.); and;

WHEREAS said legislation created a Chesapeake Bay Critical Area Commission to propose criteria to apply to the subdivision and development of land within one thousand feet of the Chesapeake Bay and its tributaries; and,

WHEREAS the Commission has developed proposed criteria, which include therein provision that any subdivision of land approved by a local political jurisdiction after December 1, 1985, may be counted against and subtracted from that jurisdiction's allocated growth increment as described in the proposed criteria; and;

WHEREAS the approval of subdivisions or other development within the critical areas of Queen Anne's County, Maryland, after December 1, 1985, and before the Queen Anne's County Office of Planning and Zoning has an opportunity to do the mapping and land use planning required by the critical areas legislation, could, under the proposed criteria, irrevocably use all or most of Queen Anne's County's "growth increment", thereby limiting future growth in the County and preventing effective land use planning; and,

WHEREAS application of such criteria may create issues of regulatory inequity between development occurring within the interim period and development occurring after Program adoption due to the application of

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QUEEN ANNE'S COUNTY

different development standards; and,

WHEREAS future growth and land development issues, and proper planning therefore, are vital to the health, safety, and welfare of the residents of Queen Anne's County; and

WHEREAS the location and density of residential dwelling units, as well as commercial uses and structures, are matters of significant environmental, economic and social impact upon the residents of Queen Anne's County,

NOW THEREFORE, based upon reports and information received from members of the Critical Areas Commission, its staff, members of the Queen Anne's County Planning Commission, the Queen Anne's County Planning Director, the Comprehensive Plan Consultants, and various interested citizens of Queen Anne's County,

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, as follows:

Section 1: The County Commissioners of Queen Anne's County, Maryland hereby finds and determines that an emergency exists, in that continued approval of subdivision and certain other development applications for land within the critical areas of Queen Anne's County after December 1, 1985, and before all resource conservation areas, intensely developed areas, and limited development areas are located and mapped, could, under the proposed criteria for the Chesapeake Bay Critical Area Protection Program, limit the quantity of land available for future residential and commercial use within the County, and could result in development which is inconsistent with sound land use planning.

Section 2: From the effective date of this Ordinance, neither the Queen Anne's County Planning Director, nor the Queen Anne's County Planning Commission and Board of Appeals, nor any other Queen Anne's County official, appointee, agency or commission, shall approve any subdivision, or other development of land as defined under SS8-1802 (a) (3), within the critical areas of Queen Anne's County until adoption of the Queen Anne's County Critical Area Protection Program, or until June 1, 1986, whichever occurs sooner.

Section 3: Excluded from this moratorium are: 1) Residential development on single lots of record within subdivisions approved from June, 1984 through December, 1985 and such other subdivisions grandfathered by Comar 14.15.07; 2) those subdivisions whose density is one dwelling unit per twenty acres or less, 3) development located in its entirety over 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides as referenced under NR8-1807 (a) (2), and; 4) development which presents evidence and documentation to the Director of Planning and Zoning that (a) the land in question is clearly demonstrated to be in an intensely developed area or in a limited development area; and (b) that the proposed development is of such intensity that other lands within the County similarly situated would not have their future development adversely affected by permitting the proposed development; and (c) that the development complies with the proposed Critical Area Criteria for development in the type development area in which the site is located; 5) Variances, Special Exceptions and Conditional Uses determined by the Board of Appeals to comply with the requirements of Natural Resources Area Section 8-1813.

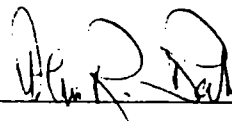
Section 4: The moratorium upon the subdivision or other development of land, hereby created, shall commence upon date of adoption of this

ordinance and shall continue in full force and effect until adoption of the Queen Anne's County Critical Area Protection Program, or until March 31, 1987, whichever first occurs. This moratorium may be terminated, modified, amended, or extended by the County Commissioners based upon the advice of the Queen Anne's County Planning Director and Queen Anne's County Planning Commission concerning their progress in locating and mapping the various development areas created by the criteria adopted by the Chesapeake Bay Critical Area Commission.

As Witness The Hand and Seals of the County Commissioners of Queen Anne's County this 23<sup>rd</sup> day of December, 1986.

ATTEST:

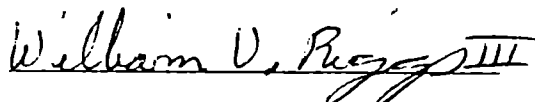
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY



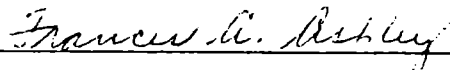
Wheeler R. Baker, President



Lynda H. Palmatary, Clerk



William V. Riggs, III



Frances A. Ashley



**THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ANNEX BUILDING  
CENTREVILLE, MARYLAND 21617  
758-0322**

OSCAR A. SCHULZ, PRESIDENT  
THOMAS E. PIERSON  
WILLIAM V. RIGGS, III

ROBERT D. SALLITT, ADMINISTRATOR  
LYNDA H. PALMATARY, CLERK  
PATRICK E. THOMPSON, ATTORNEY

**OVERALL MORATORIUM**

**WHEREAS**, the County Commissioners of Queen Anne's County have authorized the preparation of a revised Comprehensive Plan and Zoning Ordinance for the regulation of land use in the unincorporated areas of Queen Anne's County, and;

**WHEREAS**, said regulations are entering the final stages of preparation, and;

**WHEREAS**, the Planning Commission and County Commissioners are empowered by Article 66B of the Annotated Code of Maryland to regulate the use of land in Queen Anne's County, and;

**WHEREAS**, the proposed regulations for the use of land are intended to protect and promote the health, safety and general welfare of the County, and;

**WHEREAS**, the effectiveness of the proposed regulations will be threatened by speculative and poorly thought out development proposals prepared specifically to avoid the intent of the proposed regulations, and;

**WHEREAS**, it is in the public interest to protect the health, safety and general welfare of the citizens of Queen Anne's County through the sound regulation of the use of land, and;

**FURTHERMORE**, the following facts are hereby recognized by the County Commissioners in consideration of the proposed moratorium:

1. The available capacity of the Kent Island Grasonville sewage treatment plant is nearing capacity and that the remaining capacity is to be reserved for the Chesapeake Bay Business Park and those existing lots immediately abutting the existing collection system.
2. The Chesapeake Bay Critical Areas Criteria caused a volume of development proposals that otherwise would not have occurred and which were determined to be a threat to the health, safety and general welfare of the population of Queen Anne's County. The proposed regulations contained in the revised Comprehensive Plan and Zoning Ordinance will have a similar effect, triggering development contrary to sound land use planning and will, therefore, be a similar threat to the health, safety and general welfare of the citizens of Queen Anne's County.

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QUEEN ANNE'S COUNTY

3. The County Commissioners did adopt on January 28, 1986 and renewed on June 3, 1986 a moratorium on the development of land in the Chesapeake Bay Critical Area, (SS8-1808(d) Annotated Code of Maryland) in order to promote and protect the health, safety and general welfare of the population of Queen Anne's County as well as to promote sound land use planning and development.
4. The development of single family homes on lots created and finally approved, prior to the effective date of this Ordinance, will be permitted to continue as will the development of multi-family dwellings and commercial structures which have received a final site plan approval from the Planning Commission or its designee as called for in Section 17.16 of the Comprehensive Zoning Ordinance as revised on October 1, 1985.

NOW THEREFORE BE IT RESOLVED, that the County Commissioners of Queen Anne's County hereby determine that:

1. Continued development at the present rate, or an accelerated pace, will result in detrimental growth which is inconsistent with sound land use planning and is hereby found to be a threat to public health, safety and welfare of the County and its citizens.

2. That after the effective date of this resolution, no official of Queen Anne's County may accept, process or approve:

(a) Any subdivision of more than two (2) lots, excluding transfers of tracts of more than 25 acres to be used for agricultural purposes. Upon the creation of such lots one principal dwelling shall be permitted;

(b) Any major site plan as defined in section 17.16 of the Comprehensive Zoning Ordinance of Queen Anne's County as adopted and amended. However minor site plans for any multiple family, multiple group dwelling, or commercial or industrial building involving less than 5,000 square feet of disturbed net acreage shall be exempt from the requirements of this moratorium and may be approved as called for in Section 17.16 dealing with minor site plans.

3. (a) Projects with preliminary subdivision or site plan approval shall be permitted to continue through the approval process. However, these projects must obtain final subdivision or site plan approval prior to the adoption of the proposed comprehensive plan and zoning ordinance. Projects not receiving final subdivision or site plan approval shall be deemed invalid and shall be obligated to revise their plans in accordance with the new regulations.

(b) Resubdivision of existing lots of record or recombination of such lots in which no additional building lots are to be created shall be permitted.

4. This resolution shall be effective from July 16, 1986, which shall be its effective date, and shall continue until December 31, 1986,

3

or until the adoption of a new Queen Anne's County Comprehensive Master Plan and associated zoning, subdivision and other development regulations, whichever first occurs. The effect of this resolution may be terminated, amended or extended by the County Commissioners of Queen Anne's County based upon the advise of the Queen Anne's County Planning Commission and the Planning Director as to the progress in the development of the proposed Master Plan and development regulations.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY, MARYLAND

DATE July 15, 1986

Oscar A. Schulz  
OSCAR A. SCHULZ, PRESIDENT

Thomas E. Pierson  
THOMAS E. PIERSON, MEMBER

ATTEST:

Lynda H. Palmatary  
LYNDA H. PALMATARY, CLERK

William V. Riggs III  
WILLIAM V. RIGGS, III, MEMBER

AN ORDINANCE TO ESTABLISH A PARTIAL MORATORIUM ON THE SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE CRITICAL AREAS OF QUEEN ANNE'S COUNTY, MARYLAND AS DEFINED IN THE MARYLAND ANNOTATED CODE, NATURAL RESOURCES ARTICLE, SS8-106 ET SEQ (1985 CUM SUPP.)

WHEREAS the General Assembly of the State of Maryland has enacted certain legislation creating a Chesapeake Bay Critical Area Protection Program, which legislation is codified in the Maryland Annotated Code, Natural Resources Article, SS1802-1816 et seq (1985 Cum Supp.); and;

WHEREAS said legislation created a Chesapeake Bay Critical Area Commission to propose criteria to apply to the subdivision and development of land within one thousand feet of the Chesapeake Bay and its tributaries; and,

WHEREAS the Commission has developed proposed criteria, which include therein provision that any subdivision of land approved by a local political jurisdiction after December 1, 1985, may be counted against and subtracted from that jurisdiction's allocated growth increment as described in the proposed criteria; and,

WHEREAS the approval of subdivisions or other development within the critical areas of Queen Anne's County, Maryland, after December 1, 1985, and before the Queen Anne's County Office of Planning and Zoning has an opportunity to do the mapping and land use planning required by the critical areas legislation, could, under the proposed criteria, irrevocably use all or most of Queen Anne's County's "growth increment", thereby limiting future growth in the County and preventing effective land use planning; and,

WHEREAS application of such criteria may create issues of regulatory inequity between development occurring within the interim period and development occurring after Program adoption due to the application of

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different development standards; and,

WHEREAS future growth and land development issues, and proper planning therefore, are vital to the health, safety, and welfare of the residents of Queen Anne's County; and

WHEREAS the location and density of residential dwelling units, as well as commercial uses and structures, are matters of significant environmental, economic and social impact upon the residents of Queen Anne's County,

NOW THEREFORE, based upon reports and information received from members of the Critical Areas Commission, its staff, members of the Queen Anne's County Planning Commission, the Queen Anne's County Planning Director, the Comprehensive Plan Consultants, and various interested citizens of Queen Anne's County,

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, as follows:

Section 1: The County Commissioners of Queen Anne's County, Maryland hereby finds and determines that an emergency exists, in that continued approval of subdivision and certain other development applications for land within the critical areas of Queen Anne's County after December 1, 1985, and before all resource conservation areas, intensely developed areas, and limited development areas are located and mapped, could, under the proposed criteria for the Chesapeake Bay Critical Area Protection Program, limit the quantity of land available for future residential and commercial use within the County, and could result in development which is inconsistent with sound land use planning.

Section 2: From the effective date of this Ordinance, neither the Queen Anne's County Planning Director, nor the Queen Anne's County Planning Commission and Board of Appeals, nor any other Queen Anne's County official, appointee, agency or commission, shall approve any subdivision, or other development of land as defined under SS8-1802 (a) (3), within the critical areas of Queen Anne's County until adoption of the Queen Anne's County Critical Area Protection Program, or until June 1, 1986, whichever occurs sooner.

Section 3: Excluded from this moratorium are: 1) Residential development on single lots of record within subdivisions approved from June, 1984 through December, 1985 and such other subdivisions grandfathered by Comar 14.15.07; 2) those subdivisions whose density is one dwelling unit per twenty acres or less, 3) development located in its entirety over 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides as referenced under NR8-1807 (a) (2), and; 4) development which presents evidence and documentation to the Director of Planning and Zoning that (a) the land in question is clearly demonstrated to be in an intensely developed area or in a limited development area; and (b) that the proposed development is of such intensity that other lands within the County similarly situated would not have their future development adversely affected by permitting the proposed development; and (c) that the development complies with the proposed Critical Area Criteria for development in the type development area in which the site is located; 5) Variances, Special Exceptions and Conditional Uses determined by the Board of Appeals to comply with the requirements of Natural Resources Area Section 8-1813.

Section 4: The moratorium upon the subdivision or other development of land, hereby created, shall commence upon date of adoption of this

ordinance and shall continue in full force and effect until adoption of the Queen Anne's County Critical Area Protection Program, or until March 31, 1987, whichever first occurs. This moratorium may be terminated, modified, amended, or extended by the County Commissioners based upon the advice of the Queen Anne's County Planning Director and Queen Anne's County Planning Commission concerning their progress in locating and mapping the various development areas created by the criteria adopted by the Chesapeake Bay Critical Area Commission.

As Witness The Hand and Seals of the County Commissioners of Queen Anne's County this 23<sup>rd</sup> day of December, 1986.

ATTEST:

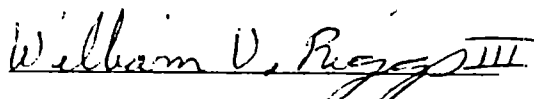
THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY



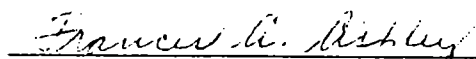
Wheeler R. Baker, President



Lynda H. Palmatary, Clerk



William V. Riggs, III



Frances A. Ashley



THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY  
COUNTY ANNEX BUILDING  
CENTREVILLE, MARYLAND 21617  
758-0322

WHEELER R. BAKER, PRESIDENT  
WILLIAM V. RIGGS, III  
FRANCES A. ASHLEY

ROBERT D. SALLITT, ADMINISTRATOR  
LYNDA H. PALMATARY, CLERK  
PATRICK E. THOMPSON, ATTORNEY

RESOLUTION

QUEEN ANNE'S COUNTY

PRIVATE ROAD STANDARDS

WHEREAS, the purpose of this Ordinance is to protect, maintain, and enhance the safety and general welfare of the residents of Queen Anne's County, by establishing minimum requirements and procedures for the construction of private roads in certain situations where approved by the Queen Anne's County Planning Commission;

AND WHEREAS, Section 5-4(y) of the Code of Public Local Laws of Queen Anne's County authorizes the County Commissioners of Queen Anne's County by Ordinance or Resolution to adopt all necessary rules and conditions for the acceptance, construction and maintenance of roads;

NOW, THEREFORE, be it resolved by the County Commissioners of Queen Anne's County this 5th day of May, 1987, that the "Queen Anne's County Private Road Standards", a copy of which is attached hereto, be and is hereby adopted.

BE IT FURTHER RESOLVED, that these standards shall become effective immediately.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

WHEELER R. BAKER

WILLIAM V. RIGGS III

FRANCES A. ASHLEY

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1987 MAY -8 PM 2:55  
QUEEN ANNE'S COUNTY

DATE: May 5, 1987

ATTEST: Lynnda H. Palmatary

QUEEN ANNE'S COUNTY  
PRIVATE ROAD STANDARDS

1. A 50 ft. wide right of way is required.
2. The proposed section for rough grading shall be the same as that of a Rural Road, as illustrated in the "Subdivision Design and Construction Standards".
3. A plan must be prepared and submitted to the Department of Public Works for approval prior to construction of any private road and must address the following at a minimum:
  - a. Typical Section
  - b. Plan Sheet(s) showing widths of right of way, base material, easements, etc.
  - c. Topography in sufficient detail to evaluate proposed drainage structures.
  - d. Horizontal curve information.
  - e. Centerline stationing.
  - f. Drainage structures including sizes and proposed invert elevations.
  - g. Proposed centerline profile grade.

All plans must conform to the requirements of the "Subdivision Design and Construction Standards" regarding sheet size and format.

4. The proposed road base shall be constructed of material approved by the Department of Public Works and shall meet the specifications for Queen Anne's County's Sand Base, at a minimum. Other base material meeting or exceeding this specification will be acceptable.
5. The minimum width and depth of base material shall be 20 feet and 8 inches respectively.
6. Base material shall be placed only on approved subgrade. All topsoil must be removed prior to placement of base.
7. All construction shall be inspected by the Department of Public Works and an inspection fee, in the amount of 4% of the estimated construction cost, shall be made payable to the Department of Public Works prior to the initiation of any construction.
8. Require that the developer prepare and record among the land records a road maintenance agreement setting forth the responsibilities for future road maintenance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REGULATING THE REMOVAL AND DISPOSAL OF SEPTIC TANK EFFLUENT AND SEPTAGE IN AND FROM QUEEN ANNE'S COUNTY, MARYLAND.

BE IT ORDAINED by the County Commissioners of Queen Anne's County, sitting both in that capacity and as the Queen Anne's County Board of Health, this 26th day of May, 1987 as follows:

1. All solid and liquid contents removed from chemical toilets, septic tanks, seepage pits, privies, private sewerage treatment facilities and watertight holding tanks for septic tank effluent located in Queen Anne's County shall be disposed of by discharge into the Kent Narrows/Stevensville/Grasonville Wastewater Treatment Facility and shall not be disposed of by land application anywhere within the territorial limits of Queen Anne's County.

2. No solid or liquid contents removed from chemical toilets, septic tanks, seepage pits, privies, private sewerage treatment facilities or watertight holding tanks outside of the territorial limits of Queen Anne's County shall be disposed of or discharged anywhere in Queen Anne's County.

3. The Queen Anne's County Health Department shall not approve a site for discharge of septic waste material except in conformity with this Ordinance.

4. Violation of this Ordinance shall be a misdemeanor and punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) and imprisonment for ninety (90) days.

ATTEST:

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

*Wheeler R. Baker*

Wheeler R. Baker

*William V. Riggs III*

William V. Riggs, III

*Frances A. Ashley*

Frances A. Ashley

*Synda H. Palmstacy*

1987 MAY 28 AM 11:00  
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QUEEN ANNE'S COUNTY

AN ORDINANCE to add a new Article 6A to the "Subdivision Design and Construction Standards for the Roads Division of the Department of Public Works of Queen Anne's County, Maryland", adopted September 8, 1981, to repeal a certain Resolution relating to private roads and relating generally to private roads in Queen Anne's County.

Section 1. Be it ordained by the County Commissioners of Queen Anne's County, that a new Article 6A be and it is hereby added to the Ordinance titled "Subdivision Design and Construction Standards for the Roads Division of the Department of Public Works of Queen Anne's County, Maryland", adopted September 8, 1981, such new Article 6A to follow immediately after Article 6 thereof and to read as follows:

ARTICLE 6A -- PRIVATE ROADS

6A.10. Private roads are permitted only to the extent authorized in accordance with the provisions of the Queen Anne's County Zoning Ordinance. Additional or more restrictive requirements may be prescribed for any particular private road as there provided.

6A.20. Except as expressly modified by the following sections of this Article, all provisions of this Ordinance are applicable to private roads authorized by the Planning Commission.

6A.30. A private road shall be constructed in accordance with the design principles and standard details for "rural roads" contained in this Ordinance except that:

- a. Base materials and subgrade shall at all times be subject to approval by the Board of Public Works; but, unless otherwise required by the Department, Queen Anne's County sand base will be an acceptable base material;
- b. The minimum width of base material may be twenty (20) feet;
- c. The minimum depth of base material shall be eight (8) inches.

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QUEEN ANNE'S COUNTY

All topsoil shall be removed prior to placement of base.

6A.40. Contract plans and drawings for private roads shall meet the requirements of Article 5 of this Ordinance as they apply to "rural roads", except that, in lieu of all information required by §5.40 and §5.50 and unless otherwise required by the Department of Public Works, the plans and drawings may contain only the information there required with respect to:

- a. widths of right-of-way, pavement, and easements;
- b. topography, but only in sufficient detail to evaluate proposed drainage structures;
- c. horizontal curves;
- d. stationing of centerlines;
- e. profiles of centerline grades.

Sec. 2. And, be it further ordained that Resolution 87-11, adopted May 5, 1987, and relating to "Private Road Standards" is hereby repealed.

Sec. 3. And, be it further ordained that this Ordinance shall take effect from the date of its adoption.

Adopted by the County Commissioners of Queen Anne's County  
June 30, 1987



AN ORDINANCE, PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN CLOVERFIELDS SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County held public hearings after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of the assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment.

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner on record of each parcel of property proposed to be assessed to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW, THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 8th day of September, 1987, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be SIXTY PER CENT (60%) of \$131,940.23, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a record of the names of the property owners and amount of the benefit charges hereby levied.

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QUEEN ANNE'S COUNTY

D. The special assessment levied may be payable in TEN (10) equal annual installments of principal interest. Interest shall be calculated at the rate of 9% (NINE PER CENT) per annum on unpaid balance. The first installment shall be due and payable on November 1, 1987, and annually on the same date thereafter and shall be collectable in the same manner as county taxes.

E. No transfer of title of property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 8th day of September, 1987.

ATTEST:

Wheeler R. Baker (SEAL)  
Wheeler R. Baker

Lynnda H. Palmatary

William V. Riggs, III (SEAL)  
William V. Riggs, III

Frances A. Ashley (SEAL)  
Frances A. Ashley

CLOVERFIELDS ROAD  
PETINOT COURT  
350'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
56 B	81.48	Edward D. & Nancy A. Blake 956 Monroe Manor Roads Stevensville MD 21666	\$987.54
55 B	128.08	William R. & Debrah Holland 55 Petinot Court Stevensville MD 21666	\$1,552.33
54 B	52.53	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$636.66
53 B	36.83	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$446.38
52 B	32	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$387.84
51 B	24.08	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$291.85
50 B	24.08	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$291.85

CLOVERFIELDS ROAD  
 PETINOT COURT  
 350'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
49 B	36.83	Scott A. & Patti A. Duncan 10 Petinot Court Stevensville MD 21666	\$446.38
48 B	96.02	Seabreeze Properties, Inc. 1151 N.W. 24th Street Pompano Beach FL 33064	\$1,163.76
47 B	59	Seabreeze Properties, Inc. 1151 N. W. 24th Street Pompano Beach FL 33064	\$715.08
46 B	61.51	Seabreeze Properties, Inc. 1151 N. W. 24th Street Pompano Beach FL 33064	\$745.50
45 B	49.78	Seabreeze Properties, Inc. 1151 N.W. 24th Street Pompano Beach FL 33064	\$603.33
MONROE MANOR			
67 B	75	Robert W. & Debra D. Gilmer 936 Monroe Manor Road Stevensville MD 21666	\$909.00
66 B	75	Robert W. & Debra D. Gilmer 936 Monroe Manor Road Stevensville MD 21666	\$909.00

TIPER

CLOVERFILEDS ROAD  
 MONROE MANOR  
 920'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
65 B	75	Roy E. & Phyllis E. Rigglin 938 Monroe Manor Road Stevensville MD 21666	\$909.00
64 B	75	Russell E. Morrow 940 Monroe Manor Road Stevensville MD 21666	\$909.00
63 B	75	Joseph Michael & Sharon Elal Breen 942 Monroe Manor Road Stevensville MD 21666	\$909.00
62 B	75	Christopher T. Keenan Rt 3 Box 457 Stevensville MD 21666	\$909.00
61 B	75	James L. & Margaret White Rhodes 946 Monroe Manor Road Stevensville MD 21666	\$909.00
60 B	75	Kurt C. & Deborah Duggan Wehmuehler 948 Monroe Manor Road Stevensville MD 21666	\$909.00
59 B	52.23	Larry J. & Nancy J. Myers 336 Ternwing Drive Arnold MD 21012	\$633.03

CLOVERFIELDS ROAD  
MONROE MANOR  
920'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
58 B	52.23	Behzad G. & Shohreh V. Esfahani 52 Monroe Manor Road Stevensville MD 21666	\$633.03
57 B	52.23	Lee B. Selover 219 Wardour Drive Annapolis MD 21401	\$633.03
56 B	79.57	Edward D. & Nancy A. Blake 956 Monroe Manor Road Stevensville MD 21666	\$964.39
45 F	132.71	Donna L. Purdy 933 Monroe Manor Road Stevensville MD 21666	\$1,608.45
44 F	141.13	Mark S. Ball Rt 2 Box 19-12 Stevensville MD 21666	\$1,710.50
43 F	106	Jonathon M. & Gayle B. Ross 929 Monroe Manor Road Stevensville MD 21666	\$1,284.72
42 F	88.2	Frederick J. & Gerald Champness 8902 Harford Road Baltimore MD 21214	\$1,068.98

CLOVERFIELDS ROAD  
MONROE MANOR  
920'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
41 F	78	William E. & Deborah A. Mullins 925 Monroe Manor Road Stevensville MD 21666	\$945.36
40 F	75	Glenn R. & Kelly E Ray Steele 5530 Wisconsin Ave Chevy Chase MD 20815	\$909.00
39 F	88.43	Frank X. & Margaret Vilella 14 Willow Court Stevensville MD 21666	\$1,071.77
ACKERMAN ROAD			
1 L	51.53	Dale O. & Colleen W. Dantzic 220 Ackerman Road Stevensville MD 21666	\$624.54
2 L	80.69	Charles T. Horney Rt 1 Box 650 Chester MD 21619	\$977.96
3 L	75	Michael W. & Betty E. Moody 216 Ackerman Road Stevensville MD 21666	\$909.00
4 L	75	Robert M. & Ellen L. Spiegel 214 Ackerman Road Stevensville MD 21666	\$909.00

CLOVERFIELDS ROAD  
ACKERMAN ROAD  
1000'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
5 L	61.43	Douglas R. & Shari A. Spiegel 212 Ackerman Road Stevensville MD 21666	\$744.53
1 K	44.58	Bruce & Cecilia Bennett 210 Ackerman Road Stevensville MD 21666	\$540.31
2 K	80	Bruce & Cecilia Bennett 210 Ackerman Road Stevensville MD 21666	\$969.60
5 P	133.44	Charles M. & Sandra S. Sparks 734 Cloverfields Drive Stevensville MD 21666	\$1,617.29
6 P	75	Shawn S. & Tammi L. Twigg 219 Ackerman Road Stevensville MD 21666	\$909.00
7 P	75	Edward N. & Diane M. Davis, Sr. 217 Ackerman Road Stevensville MD 21666	\$909.00
8 P	75	Brian K. & Linda D. McDonnell 215 Ackerman Road Stevensville MD 21666	\$909.00



CLOVERFIELDS ROAD  
ACKERMAN ROAD  
1000'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
9 P	75	John T. & Karen A. Donaldson 213 Ackerman Road Stevensville MD 21666	\$909.00
10 P	75	Wayne & Darlene M. Willita Marks, Jr 211 Ackerman Road Stevensville MD 21666	\$909.00
11 P	75	Joseph C. & Clarellen V. Zimmerman 207 Ackerman Road Stevensville MD 21666	\$909.00
12 P	75	Joseph C. & Clarellen V. Zimmerman 207 Ackerman Road Stevensville MD 21666	\$909.00
13 P	75	Joseph C. & Clarellen V. Zimmerman 207 Ackerman Road Stevensville MD 21666	\$909.00
14 P	75	James D. & Delores J. Beatty II 244 Severn Road Millersville MD 21108	\$909.00
15 P	58.19	James D. & Delores J. Beatty II 244 Severn Road Millersville MD 21108	\$705.26

CLOVERFIELDS ROAD  
ACKERMAN ROAD  
1000'

AUGUST 31, 1987

Lot-Block Footage

Owner & Address

Cost

3 K 75

Seabreeze Properties, Inc.  
1151 N.W. 24th Street  
Pompano Beach FL 33064

\$909.00

4 K 75  
5 K 75

William J. & Deborah M. Engles  
202 Ackerman Road  
Stevensville MD 21666

\$909.00  
\$909.00

6 K 103.74

Raymons A. & Sharon D. Doolin  
801 Kimberly Way  
Stevensville MD 21666

\$1,257.33

LICER

DIXON DRIVE

12 DD 63.18

Richard A. & Catherine M. Perfidio  
806 Dixon Drive  
Stevensville MD 21666

\$765.74

11 DD 63.18

Todd M. Ronnie K. Valentine  
808 Dixon Drive  
Stevensville MD 21666

\$765.74

10 D 63.18

Todd M. & Ronnie K. Valentine  
808 Dixon Drive  
Stevensville MD 21666

\$765.74

9 DD 63.18

William C. & Linda M. Cothran  
812 Dixon Drive  
Stevensville MD 21666

\$765.74

CLOVERFIELDS ROAD  
DIXON DRIVE  
1200'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
8 DD	63.18	Kevin J. Bail 14711 Bowie - 103 Laurel MD 20811	\$765.74
7 DD	77.44	M. A. Rysavy C/O THT Corp Silver Springs MD 20901	\$938.57
6 DD	75	Shawn R. & Bonnie L. Oliver 818 Dixon Drive Stevensville MD 21666	\$909.00
5 DD	75	John T. & Bonnie J. Huston 15110 McKnew Road Burtons ville MD 20730	\$909.00
4 DD	75	Carole L. Osburn 2304 Solmar Drive Silver Spring MD 20904	\$909.00
3 DD	75	Donald S. & Susan Fowler 824 Dixon Drive Stevensville MD 21666	\$909.00
2 DD	75	Richard A. & Dorothy J. Hays 826 Dixon Drive Stevensville MD 21666	\$909.00

CLOVERFIELDS ROAD  
DIXON DRIVE  
1200'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
1 DD	50.16	Rodney & Carol A. Vancleve Dixon Drive Stevensville MD 21666	\$607.94
12 EE	118.05	James A. & Emily Jo Kihen 805 Dixon Drive Stevensville MD 21666	\$1,430.77
11 EE	102.28	Charles P. & Donna I. Fisher 3008 Rosalie Ave Baltimore MD 21234	\$1,239.63
10 EE	98.05	Bruce R. & Linda J. Thursby 809 Dixon Drive Stevensville MD 21666	\$1,188.37
9 EE	86.56	Charles P. & Donna J. Fisher 3008 Rosalie Ave Baltimore MD 21234	\$1,049.11
8 EE	75	John W. Fogler, Jr 813 Dixon Drive Stevensville MD 21666	\$909.00
7 EE	75	Walter H. & Charlotte L. Gott, Sr Dixon Drive Stevensville MD 21666	\$909.00

CLOVERFIELDS ROAD  
DIXON DRIVE  
1200'

AUGUST 31, 1987

Lot-Block Footage

Owner & Address

Cost

6 EE 79.81 Patricia A. & Thomas E. Splies Sr  
817 Dixon Drive  
Stevensville MD 21666 \$967.30

5 EE 129.55 Edward J. & Margaret C. Cadle  
808 Mason Road  
Stevensville MD 21666 \$1,570.15

1 GG 130.36 Phillip W., Etal Beard  
809 Mason Road  
Stevensville MD 21666 \$1,579.96

1 HH 129.55 John J. & Nativdad Kunkowski  
P.O. Box 244  
Stevensville MD 21666 \$1,570.15

MASON ROAD  
1 GG 68.51 Phillip W., Etal Beard  
809 Mason Road  
Stevensville MD 21666 \$830.34

2 GG 75 Michael A. & Sandra Coleman  
807 Mason Road  
Stevensville MD 21666 \$909.00

2 GG 75 Michael & Sandra Coleman  
807 Mason Road  
Stevensville MD 21666 \$909.00

CLOVERFIELDS ROAD  
MASON ROAD  
500'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
4 GG	75	James L. & Virginia P. Slechta 803 Mason Road Stevensville MD 21666	\$909.00
5 GG	75	Hugh I. & Sharon A. Ward 801 Mason Road Stevensville MD 21666	\$909.00
6 GG	75	Leonard M. & Sandra J. Traynor Rt 1 Alum Rock Road New Park PA 17352	\$909.00
1 EE	61.12	John S. & Mary Montgomery 800 Mason Road Stevensville MD 21666	\$740.77
2 EE	75	Elmer E. & Sandra D. Mason 802 Mason Road Stevensville MD 21666	\$909.00
3 EE	75	Terrance T. & Linda S. Oliver 804 Mason Road Stevensville MD 21666	\$909.00
4 EE	75	Carol L. Taylor Mason Road Stevensville MD 21666	\$909.00

3 JAN 234

1000

CLOVERFIELDS ROAD  
MASON ROAD  
500'

AUGUST 31, 1987

Lot-Block	Footage	Owner & Address	Cost
5 EE	67.34	Edward J. & Margaret C. Cadle 808 Mason Road Stevensville MD 21666	\$816.16

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE, PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN BAY CITY SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County held public hearings after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of the assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment.

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner on record of each parcel of property proposed to be assessed to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW, THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 26th day of September, 1987, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be SIXTY PER CENT (60%) of \$65,595.44, which sum represents 60% of the actual cost of construction of the project.

B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a record of the names of the property owners and amount of the benefit charges hereby levied.

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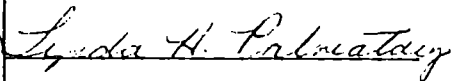
D. The special assessment levied may be payable in TEN (10) equal annual installments of principal interest. Interest shall be calculated at the rate of 9% (NINE PER CENT) per annum on unpaid balance. The first installment shall be due and payable on November 1, 1987, and annually on the same date thereafter and shall be collectable in the same manner as county taxes.


E. No transfer of title of property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

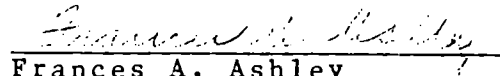
AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 8th day of September, 1987.

ATTEST:

  
\_\_\_\_\_  
Wheeler R. Baker (SEAL)

  
\_\_\_\_\_  
Lynda H. Palmatier

  
\_\_\_\_\_  
William V. Riggs, III (SEAL)

  
\_\_\_\_\_  
Frances A. Ashley (SEAL)

BAY CITY  
WORCESTER ROAD  
1750'

AUGUST 31, 1987-

Lot-Block	Footage	Owner & Address	Cost
13 6	91.24	Richard Arnold & Elaine Aquilino Chesapeake Drive Stevensville MD 21666	\$1,235.39
12 6	75	Clara M. Fritz 2854 Kentucky Ave Baltimore MD 21213	\$1,015.50
11 6	75	Frederick Huss 768 Darby Crescent Prospect Park PA 19076	\$1,015.50
10 6	75	Francis A. & Jeanne A. Michel Jr. 1208 Boyce Ave Baltimore MD 21204	\$1,015.50
9 6	63.41	Ethel Snider 6-9 Kent Way Stevensville MD 21666	\$858.57
12 13	63.41	Riddely & Mildred Gunther Box 13-12 Bay City Stevensville MD 21666	\$858.57

Lot-Block	Footage	Owner & Address	Cost
11 13	75	James F. & Carolyn M. Smetana 4 Terron Court Baltimore MD 21234	\$1,015.50
10 13	75	Robert G. & Teresa E. Valentine 13-10 Worcester Drive Stevensville MD 21666	\$1,015.50
9 13	75	Donald L. & Nancy B. Lisseau Box 13-9 Worcester Drive Stevensville MD 21666	\$1,015.50
8 13	75	Terrence E. & Gertrude M. Crane 13-8 Worcester Drive Stevensville MD 21666	\$1,015.50
7 13	63.41	Benjamin H. & Jaqueline Clark 13-7 Bay City Stevensville MD 21666	\$858.57
16 14	82.17	Larry Reese Box 14-16 Bay City Stevensville MD 21666	\$1,112.58
15 14	75	John Corder 14-15 Bay City Stevensville MD 21666	\$1,015.50

Lot-Block	Footage	Owner & Address	Cost
14 14	75	Steven E. & Colleen M. Putt 8 Mariners Way Stevensville MD 21666	\$1,015.50
13 14	75	Shirley Day 4002 Alabama Ave S.E. Washington DC 20020	\$1,015.50
12 14	75	Ralph E. & Sophia E. Brown 4002 Alabama Ave S.E. Washington DC 20020	\$1,015.50
11 14	75	Augustine J. & Mary A. Cataland 13113 14th Street Bowie MD 20715	\$1,015.50
10 14	75	Alfred C. & Judith B. Peppel Rt 2 Box 639 Chester MD 21619	\$1,015.50
9 14	82.15	Eleanora Blaso Estate 26 Patricia Drive Palm Coast FL 32027	\$1,112.31
8 12	82.15	Dennis C. & Sharon A. Raab 12-8 Worcester Drive Stevensville MD 21666	\$1,112.31

Lot-Block	Footage	Owner & Address	Cost
7 12	75	William D. & Mildred B. Miller 12-7 Worcester Drive Stevensville MD 21666	\$1,015.50
6 12	75	Walter E & Margaret Lee Thompson P.O. Box 233 Grasonville MD 21638	\$1,015.50
5 12	75	Geroge M. & Barbara A. Yurlick 8231 Scarlett Drive Baltimore MD 21204	\$1,015.50
4 12	75	George M. & Barbara A. Yurlick 8231 Scarlett Drive Baltimore MD 21204	\$1,015.50
3 12	75	Charles R. & Trudy D. Turner Box 12-3 Stevensville MD 21666	\$1,015.50
12	75	Brett W. Cannon 12-2A Worcester Dr. Stevensville MD 21666	\$1,015.50
1 12	82.17	George J. & Susan A. Dollie Box 12-1 Bay City Stevensville MD 21666	\$1,112.58

Lot-Block	Footage	Owner & Address	Cost
11 7	63.41	Thomas J. & Carol L. Difatta Box 7-11 Bay City Stevensville MD 21666	\$858.57
10 7	75	Steven & Catherine J. Jost 7-10 Bay City Stevensville MD 21666	\$1,015.50
9 7	75	Joseph Dahle 7-9 Worcester Dr. Stevensville MD 21666	\$1,015.50
8 7	75	James Keven & Hazel M. Chaney 7-8 Worcester Dr. Stevensville MD 21666	\$1,015.50
7 7	75	Hubert Shirling Jr. P.O. Box 157 Stevensville MD 21666	\$1,015.50
6 7	75	George L. & Cynthia L. Ferguson Jr. 7-6 Worcester Dr. Stevensville MD 21666	\$1,015.50
5 7	75	Robert E. & Edith E. Canapp Sr. 5110 Kenwood Ave. Baltimore MD 21206	\$1,015.50

Lot-Block	Footage	Owner & Address	Cost
4 7	75	William C. & Patricia A. Schultheis 5713 Ranney Rd Baltimore MD 21209	\$1,015.50
3 7	85	William H. & Patricia H. Vanskiver 7-3 Bay City Stevensville MD 21666	\$1,150.90
2 7	90	Mark Laird 7-2 Worcester Dr. Stevensville MD 21666	\$1,218.60
1 7	107.37	Ronald L. & Deborah S. Mitchell 7-1 Bay City Stevensville MD 21666	\$1,453.79

A RESOLUTION of County Commissioners of Queen Anne's County, authorizing the issuance and sale of a general obligation installment bond in the principal amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000) pursuant to the authority of Chapter 81 of the Laws of Maryland of 1986, the bond to be designated "Queen Anne's County Detention Center Bond," the net proceeds of the sale thereof to be used and applied for the public purpose of financing a portion of the cost of designing, developing, constructing and equipping a new County detention center in Queen Anne's County, Maryland, including the acquisition and development of property rights, the acquisition and installation of furnishings and equipment and any related architectural, financial, legal, planning and engineering expenses; prescribing the form and tenor of the bond and the terms and conditions for the issuance and sale thereof at private sale to the United States of America, Farmers Home Administration; providing for the prompt payment of the maturing principal of and interest on the bond; and generally relating to the issuance, sale and delivery of the bond.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Pursuant to the authority of Chapter 81 of the Laws of Maryland of 1986 (the "Enabling Act"), County Commissioners of Queen Anne's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), hereby determines to borrow money and incur indebtedness for the public purpose of financing a portion of the cost of acquiring, constructing and equipping a new County detention center in Queen Anne's County, Maryland (being more particularly described in plans, specifications and reports prepared by Dewberry and Davis/Phillips Swager Associates currently on file in the offices of the County Commissioners),

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QUEEN ANNE'S COUNTY



including the acquisition and development of property rights, the acquisition and installation of furnishings and equipment and any related architectural, financial, legal, planning and engineering expenses. It is hereby estimated that the total cost of this project not otherwise covered by grants or loans made by the State of Maryland or by the United States of America, other than loans made by the Farmers Home Administration ("FmHA"), will not be less than Two Million, Five Hundred Thousand Dollars (\$2,500,000).

Section 2. To evidence the borrowing and indebtedness authorized in Section 1 of this Resolution, the County, acting pursuant to the authority of the Enabling Act, hereby determines to issue and sell, upon its full faith and credit, a general obligation installment bond in the principal amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000), to be known as "Queen Anne's County Detention Center Bond" (the "Bond"). There shall be added to the title of the Bond a designation corresponding to the year in which the Bond is issued so that, if the Bond is issued on or after January 1, 1987 but before January 1, 1988, the Bond shall be known as "Queen Anne's County Detention Center Bond of 1987." The Bond shall be dated the date of delivery and shall be issued in the form of a single, fully registered installment bond, without coupons attached, payable to "United States of America, Farmers Home Administration." The Bond shall bear interest on the

unpaid principal balance at the rate of seven and five-eighths per centum (7-5/8%) per annum. The principal of and interest on the Bond shall be paid in sixty (60) semiannual installments of \$106,150 each. The first such installment of principal and interest shall be due and payable on the date six months following the date of delivery of the Bond, and subsequent installments of principal and interest shall be payable at six-month intervals thereafter until the principal of and interest on the Bond are fully paid, except that the final installment of the entire indebtedness evidenced by the Bond, if not sooner paid, shall be due and payable not later than thirty (30) years from the date of the Bond, and except that prepayments may be made as provided in Section 3 of this Resolution.

Section 3. The County shall have the right to prepay scheduled installments, or any portion thereof, at any time at par without premium or penalty. Prepayments (and any refunds or extra payments, as designated in the regulations of FmHA according to the source of funds involved) shall, after payment of interest then due on the Bond, be applied to the installments of principal last to become due under the Bond and shall not affect the obligation of the County to pay the remaining principal of and interest on the Bond as and when due. Notice of prepayment shall be given at least thirty (30) days prior to the prepayment date by mailing to the registered

owner a notice fixing the prepayment date and the amount to be prepaid.

Section 4. The Bond shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners (the "President"). The corporate seal of the County shall be affixed to the Bond, attested by the signature of the Clerk to the County Commissioners (the "Clerk"). The principal of and interest on the Bond shall be paid by the County by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails on or before the payment date) to the registered owner at his address as it appears on the books kept for that purpose at the office of the Clerk in Centreville, Maryland, if such address is within the United States of America; otherwise the principal of and interest on the Bond shall be payable at the office of the Clerk in Centreville, Maryland. In the event any official whose signature appears on the Bond shall have become such official after the date of this Resolution, the Bond shall, nevertheless, be a valid and legally binding obligation of the County in accordance with its terms.

Section 5. The Bond shall be transferable only upon the books kept for that purpose at the office of the Clerk by the registered owner in person or by his duly authorized

attorney, upon surrender thereof, together with a written instrument of transfer satisfactory to the Clerk, duly executed by such registered owner or duly authorized attorney. Upon such transfer there shall be issued in the name of the transferee a new registered bond or bonds, in denominations of One Thousand Dollars or any integral multiple thereof or in such other denominations as the Board of County Commissioners by resolution shall approve, in an aggregate principal amount equal to the principal amount of the bond or bonds surrendered and with the same maturities and interest rate. If more than one bond is issued upon any such transfer, the installment of principal and interest to be paid on each such bond on each payment date shall be equal to the product of the following formula: the total installment due on such payment date multiplied by a fraction the numerator of which shall be the principal amount of such bond and the denominator of which shall be the aggregate principal amount of bonds then outstanding and unpaid. No bond shall be transferred upon the books kept by the Clerk except upon payment of any taxes on and any shipping or insurance expenses relating to such transfer, provided, however, that if the United States of America is the owner of the bond or bonds sought to be transferred, the costs thereof shall be borne by the County.

Section 6. Except as provided hereinafter or in a resolution or resolutions of the County adopted prior to the issuance of the Bond, the Bond shall be issued in substantially the following registered installment bond form. Appropriate variations and insertions shall be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President; provided, however, that the President is also authorized to alter the Bond so that it shall bear interest at the lowest rate of interest, not to exceed seven and five-eighths per centum (7-5/8%) per annum, available for bonds issued to Farmers Home Administration under its policies and regulations in effect on the date of delivery of the Bond, and to alter the amount of each installment payment provided for in Section 2 hereof to reflect such interest rate. All of the covenants contained in the following form are hereby adopted by the County as and for the form of obligation to be incurred by the County, and the covenants and conditions contained therein are hereby made binding upon the County, including the promise to pay therein contained:

(Form of Bond)

\$

R-

REGISTERED

UNITED STATES OF AMERICA

STATE OF MARYLAND

COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Queen Anne's County Detention Center Bond of 198

Dated , 198\_

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS BOND ARE MADE BY CHECK OR DRAFT TO THE REGISTERED OWNER AND IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS BOND HAS BEEN PAID.

COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), hereby acknowledges itself indebted and for value received promises to pay to , the registered owner, the principal amount of , plus interest on the unpaid principal balance from the date hereof at the rate of per centum ( %) per annum. The principal of and interest on this bond shall be paid in semiannual installments of \$ , on 198 and each and thereafter until

the principal of and interest on this bond are fully paid, except that the final installment of the entire indebtedness evidenced by this bond, if not sooner paid, shall be payable on \_\_\_\_\_, 202\_\_\_\_, and except that prepayments may be made as provided below.

Both the principal of and interest on this bond will be paid in lawful money of the United States of America, at the time of payment, and will be paid by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails on or before the payment date) to the registered owner at his address as it appears on the books kept for that purpose at the office of the Clerk to the County Commissioners (the "Clerk") in Centreville, Maryland, if such address is within the United States of America; otherwise, principal and interest will be paid at the office of the Clerk in Centreville, Maryland.

This bond is issued pursuant to and in full conformity with the provisions of Chapter 81 of the Laws of Maryland of 1986 (the "Enabling Act") and by virtue of due proceedings had and taken by the Board of County Commissioners of Queen Anne's County, particularly a resolution adopted at a meeting of the Board held on \_\_\_\_\_, 198\_\_\_\_ (the "Resolution").

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according

to its terms, and the County does hereby covenant and agree to pay the principal of and interest on this bond at the dates and in the manner prescribed herein.

This bond is transferable only upon the books of the County at the office of the Clerk by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer satisfactory to the Clerk, duly executed by the registered owner or his duly authorized attorney. At the expense of any transferor other than the United States of America, the County shall, within a reasonable time, issue in the name of the transferee a new registered bond or bonds, in denominations of One Thousand Dollars or any integral multiple thereof or such other denominations as the Board of County Commissioners shall by resolution approve, in an aggregate principal amount equal to the unpaid principal amount of the bond or bonds surrendered and with the same maturities and interest rate. If more than one bond is issued upon any such transfer, the installment of principal and interest to be paid on each such bond on each payment date shall be equal to the product of the following formula: the total installment due on each payment date multiplied by a fraction the numerator of which shall be the principal amount of such bond and the denominator of which shall be the aggregate principal amount of bonds then outstanding and unpaid. Except for transfers made



by the United States of America, the new bond or bonds shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer. The County may deem and treat the party in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

The County has the right to prepay scheduled installments, or any portion thereof, at any time at par without premium or penalty. Prepayments (and any refunds or extra payments, as designated in the regulations of the Farmers Home Administration according to the source of funds involved) shall, after payment of interest then due on this bond, be applied to the installments of principal last to become due under this bond and shall not affect the obligation of the County to pay the remaining principal of and interest on this bond as and when due. Notice of prepayment shall be given at least thirty (30) days prior to the prepayment date by mailing to the registered owner a notice fixing the prepayment date and the amount to be prepaid.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Enabling Act, and the Resolution to exist, to have happened or to have been performed

precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the issuance of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes or Enabling Act.

IN WITNESS WHEREOF, this bond has been executed by the manual signature of the President of the Board of County Commissioners and the corporate seal of the County has been affixed hereto, attested by the manual signature of the Clerk to the County Commissioners, all as of the day of , 198 .

(SEAL)

ATTEST:

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
President, Board of County  
Commissioners



(Form of Transfer)

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and all rights thereunder and does hereby constitute and appoint \_\_\_\_\_ to transfer the within bond on the books of the County kept for the registration thereof, with full power of substitution in the premises.

Dated:

In the presence of:

\_\_\_\_\_  
Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular without alteration or enlargement or any change whatever.

Section 7. The Bond shall be sold at private sale, for cash at par, to FmHA, public advertisement and sale of the Bond not being required by the terms of the Enabling Act and the best interests of the County being hereby declared to be served by such private sale. The President is expressly authorized and empowered to take any and all action necessary to complete and close the award, sale and delivery of the Bond to FmHA, including, without limitation, making such changes or modifications in the forms adopted herein as may be necessary or appropriate to comply with FmHA practices and policies applicable from time to time.

Section 8. The Treasurer of Queen Anne's County (the "County Treasurer"), or in his absence the President, is hereby designated to receive payment on behalf of the County of the proceeds of the sale of the Bond. Such proceeds shall be deposited in the proper accounts of the County and shall be used and applied by the County exclusively and solely for the public purposes described in Section 1 of this Resolution. If the proceeds received from the sale of the Bond exceed the amount needed for such public purposes, the unexpended excess shall be applied in the manner required by FmHA regulations, practices and policies applicable from time to time, provided such application is not prohibited by any provision of the Enabling Act or this Resolution.

Section 9. For the purpose of paying the maturing principal of and interest on the Bond when due, the County shall levy upon all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation by the County ad valorem taxes in rate and amount sufficient to provide for the prompt payment of such principal and interest in each and every fiscal year during which the Bond is outstanding, and, if the proceeds from the collection of taxes so levied in any such fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the payment of the principal of and interest on the Bond as and when they become due and payable and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bond. The County hereby covenants and agrees with the registered owner of the Bond to levy and collect the taxes hereinabove described and to take any action that may be appropriate from time to time during the period that the Bond remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

Section 10. The President and the County Treasurer (or in his absence, the Clerk) shall be the certifying officials for the County responsible for the execution and delivery on the date of the issuance of the Bond of an arbitrage certificate of the County that complies with the requirements of Section 148 of the Internal Revenue Code of 1986 and the applicable regulations thereunder. They are hereby authorized and directed to execute and deliver the arbitrage certificate to counsel rendering an opinion on the validity of the Bond on the date of the issuance of the Bond. The arbitrage certificate shall set out the reasonable expectations of the County as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bond or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be bond proceeds under Section 148 or the arbitrage regulations. The County covenants with the owner of the Bond that the facts, estimates and circumstances set forth in the arbitrage certificate will be based on the County's reasonable expectations on the date of the issuance of the Bond and will be, to the best of the certifying officials' knowledge, true, correct, and complete as of that date.

Section 11. The County covenants and agrees with the registered owner of the Bond that it will not make, or (to the extent that it exercises control or direction) permit to be

made, any use of the bond proceeds that would cause the Bond to be an "arbitrage bond" within the meaning of Section 148 and the arbitrage regulations. The County further covenants that it will comply with Section 148 of the Internal Revenue Code of 1986 and the regulations thereunder which are applicable to the Bond on the date of issuance of the Bond and which may subsequently lawfully be made applicable to the Bond. The County further covenants that it shall make such use of the proceeds of the Bond, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bond. All officers, employees and agents of the County are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bond, as may be necessary or appropriate from time to time to comply with, or to evidence the County's compliance with, the covenants set forth in this Section.

Section 12. This Resolution shall be effective upon its adoption.



COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

\_\_\_\_\_  
President

*Wm V. Riggs III*  
\_\_\_\_\_  
Vice President

*Syda H. Palmatary*  
\_\_\_\_\_  
Clerk

*Francis H. Ashley*  
\_\_\_\_\_  
Commissioner

ADOPTED: November 3, 1987  
Date



ORDINANCE NUMBER 46

**KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT  
USER CHARGE ORDINANCE**

RECEIVED  
CLERK, CIRCUIT COURT  
1987 NOV 19 AM 10:37  
QUEEN ANNE'S COUNTY

KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT

An ordinance providing for the establishment of the Kent Narrows/Stevensville/Grasonville Water Subdistrict; creating classifications of users in said Subdistrict; authorizing and providing for the assessment and collection of benefit assessments and user charges for the purpose of paying the costs of construction, maintenance and replacement of water facilities in said subdistrict; providing penalties for violations thereof and generally relating to the establishment, operation, administration and financing of the Kent Narrows/Stevensville/Grasonville Water Subdistrict.

Be it ordained and enacted by the County Commissioners of Queen Anne's County, State of Maryland, as follows:

## ARTICLE I

### Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. "Agriculture" shall mean the science or art of cultivating the soil, producing crops and raising livestock.
2. "Board" shall mean the Board of County Commissioners of Queen Anne's County, the governing body of the County, and its successors.
3. "Commissioners" shall mean the County Commissioners of Queen Anne's County, a body politic and corporate and a political subdivision of the State of Maryland.
4. "County" shall mean Queen Anne's County.
5. "Department of Public Works" shall mean the Department of Public Works of Queen Anne's County.
6. "Director" shall mean the Director of Public Works of Queen Anne's County or his authorized deputy, agent or representative.
7. "Distribution system" shall mean those lines and appurtenances which deliver potable water from a water supply system or storage facility to individual properties.
8. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
9. "Flow characteristics" shall refer to the variations in the flow rate in a particular user. Such variations are typically described by such terms as average daily flow, peak daily flow, minimum monthly flow, maximum hourly flow, etc.
10. "Front footage or frontage" shall mean the length in feet of the property line or lines abutting a water distribution system.
11. "Industrial or Business" shall mean any institutional, industrial or commercial use as defined in Sections 4007, 4008 and 4009 of the "Queen Anne's County Zoning Ordinance".
12. "Lien" shall mean a charge upon real or personal property for the satisfaction of a debt or duty.
13. "Lot" shall mean any plot or parcel of land occupied or intended to be occupied by a principal building or use, or a group of buildings, and its accessory buildings and uses, and having frontage on a road.
14. "May" is permissive.
15. "Multi-Family or Attached Dwelling" shall mean two or more adjoining dwelling units, each of which is separated from the

others by one (1) or more unpierced walls from ground to roof.

16. "Parcel" shall mean a tract or plot of land.

17. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration.

18. "Potable water" shall mean water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage.

19. "Rate schedule" shall mean a schedule, table or chart detailing specific charges for each service by unit of low volume, front footage or other measurement.

20. "Residence" shall mean any private home, tenant house, apartment, hotel, marina, mobile home, institution or places where people reside for any period of time.

21. "Road" shall mean a public or private right of way which provides a public means of access to abutting property.

22. "Sanitary Commission" shall mean the County Commissioners of Queen Anne's County who sit as the Sanitary Commission having jurisdiction over the sanitary district.

23. "Sanitary District" shall mean Queen Anne's County, State of Maryland, exclusive of any incorporated municipality.

24. "Shall" is mandatory.

25. "Single-Family Detached Dwelling" shall mean a dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit.

26. "Storage facilities" shall mean a tank or other reservoir used for the storage of water.

27. "Unit" shall mean a house, building, mobile home, condominium unit, commercial business, rental or leasehold unit, vessel, pleasure craft or any similar structure or facility.

28. "User charge" shall mean a charge levied on users of a water system for the cost of operation and maintenance of such system.

29. "Zoning Ordinance" shall mean the Queen Anne's County Zoning Ordinance (adopted April 9, 1987) as may be amended from time to time.

**ARTICLE II**

**Water Subdistrict**

1. The Kent Narrows/Stevensville/Grasonville Water Subdistrict (the "Subdistrict") of the Sanitary District is hereby established. The Subdistrict shall encompass that land area of the county contained within the Fourth and Fifth Election Districts of Queen Anne's County excluding the Prospect Bay Water Subdistrict and the Chesapeake Bay Business Park Water Subdistrict. This Ordinance shall apply only to County owned and operated water systems within the Subdistrict.

## ARTICLE III

## User Class

1. Properties abutting upon a street, road, lane, alley or right of way in which a water distribution line is to be laid in the Subdistrict shall be classified as follows:

- (a) Multi-Family or Attached;
- (b) Single-Family Detached; and
- (c) Industrial or Business

2. The Sanitary Commission shall fix and levy benefit assessments upon all properties in the Subdistrict in accordance with the classification or subdivision thereof, and shall in writing notify all owners of the properties into which class their respective properties fall and the charge determined upon, naming also in the notice a time and place, when and at which time the owner may be heard. This notice shall be mailed by registered or certified mail, return receipt requested, to the last known address of the owner, or served in person upon any adult occupying the premises, or in case of a vacant or unimproved property posed upon the premises.

## ARTICLE IV

### Construction Costs of Distribution Systems

1. For the purpose of paying the principal and interest on indebtedness incurred by the County to finance the planning, design and construction of distribution systems, the Sanitary Commission shall assess each property in the Subdistrict abutting upon a street, road, lane, alley or right of way in which a water distribution line has been built, whether improved or unimproved, a debt service charge based upon front footage.
2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such benefit assessments may be sent monthly or quarterly, as the Sanitary Commission may hereafter by resolution prescribe.
3. All lots and parcels in the "industrial or business" classification shall be assessed their full front footage even though a water distribution line may not extend along the full length of any boundary.
4. In the case of any unsubdivided, irregular shaped lot or parcel abutting upon a road, street, lane, alley or right of way in which there is or is being constructed a water distribution line at any point, the lot or parcel shall be assessed for such front footage as the Director may determine to be reasonable and fair. Any two (2) property lines with a deflection angle of less than fifty (50) degrees shall be considered as a single property line. For circular property lines assessment may be based upon a chord length. Typically, irregular lots shall be assessed based upon the total front footage divided by the number of property sides fronted.
5. The minimum footage to be assessed any single lot or parcel shall be sixty (60) feet.
6. No land classified as "agricultural" shall be assessed a front footage benefit until such time as the water connection is made and for every connection that land shall become liable to a front footage benefit assessment for a reasonable footage not exceeding three hundred (300) feet.

## ARTICLE V

Construction Costs  
of Storage Facilities, Treatment Facilities and Supply Systems

1. For the purpose of paying the principal and interest on indebtedness incurred by the county to finance the planning, design and construction of water storage facilities, water treatment facilities and water supply systems, the Sanitary Commission shall assess each property in the Subdistrict abutting upon a street, road, lane, alley or right of way in which a water distribution line has been built, whether improved or unimproved, a debt service charge based upon the Director's measurement or estimate of the volume of the water flow to that property.
2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such benefit assessments may be sent monthly or quarterly as the Sanitary Commission may hereafter by resolution prescribe.
3. The Sanitary Commission shall by resolution prescribe a minimum flow volume and flow characteristic debt service charge for each user class except that no land classified as "agricultural" shall be so assessed until such time as the water connection is made.
4. The Sanitary Commission may prescribe that the minimum charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit, shall be the equivalent charge for such unit in the "single-family detached" classification.



ARTICLE VI

Operation, Maintenance and Administrative Costs

1. For the purpose of providing funds for operating, maintaining, repairing and administering a water system and providing funds for an operating/replacement reserve the Sanitary Commission shall assess each property in the Subdistrict benefited by the system a user charge based upon the actual or estimated water usage.
2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such user charges may be sent monthly or quarterly, as the Sanitary Commission may hereafter by resolution prescribe.
3. The Sanitary Commission may by resolution prescribe a minimum flow volume user charge for each user class except that no land classified as "agricultural" shall be so assessed until such time as the water connection is made.
4. The Sanitary Commission may prescribe that the minimum charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit, shall be the equivalent charge for such unit in the "single-family detached" classification.

## ARTICLE VII

## Connection Charges

1. For the purpose of providing funds for extending, enlarging, expanding, upgrading and modifying a water system, the Sanitary Commission shall assess each new connection, or in the case of new subdivisions each new lot in the Subdistrict a connection charge.
2. Connection charges shall be collected at the time of connection for existing lots and prior to final approval of a subdivision of property for new lots.
3. Payment of a connection charge will not exempt a property from the debt service charges prescribed in Article IV for the Subdistrict; however, in the event a Public Works Agreement provided other funding arrangements for the construction of new facilities, the property or properties may be exempted from the normal debt service charges for the Subdistrict as provided in the Public Works Agreement.
4. The Sanitary Commission may prescribe that the connection charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit shall be the equivalent charge for such unit in the "single-family detached" classification.

**ARTICLE VIII**

**Rate Schedule**

1. The Sanitary Commission shall establish by resolution a rate schedule for the Subdistrict in accordance with the provisions of this ordinance.
2. The rate schedule shall be revaluated at least annually by the Sanitary Commission. The Sanitary Commission may adopt new rate schedules as appropriate.

## ARTICLE IX

## Liens Against Property

1. If any bill remains unpaid after thirty (30) days from the date of sending, the Director, after not less than five (5) days written notice left upon the premises or mailed to the last known address of the owner may terminate service to the property. Subdistrict charges shall be liens upon the property served or benefited and, in addition to being enforced by actions at law, may be enforced by a bill in equity against the property so served or benefited. The liens shall be subject only to liens for State and County taxes. The charges shall be due when made and after sixty (60) days from that date shall bear interest at the rate of one and one-half (1 1/2) percent per month.

## ARTICLE X

### Powers and Authority of Inspectors

1. The Director and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties in the Subdistrict for the purposes of inspection, observation, measurement, sampling and testing pertinent to the water system.

2. While performing the necessary work on private properties referred to in Article I, Section 1, above, the Director and other duly authorized employees of the county shall observe all safety rules applicable to the premises established by the occupant, and the occupant shall be held harmless for injury or death to the county employees, and the county shall indemnify the occupant against loss or damage to his property by employees of the county and against liability claims and demands for personal injury or property damage asserted against the occupant and growing out of the monitoring operation, except as such may be caused by negligence or failure of the occupant to maintain safe conditions.

3. The Director and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties through which the county holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water facilities lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the property involved.

ARTICLE XI

Right of Appeal

1. Any person aggrieved by an action taken by or a decision made by the Director in the administration of any provision of this ordinance, including any person who has received a notice of termination of service pursuant to Article IX of this Ordinance, may have said decision reviewed by the Sanitary Commission.
2. The Sanitary Commission shall set, no less than annually, a time and place when and at which aggrieved persons may be heard.
3. If the Sanitary Commission finds an action or decision of the Director in error, or to be based upon political, religious or racial prejudice, or to impose an undue hardship, the Sanitary Commission may overrule or modify the appealed action or decision.

**ARTICLE XII**

**Penalties**

1. Any person, firm or corporation violating any of the provisions or requirements of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred (\$100.00) or to confinement in the county jail for not more than thirty (30) days or both, for each offense. Each day's violation shall constitute a separate offense.

ARTICLE XIII

Conflict

1. Any prior ordinance or resolution of the county inconsistent with the provisions of this ordinance is hereby repealed to the extent of inconsistency.
2. Should any part of this ordinance be found invalid, it shall not affect the validity of any other part.



**ARTICLE XIV**

**Effective Date**

1. This ordinance shall take effect and be in force on the first day of January, 1987.

ADOPTED  
this 17th day of November, 1987

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

W. R. Baker  
Wheeler R. Baker, President

W. M. V. Riggs III  
William V. Riggs, III

Frances A. Ashley  
Frances A. Ashley

Attest:

Heber L. Cecil

RESOLUTION

Rate Schedule for the Kent Narrows/Stevensville/Grasonville Water Subdistrict:

RESOLVED, that the Rate Schedule (attached hereto) for the Kent Narrows/Stevensville/Grasonville Water Subdistrict is hereby adopted in accordance with Ordinance Number 46.

BE IT FURTHER RESOLVED that this resolution shall be effective January 1, 1988.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

sitting as

THE SANITARY COMMISSION

*W.R. Baker*

Wheeler R. Baker, President

*Wm. V. Riggs III*

William V. Riggs, III

*Frances A. Ashley*

Frances A. Ashley

Attest:

*Helen S. Cecil*

Date: November 17, 1987

**KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT**

**RATE SCHEDULE**

**Adopted:**

November 17, 1987

KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT

CUSTOMER CHARGE

ALL USER CLASSES:

\$5.00/ACCOUNT/QTR

KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT

FRONT FOOTAGE CHARGE

ALL USER CLASSES:

\$0.00/FT/QTR

**Kent Narrows/Stevensville/Grasonville  
Water Subdistrict  
(excluding front foot assessment and customer charge)**

**Residential User Classes:**

Single Family detached dwelling unit	\$ 31.48/Qtr
Multi Family or attached dwelling unit	\$ 22.71/Qtr

Plus \$1.67 per thousand gallons for all usage in excess of 26,280 gallons per quarter (single family detached) and 13,688 gallons per quarter (multi family or attached).

**Industrial or Business User Classes:**

	Unit of Measure	Consumption in Gallons	Minimum Charge
Bakery	Each	18,250	\$ 30.47/Qtr
Bank	Each	18,250	\$ 30.47/Qtr
Barber Shops	Each	18,250	\$ 30.47/Qtr
Beauty Salons	Each	18,250	\$ 30.47/Qtr
Boat Slips (Community)	Slip	3,650	\$ 6.10/Qtr
Carry Out	Each	18,250	\$ 30.47/Qtr
Clubhouses, Community	Each	36,500	\$ 60.95/Qtr
Drug Store	Each	18,250	\$ 30.47/Qtr
Fast Food Restaurant	Each	146,000	\$243.82/Qtr
Funeral Homes	Each	18,250	\$ 30.47/Qtr
Health Club/Country Club		Fixtures	
Laundromats	Washer	7,300	\$ 12.19/Qtr
Medical/Dental Office	Each	18,250	\$ 30.47/Qtr
Restaurant	Seat	1,278	\$ 2.13/Qtr
Retail Sales	Each	18,250	\$ 30.47/Qtr
Service Stations (others)		18,250	\$ 30.47/Qtr
Service Stations (Rt. 50/301)		36,500	\$ 60.95/Qtr
Supermarkets		292,000	\$487.64/Qtr
<b>Fixtures:</b>			
Showers		18,250	\$ 30.47/Qtr
Baths		10,950	\$ 18.28/Qtr
Lavatories		3,650	\$ 6.09/Qtr
Toilets		5,475	\$ 9.14/Qtr
Urinals		3,650	\$ 6.09/Qtr
Sinks		1,825	\$ 3.05/Qtr

Any fixtures, such as bath houses, laundry rooms, etc., not billed to individual tax accounts shall be billed by invoice to the condominium, homeowners association or similar management entity.

Plus \$1.67 per thousand gallons for all usage in excess of that shown for each industrial business user class.

**KENT NARROWS/STEVENSVILLE/GRASONVILLE  
WATER SUBDISTRICT**

**CONNECTION CHARGES**

**ALL USER CLASSES:**

Connection charge will be actual cost of connection including materials, labor and equipment.

ORDINANCE NUMBER 48

CHESAPEAKE BAY BUSINESS PARK  
WATER SUBDISTRICT  
USER CHARGE ORDINANCE

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CHESAPEAKE BAY BUSINESS PARK

WATER SUBDISTRICT

An ordinance providing for the establishment of the Chesapeake Bay Business Park Water Subdistrict; creating classifications of users in said Subdistrict; authorizing and providing for the assessment and collection of benefit assessments and user charges for the purpose of paying the costs of construction, maintenance and replacement of water facilities in said subdistrict; providing penalties for violations thereof and generally relating to the establishment, operation, administration and financing of the Chesapeake Bay Business Park Water Subdistrict.

Be it ordained and enacted by the County Commissioners of Queen Anne's County, State of Maryland, as follows:

## ARTICLE I

## Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. "Agriculture" shall mean the science or art of cultivating the soil, producing crops and raising livestock.
2. "Board" shall mean the Board of County Commissioners of Queen Anne's County, the governing body of the County, and its successors.
3. "Commissioners" shall mean the County Commissioners of Queen Anne's County, a body politic and corporate and a political subdivision of the State of Maryland.
4. "County" shall mean Queen Anne's County.
5. "Department of Public Works" shall mean the Department of Public Works of Queen Anne's County.
6. "Director" shall mean the Director of Public Works of Queen Anne's County or his authorized deputy, agent or representative.
7. "Distribution system" shall mean those lines and appurtenances which deliver potable water from a water supply system or storage facility to individual properties.
8. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
9. "Flow characteristics" shall refer to the variations in the flow rate in a particular user. Such variations are typically described by such terms as average daily flow, peak daily flow, minimum monthly flow, maximum hourly flow, etc.
10. "Front footage or frontage" shall mean the length in feet of the property line or lines abutting a water distribution system.
11. "Industrial or Business" shall mean any institutional, industrial or commercial use as defined in Sections 4007, 4008 and 4009 of the "Queen Anne's County Zoning Ordinance".
12. "Lien" shall mean a charge upon real or personal property for the satisfaction of a debt or duty.
13. "Lot" shall mean any plot or parcel of land occupied or intended to be occupied by a principal building or use, or a group of buildings, and its accessory buildings and uses, and having frontage on a road.
14. "May" is permissive.
15. "Multi-Family or Attached Dwelling" shall mean two or more adjoining dwelling units, each of which is separated from the

others by one (1) or more unpierced walls from ground to roof.

16. "Parcel" shall mean a tract or plot of land.

17. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration.

18. "Potable water" shall mean water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage.

19. "Rate schedule" shall mean a schedule, table or chart detailing specific charges for each service by unit of low volume, front footage or other measurement.

20. "Residence" shall mean any private home, tenant house, apartment, hotel, marina, mobile home, institution or places where people reside for any period of time.

21. "Road" shall mean a public or private right of way which provides a public means of access to abutting property.

22. "Sanitary Commission" shall mean the County Commissioners of Queen Anne's County who sit as the Sanitary Commission having jurisdiction over the sanitary district.

23. "Sanitary District" shall mean Queen Anne's County, State of Maryland, exclusive of any incorporated municipality.

24. "Shall" is mandatory.

25. "Single-Family Detached Dwelling" shall mean a dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit.

26. "Storage facilities" shall mean a tank or other reservoir used for the storage of water.

27. "Unit" shall mean a house, building, mobile home, condominium unit, commercial business, rental or leasehold unit, vessel, pleasure craft or any similar structure or facility.

28. "User charge" shall mean a charge levied on users of a water system for the cost of operation and maintenance of such system.

29. "Zoning Ordinance" shall mean the Queen Anne's County Zoning Ordinance (adopted April 9, 1987) as may be amended from time to time.

## ARTICLE II

## Water Subdistrict

1. The Chesapeake Bay Business Park Water Subdistrict (the "Subdistrict") of the Sanitary District is hereby established. The Subdistrict shall encompass all that land contained within the outline boundary of the Chesapeake Bay Business Park as shown on the plat entitled "Final Record Plat, Chesapeake Bay Business Park, M-2 General Industrial District, Stevensville, Kent Island, 4th District, Queen Anne's County, Maryland", prepared by McCrone, Inc., dated 3-27-86, and recorded among the land records of Queen Anne's County.

ARTICLE III

User Class

1. Properties abutting upon a street, road, lane, alley or right of way in which a water distribution line is to be laid in the Subdistrict shall be classified as follows:

- (a) Multi-Family or Attached;
- (b) Single-Family Detached; and
- (c) Industrial or Business

2. The Sanitary Commission shall fix and levy benefit assessments upon all properties in the Subdistrict in accordance with the classification or subdivision thereof, and shall in writing notify all owners of the properties into which class their respective properties fall and the charge determined upon, naming also in the notice a time and place, when and at which time the owner may be heard. This notice shall be mailed by registered or certified mail, return receipt requested, to the last known address of the owner, or served in person upon any adult occupying the premises, or in case of a vacant or unimproved property posed upon the premises.

## ARTICLE IV

Construction Costs  
of Distribution Systems

1. For the purpose of paying the principal and interest on indebtedness incurred by the County to finance the planning, design and construction of distribution systems, the Sanitary Commission shall assess each property in the Subdistrict abutting upon a street, road, lane, alley or right of way in which a water distribution line has been built, whether improved or unimproved, a debt service charge based upon front footage.

2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such benefit assessments may be sent monthly or quarterly, as the Sanitary Commission may hereafter by resolution prescribe.

3. All lots and parcels in the "industrial or business" classification shall be assessed their full front footage even though a water distribution line may not extend along the full length of any boundary.

4. In the case of any unsubdivided, irregular shaped lot or parcel abutting upon a road, street, lane, alley or right of way in which there is or is being constructed a water distribution line at any point, the lot or parcel shall be assessed for such front footage as the Director may determine to be reasonable and fair. Any two (2) property lines with a deflection angle of less than fifty (50) degrees shall be considered as a single property line. For circular property lines assessment may be based upon a chord length. Typically, irregular lots shall be assessed based upon the total front footage divided by the number of property sides fronted.

5. The minimum footage to be assessed any single lot or parcel shall be sixty (60) feet.

6. No land classified as "agricultural" shall be assessed a front footage benefit until such time as the water connection is made and for every connection that land shall become liable to a front footage benefit assessment for a reasonable footage not exceeding three hundred (300) feet.

ARTICLE V

Construction Costs  
of Storage Facilities, Treatment Facilities and Supply Systems

1. For the purpose of paying the principal and interest on indebtedness incurred by the county to finance the planning, design and construction of water storage facilities, water treatment facilities and water supply systems, the Sanitary Commission shall assess each property in the Subdistrict abutting upon a street, road, lane, alley or right of way in which a water distribution line has been built, whether improved or unimproved, a debt service charge based upon the Director's measurement or estimate of the volume of the water flow to that property.

2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such benefit assessments may be sent monthly or quarterly as the Sanitary Commission may hereafter by resolution prescribe.

3. The Sanitary Commission shall by resolution prescribe a minimum flow volume and flow characteristic debt service charge for each user class except that no land classified as "agricultural" shall be so assessed until such time as the water connection is made.

4. The Sanitary Commission may prescribe that the minimum charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit, shall be the equivalent charge for such unit in the "single-family detached" classification.

## ARTICLE VI

## Operation, Maintenance and Administrative Costs

1. For the purpose of providing funds for operating, maintaining, repairing and administering a water system and providing funds for an operating/replacement reserve the Sanitary Commission shall assess each property in the Subdistrict benefited by the system a user charge based upon the actual or estimated water usage.
2. The first payment shall be collected during the fiscal year in which construction of the water system is completed, or in which the system is purchased or acquired. Bills for such user charges may be sent monthly or quarterly, as the Sanitary Commission may hereafter by resolution prescribe.
3. The Sanitary Commission may by resolution prescribe a minimum flow volume user charge for each user class except that no land classified as "agricultural" shall be so assessed until such time as the water connection is made.
4. The Sanitary Commission may prescribe that the minimum charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit, shall be the equivalent charge for such unit in the "single-family detached" classification.



## ARTICLE VII

### Connection Charges

1. For the purpose of providing funds for extending, enlarging, expanding, upgrading and modifying a water system, the Sanitary Commission shall assess each new connection, or in the case of new subdivisions each new lot in the Subdistrict a connection charge.
2. Connection charges shall be collected at the time of connection for existing lots and prior to final approval of a subdivision of property for new lots.
3. Payment of a connection charge will not exempt a property from the debt service charges prescribed in Article IV for the Subdistrict; however, in the event a Public Works Agreement provided other funding arrangements for the construction of new facilities, the property or properties may be exempted from the normal debt service charges for the Subdistrict as provided in the Public Works Agreement.
4. The Sanitary Commission may prescribe that the connection charge for a property classified as "industrial or business" and occupied solely by a single dwelling unit shall be the equivalent charge for such unit in the "single-family detached" classification.

## ARTICLE VIII

## Rate Schedule

1. The Sanitary Commission shall establish by resolution a rate schedule for the Subdistrict in accordance with the provisions of this ordinance.

2. The rate schedule shall be revaluated at least annually by the Sanitary Commission. The Sanitary Commission may adopt new rate schedules as appropriate.

ARTICLE IX

Liens Against Property

1. If any bill remains unpaid after thirty (30) days from the date of sending, the Director, after not less than five (5) days written notice left upon the premises or mailed to the last known address of the owner may terminate service to the property. Subdistrict charges shall be liens upon the property served or benefited and, in addition to being enforced by actions at law, may be enforced by a bill in equity against the property so served or benefited. The liens shall be subject only to liens for State and County taxes. The charges shall be due when made and after sixty (60) days from that date shall bear interest at the rate of one and one-half (1 1/2) percent per month.

## ARTICLE X

## Powers and Authority of Inspectors

1. The Director and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties in the Subdistrict for the purposes of inspection, observation, measurement, sampling and testing pertinent to the water system.

2. While performing the necessary work on private properties referred to in Article I, Section 1, above, the Director and other duly authorized employees of the county shall observe all safety rules applicable to the premises established by the occupant, and the occupant shall be held harmless for injury or death to the county employees, and the county shall indemnify the occupant against loss or damage to his property by employees of the county and against liability claims and demands for personal injury or property damage asserted against the occupant and growing out of the monitoring operation, except as such may be caused by negligence or failure of the occupant to maintain safe conditions.

3. The Director and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties through which the county holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water facilities lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the property involved.

ARTICLE XI

Right of Appeal

1. Any person aggrieved by an action taken by or a decision made by the Director in the administration of any provision of this ordinance, including any person who has received a notice of termination of service pursuant to Article IX of this Ordinance, may have said decision reviewed by the Sanitary Commission.
2. The Sanitary Commission shall set, no less than annually, a time and place when and at which aggrieved persons may be heard.
3. If the Sanitary Commission finds an action or decision of the Director in error, or to be based upon political, religious or racial prejudice, or to impose an undue hardship, the Sanitary Commission may overrule or modify the appealed action or decision.

ARTICLE XII

Penalties

1. Any person, firm or corporation violating any of the provisions or requirements of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred (\$100.00) or to confinement in the county jail for not more than thirty (30) days or both, for each offense. Each day's violation shall constitute a separate offense.

ARTICLE XIII

Conflict

1. Any prior ordinance or resolution of the county inconsistent with the provisions of this ordinance is hereby repealed to the extent of inconsistency.

2. Should any part of this ordinance be found invalid, it shall not affect the validity of any other part.

ARTICLE XIV

Effective Date

1. This ordinance shall take effect and be in force on the first day of January 1988.

ADOPTED  
this 17th Day of November, 1987

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

W. R. Baker  
Wheeler R. Baker, President

Wm. V. Riggs III  
William V. Riggs, III

Frances A. Ashley  
Frances A. Ashley

Attest:

Helen L. Carl



RESOLUTION

Rate Schedule for the Chesapeake Bay Business Park Water Subdistrict:

RESOLVED, that the Rate Schedule (attached hereto) for the Chesapeake Bay Business Park Water Subdistrict is hereby adopted in accordance with Ordinance Number 48.

BE IT FURTHER RESOLVED that this resolution shall be effective January 1, 1988.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

sitting as

THE SANITARY COMMISSION

W. R. Baker  
Wheeler R. Baker, President

Wm. V. Riggs III  
William V. Riggs, III

Frances A. Ashley  
Frances A. Ashley

Attest:

Helen K. Carl

Date: November 17, 1987

CHESAPEAKE BAY BUSINESS PARK  
WATER SUBDISTRICT

RATE SCHEDULE

Adopted:

November 17, 1987

CHESAPEAKE BAY BUSINESS PARK  
WATER SUBDISTRICT

CUSTOMER CHARGE

ALL USER CLASSES:

\$5.00/ACCOUNT/QTR

CHESAPEAKE BAY BUSINESS PARK  
WATER SUBDISTRICT

FRONT FOOTAGE CHARGE

ALL USER CLASSES:

\$0.00/FT/QTR

Chesapeake Bay Business Park  
Water Subdistrict  
(excluding front foot assessment and customer charge)

Industrial or Business User Classes:

Minimum quarterly charge per commercial lot;  
improved or unimproved \$304.77

Plus \$1.67 per thousand gallons for all usage in excess of 182,500  
gallons per quarter.

CHESAPEAKE BAY BUSINESS PARK  
WATER SUBDISTRICT

CONNECTION CHARGES

ALL USER CLASSES:

Connection charge will be actual cost of connection including materials, labor and equipment.

ANIMAL CONTROL ORDINANCE

QUEEN ANNE'S COUNTY

COUNTY ORDINANCE 78

TABLE OF CONTENTS

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	Pages
DEFINITIONS .....	1-2
ANIMAL CONTROL COMMISSION .....	2-3
ENFORCEMENT .....	3
LICENSING .....	3-5
TAG AND COLLAR .....	5
RESTRAINT .....	5
IMPOUNDMENT AND SICK OR INJURED ANIMALS .....	5-6
REDEMPTION OF IMPOUNDED ANIMALS AND FEES .....	6
MONETARY PENALTY .....	6-7
COMPLAINTS CONCERNING NUISANCE AND VICIOUS ANIMALS .....	7
CONFINEMENT OF CERTAIN ANIMALS .....	7
RABIES CONTROL .....	8-9
REPORTS OF BITE CASES .....	9
RESPONSIBILITIES OF VETERINARIANS .....	9
EXEMPTIONS .....	10
HUMANE CARE .....	10
INVESTIGATION .....	10-11
INTERFERENCE .....	11
RECORDS .....	11
PENALTY AND PROSECUTION .....	11
DISPOSITION OF FINES .....	11
APPEALS .....	12
DOGS ATTACKING ANIMALS OR HUMANS .....	12
SEVERABILITY .....	12
EFFECTIVE DATE .....	12

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

SECTION I DEFINITIONS

As used in this ordinance, the following terms mean;

Animal Abandonment: Any owner of a dog or other domesticated animal who does not humanely dispose of the animal or transfer ownership to some responsible person, when ownership is no longer desired, shall be guilty of "Animal Abandonment".

Animal Control Authority: A Maryland licensed veterinarian appointed by the County Commissioners of Queen Anne's County will be the Animal Control Authority.

Animal Control Commission: The duly appointed Animal Control Commission for Queen Anne's County is defined in Section II.

Animal Control Center or Animal Pound: The Animal Control Center or Animal Pound is any premises so designed by the County Commissioners of Queen Anne's County and the Animal Control Commission for the purpose of impounding and caring for stray animals, animals found running at large, or animals found in violation of this ordinance.

Animal Control Officer: The Animal Control Officer is the person or persons and their assistants appointed by the County Commissioners of Queen Anne's County under the County Civil Service Regulations to enforce the ordinance.

Animal Exposed to Rabies: An animal that has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or exposed to any animal infected with rabies. This determination shall be made by the Maryland Public Veterinarian or the County Health Officer.

At Large: Any animal will be deemed to be "At Large" when not on the property of its owner or not under the effective control of a responsible person.

Domesticated Animals: Any animal that is accustomed to living in or about the habitation of man, including but not limited to cats, dogs, cows, horses, swine, fowl and other animals not known as WILD, but excluding those animals raised solely for agricultural purposes except with respect to enforcement of Section XVI (Humane Care) of this ordinance.

Health Officer: The Health Officer is the physician in charge of Queen Anne's County Health Department.

Kennel Operator: A Kennel Operator is any person, group of persons, association or corporation engaged in the business of: breeding, buying, selling, boarding or training of dogs, or who keeps five or more dogs on the premises.

Owner: An owner is any person, partnership, association, or corporation owning, keeping or harboring a dog or other animal.



Pet: A pet is an animal kept for pleasure. Pets include but are not limited to birds, cats, dogs, fish, hamsters, mice, reptiles and other animals associated with man's environment.

Public Nuisance Animal: Any animal repeatedly found at large, making loud or objectionable sounds, damaging property other than its owner's; molesting passersby; chasing vehicles; or behaving in any manner which is deemed to be doing damage to property or to the public health and well-being; or which upon investigation is known to have bitten one or more persons, or has been determined by an Animal Control Officer to be a detriment or threat to public health, welfare, or safety, may be deemed to be a "Public Nuisance Animal".

Restraint: A dog or other animal is under "Restraint" within the meaning of this ordinance if it is controlled by a leash, or under the effective control of an owner or other responsible person and obedient to that person's commands, or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

Stray: A stray is a domesticated animal for which ownership is not established.

Vicious Animal: Any animal that constitutes a physical threat to human beings, dogs, cats, livestock, swine or fowl by virtue of its specific training or demonstrated behavior except animals belonging to a government agency acting in the official performance of authorized duty.

Wild Animal: Vertebrate animals, customarily and usually found in a state of nature. Included are offsprings of crossbred wild animals with domestic animals.

## SECTION II. ANIMAL CONTROL COMMISSION

The County Commissioners of Queen Anne's County shall appoint at least three (3) and no more than seven (7) persons to serve as the Animal Control Commission. The term of each member shall be set by the County Commissioners of Queen Anne's County. The members so appointed shall receive no remuneration for their service and may be removed prior to the expiration of their term by action of the said County Commissioners.

A. One member appointed as aforesaid shall be designated by the County Commissioners to serve as Chairman. The Animal Control Commission shall select other officers as it deems necessary.

B. The Animal Control Commission may appoint an individual other than a Commission member to serve as a non-voting, recording secretary.

C. The Animal Control Commission shall meet at the call of the chairman or two (2) Commission members to:

1. Adopt rules and regulations concerning:
  - a. The operation of the Animal Control Center or Centers.
  - b. Standards for the collection, care, custody, and disposal of animals as set forth in the ordinance.
  - c. Standards for the maintenance of kennels and pet shops.
2. Review budgets of the Animal Control Center and the Animal Control Commission, and make recommendation to the County Commissioners in accordance with County budgets procedure.
3. Conduct public hearings on matters concerning the Animal Control Commission, its rules, or laws, and upon written application, hear appeals on decisions of the Animal Control Officers.
4. Recommend to the Board of County Commissioners any necessary changes in the law or ordinance regarding the control of animals.
5. Adopt necessary rules and regulations for the control of domesticated animals in Queen Anne's County in conformance with the ordinance.
6. Supervise enforcement of existing rules, regulations and laws.
7. Enter into agreement with Maryland licensed veterinarians for the care of animals under the jurisdiction of the Animal Control Commission.
8. Cooperate with the Humane Society of Queen Anne's County for the humane care and treatment of all animals.

#### SECTION III. ENFORCEMENT

The provisions of this ordinance and the rules adopted pursuant thereto by the Animal Control Commission shall be enforced by the Animal Control Officers.

#### SECTION IV. LICENSING

Application for all licenses required by this ordinance shall be made to the Animal Control Center or such agents including the County Treasurer as may be designated by the Animal Control Center. The license fee shall be paid at the time of making application, thereupon a receipt and a numbered identification tag shall be issued to the owner. These identification tags shall meet the requirements of the Maryland State Department of Health.

A. No person shall own, keep or harbor any dog in Queen Anne's County unless such dog is licensed except as herein provided under Section XV - EXEMPTION. Application for the license shall state name and address of the owner and name, breed, color, age and sex of the dog and shall be accompanied by a current certificate of rabies immunization. All dogs over the age of four (4) months licensed in Queen Anne's County shall be periodically immunized against rabies by a Maryland licensed veterinarian or by an antirabies clinic authorized by the County Health Department in accordance with Article 43 of the Maryland Code.

B. The yearly license fee shall be four dollars (\$4.00) for each dog over the age of four (4) months, payable on or before June 30th for each licensing year. The license fee for any dogs owned by citizens over the age of sixty-five (65) years shall be an annual fee of one dollar (\$1.00) for each dog owned up to four (4) dogs.

C. Every kennel operator who owns, harbors, or keeps five (5) or more dogs over four (4) months of age, shall maintain a valid kennel license and pay an annual fee therefor of:

5 through 20 dogs .....	\$20.00
21 dogs and up .....	\$40.00

All dogs kept as part of a kennel must meet the rabies vaccination requirements of Section IV - A.

D. Pet shops will be required to maintain satisfactory conditions and all the requirements which may be set forth for them by the County or State Department of Health or the Maryland Livestock Sanitary Service or the Animal Control Commission of Queen Anne's County. Pet shops will maintain a psittacine bird permit from the County Health Department and meet all requirements thereof if psittacine birds are kept in the shop.

E. No wild animals shall be kept in Queen Anne's County unless an individual exemption is issued by the local Health Officer and, if applicable, a permit to keep the animal has been issued by the Maryland Department of Natural Resources.

F. All licenses and certificates of registration are issued for one year beginning with the first day of July; although applications for licenses and certificates may be made beginning April 1, preceding each license year. An owner must acquire a valid license and certificate within:

1. Thirty (30) days following the procurement of a dog.
2. Thirty (30) days following the establishment of residency within Queen Anne's County.
3. Thirty (30) days after the dog becomes four (4) months of age.

Failure to secure a valid license and certificate within the time intervals aforementioned may result in a penalty assessment of ten dollars (\$10.00). Individuals may appeal penalties to the Animal Control Commission.

G. In the event a license tag issued for a dog is lost, the owner may obtain a duplicate tag upon payment of one dollar (\$1.00).

H. If there is a change in ownership of a dog, kennel or pet shop during the license year, it is the new owner's responsibility to notify the Animal Control Center.

I. In the event the dog has a valid license by another Maryland County which has the equivalent requirements for licensing and the owner becomes a resident of Queen Anne's County, a registration fee of one dollar (\$1.00) will be charged.

J. Seeing-Eye Dogs are exempt from fees. If the license application discloses that the dog is to be used as a seeing-eye dog, the license will be issued without fee. The issuing agent shall record across the face of the certificate of registration in red ink the words "Seeing-Eye Dog".

#### SECTION V. TAG AND COLLAR

A. Upon complying with the provisions of Section IV of this ordinance there shall be issued to the owner a license tag approved by the Maryland State Department of Health for this purpose.

B. Every owner is required to see that the license tag is securely fastened to the dog's collar or harness which must be worn by the dog at all times unless the dog is accompanied by its owner and is engaged in supervised hunting or other sports where a collar might endanger the dog's life or safety.

#### SECTION VI. RESTRAINT

It shall be unlawful for any person to permit an animal to run at large off the premises of its owner. Notwithstanding this section or any other section or provision of this ordinance it shall not be unlawful for any person to permit an animal to run at large when that animal is accompanied by its owner or the authorized agent of its owner and actually engaged in lawful hunting activities, nor shall such animal be subject to impoundment or penalty under this ordinance.

#### SECTION VII. IMPOUNDMENT

A. A dog without a license tag or an animal found running at large shall be taken by the Animal Control Officer to the Animal Control Center and there confined in a humane manner for a period of not less than three (3) days, and if not redeemed within said period shall become the property

of the Animal Control Center and disposed of at their discretion. Dogs wearing a currently valid license tag or animals which have obviously received good care will be held for a period of not less than five (5) days and a reasonable effort made to contact the owner prior to their disposal. If such animal is the subject of a complaint for viciousness or public nuisance, it shall not be eligible for redemption until a determination on the complaint is rendered by the Animal Control Commission.

B. Immediately upon impounding any animal the Animal Control Officer shall make a prompt and reasonable effort to notify the owner of the impoundment.

C. Domesticated animals other than dogs may be impounded when found stray, abandoned, lost, injured or sick and may be disposed of in accordance with the procedures established by the Animal Control Commission.

D. The Animal Control Officer shall collect all dead animals found on roads owned and maintained by Queen Anne's County or upon private property if the owner of the property is not the owner of the animal. Animals found in critical condition may at the discretion of the Animal Control Officer or a Maryland licensed veterinarian, be destroyed with no time limitations. If the owner of such animals is found they shall upon notification pay all expenses incurred. Persons responsible for destroying such animals shall not be held liable for their acts.

#### SECTION VIII. REDEMPTION OF IMPOUNDED ANIMALS AND FEES

A. The owner of any impounded animal shall be entitled to resume possession, except as hereinafter provided, upon compliance with: the license provisions of Section IV of this ordinance, payment of penalties, boarding fees and proof of ownership. Proof of ownership may include a license receipt, affidavits of neighbors, a photograph or other valid evidence.

B. The fee to redeem an animal which has been impounded shall be ten dollars (\$10.00). If it is the second time the animal has been impounded the fee shall be twenty-five dollars (\$25.00). Thereafter each time the animal is impounded the fee shall be fifty dollars (\$50.00). Additional charges will be made for boarding the animal and any other expenses incurred. All fees and charges must be paid at the time the animal is redeemed.

#### SECTION IX. MONETARY PENALTY

In addition to and concurrent with all other remedies and sections pertaining to penalties and the enforcement of the ordinance the Animal Control Officer may impose upon the owner or owners of any animal in violation of this ordinance a monetary penalty. The penalty shall be fifteen dollars (\$15.00) for the first offense; thirty dollars (\$30.00) for the

second offense; and fifty dollars (\$50.00) for the third and each subsequent offense during a thirty-six (36) month period. Any person aggrieved by the imposition of a monetary penalty under this section may, within thirty (30) days of the imposition of said penalty appeal the same to the Animal Control Commission. Failure to appeal or pay the Monetary Penalty within the allotted time will result in a Criminal Summons being issued for the person's appearance in the District Court of Maryland.

#### SECTION X. COMPLAINTS CONCERNING NUISANCE AND VICIOUS ANIMALS

The Animal Control Commission may, upon recommendation of an Animal Control Officer or upon an affidavit of complaint, declare an animal to be vicious or a public nuisance subject to the following procedural requirements.

A. The Animal Control Personnel shall investigate each complaint. If there is just cause for the complaint, they shall then notify the owner of the allegations. The notice shall also state the time, date and place of the next scheduled hearing before the Animal Control Commission. Such notice will further provide that the owner has the right to be present and defend such complaint. The aforesaid notice to the owner shall be by certified mail.

B. The Commission, upon review of all the circumstances at the hearing, may cause an animal to be declared vicious or a public nuisance. The Commission has the authority to do any of the following:

1. Establish such terms and conditions with which the owner must comply;
2. Establish such terms and conditions upon which the owner may redeem the animal; or
3. Provide for any other disposition of the animal.

#### SECTION XI. CONFINEMENT OF CERTAIN ANIMALS

A. Every female dog or cat while in heat shall be under its owners direct control or kept confined in a building or secure enclosure in such a manner that she will not be in contact (except for intentional breeding purposes) with another dog or cat.

B. Any fierce or dangerous animal by virtue of its demonstrated behavior or specific training, with the exception of animals belonging to government agencies acting in the performance of their duty, shall be confined within a building or secure enclosure unless securely muzzled or suitably controlled.

SECTION XII. RABIES CONTROL

Exposure to rabies may occur by an animal biting (breaking the skin), scratching, or licking an open wound or mucous membrane (such as, eye, nose or mouth). In Queen Anne's County, any person having knowledge of a person being bitten or otherwise exposed to rabies by a warm-blooded animal shall report these facts immediately by telephone, or in person to the Queen Anne's County Environmental Health Department during normal working hours (8:15-4:15 Monday - Friday) during non-working hours, the Maryland State Police, Local Police or Sheriff's Department should be notified. The police or the Health Department will investigate the incident and, if possible, issue a Maryland Animal Bite Report and Rabies Quarantine Agreement. Any dog or cat that bites or otherwise exposes rabies to a human shall be quarantined in a place and manner approved by the Local Health Officer for at least 10 days after the date of the bite.

If unvaccinated, the dog or cat must be given a physical rabies examination by a veterinarian and vaccinated for rabies on the last day of the quarantine period (or the next day if a Sunday or Holiday).

The above sentence is one of many quarantine instructions given to owners or custodians of dogs and cats by the investigating officer. It is important that the quarantine instructions be closely followed - Failure to comply with these instructions may result in a fine of up to \$500.00 under the Maryland Health Article 18-316.

When rabies has been diagnosed in an animal confined for clinical observation as provided by this ordinance, or rabies is suspected by a veterinarian, physician, or Animal Control Officer, and the animal dies while under such observation, the Animal Control Center shall immediately order the head removed and sent to the Maryland State Department of Health Laboratory in Baltimore for pathological examination. The investigation authority shall notify the Health Officer of reports of human and animal contacts.

When the County Health Officer has been notified of a positive diagnosis of rabies, he shall immediately notify all area veterinarians. The Health Officer may impose an area-wide quarantine for a period of not less than sixty (60) days and as long as he deems necessary and upon invoking such quarantine, no pet animal shall be taken into the streets or permitted to be in the street unless properly leashed and accompanied by an adult during quarantine. During such quarantine, no animal shall be taken or shipped from the residence without permission from the Maryland Public Health Veterinarian.

No animal, which has been impounded and is unclaimed by its owner, is allowed to be adopted from any animal shelter during the period of rabies emergency quarantine, except by special authorization of the Maryland Public Health Veterinarian.

Dogs and other animals kept as pets that have been bitten by a known rabid animal may be destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a manner approved by the Maryland Public Health Veterinarian shall be enforced. If the dog or other animal has been previously vaccinated against rabies within the time limits established by the Maryland State Department of Health based on the kind of vaccine used, compliance with revaccination request and restraint shall be carried out in a manner approved by the Maryland Public Health Veterinarian.

Any animal imported from an area in which a rabies quarantine has been imposed shall be held for observation in a manner approved by the Maryland Public Health Veterinarian.

In the event there are any additional cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for additional period of time as established by the Maryland Public Health Veterinarian or Health Officer. During such quarantine, any farm animal suspected of having been exposed to rabies may be quarantined by the Maryland Public Health Veterinarian or the Director of the Maryland Livestock Sanitary Service and the Maryland Public Health Veterinarian, or his appointed deputy.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of being rabid or of having been exposed to rabies, or any animal which has bitten a human, except as herein provided, nor remove such animal from the jurisdiction of the County without the written permission of the Maryland Public Health Veterinarian or his appointed deputy.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to an Animal Control Officer or others appointed by the County Health Officer of the Maryland Public Health Veterinarian, and disposed of in accordance with the regulations of the State Department of Health.

#### SECTION XIII. REPORTS OF BITE CASES

Any hospital and/or physician who treats an individual for an animal bite shall within twenty-four (24) hours after the treatment, mail a report of said treatment to the Queen Anne's County Environmental Health Department, Centreville, Maryland 21617.

#### SECTION XIV. RESPONSIBILITIES OF VETERINARIANS

It shall be the duty of every veterinarian to report to the Animal Control Commission and to the Maryland Public Health Veterinarian any animal considered by him to be rabid or a rabies suspect.



SECTION XV. EXEMPTIONS

A. The licensing requirements of this ordinance shall not apply to any dog belonging to a non-resident of the County and kept confined within the boundaries of the County for not longer than thirty (30) days, provided that all such dogs at the time of entry into the County be properly vaccinated against rabies, and while kept within the County, meet all other requirements of this ordinance.

B. Veterinary Hospitals or Clinics where dogs are hospitalized, kennels belonging to local or state governmental agencies, and research facilities which are licensed by federal law or where the main business therein is to conduct bonafide medical research are exempt from the licensing requirements of this ordinance. However, they shall register with the Animal Control Center annually.

C. Persons bringing dogs into the County will have readily available a valid rabies vaccination certificate signed by an accredited veterinarian or issued by an approved government agency. Animals without valid rabies vaccination certificate may be impounded or vaccinated by a Maryland licensed veterinarian. Animals which may have been exposed to rabies must comply with the provisions set forth in Section XIII. of this ordinance.

D. Dogs brought into the County for training by licensed Maryland kennels will be exempt from licensure, but must meet the rabies vaccination requirements of this ordinance.

E. Individual dogs, because of an illness, may be exempt from the rabies vaccination requirements of this ordinance for a period of not more than sixty (60) days, if a request signed by a Maryland licensed veterinarian is received by the Animal Control Center prior to the owner being in violation of this ordinance.

SECTION XVI. HUMANE CARE

A. All owners of animals shall provide such animals with sufficient food, water, shelter and veterinary care when needed.

B. No person shall poison any animal other than a rodents.

C. No person shall mistreat any animal in such a manner as to cause suffering by such animal.

D. No person shall abandon any animal.

SECTION XVII. INVESTIGATION

The Animal Control Officer may enter any premises upon which it is suspected a violation of the provisions of this ordinance exists. It is

further provided that the Animal Control Officer may enter the premises where any animal is kept or suspected of being kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when in their opinion it requires humane or medical treatment. A written statement from a Maryland licensed veterinarian must be obtained within twenty-four (24) hours and this statement must enumerate the signs of inhumane treatment.

#### SECTION XVIII. INTERFERENCE

No person shall interfere with, hinder or molest the Animal Control Officer in the performance of their duty.

#### SECTION XIX. RECORDS

In the manner prescribed by the Animal Control Commission:

It shall be the duty of the Animal Control Officer to keep, or cause to be kept for three (3) years, accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his custody.

It shall be the duty of the Animal Control Officer to keep or cause to be kept for three (3) years, accurate and detailed records of all monies collected and expended within this program.

The Animal Control Commission shall make all such records open to inspection at reasonable times by authorized persons.

#### SECTION XX. PENALTY AND PROSECUTION

Any person violating or refusing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof before any District Court or Circuit Court, shall be fined a sum of not less than fifty dollars (\$50.00) nor more than one-hundred dollars (\$100.00). Each day of violation constitutes a new offense. It shall be the duty of the State's Attorney and the Animal Control Officers as the agents of the Animal Control Commission of Queen Anne's County to prosecute all persons found violating the law or refusing to comply with its provisions.

#### SECTION XXI. DISPOSITION OF FINES

All fines imposed under this ordinance shall be paid to the Treasurer for Queen Anne's County monthly.

SECTION XXII. APPEALS

Any person shall have the right to appeal all action of the Animal Control Officers to the Animal Control Commission. Such appeals must be filed with the Animal Control Commission within ten (10) days of the decisions.

SECTION XXIII. DOGS ATTACKING ANIMALS OR HUMANS

Any person may kill any dog which he sees in the act of pursuing, attacking, wounding or killing any poultry, livestock, or other domesticated animals or attacking human beings, whether or not such dog bears the proper license tag required by the ordinance. There shall be no liability on such persons in damages or otherwise for such killings.

SECTION XXIV. SEVERABILITY

If any part of this ordinance shall be held invalid, such part shall be deemed severable, and shall not affect the validity of the remaining parts of this ordinance.

SECTION XXV. EFFECTIVE DATE

This ordinance shall take effect and be in force on July 1, 1977.

Adopted as amended this 9th day of October, 1979.

Adopted as amended this 11th day of November, 1981.

Adopted as amended this 31st day of January, 1984.

Adopted as amended this 23rd day of February, 1988.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Wm. V. Riggs III  
WILLIAM V. RIGGS, III, PRESIDENT

Frances A. Ashley  
FRANCES A. ASHLEY

Wheeler R. Baker  
WHEELER R. BAKER

ATTEST:

Lynda A. Palmatary  
LYNDA A. PALMATARY, CLERK

FLOODPLAIN ORDINANCE

AN ORDINANCE WHICH ESTABLISHES AND DELINEATES A FLOODPLAIN DISTRICT WITHIN QUEEN ANNE'S COUNTY, AND PROVIDES FOR THE ISSUANCE OF PERMITS AND IMPOSES CERTAIN REGULATIONS ON CONSTRUCTION AND DEVELOPMENT WITHIN THE DISTRICT.

BE IT HEREBY ORDAINED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND as follows:

RECEIVED  
CLERK OF COURT

1988 MAR -7 AM 10: 16

QUEEN ANNE'S COUNTY

## TABLE OF CONTENTS

TITLE	Page
<b>Article I - Regulatory Provisions</b>	
Section I: Short Title	1
Section II: Findings and Intent	1
Section III: Definitions	2
Section IV: Establishment of Floodplain District	5
A. Adoption of Official Floodplain Map	5
B. Floodplain District and Subdistrict	6
1. Floodway	
2. Floodway Fringe	
3. Approximate Floodplain	
4. Coastal Floodplain	
5. Coastal High Hazard Area	
6. Wetland Floodplain	
C. Flood Insurance Rate Maps and/or Flood Boundary and Floodway Maps	7
D. Floodplain District Revisions and Amendments	7
E. Floodplain District Boundary Disputes	7
Section V: Development Regulations	7
A. Floodway Development	7
B. Floodway Fringe Development	9
1. Conformance with other permit requirements	
2. Consistency with Flood Control and Watershed Management Plans	
3. Activities Permitted	
4. Elevation of lowest floor and prohibition of basements	
5. Variance	
6. Impact on aquatic and terrestrial habitats	
7. Design, Anchoring and Materials	
8. Landscape Design	
9. Electric Systems	
10. Plumbing	
11. Storage	
12. Fill	
13. Manufactured Homes and Buildings	
14. Accessory and/or Appurtenant Structures	
C. Approximate Floodplain	12
D. Coastal Floodplain	13
E. Coastal High Hazard Area	13
1. Land below the one hundred year flood	
2. Non-conforming uses	
3. Prohibition of Manufactured Buildings	
4. Prohibition of Sand Dune alteration	
F. Wetland Floodplain	14
G. Utilities and Facilities in the Floodplain District	15

## Article II - Administrative Provisions

<b>Section I: Permit Requirements</b>	16
A. Application for a Building Permit	16
B. Proposals for the subdivision of land or new development	18
C. Granting of Permits	19
D. Relocation or alteration of a watercourse	19
E. Issuance of a Building/Development Permit	19
F. Commencement and completion of work	19
G. Inspection	19
H. Progress of work	20
I. Certificate of Occupancy	20
J. Record of Floodplain District permit actions	20
<b>Section II: Variances</b>	20
A. Development for which variances may be considered	20
B. Development for which variances may not be considered	21
C. Conditions for variances	21
D. Limit to local responsibility	22
E. Application for a variance submittal	22
F. Notification of increased risk and insurance premiums	22
G. Conversion to habitable space prohibited	22
H. Record and justification of variance actions	22
I. Historic structures	22
J. Notice on deed or title conveyance document	22
<b>Section III: Penalties</b>	22
A. Misdemeanor	22
B. Separate offense	23
C. Correction or remedy of violation	23
D. Declaration of public nuisance and abatement	23
E. Notification of the Federal and State governmental agencies	23
F. Denial of National Flood Insurance Coverage	23
<b>Section IV: Miscellaneous</b>	23
A. Limits to Liability	23
B. Administrative Fees	23
C. Abrogation and Greater Restrictions	23
D. Interpretation	24
E. Partial Invalidity and Severability	24
<b>Section V: Effective date and subsequent Amendments</b>	24

## ARTICLE I - REGULATORY PROVISIONS

### Section I: Short Title

This Ordinance shall hereafter be referred to as the "Queen Anne's County Floodplain Management Ordinance".

### Section II: Findings and Intent

Whereas, certain areas of Queen Anne's County are subject to periodic inundation which results in loss of life and property, risks to health and safety, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; and

Whereas, flood losses and associated losses are created by structures inappropriately located, inadequately elevated or otherwise unprotected and vulnerable to floods or by development which increases flood damage to other lands or development; and

Whereas, the biological values of floodplains, particularly tidal and non-tidal wetlands, can be adversely affected by floodplain development; and

Whereas, Queen Anne's County has the responsibility under the Flood Control and Watershed Management Act, Section 8-9A-01 et, seq., Natural Resources Article of the Annotated Code of Maryland, to control floodplain development in order to protect persons and property from danger and destruction and to preserve the biological values and the environmental quality of the watersheds or portions thereof under its jurisdiction; and

Whereas, Queen Anne's County has the responsibility under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, to adopt and enforce floodplain management regulations which meet the requirements of 44 Code of Federal Regulations Part 55-77, et. seq., in order to participate in the National Flood Insurance Program and remain eligible for federally subsidized flood insurance, federal disaster relief, and federal and state financial assistance.

It is therefore the purpose of this Ordinance to protect human life and health; to minimize public and private property damage; to encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; to protect individuals from unwittingly buying lands and structures which are unsuited for intended purposes because of the flood hazards; to protect water supply, sanitary sewage disposal and natural drainage; to reduce financial burdens imposed on the community, its governmental units, and its residents by preventing the unwise

design and construction of development in areas subject to flooding; to provide for public awareness of the flooding potential; and to provide for the biological and environmental quality of the watersheds or portions thereof located in Queen Anne's County. The provisions of this ordinance provide a unified comprehensive approach to floodplain management which addresses requirements of the federal and state programs concerned with floodplain management; namely, the National Flood Insurance Program and the President's Executive Order 11988 of May 27, 1977 on floodplain management, the State's Waterway Construction Permit Program, State Wetlands Permit Program, the U.S. Army Corps of Engineers' Section 10 and Section 404 permit programs; and the State's Coastal Zone Management Program.

### Section III: Definitions

A. "Accessory/Appurtenant Structure" means a structure which is on the same parcel of property as the principal structure, is no greater than 300 square feet and one story, the use of which is incidental to the use of the principal structure.

B. "Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

C. "Break Away Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this definition a Break Away Wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Such enclosed space shall be no lower than grade and shall be usable solely for parking of vehicles, building access, or storage. If a separate storage area is provided at grade, such area shall not exceed 300 square feet. Break Away Walls which exceed the above stated safe loading resistance may be permitted only if a Registered Professional Engineer or Architect certifies that the wall shall collapse under a force less than that exerted by a One Hundred (100) Year Storm in this region without jeopardizing the structural integrity of the supporting foundation. When the design safe loading resistance exceeds 20 pounds per square foot, but is certified to collapse under a force less than that exerted by the One Hundred (100) Year Storm, the designed resistance must be stated clearly and certified independently on the building plans. The One Hundred (100) Year Storm means the level of flooding, water loads, wind speeds, duration, direction and forces which, when action simultaneously, result in severe beach erosion and overwash and have a one percent chance of occurring each year.



D. "Development" means any man made change to improved or unimproved real estate, including but not limited to any construction, reconstruction, modification, extension or expansion of buildings or other structures, placement of fill or concrete, construction of new or replacement infrastructure, dumping, mining, dredging, grading, paving, drilling operations, storage of materials, land excavation, land clearing, land improvement, land fill operation, or any combination thereof. This term shall also include the subdivision of land.

E. "Certificate of Occupancy" means the official form issued by Queen Anne's County Department of Planning and Zoning certifying that the structure has been built consistent with approved plans and may be legally inhabited or used for the intended purpose.

F. "Elevation Certificate" means the official form as prepared and distributed by the Federal Emergency Management Agency using Mean Sea Level as established by the National Geodetic Vertical Datum of 1929.

G. "Flood" means a temporary inundation of normally dry land areas.

H. "Floodplain" means (1) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source; or (3) an area subject to tidal surge or extreme tides.

I. "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments of properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

J. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Federal Emergency Management Agency, National Flood Insurance Program.

K. "Manufactured Home or Building" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home or building" also includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days.

L. "Manufactured Home Park or Subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

M. "New Construction" means structures for which the Start of Construction, as herein defined, commences on or after the date of entry into the Regular Program or the effective date of this Ordinance, whichever occurred first.

N. "One Hundred (100) Year Flood" means a flood that has one chance in one hundred or a one percent chance of being equalled or exceeded in any given year.

O. "Permanent Construction" means any structure built or placed on a site for more than 180 consecutive days.

P. "Principally Above Ground" means structures with at least 51 percent of the actual cash value of the structure, less land value, above ground.

Q. "Sand Dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

R. "Start of Construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement occurs within 180 days of the permit date. The actual Start of Construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction, as used in this definition, does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers, foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure.

S. "Structure" means a walled and/or roofed building, including but not limited to, a gas or liquid storage tank, a building foundation, platform, deck, swimming pool, bulkhead or greenhouse that is principally above ground and affixed to a permanent site or location.

T. "Subdivision" means the division or redivision of lots, tracts, or parcels of land by any means into two or more lots, tracts, parcels or other divisions of land, including a change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development.

U. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

V. "Temporary Development" means any building, construction and/or assemblage of structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands, fairs, carnivals or flea markets which are completely removed upon the expiration of 180 days or less as stated in the permit.

W. "Variance" means the grant of relief from the terms of this floodplain management ordinance.

X. "Wetland" means any land which is: (1) considered "private wetland" or "State wetland" pursuant to Title 9, Wetlands and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as "wetland" by the U. S. Fish and Wildlife Service identification and classification procedures.

#### Section IV: Establishment of Floodplain District

A. The County Commissioners of Queen Anne's County shall establish a Floodplain District and an Official Floodplain Map to include all areas subject to inundation by the waters of the One Hundred (100) Year Flood. The source of this delineation shall be at a minimum the Flood Insurance Study for Queen Anne's County, Maryland issued on March 28, 1984, the "Flood Insurance Rate Maps", and the "Flood Boundary and Floodway Maps". The Floodplain District and the Official Floodplain Map shall be deemed an overlay on any existing, and hereafter established, zones or districts within Queen Anne's County. The Floodplain District and the Official Floodplain Map are established with emphasis on the One Hundred (100) Year Flood elevation where defined rather than the area graphically delineated on the Official Floodplain Maps.

B. The Floodplain District shall be comprised of the following subdistrict:

1. Floodway - that portion of the Floodplain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing One Hundred (100) Year Flood conditions. The Floodway appears on the "Flood Boundary and Floodway Maps", specifically panel 4 of 65. This term shall also include Floodways as established by Article I, Section B, Subsection C-1 of this Ordinance.

2. Floodway Fringe - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the Floodway (where a Floodway has been determined) or in areas where detailed study data, profiles, and One Hundred (100) Year Flood elevations have been established. The Floodway Fringe appears on the "Flood Boundary and Floodway Maps" and "Flood Insurance Rate Maps", specifically panels 1 - 7, 11, 12, 16 - 18, 20, 24 - 26, 29, 30, 32 - 34, 36 - 41, 44 - 55, 57 - 59, 61 - 63 of 65, inclusive.

3. Approximate Floodplain - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed but where a One Hundred (100) Year Floodplain Boundary has been approximated. A One Hundred (100) Year Flood elevation shall be established after consideration of any flood elevation and floodway data available from Federal, State or other sources. The Approximate Floodplain appears on both the "Flood Insurance Rate Maps" and "Flood Boundary and Floodway Maps" and may appear on all panels as Zone A.

4. Coastal Floodplain - those portions of the Floodplain District subject to coastal or tidal flooding by a One Hundred (100) Year Flood, where detailed study data are available. The Coastal Floodplain appears on the "Flood Insurance Rate Maps" as Zone A, AE and A1 - A30.

5. Coastal High Hazard Area - those portions of land within the Floodplain District, subject to inundation by coastal or tidal flooding with high velocity waters and wave action. The Coastal High Hazard Area appears on the "Flood Insurance Rate Maps" as Zones V, VE and V1 - V30.

6. Wetland Floodplain - those portions of land within the Floodplain District subject to inundation by a One Hundred (100) Year Flood and determined to be "Wetlands" as defined in this Ordinance.

C. The Official Floodplain Map shall be the "Flood Insurance Rate Maps", and "Flood Boundary and Floodway Maps" as prepared by the Federal Emergency Management Agency, Issued on September 28, 1984, and any subsequent amendments. The Official Floodplain Map which reflects the boundaries of the Floodplain District and its subdistricts shall be prepared and maintained in force as part of this Ordinance.

D. The delineation of the Floodplain District may be revised, amended and modified by the County Commissioners in compliance with the National Flood Insurance Program and the Maryland Department of Natural Resources, when:

1. There are changes through natural or other causes to flood elevations and boundaries; and/or

2. Changes are indicated by detailed hydrologic and hydraulic information and studies.

As soon as practicable, but not later than six (6) months after the date such information becomes available, the Community Floodplain Official shall notify the Federal Insurance Administrator of the changes by submitting technical and scientific data in accordance with the 44 Code of Federal Regulations, part 65. All such changes shall be subject to the review and approval of the Federal Emergency Management Agency and the Maryland Department of Natural Resources.

E. Should a dispute concerning any Floodplain District boundary arise, an initial determination shall be made by the Community Floodplain Official. Any party aggrieved by this decision may appeal to the County Commissioners. The burden of proof is on the appellant.

#### Section V: Development Regulations

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and substantial improvements to existing structures occurring in the Floodplain District. In the event a proposed building, structure, or substantial improvement is sited in two different subdistricts or in a subdistrict with two different One Hundred (100) Year Flood elevations the most restrictive regulation and/or higher flood elevation shall prevail.

A. In the Floodway the following regulations shall apply:

1. All residential development shall be prohibited.

2. No other development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream modification and the development is approved by all appropriate local authorities, Maryland's Water Resources Administration and the U. S. Army Corps of Engineers.

3. All proposals to offset the effects of development in the Floodway by construction of stream modifications, shall be documented by an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction and shall be submitted with the application for a Building Permit. The report shall use the One Hundred (100) Year Flood and Floodway data as prepared by the Federal Emergency Management Agency and adopted herein as the basis of the analysis. Any development allowed shall meet the requirements of Article I, Section V.B. of this Ordinance.

4. Existing non-conforming structures and/or development shall not be substantially improved unless the effect of the proposed improvement on flood heights is fully offset by accompanying stream modifications and the improvement is approved by Maryland Water Resources Administration.

a. Substantial improvement of a non-conforming structure and/or development regardless of location shall be undertaken only in full compliance with the provisions of this and any other applicable Ordinance.

b. The modification, alteration, repair, reconstruction or improvement of any kind of a non-conforming structure and/or development to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

c. Uses or adjuncts thereof which are, or became, nuisances shall not be permitted to continue.

5. The placement of any manufactured homes or buildings shall be prohibited.

6. The following shall not be placed or caused to be placed in the Floodway:

a. Fences, except two wire fences; and

b. Other matters which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is places where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property in or adjacent to the floodplain.

**B. In the Floodway Fringe the following regulations shall apply:**

1. Any development approved shall be in conformance with the requirements of the permit programs of the Maryland Department of Natural Resources, Water Resources Administration and the U. S. Army Corps of Engineers.

2. Where flood control and watershed management plans exist all development shall be consistent with such plans.

3. The construction, reconstruction and/or modification of any residential, commercial or industrial structure within the One Hundred (100) Year Floodplain and below the level of the One Hundred (100) Year frequency flood event shall not be permitted. Routine maintenance and alteration and repair shall be exceptions. In addition, modifications to existing structures for floodproofing purposes shall be an exception. These modifications shall include elevating the lowest floor, as defined herein, of the structure to or above the level of one (1) foot above the elevation of the One Hundred (100) Year Flood or completely dry floodproofing as specified by the U. S. Army Corps of Engineers.

4. The elevation of the lowest floor, as defined herein, of all new or substantially improved structures shall be at least one (1) foot above the elevation of the One Hundred (100) Year Flood. Basements as herein defined are prohibited.

5. Any variances allowed under the provisions of this Ordinance shall meet the requirements specified in Article II, Section II of this Ordinance.

6. All development shall be undertaken in a manner which minimized adverse impacts on aquatic and terrestrial habitats and their related flora and fauna.

**7. Design, Anchoring and Materials**

All new construction and substantial improvements shall be:

a. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

b. Constructed and placed on the lot so as to offer the minimum obstruction to the flow and height of the flood water;

c. Constructed with materials and utility equipment resistant to flood damage; and

d. Constructed by methods and practices that minimize flood damage.

## 8. Landscape Design

a. Adequate ground cover shall be provided for soil stabilization within the Floodplain District.

b. Design of land contours and choice of plant materials shall direct surface runoff away from structures and shall not increase surface runoff onto neighboring properties.

## 9. Electric Systems

a. All electric water heaters, electric furnaces, generators, heat pumps, air conditioners and other permanent electrical installations shall be permitted only at or above one (1) foot above the elevation of the One Hundred (100) Year Flood.

b. No electrical distribution panels shall be permitted at an elevation less than three (3) feet above the elevation of the One Hundred (100) Year Flood.

## 10. Plumbing

a. Water heaters, furnaces and other permanent mechanical installations shall be permitted only at or above one (1) foot above the level of the One Hundred (100) Year Flood.

## 11. Storage

a. Materials that are buoyant, flammable, explosive or that in times of flooding could be injurious to human, animal or plant life shall not be stored below one (1) foot above the level of the One Hundred (100) Year Flood.

## 12. Fill

Where allowed, fill material shall meet the following additional requirements:

a. Fill shall consist of soil or rock materials only. Landfills, dumps and sanitary soil fills shall not be permitted.

b. Fill material shall be compacted in accordance with the Standard Proctor Test method issued by the American Society for Testing and Materials (ASTM Standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling;

c. Fill slopes shall be no steeper than One (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Community Floodplain Official; and



d. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

### 13. Manufactured Homes and Buildings

a. Manufactured homes or buildings shall be elevated on permanent foundations so that the lowest floor of each manufactured home or building will be at or above one (1) foot above the elevation of the One Hundred (100) Year Flood.

b. Adequate surface drainage and access for a manufactured home or building hauler shall be provided.

c. When manufactured homes or buildings are to be elevated on pilings, lots shall be large enough to permit steps, pilings shall be placed in stable soil no more than ten (1) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above the ground level.

d. All manufactured homes or buildings shall be securely anchored to a properly anchored, permanent foundation to resist flotation, collapse, lateral movement and wind forces. Methods of anchoring shall include, but are not to be limited to, use of over the top or frame ties to ground anchors.

e. Any addition to a manufactured home or buildings shall be similarly elevated and anchored.

f. The owner or operator of a manufactured home park or subdivision shall file with the Disaster Preparedness Authorities of Queen Anne's County, an evacuation plan which indicated alternate vehicular access and escape routes.

### 14. Accessory/Appurtenant Structures

Due to their minimal investment, detached garages, storage structures and accessory structures containing less than 300 square feet and no more than one (1) story shall be exempt from the elevation or dry floodproofing standards of this Ordinance provided that all of the following stipulations are met:

a. A statement shall be placed on the building plans which shall read as follows: "No enlargement or conversion of this area to be habitable space is to occur unless the lowest floor is elevated to one (1) foot above the One Hundred (100) Year Flood elevation. At this site the One Hundred (100) Year Flood Elevation is \_\_\_\_\_."

b. The floor elevation of the accessory structure shall not qualify as a basement and must be constructed on or above grade.

c. The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

d. The accessory structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

e. The accessory structure shall be designed to have low flood damage potential, including provisions to allow free flow of water into and out of it to maintain equal pressure.

f. The service facilities, such as electrical, plumbing and heating equipment, shall be elevated to the One Hundred (100) Year Flood elevation or be floodproofed.

g. The accessory structure shall be comprised of no more than three hundred (300) square feet and no more than one (1) story.

h. The applicant shall be made aware that if the accessory structure is built below the One Hundred (100) Year Flood elevation and is not floodproofed, the aforesaid structure may be susceptible to higher insurance premium rates for the structure and its contents.

C. In the Approximate Floodplain the following regulations apply:

1. The Community Floodplain Official shall obtain, review and reasonably utilize any One Hundred (100) Year Flood elevation and Floodway data available from a Federal, State or other source such as the U. S. Army Corps of Engineers and Soil Conservation Service, the State of Maryland Water Resources Administration, or any regional planning organization in the enforcement of the Ordinance within the Approximate Floodplain;

2. When the One Hundred (100) Year Flood Elevation is not known, the Community Floodplain Official, in consultation with the Water Resources Administration, shall evaluate each site and establish an approximate One Hundred (100) Year Flood Elevation by determining the elevation of a point on the Approximate Floodplain boundary; and

3. The Development Regulations of Section V.B. of this Ordinance shall be applied within the Approximate Floodplain.

D. In the Coastal Floodplain, the Development Regulations for the Floodway Fringe cited in Section V.B. of this Ordinance shall apply.

E. In the Coastal High Hazard Area, the following regulations shall apply in addition to the Development Regulations cited in Section V.B. of this Ordinance:

1. No land below the level of the One Hundred (100) Year Flood may be developed unless the new construction or substantial improvement:

a. Is located landward of the reach of mean high tide;

b. Is elevated on adequately anchored pilings or columns to resist flotation, collapse and lateral movement due to the effects of the One Hundred (100) Year wind and water loads acting simultaneously on all building components, and the bottom of the lowest horizontal structural members of the lowest flow (excluding the pilings or columns) is elevated to at least one (1) foot above the One Hundred (100) Year Flood elevation;

c. Has been certified by a Registered Professional Engineer or Architect that it is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash and will meet the requirements of the preceding subsection E.1.b.;

d. Has no basement and has the space below the lowest floor free of obstructions or is constructed with "Break Away Walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure is abnormally high tides or wind driven water is minimized. Such temporarily enclosed space shall not be used for human habitation; and

e. Does not utilize fill for structural support of buildings or structures.

2. Existing non-conforming uses and/or structures located on land below the level of the One Hundred (100) Year Flood shall not be expanded vertically, horizontally or otherwise unless fully complaint with this and all other applicable Ordinances.

3. The placement of manufactured homes or buildings is strictly prohibited.

4. The alteration of sand dunes which would increase potential flood damage is prohibited.

F. In the Wetland Floodplain the following regulations shall apply in addition to the regulations cited in Article I, Section V.B. of this Ordinance.:

1. The Community Floodplain Official shall obtain, review and reasonable utilize any wetland classification data available from a Federal, State or other source in the enforcement of the Ordinance within the Wetland Floodplain.

2. Except where specifically allowed by the County Commissioners and the Maryland Departments of Natural Resources, and the Environment, and the U. S. Army Corps of Engineers, the following shall be prohibited:

a. Filling, dumping or excavation of any kind;

b. Drainage or alteration of the natural drainage and circulation of surface or ground waters.

3. When the Wetland Floodplain Boundary is unknown, obscure or undefined the Community Floodplain Official in cooperation with or with assistance from the Maryland Department of Natural Resources shall evaluate each site.

4. All buildings and structures shall be prohibited with the exception of catwalks, piers, bathhouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water related structures which are constructed on pilings to permit the unobstructed flow of water and preserve the natural contour of the wetland area.

5. To the maximum extent possible activities in the Wetland Floodplain will be limited to those which:

a. Require access to water or wetlands, or are water dependent;

b. Have no prudent or feasible alternative site which does not involve wetland areas; and

c. Will result in minimum feasible alteration or impairment to wetland functional characteristics and existing contour, vegetation, fish and wildlife resources and hydrological conditions of the wetland area.

G. In the entire Floodplain District the design, placement and construction of all public and private utilities and facilities shall meet the following requirements:

1. New or replacement water supply systems and/or sanitary sewage systems shall be designed and floodproofed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood water, and to avoid impairment during flooding and to minimize flood damage.

a. Cesspools and seepage pits are prohibited.

b. Septic tanks are permitted provided they are securely anchored to resist buoyant forces during inundation.

c. All pipes connected to sewage systems shall be sealed to prevent leakage.

2. All gas, electrical and other facility and utility systems shall be located, constructed and floodproofed to eliminate or minimize flood damage.

3. All new storm drainage facilities within and leading to or from the Floodplain District shall be adequately designed, floodproofed and installed to eliminate or minimize property damage resulting from the flood waters of the One Hundred (100) Year Flood and to minimize adverse environmental impacts of their installation and use.

**ARTICLE II - ADMINISTRATIVE PROVISIONS****Section I: Permit Requirements**

A permit is required for all development (including, but not limited to, subdivision of and, construction of and/or substantial improvements to buildings and structures, placement of manufactured homes or buildings, fill, temporary development, new or replacement infrastructure, or any combination thereof) in the Floodplain District and shall be granted only after necessary permits from the State of Maryland, Water Resources Administration and all other applicable state and federal agencies have been obtained.

A. The Application for a Building Permit shall be submitted to the Community Floodplain Official and shall contain information including, but not limited to, the following:

1. Name and address of applicant. The applicant must be the owner or an authorized agent of the owner;
2. Name and address of owner of land on which development is proposed;
3. Name and address of contractor;
4. Site location;
5. Copies of the issued permit or a written statement from the issuing authority indicating that a permit is not required from the U. S. Army Corps of Engineers, Maryland Department of Natural Resources, Wetlands Division, and/or Maryland Department of Natural Resources, Waterway Permits Division where necessary.
6. A plan of the site showing the size and location of the proposed development as well as any existing buildings or structures;
7. Plans drawn to scale, showing the location, dimensions and elevation in mean sea level/NGVD of the site in relation to the stream channel, shoreline, Floodplain District and Floodplain District subdistricts;
8. For substantial improvement to an existing structure, an appraisal performed by a professional real estate appraiser of the market value of existing structure (less land value) to which the substantial improvement is associated;
9. Summary description of proposed work and estimated cost; and

10. Depending on the type of development and/or structure involved and for structures to be elevated above the One Hundred (100) Year Flood Elevation, the following information shall also be included in the Application:

a. The size of the proposed structure(s) and its position on the lot where it is to be constructed;

b. The elevations of the proposed final grading and lowest floor, and the existing ground and One Hundred (100) Year Flood Elevation as certified by a Registered Professional Engineer, Surveyor or Architect;

c. The method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. These plans shall be prepared by a Registered Professional Engineer or Architect; and

11. If a variance is being applied for under the provisions of Article II, Section II.A.1. of this Ordinance, certifications by a Registered Professional Engineer or Architect that the structure will be dry floodproofed in accordance with the specifications of the U. S. Army Corps of Engineers to one (1) foot above the One Hundred (100) Year Flood Elevation.

12. If a variance is being applied for under the provisions of Article II, Section II.A.2. of this Ordinance, the following conditions shall be met:

a. The structure shall be constructed with appropriate building modifications to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters, including:

i. A minimum of two openings on separate sides of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. A statement shall be placed on the building plans which shall read as follows: "No conversion of this area to habitable space is to occur unless the lowest floor is elevated to one (1) foot above the One Hundred (100) Year Flood Elevation. At this site the One Hundred (100) Year Flood Elevation is \_\_\_\_\_."

c. The floor elevation of the structure shall not qualify as a basement and must be constructed on or above grade.

d. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

e. The accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

f. The service facilities, such as electrical, plumbing and heating equipment, shall be elevated to the One Hundred (100) Year Flood Elevation or be floodproofed.

g. The applicant shall be made aware that if the structure is built below the One Hundred (100) Year Flood Elevation and is not floodproofed, the aforesaid structure may be susceptible to higher insurance premium rates for the structure and its contents.

B. All proposals and permit applications for the subdivision of land and/or new development shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities, drainage structures and road access. If the One Hundred (100) Year Flood Elevation has been determined by the Flood Insurance Study or other reliable source approved by the Water Resources Administration, such Flood Elevation(s) shall be delineated on the proposed plan. If the proposal involves more than fifty (50) lots or greater than five (5) acres and the One Hundred (100) Year Flood Elevation has not been determined for the land area, the developer shall determine the One Hundred (100) Year Flood Elevation and delineate such Flood Elevation on the proposed plan. All plans shall be certified by a Registered Professional Engineer and shall be reviewed by the Community Floodplain Official to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All necessary permits have been received from the State of Maryland, Water Resources Administration and appropriate Federal agencies;



3. All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located, constructed and floodproofed to minimize or eliminate flood damage;

4. Adequate drainage is provided to reduce exposure to flood hazards;

5. At least one access which, during the One Hundred (100) Year Flood, shall provide safe vehicular access to and egress from the subdivision and/or new development; and

6. Adequate measures have been taken to minimize adverse environmental impacts of the proposed development.

C. Permits shall be granted only after it has been determined that the proposed work will be in conformance with the requirements of this and all other applicable codes and ordinances.

D. When the proposed development includes the relocation or alteration of a watercourse, evidence shall be presented as part of the permit application that all adjacent communities and the Water Resources Administration have been notified by certified mail and have approved of the proposed alteration or relocation. Copies of these notifications shall then be forwarded to the Federal Emergency Management Agency, Federal Insurance Administration. In addition, the developer shall assure Queen Anne's County, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in questions will be maintained.

E. After the issuance of a building permit by the Community Floodplain Official, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Community Floodplain Official.

F. Work on the proposed construction shall begin within 180 days after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Community Floodplain Official. Work shall be complete within one year of the date of the permit unless an extension is granted in writing.

G. During the construction period the Community Floodplain Official or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable laws and ordinances. The premises shall also be subject to inspection by the State of Maryland, Water Resources Administration. In the event that the Community Floodplain Official determines that the work is not in compliance

with the permit or all applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Community Floodplain Official shall revoke the building permit and report such fact to the County Commissioners and the Maryland Water Resources Administration for whatever action it considers necessary.

H. Work on the proposed construction shall progress steadily through project completion. Any work which resumes after a stop in work for 180 days or more shall require the issuance of a new permit.

I. A Certificate of Occupancy shall be required for all construction and substantial improvements in the Floodplain District and shall not be issued until Queen Anne's County has been provided with a completed Elevation Certificate prepared by a Registered Land Surveyor or Professional Engineer certifying the "as built" condition of the subject construction. The datum used on Elevation Certificate shall be Mean Sea Level as established by the National Geodetic Vertical Datum of 1929.

J. A record or log of all Floodplain District permit actions shall be maintained by the Community Floodplain Official and shall be available upon request by the Federal Emergency Management Agency or its authorized agent (the Water Resources Administration) during periodic assessments of Queen Anne's County participation in the National Flood Insurance Program. Such record shall include at a minimum the date the permit was issued, the as built lowest floor elevation of all new construction or substantial improvement, the issuance date of the Certificate of Occupancy, copy of the completed Elevation Certificate, and any map amendments issued by the Federal Emergency Management Agency.

## Section II: Variance

A. Applications for variances may be considered by the County Commissioners for:

1. New construction of or substantial improvements to non-residential structures or portions thereof which will be floodproofed in a watertight fashion;

2. New construction of or substantial improvements to detached and attached garages as specified in Article II, Section I, A.10.e which are used solely for storage or parking of vehicles and designed to automatically equalize hydrostatic pressures on walls by allowing for the entry and exit of floodwater and meet the requirements of Article II, Section I, A, 12 of this Ordinance;

3. Functionally dependent uses which cannot perform their intended purpose unless they are located or carried out in close proximity to water. A functionally dependent use includes only docking facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

4. Reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places.

B. Variances shall not be granted for:

1. The placement of fill in the Floodway or the Coastal High Hazard Area;

2. New construction of or substantial improvement to any structure located in the Floodway or the Coastal High Hazard Area;

3. Manufactured homes or buildings within the Floodway and Coastal High Hazard Area; or

4. Any development within the Floodway.

C. The granting of variances shall be subject to the following conditions:

1. A demonstration of good and sufficient cause;

2. For new construction or substantial improvements falling in category A.3. above, a determination that failure to grant the variance would result in exceptional hardship to the applicant. Economic hardship shall not be considered exceptional;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

4. The stipulation that all residential structures will have the lowest floor elevated to the greatest extent possible with respect to the One Hundred (100) Year Flood Elevation; and

5. Granting of a variance from the Water Resources Administration, favorable comments from the State Coordinating Office of the Water Resources Administration, and compliance with B. and D. of this Section.

D. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and that local public funds may not be available to mitigate the results of such variance.

E. The Application for a Variance shall be submitted to the Community Floodplain Official and shall comply with the provisions and requirements of Article II, Section I, A.11. and 12. of this Ordinance.

F. The applicant shall be notified in writing by the Community Floodplain Official of the increased premium rates for flood insurance and that construction below the level of the One Hundred (100) Year Flood increases risks to life and property. Such notification shall be maintained as part of the record of all variance actions as required in H. below.

G. The applicant/owner of storage structures, garage structures, and/or accessory structures for which a variance is granted shall sign an agreement that such structures shall never be converted to habitable space.

H. A record of all variance actions, including justifications for their issuance, shall be maintained by the Community Floodplain Official, shall be included in the BI-Annual Report submitted to the Federal Insurance Administrator, and shall be available upon request by the Federal Emergency Management Agency or its authorized agent during periodic assessments of Queen Anne's County's participation in the National Flood Insurance Program.

I. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places, without regard to the procedures set forth herein provided that such activity does not cause an increase in the elevation of the One Hundred (100) Year Flood as established and adopted by this Ordinance.

J. Notice of the Flood Hazard and the variance action shall be placed on the deed or other documents which convey title of all newly created or recorded properties.

### Section III: Penalties

A. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or direction of the Community Floodplain Official or any other authorized employee of Queen Anne's County shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than five thousand dollars (\$5,000.00) or imprisonment not exceeding one year or both for each and every violation with costs imposed in the discretion of the court.

B. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

C. The imposition of a fine or penalty for any violation of or non-compliance with this Ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

D. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this Ordinance shall be declared by the County Commissioners to be a public nuisance and abateable as such.

E. The Federal Insurance Administrator and the Maryland Water Resources Administration shall be notified immediately in writing of any structure or property in violation of this Ordinance.

F. New or renewal National Flood Insurance shall be denied for any structure remaining in violation or situated on property in violation of this Ordinance.

#### Section IV: Miscellaneous

##### A. Queen Anne's County Liability

The granting of a permit or approval is not a representation, guarantee, or warranty of any kind and shall create no liability upon Queen Anne's County, its officials or employees.

##### B. Administrative Fees

Queen Anne's County may impose additional application fees commensurate with those costs incurred in the processing, review and evaluation of permit applications for development in the floodplain district. Such costs may include but are not limited to: consultant fees for certification of as built condition of structures; Floodplain District and subdistrict delineations, environmental impact characterizations, staff assignments and other related costs.

##### C. Abrogation and Greater Restrictions

This Ordinance supersedes any ordinance currently in effect in the Floodplain District. However, any other ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

D. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be :

- 1. Considered as minimum requirements;
- 2. Liberally construed in favor of proper flood hazard management and Queen Anne's County; and
- 3. Deemed neither to limit nor repeal any other powers granted under the Annotated Code of Maryland.

Should a dispute arise concerning the interpretation of this Ordinance, the counsel of the Federal Emergency Management Agency, the Maryland Department of Natural Resources, or Federal Emergency Management Agency, 44 Code of Federal Regulations shall prevail.

E. Partial Invalidity and Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section V: Effective Date and Subsequent Amendments

This Ordinance is hereby enacted and shall become effective March 1, 1988. This Ordinance shall be amended as required by the Federal Emergency Management Agency, 44 Code of Federal Regulations.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

William V. Riggs, III  
William V. Riggs, III, President

Frances A. Ashley  
Frances A. Ashley

Wheeler R. Baker  
Wheeler R. Baker

ATTEST:

Linda H. Palmatier

RECEIVED  
CLERK OF COURTS

1988 APR 28 AM 10:34 ORDINANCE NO. 88-1

QUEEN ANNE'S COUNTY

AN ORDINANCE REGULATING THE REMOVAL AND DISPOSAL OF SEPTIC TANK EFFLUENT AND SEPTAGE IN AND FROM QUEEN ANNE'S COUNTY, MARYLAND.

BE IT ORDAINED, by the County Commissioners of Queen Anne's County, sitting in that capacity, and as the Sanitary Commission of Queen Anne's County and as the Queen Anne's County Board of Health, this 26th day of April, 1988, as follows:

1. All previous County Ordinances dealing with the removal and disposal of Septic Tank Effluent or Septage in Queen Anne's County are repealed (including an Ordinance adopted May 26, 1987) and the following Ordinance is adopted in lieu thereof.
2. All solid and liquid contents removed from chemical toilets, septic tanks, seepage pits, privies, private sewerage treatment facilities (except as herein modified) and watertight holding tanks for septic tank effluent located in Queen Anne's County shall be disposed of by discharge into the Kent Narrows/Stevensville/Grasonville Wastewater Treatment Facility, or other facility or site approved by the Queen Anne's County Health Department. It shall not be disposed of by land application anywhere within the territorial limits of Queen Anne's County.
3. No solid or liquid contents removed from chemical toilets, septic tanks, seepage pits, privies, private sewerage treatment facilities or watertight holding tanks outside of the territorial limits of Queen Anne's County shall be disposed of or discharged anywhere in Queen Anne's County.
4. Any sewage sludge, as defined by COMAR Subtitle 17 Sanitation, Section 10.17.10 Sewage Sludge Management, accepted for treatment as provided for by the ordinance will comply with the definition of a Class I sewage sludge as defined in COMAR 10.17.10. Such material will also conform with the limits imposed by the Table of Maximum Allowable Concentrations of Objectionable or Toxic Substances from Ordinance No. 70 - Regulation of Sewer Use, Queen Anne's County. Material not meeting these requirements will require pretreatment before acceptance. Costs for such pretreatment are the responsibility of the sludge generator.
5. No more than 4,000 gallons per month of sludge will be accepted from a private sewerage treatment facility.
6. The attached regulations entitled "KN/S/G Septage Regulations" be and are hereby adopted and may be supplemented or amended from time to time by resolution of the Sanitary Commission of Queen Anne's County.

## KN/S/G SEPTAGE REGULATIONS

1. Any septage hauler wishing to utilize the KN/S/G Wastewater Treatment Plant must have a valid Septage Discharge Permit issued by the Queen Anne's County Sanitary District.

2. Septage Discharge Permits are available by permit application on forms furnished by the Sanitary District. Application forms shall contain all information pertinent to the safe and efficient treatment of the septage, as determined by the Sanitary District.

3. Septage Discharge Permit Applications shall be reviewed by the Sanitary District to determine if the applicant's potential sources of septage and equipment are acceptable for discharge at the KN/S/G treatment facility.

4. After a Septage Discharge Permit Application has been approved, the applicant must submit an annual permit fee of \$ 300.00 prior to issuance of the permit. The permit is not transferable and the annual fee shall be established by the Queen Anne's County Sanitary Commission. The annual fee shall be reviewed annually and amended accordingly.

5. In addition to the annual permit fee, a treatment charge of \$20.00/1000 gallon will be imposed.

6. The Queen Anne's County Sanitary District shall have the authority to suspend or revoke any permit in order to stop the discharge of any material which presents a hazard to the public health, safety or welfare, or the safe operation of the waste treatment facility. Any septage hauler found to violate any provision of this act may have their permit suspended or revoked immediately. Suspended permits may be reinstated, at the sole discretion of the Sanitary District, upon proof of satisfactory compliance with all provisions of this act.

7. All permittees must discharge their waste at the KN/S/G facility, or other facility approved by the Queen Anne's County Health Department. Discharges into sanitary sewer manholes is specifically prohibited.

8. The Queen Anne's County Sanitary District shall have the authority to refuse any waste deemed harmful to the treatment facility or receiving body of water.

9. The Sanitary District shall periodically sample and analyze septage from selected users to determine the BOD and suspended solids loadings, and phosphorus concentrations of the septage. These results shall be used as a representative of waste strengths from all septage haulers and shall be used to determine



the cost of treatment. A particular hauler's waste may be analyzed and classified individually for special treatment costs when determined by the Sanitary District as creating special handling problems or as being of unusual strength and/or character.

10. Inspection Rights. Any duly authorized employee or agent of Queen Anne's County shall be permitted, at any time, to enter upon the property of any customer of a permitted septage hauler, for the purpose of inspecting, observing, sampling and testing as may be required in pursuance of the implementation and enforcement of the terms and provisions of this act.

11. Equipment Requirements. Any tank trucks or other equipment used or intended to be used within the county for the removal and/or transportation of septage shall be required to submit to an annual inspection by the Sanitary District. All equipment and vehicles shall conform to the following requirements:

a. The container shall be watertight.

b. Tank containers or other equipment shall be constructed such that every portion of the interior and exterior can be easily cleaned.

c. All equipment shall be kept in a clean and sanitary condition.

d. All piping, valves and connections shall be accessible and easily disconnected for cleaning purposes.

e. The inlet opening or openings to every container shall be constructed such that the material will not spill during filling, transfer or transport.

f. The outlet connections shall be constructed such that no material will leak; and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray or flooding while in use.

7. The Queen Anne's County Health Department shall not approve a site for discharge of septic waste material except in conformity with this Ordinance.

8. Violation of this Ordinance, including the Regulations adopted pursuant hereto as amended from time to time, shall be a misdemeanor and punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) and imprisonment for ninety (90) days.

WITNESS:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Linda H. Palmatary

William V. Riggs, III  
William V. Riggs, III

Linda H. Palmatary

Frances A. Ashley  
Frances A. Ashley

Linda H. Palmatary

Wheeler R. Baker  
Wheeler R. Baker

Septage Charge and Annual Permit Fee Charge  
Based on 1/2 Quarterly Charges for Residential Users

The average loading of S.S. and BOD is 250 mg/L  
 $250 \text{ mg/L} \times 8.34 \times .001 \text{ gal} = 2 \text{ lbs. BOD \& SS/1,000 gal}$

Residential Rate	
Front Footage Charge	\$ 0.0575/ft
Flow Volume Charge	\$ 0.1452/gpd
BOD Loading Charge	\$18.0440/lb/day
SS Loading Charge	\$17.2848/lb/day
Customer Charge	\$ 4.725/account

Septage Rate = 1/2 Residential Rate	
Front Footage Charge	N/C
Flow Volume Charge	\$0.0726
BOD Loading Charge	\$9.02/lb/day
SS Loading Charge	\$8.64/lb/day
Customer Charge	\$4.725/1,000 gal

$2 \text{ lb BOD/1,000 gal} \times \$9.02/\text{lb}/1,000 \text{ gal} = \$18.04$   
 $2 \text{ lb SS/1,000 gal} \times \$8.64/\text{lb}/1,000 \text{ gal} = 17.28$   
 Administrative cost/1,000 gal = 4.725

Total \$40.045/1,000 gal

\$40.05/1,000 gal or \$.040045/gal

1/2 Flow Volume Charge .0726 x 4,000 max gals/load =

\$290.40 Annual Permit Fee

Use an annual permit fee of \$300.00; a treatment fee of \$40/1000 gallons. Half of the treatment fee is to be subsidized by the County Commissioners.

Application for Septage Discharge Permit  
Queen Anne's County

Directions: Under Ordinance # \_\_\_\_\_ of Queen Anne's County all septage haulers are required to obtain a Septage Discharge Permit before they can discharge their waste into the county treatment facilities; have an annual inspection of their vehicle within the first week of May of each year; and adhere to the rules and regulations of said ordinance.

Section 1 - General Information

A. Septage Hauler

Company Name \_\_\_\_\_

Address \_\_\_\_\_

B. Company Representative

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone \_\_\_\_\_

C. Equipment used in operation:

On attachment A list each equipment item individually.

Section 2 - Wastes Hauled

A. Sources of wastes hauled - Check all that are applicable by indicating the approximate percentage of each that are hauled.

\_\_\_\_\_ Residential \_\_\_\_\_ Restaurants \_\_\_\_\_ Industrial

\_\_\_\_\_ Commercial \_\_\_\_\_ Gas Stations/Garages

\_\_\_\_\_ Other (specify) \_\_\_\_\_

B. Non-Residential Wastes

For all non-residential customers which you have serviced during the last 12 months, or with whom you are currently under contract to haul wastes, complete Attachment B.

Section 3 - Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and attachments and that based on my inquiry of those individuals immediately responsible for obtaining the information herein, I believe that the submitted information is true, accurate and complete.

\_\_\_\_\_  
Signature of Owner  
or authorized representative

\_\_\_\_\_  
Print or type name and title

Date \_\_\_\_\_

Attachment A  
Equipment

## Description of Vehicle:

## Vehicle #1:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Type of equipment \_\_\_\_\_

Vehicle identification number \_\_\_\_\_

Vehicle license (state and tag number) \_\_\_\_\_

Hose connection type \_\_\_\_\_

Hose connection size \_\_\_\_\_

Vehicle capacity (gallons) \_\_\_\_\_

Vehicle permit number (issued by Queen Anne's County Sanitary  
District) \_\_\_\_\_

## Vehicle #2:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Type of equipment \_\_\_\_\_

Vehicle identification number \_\_\_\_\_

Vehicle license (state and tag number) \_\_\_\_\_

Hose connection type \_\_\_\_\_

Hose connection size \_\_\_\_\_

Vehicle capacity (gallons) \_\_\_\_\_

Vehicle permit number (issued by Queen Anne's County Sanitary  
District) \_\_\_\_\_

Vehicle #3:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Type of equipment \_\_\_\_\_

Vehicle identification number \_\_\_\_\_

Vehicle license (state and tag number) \_\_\_\_\_

Hose connection type \_\_\_\_\_

Hose connection size \_\_\_\_\_

Vehicle capacity (gallons) \_\_\_\_\_

Vehicle permit number (issued by Queen Anne's County Sanitary District) \_\_\_\_\_

Vehicle #4:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Type of equipment \_\_\_\_\_

Vehicle identification number \_\_\_\_\_

Vehicle license (state and tag number) \_\_\_\_\_

Hose connection type \_\_\_\_\_

Hose connection size \_\_\_\_\_

Vehicle capacity (gallons) \_\_\_\_\_

Vehicle permit number (issued by Queen Anne's County Sanitary District) \_\_\_\_\_

Attachment B  
Non-Residential Customers

Company name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Facility address: \_\_\_\_\_

Name of facility representative: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Type(s) of waste hauled (describe): \_\_\_\_\_

Typical waste characteristics - check all that apply:

 Low pH     High pH     Oil & grease     Solvents Chemical additives (provide Material Safety Data Sheet for all chemical additives)

Annual volume of waste generated (gallons) \_\_\_\_\_

Peak volumes generated and time of year:

Volume(s) \_\_\_\_\_ Time(s) \_\_\_\_\_

Frequency of waste hauling (twice per year, etc.): \_\_\_\_\_



RESOLUTION

75-07

RESOLUTION of the County Commissioners of Queen Anne's County providing for interim construction financing for the local share of the new County library by the issuance and sale of its Bond Anticipation Notes in an amount not to exceed \$1,060,600 in anticipation of the sale of its general obligation bonds in like par amount as authorized by Chapter 448 of the Laws of Maryland of 1987; prescribing the form and tenor of the Bond Anticipation Notes and the terms and conditions for the issuance and sale thereof; designating the Bond Anticipation Notes as qualified tax-exempt obligations under the Internal Revenue Code of 1986; and generally relating to the issuance, sale and delivery of the Bond Anticipation Notes.

WHEREAS, the County Commissioners of Queen Anne's County ("County") have been authorized by Chapter 448 of the Laws of Maryland of 1987 to borrow \$2,000,000 for the purpose of financing a portion of the cost of, among other things, the acquisition, construction and equipping of county buildings and facilities; and

WHEREAS, the County has determined that the acquisition, construction and equipping of a new library building would be desirable and in the best interests of the County; and

WHEREAS, application has been made to and tentatively approved by the Farmers Home Administration, United States Department of Agriculture, under which that agency would lend up to \$1,060,600 to the County for the purpose of financing such a library construction project on a 30-year, level debt service basis at an annual interest rate not to exceed 6-7/8%; and

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QUEEN ANNE'S COUNTY

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WHEREAS, the regulations of the Farmers Home Administration require the County to seek interim construction financing from private sources at a reasonable interest cost; and

WHEREAS, construction of the library has begun and the County now needs such interim financing for construction purposes; and

WHEREAS, upon solicitation of expressions of interest from various banking concerns to provide such funds the Board of County Commissioners of Queen Anne's County (the "Board") received a number of proposals and, upon due consideration, has determined that the proposal of Farmers National Bank of Maryland ("Bank"), dated March 1, 1988, is in the best interests of the County, and has accepted that proposal; and

WHEREAS, the Board has further determined that the best interests of the County will be served if it issues a single note to the Bank and its borrowing for construction financing purposes is undertaken on account of that Note to the extent feasible on a monthly basis as construction work progresses, borrowing to be undertaken and payment made on requisitions submitted by the contractor duly reviewed and approved by the project architect and submitted to the Board for approval.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1986 Replacement Volume and 1987 Supplement) and Chapter 448 of the Laws of Maryland of 1987, it is hereby determined that the County Commissioners of Queen Anne's County ("County") shall borrow money and incur indebtedness in an amount not to exceed One Million, Sixty Thousand, Six Hundred Dollars (\$1,060,600) for the public purpose of providing construction financing for a portion of the cost of acquiring, constructing and equipping a new County library, including (without limitation) the development of property and the acquisition and installation of equipment and furnishings, together with any related architectural, financial, legal, planning or engineering services (which undertaking is at present more particularly described in plans, specifications and reports prepared by Charles Anthony, Architect, currently on file in the offices of the County Commissioners).

Section 2. To evidence such borrowing, the County shall issue and sell, upon its full faith and credit and in anticipation of the issuance of its general obligation bonds to Farmers Home Administration, United States Department of Agriculture ("FmHA"), up to \$1,060,600 of its bond anticipation

notes to be known as "Library Construction Bond Anticipation Notes" ("Notes"). The Notes shall be issued substantially in the fully registered form of Appendix A hereto, shall be dated the date of delivery and shall mature and be payable at the earlier of (i) the date of closing of the bond issue with FmHA or (ii) June 30, 1989. Each Note shall bear interest from its date of issuance until maturity at the rates hereinafter provided, payable quarter-annually on the first days of January, April, July and October (or at such different intervals as may be fixed by a supplemental resolution of the Board) and at maturity, calculated from the date of the Note on a 360-day basis.

Section 3. The Notes will be registered as to principal and interest in the name of the owner at the Office of the Clerk to the County Commissioners in Centreville, Maryland, hereby designated "Registrar", on registration books or other suitable records kept for that purpose. Interest shall be paid by check or draft mailed to the registered owner at the address shown on the registration records. Principal and the interest payable at maturity shall be paid upon presentation and surrender of the Notes at the offices of the County Commissioners in Centreville, Maryland. All the covenants and conditions contained in Appendix A are hereby adopted by the County as and for the form of obligation to be incurred by it, and the covenants and conditions therein

contained are hereby made binding upon the County, including the promise to pay. The President of the Board is authorized to make such changes in the form of note as may be deemed necessary to carry into effect the purposes of this Resolution or to comply with recommendations of bond counsel, provided that the President may make no change affecting the substance of the Notes authorized by this Resolution.

Section 4. The Notes shall be offered for investment purposes only and not for resale to the general public. Accordingly, as a condition to delivery, the purchaser shall provide the County with a certificate in form satisfactory to counsel which represents and warrants that the Notes are being purchased for investment purposes only and not for resale to the general public, and further certifying that the purchaser has conducted its own independent and satisfactory inquiry of the financial condition of the County and any other matters deemed to be relevant to a reasonably informed decision to purchase the Notes.

Section 5. The Notes are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 ("Code"), the County and its subordinate entities not reasonably anticipating to issue "tax-exempt obligations" (as defined in Section 265(b)(4)(B) of the Code) (other than private activity bonds)

during calendar year 1988 in an aggregate principal amount in excess of \$10,000,000. The County hereby covenants that the County and its subordinate entities will not during calendar year 1988 issue more than \$10,000,000 aggregate principal amount of such "tax-exempt obligations" unless the County has received a written opinion of bond counsel (a law firm having a national reputation in the field of municipal law whose legal opinions are generally accepted by the purchasers of municipal bonds) to the effect that the issuance of such obligations will not affect the continued validity or effectiveness of the designation made in this Section.

Section 6. (a) The Board has determined that the proposal submitted to it by the Farmers National Bank of Maryland ("Bank") is reasonable and in the best interests of the County and hereby awards sale of the Notes to the Bank upon the terms and conditions stated herein, with interest payable on amounts borrowed at a rate equal to the higher of 5.89% per annum or 69% of the floating and fluctuating commercial rate of interest established and declared from time to time by the Bank ("Prime Rate"). If (i) there shall have been enacted and have become effective an amendment to the Code and (ii) there shall have been delivered to the County a written notice ("Notice of Taxability") executed by all registered owners of the Notes that such amendment adversely affects the excludability of interest on the Notes from gross income for Federal income tax

purposes, then from the date of receipt by the County of the Notice of Taxability the Notes shall bear interest at a rate equal to the Prime Rate, unless there shall have been delivered to the County and the registered owners of the Notes, within sixty days of the date of receipt by the County of the Notice of Taxability, an opinion of bond counsel (a law firm having a national reputation in the field of municipal law whose legal opinions are generally accepted by the purchasers of municipal bonds) to the effect that such amendment to the Code does not adversely affect the excludability of interest on the Notes from gross income for Federal income tax purposes.

(b) To evidence its construction financing borrowing, the County shall deliver the Notes as a single "Library Construction Bond Anticipation Note" ("Note") to, and registered in the name of, Farmers National Bank of Maryland, substantially in the form of Appendix A hereto, and the President of the Board and the Clerk to the County Commissioners are hereby authorized to execute and deliver the Note in such form. Advances with respect to the amount authorized to be borrowed under the Note shall be made by the Bank from time to time as work progresses upon requisitions reviewed and approved by the project architect and submitted to and approved by the Board. It is the intention of the Board that payments shall be made monthly on or about the 20th day of each calendar month upon request appropriately documented on

AIA Document No. G702 ("Application and Certificate for Payment") or substantially similar form and made on or before the 1st of that calendar month and that it will borrow from the Bank the amount necessary in each calendar month to pay the amount of each approved requisition to the end that the borrowing by the County from the Bank and the payment of costs of the project can be effected on a contemporaneous basis. The Bank shall be authorized to make advances with respect to the Note upon written request of the President (or any other designated member) of the Board in substantially the form of Appendix B hereto.

Section 7. The proceeds of the sale of each of the Notes shall be paid to the County and deposited in the proper accounts of the County and, after payment of all administrative, financing, legal and other incidental expenses incurred by the County in connection with the sale, issuance and delivery of the Notes, shall be used and expended exclusively and solely for the new County library project described in Section 1 in accordance with the applicable rules, regulations and contractual commitments required by FmHA.

Section 8. (a) The President of the Board and the Treasurer of Queen Anne's County (or in his absence, the Clerk to the County Commissioners) shall be the certifying officials for the County responsible for the execution and delivery on



the date of the issuance of the Notes of an arbitrage certificate of the County that complies with the requirements of Section 148 of the Code and the applicable regulations thereunder. They are hereby authorized and directed to execute and deliver the arbitrage certificate to counsel rendering an opinion on the validity of the Notes on the date of the issuance of the Notes. The arbitrage certificate shall set out the reasonable expectations of the County as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Notes or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be such proceeds under Section 148 or the arbitrage regulations. The County covenants with the owner of the Notes that the facts, estimates and circumstances set forth in the arbitrage certificate will be based on the County's reasonable expectations on the date of the issuance of the Notes and will be, to the best of the certifying officials' knowledge, true, correct, and complete as of that date.

(b) The County covenants and agrees with the registered owner of the Notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Notes that would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 and the arbitrage regulations. The County further covenants that it will comply with Section 148 of the Code and the

regulations thereunder which are applicable to the Notes on the date of issuance of the Notes and which may subsequently lawfully be made applicable to the Notes. The County further covenants that it shall make such use of the proceeds of the Notes, regulate any investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Notes. All officers, employees and agents of the County are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Notes, as may be necessary or appropriate from time to time to comply with, or to evidence the County's compliance with, the covenants set forth in this Section.

Section 9. (a) For the purpose of paying the principal of and interest on the Notes and for the purpose of permanently financing the costs of the County library project described in Section 1, the County shall, on or before the date of maturity of the Notes, borrow money and incur indebtedness in an amount not less than that necessary to provide (together with any other funds legally available for the purpose) for the payment of the total principal of and interest on the Notes maturing and due on that date, by the issuance of its general obligation bonds. Such bonds shall constitute an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and

interest on such bonds when due, said payment to be secured by the levy of ad valorem taxes upon all assessable property within the corporate limits of the County in rate and amount sufficient to provide for said payment, such bonds to bear such designation, date, maturity, schedule, interest rate or rates, media of payment and other provisions, and to be executed, sealed and attested as the County shall, by subsequent resolution, fix and determine.

(b) The County covenants with the registered owners of the Notes that it will pay the Notes and the interest thereon due at maturity or prior prepayment from the first proceeds of the bonds in anticipation of the sale of which the Notes are issued and further covenants that it will issue the bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists.

Section 10. This Resolution shall be effective on the date of its adoption.

W. M. V. P. P. III  
President

ATTEST:

Francis H. Kelley  
Vice President

Lynda H. Palmatroy  
Clerk

[Signature]  
Commissioner

ADOPTED: May 17, 1988  
Date

AN ORDINANCE

To repeal, to repeal and reordain with amendments and to add certain provisions to the Queen Anne's County Zoning Ordinance and generally to revise the Queen Anne's County Zoning Ordinance.

SECTION 1. Be it ordained, by the County Commissioners of Queen Anne's County, that the definitions of "Caliper" and "Shore Buffer", contained in SECTION 2300 of the Queen Anne's County Zoning Ordinance be, and they are hereby, repealed and reordained with amendments, to read as follows:

Caliper. A measurement of the size of a tree equal to the diameter of its trunk measurement four and one-half (4.5) feet above natural grade. This is also referred to as diameter at breast height.

Shore buffer. A strip of land, required elsewhere in this Ordinance to be maintained in a natural condition between nonagricultural development and the shores of the Chesapeake Bay and its tributaries.

SEC. 2. And be it further ordained that a new subsection F be, and it is hereby, added to SECTION 4001 of the Queen Anne's County Zoning Ordinance, to read as follows:

- F. In instances where a lot (herein referred to as an "access lot") provides the only access to another lot which is located in a different zoning district, the Planning Commission may, notwithstanding any other provision of this Ordinance, authorize the construction and use of a driveway across the access lot. The following conditions shall be applicable to such authorization: (i) the area authorized for such driveway shall be no larger than that reasonably necessary to provide access to the lot in the other district, (ii) such driveway shall be constructed and maintained in a dust-free, safe condition at all times, and (iii) a "B" Bufferyard referred to in Part 3 of Article VI shall be provided and maintained along

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July 1988

the entire length of the driveway on the access lot.

SEC. 3. And be it further ordained that line 6 of subsection C of SECTION 4002 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed.

SEC. 4. And be it further ordained that line 2 of subsection B, lines 1, 3 and 4 of subsection C, and lines 10, 15 and 16 of subsection D and Line 1 of subsection E of SECTION 4002 of the Queen Anne's County Zoning Ordinance be, and they are hereby, repealed and reordained with amendments, to read as follows (the footnotes to that section being unaffected by this amendment):

	Uses										
General Use	AG	CS	E	SE	SR	UR	UC	VC	SI	SC	NC
B. Residential	.	.	.	.	.	.	.	.	.	.	.
2. Cluster	Y	Y	Y	Y	Y	Y	N	Y	N	N	C
C. Institutional	.	.	.	.	.	.	.	.	.	.	.
1. Outdoor recreational	Y	Y	Y	Y	Y	Y	N	Y	C	Y	C
3. Institutional Residential Serving 9 or More Residents	C	C	C	C	C	Y	N	C	N	N	C
4. Institutional Residential Serving 8 or Less Residents	Y	Y	Y	Y	Y	Y	N	C	N	N	Y
D. Commercial	.	.	.	.	.	.	.	.	.	.	.
10. Ag. Support	Y	C	N	N	N	N	Y	C	Y	Y	N
15. Fraternal Org.	C	C	C	C	C	C	Y	Y	N	Y	C
16. Funeral Homes	C	C	C	C	C	C	Y	Y	N	Y	C
E. Industrial	.	.	.	.	.	.	.	.	.	.	.
1. Light Industry	N	N	N	N	N	N	Y	C	Y	C	N

SEC. 5. And be it further ordained that a new line 5 be, and it is hereby, added to subsection E of SECTION 4002 of the Queen Anne's County Zoning Ordinance, to read as follows:

General Use	Uses											
	AG	CS	E	SE	SR	UR	UC	VC	SI	SC	NC	
E. Industrial												
5. Effluent Disposal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C

SEC. 6. And be it further ordained that SECTION 4003 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

[Ordinance continued on following page]

Section 4003

SECTION 4003. PERMITTED USES IN OPEN SPACE.

In all districts it is possible that areas must be set aside as open space for resource protection or to meet the minimum requirements of Article V. Where such open space is required, and where the use is also permitted by the district zoning, Section 4002, then the table below shall control.

	D		S	O	O
	r		F	h	p
W	a	O	a	o	e
o	i	l	r	r	n
o	W	n	d	m	e
d	e	a		B	A
l	t	g	F	F	u
a	l	e	i	i	f
n	a	w	e	e	f
d	n	a	l	l	e
s	d	y	d	d	r

GENERAL USE

A. Agriculture						
1. Fields or pasture	N	N	Y	Y	Y	C
2. Livestock enclosure	N	N	N	Y	Y	N
3. Forestry	C	Y	Y	Y	Y	N
4. Forestry in AG Dis.	Y	Y	Y	Y	Y	N
5. Nurseries	N	N	Y	Y	Y	N
B. Recreational						
1. Active rec.	N	N	Y	Y	Y	N
2. Garden plots	N	N	Y	Y	Y	N
3. Natural areas	Y	Y	Y	Y	Y	Y
4. Passive rec.	Y	Y	Y	Y	Y	Y
5. Picnic area	Y	N	Y	Y	Y	C
C. Other						
1. Drainage Structures	Y	Y	Y	Y	Y	Y
2. Filling or Dredging	-	N	Y	-	-	C
3. Septic Disposal Systems	Y	N	N	Y	Y	N

SEC. 7. And be it further ordained that a new subsection E be, and it is hereby, added to SECTION 4009 of the Queen Anne's County Zoning Ordinance, to read as follows:

- E. Effluent disposal uses. This use category includes spray irrigation facilities, sewer treatment plants, community septic fields, berm infiltration ponds and other State and County approved effluent treatment facilities which dispose of or treat effluent which is generated on or off site.

SEC. 8. And be it further ordained that the table contained in SECTION 5102 of the Queen Anne's County Zoning Ordinance, be and it is hereby, repealed and reordained with amendments, to read as follows (the introductory paragraph and diagram in that section being unaffected by this amendment):

<u>District</u>	<u>Lot Size</u>	<u>Maximum Pad Size</u>
Countryside	25 acre	2 acre
Estate	2 acre	25000 s.f.
Suburban Estate	1 acre	15000 s.f.
Suburban Res.	1 acre	10000 s.f.
Village Cent. without public sewer	20,000 s.f.	15000 s.f.

SEC. 9. And be it further ordained that subsection A of SECTION 5300 of the Queen Anne's County Zoning Ordinance, be and it is hereby, repealed and reordained with amendments, to read as follows:

- A. Scope. Unless otherwise expressly provided in this Ordinance, the provisions of this Part apply only to (1) site plan approval under Article IX, Part 3, and (2) subdivision approval, except subdivision approval in Neighborhood Conservation (NC) Districts, under Article IX, Part 4. For purposes of determining site capacity, subdivisions in the Neighborhood Conservation (NC) District need comply only with Section 5302.

SEC. 10. And be it further ordained that the definition of "residential accessory structure" contained in SECTION 5400 of the Queen



Anne's County Zoning Ordinance, be and it is hereby, repealed and reordained with amendments, to read as follows:

residential accessory structure means an accessory structure which would be regarded under other provisions of this Ordinance as an accessory structure on a residential lot and (a) is not connected or attached in any manner to the existing principal building or (b) is more than ten (10) feet from the closest point of the existing principal building.

SEC. 11. And be it further ordained that a new definition of "existing principal building" be, and it is hereby, added to SECTION 5400 of the Queen Anne's County Zoning Ordinance, to read as follows:

existing principal building means the principal building on the lot at the time when a residential accessory structure is erected.

SEC. 12. And be it further ordained that a new SECTION 5430 be, and it is hereby, added to Part 4 of Article V of the Queen Anne's County Zoning Ordinance, to read as follows:

SECTION 5430. RESIDENTIAL ACCESSORY STRUCTURES.

- A. Generally. A residential accessory structure may be erected or maintained in accordance with the provisions of this section. However, nothing in this section shall be construed to authorize the use of any lot or structure for any purpose which is not authorized by other provisions of this Ordinance.
- B. Location. A residential accessory structure shall not be attached or connected in any manner to any other structure and shall be located:
1. At least three (3) feet from any property line;
  2. At least ten (10) feet from the closest point of the principal building; and
  3. In a side or rear yard, except that when the rear lot line abuts tidal wetlands, a residential accessory structure may be located in that portion of a front yard which is not within the setback required by this Ordinance.

- C. Area. All buildings on a residential lot of less than 5 acres, other than the principal building, shall not cover an area of the lot greater than eighty percent (80%) of that covered by the existing principal building. All buildings on a residential lot of less than two (2) acres, other than the principal building, shall not cover an area of the lot greater than sixty percent (60%) of that covered by the existing principal building.
- D. Height. No building on a residential lot shall exceed the height of the existing principal building.

SEC. 13. And be it further ordained that SECTION 6102 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed.

SEC. 14. And be it further ordained that SECTION 6106 of the Queen Anne's County Zoning Ordinance be, and it is hereby, renumbered and retitled as "SECTION 6107. REFORESTATION OF SHORE BUFFER".

SEC. 15. And be it further ordained that a new SECTION 6106 be, and it is hereby, added to Part 1 of Article VI of the Queen Anne's County Zoning Ordinance, to read as follows:

SECTION 6106. SHORE BUFFER.

- A. Standard width. A shore buffer shall extend inland three hundred (300) feet from the edge of tidal wetland or water, such distance being referred to in this section as "the standard shore buffer".
- B. Modification. The Planning Commission may establish a shore buffer of such lesser width as may be necessary to permit reasonable development within the standard shore buffer if:
1. The tidal wetland and/or standard shore buffer covers more than fifty percent (50%) of a lot which was a lot of record and all abutting land in the same ownership at the time when this Ordinance was adopted; or
  2. The size and character of existing structures within the standard shore buffer preclude any practical use of the portion of that buffer lying on the landward side of such structures for the resource protection intended to be afforded by the shore buffer.

July 1988

Ordinance amending Queen Anne's County Zoning Ordinance

Page 7

- C. Extent of reduction. Any reduction of the standard shore buffer authorized by subsection B 1 shall be the least necessary to permit reasonable development of the lot. Any reduction authorized by subsection B 2 shall not affect any portion of the standard shore buffer which lies between the structures there mentioned and the tidal waters or wetlands which border the shore buffer.

SEC. 16. And be it further ordained that subsection B 1 of SECTION 6107 of the Queen Anne's County Zoning Ordinance (as so numbered by Section 14 of this Ordinance), be and it is hereby, repealed and reordained with amendments, to read as follows:

1. All cutting within the shore buffer shall be mitigated by replacing each acre of woodland with 1 acre of new woodlands subject to the mitigation requirements of Section 6205. If only selected individual trees are cleared for views, then each tree six (6) inches or more in caliper shall be replaced with a 2.5 inch tree of similar species or, if an evergreen, with a six (6) foot high evergreen.

SEC. 17. And be it further ordained that the table contained in subsection J of SECTION 6403 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows (the introductory paragraph of that subsection being unaffected by this amendment):

[Ordinance continued on following page]

Section 6403

SIGN PERFORMANCE STANDARDS

	Nonresidential uses in UC, SC, SI and VC District Individual Uses(sq.ft.)	Nonresi- dential uses in all other districts
SIGN TYPES		
Wall or projecting area	60	20
One freestanding sign	100	35
Maximum Height	15(feet)	10(feet)

Parcels with more than one use

SIGN TYPES	
projecting sign per use/occupant	60(sq. ft.)
One freestanding sign	10(sq. ft.)
maximum Height (feet)	15(feet)

Lighting Types for All nonresidential Uses in UC, SC, SI, and VC Districts	Parcels with more than one use	non residential uses in all other districts
Shielded spot	y	y
Internal letter	y	y
Internal sign	y	n
Back	y	n

y - permitted  
n - not permitted

SEC. 18. And be it further ordained that subsection A 2 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

2. When a use takes direct vehicular access from more than one (1) street or road, one (1) additional freestanding sign shall be permitted for each such road to which it has direct access.

SEC. 19. And be it further ordained that a new subsection B 5 be, and it is hereby, added to SECTION 6404 of the Queen Anne's County Zoning Ordinance, to read as follows:

5. Off premise residential development signs which only provide the name of a subdivision or planned residential development shall be permitted. Such signs shall not exceed thirty-two (32) square feet nor be more than six (6) feet in height. These signs may only be located along the residential collector street which serves the development. Only one sign shall be permitted for each development.

SEC. 20. And be it further ordained that subsection D 1 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows (the diagram on page headed "Location of Directional Signs" being modified accordingly):

1. Purpose. Business directional signs shall be permitted under the requirements of this subsection. The purpose of these signs is to facilitate reasonable advertising of vehicle service, food, lodging, and other establishments located within two thousand, seven hundred (2700) feet from the edge of the right-of-way of U.S. 50, U.S. 301, and Route 213 as measured from the connecting roads and drives.

SEC. 21. And be it further ordained that paragraph b of subsection D 2 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

- b. A maximum of four (4) business directional signs will be permitted for each side of the road for each interchange or intersection of U.S. 50, U.S., 301, and

Route 213 with connecting roads. One sign in each direction shall be permitted for vehicle service establishments, one sign in each direction for food establishments, one sign in each direction for lodging establishments, and one sign in each direction for all other establishments.

SEC. 22. And be it further ordained that paragraph d of subsection D 2 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

- d. Precise locations of business directional signs shall be approved by the Planning Commission. Where the County has, or is able to acquire, appropriate easements or property, such a location will take priority. In areas where this option does not exist, business directional signs may be located on private property. The criteria for determining which available private lands are selected for business directional sign location include:
- 1) The degree to which the particular location would facilitate the legible display of information to the subject road.
  - 2) The degree to which the particular location would give good advanced notice of the subject interchange or intersection.
  - 3) The degree to which the particular location would minimize impacts on surrounding properties.

SEC. 23. And be it further ordained that paragraph c of subsection D 3 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows (the diagram on page headed "Business Directional Signs" being modified accordingly):

- c. The display area of each establishment shall be a square area three feet on each side.

SEC. 24. And be it further ordained that subsection D 4 of SECTION 6404 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

July 1988

Ordinance amending Queen Anne's County Zoning Ordinance

Page 11

4. Approval and installation procedure.

Upon the request of a sign company or landowner, or upon Planning Department notice, the Planning Commission shall review requests to construct and install business directional signs. Permits to develop business directional signs shall be awarded on a first-come first-served basis. The Planning Commission shall take the following into consideration for approval of such request:

- a. That any establishment displayed on the proposed business directional sign shall remove any existing nonconforming off-premise signs owned or leased.
- b. The degree to which all establishments to be advertised on the requested business directional sign will bring on-site signs into conformance with this Ordinance.
- c. The number of nonconforming business directional signs that will be eliminated by the approval of this request.
- d. At least one-third (1/3) of the permitted advertising must be leased or dedicated prior to Planning Commission approval.

SEC. 25. And be it further ordained that subsection B of SECTION 6601 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

- B. All parking areas, except those permitted for uses which require less than twenty-five (25) parking spaces, shall be paved. Unpaved parking areas shall consist of compacted base with crusher-run stone placed on the compacted base. All parking areas shall be maintained in a dust-free, safe condition at all times.

SEC. 26. And be it further ordained that subsection B 1 of SECTION 7105 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

1. That the property is located in an area designated in the Queen Anne's County Comprehensive Plan as an area

appropriate for suburban industrial uses and that the total site, including those areas currently zoned Suburban Industrial (SI), contains a minimum of two (2) acres.

SEC. 27. And be it further ordained that subsection L ("Business Directional Signs") of SECTION 7203 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and subsection M of that section is hereby redesignated subsection L.

SEC. 28. And be it further ordained that subsections D and E of SECTION 9130 of the Queen Anne's County Zoning Ordinance be, and they are hereby, repealed.

SEC. 29. And be it further ordained that a new SECTION 9131 be, and it is hereby, added to Part 1 of Article IX of the Queen Anne's County Zoning Ordinance, to read as follows:

SECTION 9131. NONCONFORMING USES -- ALTERATION.

- A. Generally. No nonconforming use or structure shall be enlarged, expanded, or extended, unless such alteration:
1. Will bring the structure and all uses into full compliance with all requirements of this Ordinance;
  2. Has the exclusive purpose of providing off-street parking or loading spaces, and involves no structural alteration or enlargement of any structure except an alteration or enlargement permitted by this section; or
  3. Is expressly permitted by the following provisions of this section.
- B. Nonconforming building. A building which is not used for any nonconforming use and is a nonconforming structure solely because it does not meet the setback requirements of this Ordinance may be enlarged, expanded or extended to the extent permitted in the district in which it is located if (1) the enlargement, expansion or extension meets all setback requirements of this Ordinance and (2) any required site plan approval is given in accordance with Article IX, Part 3, of this Ordinance. If site plan approval is required, the provisions of this subsection modify the requirements of Article IX, Part 3, only to the



extent that the existing building shall not be required to meet the setback requirements of this Ordinance.

- C. Nonconforming lot. A single family detached dwelling which is located on a nonconforming lot in a district where single family residential uses are permitted may be enlarged, expanded or extended to the extent authorized by Section 9121 with respect to the initial construction of a dwelling on such lot.
- D. Nonconforming use. A single family detached dwelling which is located in a district where single family residential uses are not permitted may be enlarged, expanded or extended to the extent which would be permitted on a lot in the Neighborhood Conservation (NC) District which is closest in size to the lot on which the dwelling is located. If the dwelling does not meet the setback requirements of such NC District, it may be enlarged, expanded or extended in accordance with this subsection if the enlargement, expansion or extension itself meets those setback requirements. Residential accessory structures may also be located on such lots in accordance with the requirements of Section 5400.
- E. Limitation. Nothing in this section shall be construed to permit any enlargement, expansion or extension which would create or involve:
1. Any new, different or additional nonconforming use or status with respect to the dwelling or the lot on which it is located; or
  2. Except as provided in subsection D with respect to certain single family detached dwellings, the enlargement, expansion or extension of any nonconforming use.
- F. Exceptions. This section does not apply to:
1. The strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of any other provisions of this Part; or
  2. Normal maintenance and incidental repair of a nonconforming use which does not violate any other provision of this Part.

SEC. 30. And be it further ordained that subsection B of SECTION 9140 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

- B. Modification. Whenever a nonconforming status is the result of signs, exterior lighting, landscaping, buffering or parking which does not comply with all requirements of this Ordinance, upon application for or amendment of any site plan, conditional use or subdivision approval related to the subject property, the nonconformity shall as a precondition to issuance of that approval be required to comply fully with all such requirements to the extent possible. If such nonconformity is the result of a nonconforming sign, complete conformance shall be required.

SEC. 31. And be it further ordained that subsection B 2 of SECTION 9300 of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

2. An addition to a building which existed on April 9, 1987, if (a) such addition and all additions made to the building area since April 9, 1987, will cover ten percent (10%) or less of the permitted floor area and (b) the floor area of each building and all additions shall not exceed the floor area otherwise permitted by this Ordinance;

SEC. 32. And be it further ordained that a new subsection D be and it is hereby added to SECTION 9300 of the Queen Anne's County Zoning Ordinance, to read as follows:

- D. Effect of exemption. A planned or nonresidential development exempt from the requirements of this Part by reason of subsection B is subject to all other requirements of this Ordinance, including zoning approval. No exemption from the requirements of this Part shall be construed to enlarge, reduce, waive, modify or otherwise affect the requirements of any other provision of this Ordinance.

SEC. 33. And be it further ordained that a new SECTION 9304 be and it is hereby added to Part 3 of Article IX of the Queen Anne's County Zoning Ordinance, to read as follows:

SECTION 9304. PRELIMINARY DETERMINATION OF VARIANCES.

- A. Scope. In this section, "variance" refers to a modification of density, bulk or area requirements of this Ordinance granted by the Board of Appeals in accordance with Part 0, Subpart C, of this Article. Nothing in this section shall be construed to modify to any degree any provision of law or this Ordinance which pertains to the criteria or procedure for considering or granting a variance.
- B. Purpose. The purpose of this section is to provide a method for prompt determination of matters which require a variance:
1. without subjecting an owner to the expense of furnishing information required by Subpart A which would be meaningless if a variance is not granted or would be incomplete until the conditions of a variance are established or
  2. after a variance has been found to be necessary by the Planning Commission.
- C. Special application. Instead of an application required by Subpart A, an owner may file a separate written application for a preliminary determination by the Planning Director that approval cannot be given to a site plan proposed by the owner until a variance has been granted.
- D. Contents of application. The application shall specifically identify the variance sought by the owner and shall include all information required by Subpart A which is relevant to a full and complete evaluation of that variance and its effect upon the proposed site plan. The owner shall at all times have full responsibility for furnishing all such relevant information. Unless specifically required by the Planning Director, the following information need not be included in an initial application filed under this section:
1. The information relating to plants referred to in Section 9311 C;
  2. The information referred to in Section 9311 D which relates to isolated trees, shoreline protection, signs, lighting and refuse collection areas;
  3. Details of any proposed curbs, curb cuts, aisles and medians referred to in Section 9311 E;
  4. Any information, other than that regarding bodies of water, referred to in Section 9311 F;

5. Any information referred to in subsections G and H of Section 9311;
  6. The engineering specifications, sediment control plans, and estimates of completion and construction phasing referred to in Section 9312.
- E. Determination by Planning Director. If the Planning Director determines on the basis of the application that (1) site plan approval cannot be given without the requested variance and (2) all information sufficient to evaluate the requested variance has been furnished, he shall so inform the owner in writing. Alternatively, the Planning Director may require amendment of the application to include any information required by Subpart A which he deems relevant to a full and complete consideration of the requested variance; and, until such amendment is made, an application shall not be complete and the Planning Director shall not be deemed to have made any final determination under this subsection.
- F. Determination by Planning Commission. The following provisions of this section are also applicable if the Planning Commission denies preliminary site plan approval on the basis that a preliminary site plan does not conform to the density, bulk or area requirements of this Ordinance.
- G. Effect of determination. A final determination referred to in subsections E and F is a determination from which an appeal requesting a variance may be taken to the Board of Appeals but does not affect the right of the Planning Commission, the Planning Director, the Department or any other person, except the owner, to object to the granting of such variance or to assert that any information not included in the application is relevant to the variance.
- H. Determination by Board. If a timely appeal is filed from the determination of the Planning Commission or the Planning Director, the Board of Appeals shall hear and decide the appeal as provided in Part 0 of this Article with respect to variances. The appeal shall be heard and decided on the application as submitted to the Commission or Director and evidence relevant to that application, but shall not involve any matter not within the scope of the specific variance sought in the application or referred to in a denial by the Planning Commission.
- I. Effect of Board decision. For purposes of further consideration under the provisions of this Part, a lot or structure shall be considered to conform to the provisions of this Ordinance to the extent authorized by any final decision of the Board of Appeals modifying or conditionally modifying the density, bulk or area requirements of this Ordinance. The provi-

sions of this subsection do not affect any right of appeal from the decision of the Board of Appeals; and, notwithstanding the presence or absence of conditions imposed by the Board of Appeals, the Planning Commission may condition any final approval of a site plan upon any other conditions or requirements authorized by this Part.

- J. Procedure following appeal. Following the decision of the Board of Appeals, the owner shall file a supplemental application conforming to all requirements of Subpart A; and, except as provided in subsection I, that application shall be processed and considered without regard to the provisions of this section. Any decision by the Board of Appeals in accordance with this section shall be void unless such supplemental application is filed within ninety (90) days after the date of the decision of the Board of Appeals.

SEC. 34. And be it further ordained, that the provisions of this Ordinance shall be effective at 12:01 a.m. on August 1, 1988.

ADOPTED this 26<sup>th</sup> day of July, 1988.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Wm. V. Riggs III  
William V. Riggs, III  
President

Wheeler R. Baker  
Wheeler R. Baker

Frances A. Ashley  
Frances A. Ashley

Attest:

Lynnda H. Palmatary  
Lynnda H. Palmatary  
Clerk

ORDINANCE NO. 88-5

AN ORDINANCE PURSUANT TO SECTION 22-11 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN CLOVERFIELDS SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 22-11 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 22-11 of the Code of Public Local Laws of Queen Anne's County held public hearings after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of the assessment and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment.

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner on record of each parcel of property proposed to be assessed to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW, THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 13<sup>th</sup> day of September, 1988, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

- A. The total special assessment charges levied against the aforesaid properties shall be SIXTY PERCENT (60%) of \$76,749.68 which sum represents 60% of the actual cost of construction of the project.
- B. Each property owner shall be assessed on the basis of their actual road front footage as that road front footage represents a proportionate amount of the total road front footage of the project area; provided, however, that corner properties shall be assessed on two-thirds of their total road front footage.
- C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a record of the names of the property owners and the amount of the benefit charges hereby levied.

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QUEEN ANNE'S COUNTY

D. The special assessment levied may be payable in TEN (10) equal annual installments of principal interest. Interest shall be calculated at the rate of 9% (NINE PERCENT) per annum on unpaid balance. The first installment shall be due and payable on November 1, 1988, and annually on the same date thereafter and shall be collectable in the same manner as County taxes.

E. No transfers of title of property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 13<sup>th</sup> day of September, 1988.

William V. Riggs III  
William V. Riggs, III  
President

Frances A. Ashley  
Frances A. Ashley

Wheeler R. Baker  
Wheeler R. Baker

ATTEST:

Linda H. Palmatier

CLOVERFIELDS ROAD ESTIMATE  
Petinot Place

Lot-Block	Footage	Owner/Address	Cost
* 15E	46.45	Robert P. Lerch	\$424.09
16E	75	2720 St. Paul Stret Baltimore, MD 21218	\$684.75
* 45F	83.13	Donna L. Purdy 933 Monroe Manor Stevensville, MD 21666	\$758.98
17E	75	Eugene F. Deems, Jr.	\$684.75
12GG	75	Apt. 401 Bldg. 605-D Arnold, MD 21012	\$684.75
18E	75	L. Beth Sorenson 2054 Vernon Street Arlington, VA 22207	\$684.75
10E	75	Michael Kovel 124 Maple Drive Annapolis, MD 21401	\$684.75
19E	86.07	Stephen & Susan Luckman 3311 Ben Valley Road Baltimore, MD 21207	\$785.82
20E	85	Crawford & Elaine Windsor 301 Wicomico Road Stevensville, MD 21666	\$776.05
21E	90	Robert & Mary Gibbons 925 Kimberly Way Stevensville, MD 21666	\$821.00
22E	90	Thomas & Mary Potthast 210 Johnny Lane Stevensville, MD 21666	\$821.00
23E	85	William & Anna Novak 2245 Wakeling Drive Philadelphia, PA 19137	\$776.05



24E	86.97	Stephen & Susan Luckman	\$794.04
28E	75	3311 Ben Valley Road Baltimore, MD 21207	\$684.75
25E	75	Morris J. Bricken C/o Steve Blecker Baltimore, MD 21201	\$684.75
26E	75	Sunshine Builders, Inc. 124 Meadow Glen Drive Dover, DE 19901	\$684.75
27E	75	William & Judith Ridgell 106 Monroe Manor Road Stevensville, MD 21666	\$684.75
29E	75	Bennie & Muriel Woodworth 7709 Charlesmont Road Baltimore, MD 21222	\$684.75
*30E	42.37	George C. Voxakis 1628 Weybourn Road Baltimore, MD 21237	\$386.84
46F	150	Frederick & Sarah Schultz 922 Petinot Place Stevensville, MD 21666	\$1,369.50
47F	116.2	Augustus C. Alzona, et al c/o Esperanza C. Valenc Gaithersburg, MD 20878	\$1,060.91
48F	81.98	Carroll W. Hardesty 113 Congressional Drive Stevensville, MD 21666	\$748.48
49F	67.29	Ernest and Julia Richards 916 Petinot Place Stevensville, MD 21666	\$614.36
50F	67.28	Dale Atkinson 610 Elm Street Stevensville, MD 21666	\$614.27
51F	67.29	Gordon F. & Hilda Wickes 912 Petinot Place Stevensville, MD 21666	\$614.36

52F	67.29	Helen B. Sudina, Estate 26 Hathaway Road Timonium, MD 21093	\$614.36
53F	67.29	Kenneth & Josephine Benner 908 Petinot Place Stevensville, MD 21666	\$614.36
54F	73.88	W. V. Detrick 14445 Saquard Place Centreville, VA 22020	\$674.52
55F	75	Robert L. & Naomi Dawson 3617 Dahlia Lane Baltimore, MD 21220	\$684.75
56F	112.67	Gilbert J. Sudina 102 N. Rose Street Baltimore, MD 21224	\$1,028.68
1F	132.53	William E. & Doris Smith 301 Oregon Road Stevensville, MD 21666	\$1,210.00

## LARCH PLACE

37AA	49.78	Richard & Jacqueline Christopher 37 Larch Place Stevensville, MD 21666	\$454.49
36AA	75	Gerald & Deborah Remenapp 339 Larch Place Stevensville, MD 21666	\$684.75
35AA	75	Thomas J. Sperli P.O. Box 65 Stevensville, MD 21666	\$684.75
34AA	75	Anna W. Finnegan Rt. 5, Box 417 Wilmington, NC 28401	\$684.75

33AA	75	Norman B. Guldan 333 Larch Place Stevensville, MD 21666	\$684.75
32AA	75	Marguerite McDermott 3613 Chandler Drive Ft. Washington, MD 20744	\$684.75
21GG	129.82	George & Violet Roy 700 New Love Point Road Stevensville, MD 21666	\$1,185.26
*20GG	129.82	Walter & Deborah Crouse P.O. Box 208 Stevensville, MD 21666	\$1,185.26

MASON ROAD

7GG	75	Matthew & Bernadine London 917 Rambling Drive Baltimore, MD 21228	\$684.75
8GG	75	Lionel H. Howland	\$684.75
9GG	75	721 Mason Road	\$684.75
10GG	75	Stevensville, MD 21666	\$684.75
11GG	75	William & Carmelita Reem 1023 Sharon Drive Glen Burnie, MD 21061	\$684.75
13GG	75	Michael A. Diguardo 5902 Twilight Court Baltimore, MD 21206	\$684.75
14GG	75	Arnold L. & Irene Hill 5517 Plainfield Avenue Baltimore, MD 21206	\$684.75

15GG	75	UNFB Andrew J. & Jean Andrews 245 Vendover Road Pasadena, MD 21122	\$684.75
16GG	75	Larry & Joanne Armstrong 709 Mason Road Stevensville, MD 21666	\$684.75
17GG	75	Joseph L. Nickens Rt. 3, Box 131 Stevensville, MD 21666	\$684.75
18GG	75	Wm. V. & Linda Novosel	\$684.75
19GG	75	705 Mason Road Stevensville, MD 21666	\$684.75
*1FF	57.79	Harvey & Nancy Brock	\$527.62
2FF	75	5237 Waverly Street Fairborn, OH 45324	\$684.75
3FF	75	William Howes, Jr. 4525 Tonquill Street Beltsville, MD 20705	\$684.75
4FF	75	Mary Etta Shaffer Box 251 Queen Anne, MD 21651	\$684.75
5FF	75	Charles & Elanie Raduazo	\$684.75
6FF	75	1092 Carriage Hill Parkway Annapolis, MD 21401	\$684.75
7FF	75	Milton & Marios Koros 305 Oxford Drive Glen Burnie, MD 21061	\$684.75
8FF	75	Stephen W. Dlubula 2 Cedar Circle Pasadena, MD 21121	\$684.75
9FF	75	Jack & Sylvia A. Spencer 118 Tarragon Lane Edgewater, MD 21037	\$684.75
11FF	75	Karl F. Peters, Jr.	\$684.75
12FF	75	701 S. Bouldin Street Baltimore, MD 21224	\$684.75
13FF	75	Jacqueline M. Roberts P.O. Box 324 Stevensville, MD 21666	\$684.75
*14FF	58.22	David & Judith Kropfelder 319 Ackerman Drive Stevensville, MD 21666	\$531.55

Total \$46,097.10

88-6  
AN ORDINANCE

To repeal and reordain Section 7203 G of the Queen Anne's County Zoning Ordinance to authorize signs of 35 square feet in connection with certain bed and breakfast/country inn facilities.

SECTION 1. Be it ordained, by the County Commissioners of Queen Anne's County, that Section 7203 G of the Queen Anne's County Zoning Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

G. Country Inns and Bed and Breakfast.

No Bed and Breakfast/Country Inn shall be approved except as an adaptive reuse of an existing building. All such facilities shall be required to obtain permits to serve food and beverages and shall be inspected annually at a fee as established by separate ordinance to verify that the uses continue to meet all applicable regulations. In noncommercial districts, only one (1) thirty-five (35) square foot sign shall be permitted. Signs shall be set back from the road to maintain a rural character except in areas where adjoining uses are on the road. There shall be one (1) parking space for each room, three (3) for the owner, and one and a quarter (1 1/4) spaces per four (4) seats for the Country Inns having extra seating capacity. Additionally all such uses shall have a minimum site area of at least twenty five (25) acres and accessory structures and buildings shall not cover more than one (1) percent of the site area. Restaurant size shall be limited to the number of rooms in the facility.

SEC. 2. And be it further ordained, that the provisions of this Ordinance shall be effective immediately upon its adoption.

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1988 SEP 30 AM 9:47

September 1988  
JULIA ANN'S COUNTY

Ordinance amending Queen Anne's County Zoning Ordinance

Page 1

LIBER

3 393

ADOPTED this 27<sup>th</sup> day of September, 1988.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Wm. V. Riggs III  
William V. Riggs III  
President

Out of town  
Wheeler R. Baker

Frances A. Ashley  
Frances A. Ashley

Attest:

Lynda H. Palmatary  
Lynda H. Palmatary  
Clerk

AN ORDINANCE

To repeal provisions relating to "site plans" contained in Part 3 of Article IX of the Queen Anne's County Zoning Ordinance and to adopt new provisions relating to "site plans" to stand in the place of the provisions so repealed.

SECTION 1. Be it ordained, by the County Commissioners of Queen Anne's County, that Sections 9300 through 9340 of the Queen Anne's County Zoning Ordinance (constituting Part 3 of Article IX thereof) be, and they are hereby, repealed and that new Sections 9300 through 9350 be, and they are hereby, added to said Article IX, to read as follows:

Part 3. Site plans

SECTION 9300. APPLICABILITY OF PART.

- A. Definitions. In addition to the definitions contained in Sections 2300 and 9000, as used in this Part, "site plan" means a proposal, in the form required by this Part, for a type of development for which approval is required in accordance with this section.
- B. When required. Site plan approval is required with respect to all planned development and nonresidential development, except that site plan approval is not required with respect to nonresidential development which is:
1. On a farm,
  2. An addition to a building which existed on April 9, 1987, if (a) such addition and all additions made to the building area since April 9, 1987, will cover ten percent (10%) or less of the permitted floor area and (b) the floor area of such building and all additions shall not exceed the floor area otherwise permitted by this Ordinance; or
  3. An addition or improvement which does not involve any building or sign and will not, together with any addition or improvement made to the site on or after April 9, 1987, decrease the landscape surface area by more than ten percent (10%) of the landscape surface area which existed on April 9, 1987.

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1988 OCT 14 AM 9:53

QUEEN ANNE'S COUNTY  
October 1988

Ordinance amending Queen Anne's County Zoning Ordinance

Page 1

LIBER

3 PAGE 395

- C. Effect of requirement. If site plan approval is required by this section, no permit or approval required by Part 2 of this Article shall be issued, and no application for such permit or approval shall be received or processed, until a site plan has been finally approved in accordance with this Part.
- D. Effect of exemption. A planned or nonresidential development exempt from the requirements of this Part by reason of subsection B is subject to all other requirements of this Ordinance, including zoning approval. No exemption from the requirements of this Part shall be construed to enlarge, reduce, waive, modify or otherwise affect the requirements of any other provision of this Ordinance.

#### SECTION 9301. RESPONSIBILITY OF APPLICANT.

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

#### SECTION 9303. MINOR SITE PLANS.

- A. Definition. As used in this section, "minor site plan" means a site plan which involves only (1) twin house units, (2) a non-residential use which will cover ten (10) percent or less of the lot or (3) an addition to an existing building.
- B. Procedure. A minor site plan, or an amendment to a minor site plan which does not change its character as a minor site plan, may be approved and signed by the Planning Director with the concurrence of all appropriate agencies. In connection with any minor site plan, the Planning Director shall have those powers conferred upon the Planning Commission by this Part which are necessary to exercise such authority; and the words "Planning Commission" in other sections of this Part shall be construed to mean the Planning Director.

#### Subpart A. Optional Preliminary Review of Site Plan

#### SECTION 9310. OPTIONAL APPLICATION OF SUBPART.

The purpose of this Subpart is to provide a method for prompt determination of matters relating to a site plan which require consideration by the Planning Commission without subjecting an owner to the expense of furnishing information required by Subpart B which would be meaningless if the Planning Commission does not agree with the concept or if a site plan would be



incomplete until certain determinations are made by the Planning Commission and/or the Board of Appeals.

SECTION 9311. SPECIAL APPLICATION.

- A. Special application. Instead of first filing an application required by Subpart B, an applicant may file a separate written application including pertinent drawings for a preliminary determination by the Planning Commission with respect to matters specified in the application.
- B. Contents of application. The application shall specifically identify the matters which the owner seeks to have determined and shall include all information required by Subpart B which is relevant to a full and complete evaluation of those matters and their effect upon the proposed site plan. The owner shall at all times have full responsibility for furnishing all such relevant information.
- C. Determination by Planning Director. If the Planning Director determines on the basis of the application that all information sufficient to evaluate the requested determination has been furnished, he shall so inform the owner in writing. Alternatively, the Planning Director may require amendment of the application to include any information required by Subpart B which he deems relevant to a full and complete consideration of the requested determination; and, until such amendment is made, an application shall not be complete under this Section.

SECTION 9312. PRELIMINARY DETERMINATION BY COMMISSION.

- A. Action by Commission. After submission of a complete application, the Planning Commission shall consider the matters with respect to which a determination is sought. The Commission may require additional information required by Subpart B which it deems relevant to a full and complete consideration of the requested determination; and, until such information is furnished, no determination shall be made. The Commission may attach any conditions to its determination which might be attached with respect to the matters under consideration in any final approval under Subpart D.
- B. Basis of determination. A determination by the Commission under this section shall be made:
  1. on the basis of the information submitted with respect to the matters referred to in the application and

2. on the assumption that, as to all matters not specifically referred to in the application, the proposed site plan fulfills all requirements of this Ordinance.

#### SECTION 9313. EFFECT OF DETERMINATION

Any determination made by the Planning Commission under the provisions of this Subpart shall be considered as preliminary for all purposes. All matters involved in the preliminary determination are subject to reevaluation at the time when the complete site plan is submitted to the Planning Commission in accordance with Subpart D; and nothing in this Subpart shall be construed to preclude the Commission from determining at that time that the preliminary determination should be disregarded or that different action is required because of subsequent amendment of the Ordinance or other applicable law or regulation or because (a) the preliminary determination was made on the basis of insufficient or incomplete information, (b) the overall site plan or particular aspects of the overall site plan contains relevant factors not considered by the Planning Commission in making the preliminary determination or (c) conditions other than those referred to in the preliminary determination are necessary or desirable.

#### SECTION 9314. PROCEDURE AFTER DETERMINATION

Following a preliminary determination by the Planning Commission, the owner shall file an application conforming to all requirements of Subpart B. In processing that application, full effect shall be given to the preliminary determination of the Planning Commission. However, the Planning Director or any agency making a report in accordance with Subpart B C may indicate in its report any objection to the preliminary determination and/or any suggestions for modification of that approval; and such objections and suggestions shall be considered by the Planning Commission at the time of its review in accordance with Subpart D.

#### SECTION 9315. PRELIMINARY DETERMINATION OF VARIANCES.

- A. Scope. In this section, "variance" refers to a modification of density, bulk or area requirements of this Ordinance granted by the Board of Appeals in accordance with Part 0, Subpart C, of this Article. Nothing in this section shall be construed to modify to any degree any provision of law or this Ordinance which pertains to the criteria or procedure for considering or granting a variance.
- B. Purpose. The purpose of this section is to provide a method for prompt determination of matters which require a variance:

1. without subjecting an owner to the expense of furnishing information required by Subpart B which would be meaningless if a variance is not granted or would be incomplete until the conditions of a variance are established or
  2. after a variance has been found to be necessary by the Planning Commission.
- C. Special application. Instead of an application required by Subpart B, an owner may file a separate written application for a preliminary determination by the Planning Director that approval cannot be given to a site plan proposed by the owner until a variance has been granted.
- D. Contents of application. The application shall specifically identify the variance sought by the owner and shall include all information required by Subpart B which is relevant to a full and complete evaluation of that variance and its effect upon the proposed site plan. The owner shall at all times have full responsibility for furnishing all such relevant information. Unless specifically required by the Planning Director, the following information need not be included in an initial application filed under this section:
1. The information relating to plants referred to in Section 9321 C;
  2. The information referred to in Section 9321 D which relates to isolated trees, shoreline protection, signs, lighting and refuse collection areas;
  3. Details of any proposed curbs, curb cuts, aisles and medians referred to in Section 9321 E;
  4. Any information, other than that regarding bodies of water, referred to in Section 9321 F;
  5. Any information referred to in subsections G and H of Section 9321;
  6. The engineering specifications, sediment control plans, and estimates of completion and construction phasing referred to in Section 9322.
- E. Determination by Planning Director. If the Planning Director determines on the basis of the application that (1) site plan approval cannot be given without the requested variance and (2) all information sufficient to evaluate the requested variance has been furnished, he shall so inform the owner in writing. Alternatively, the Planning Director may require amendment of the application to include any information required by Subpart

B which he deems relevant to a full and complete consideration of the requested variance; and, until such amendment is made, an application shall not be complete and the Planning Director shall not be deemed to have made any final determination under this subsection.

- F. Determination by Planning Commission. The following provisions of this section are also applicable if the Planning Commission denies preliminary site plan approval on the basis that a preliminary site plan does not conform to the density, bulk or area requirements of this Ordinance.
- G. Effect of determination. A final determination referred to in subsections E and F is a determination from which an appeal requesting a variance may be taken to the Board of Appeals but does not affect the right of the Planning Commission, the Planning Director, the Department or any other person, except the owner, to object to the granting of such variance or to assert that any information not included in the application is relevant to the variance.
- H. Determination by Board. If a timely appeal is filed from the determination of the Planning Commission or the Planning Director, the Board of Appeals shall hear and decide the appeal as provided in Part 0 of this Article with respect to variances. The appeal shall be heard and decided on the application as submitted to the Commission or Director and evidence relevant to that application, but shall not involve any matter not within the scope of the specific variance sought in the application or referred to in a denial by the Planning Commission.
- I. Effect of Board decision. For purposes of further consideration under the provisions of this Part, a lot or structure shall be considered to conform to the provisions of this Ordinance to the extent authorized by any final decision of the Board of Appeals modifying or conditionally modifying the density, bulk or area requirements of this Ordinance. The provisions of this subsection do not affect any right of appeal from the decision of the Board of Appeals; and, notwithstanding the presence or absence of conditions imposed by the Board of Appeals, the Planning Commission may condition any final approval of a site plan upon any other conditions or requirements authorized by this Part.
- J. Procedure following appeal. Following the decision of the Board of Appeals, the owner shall file a supplemental application conforming to all requirements of Subpart B; and, except as provided in subsection I, that application shall be processed and considered without regard to the provisions of this section. Any decision by the Board of Appeals in accordance with this section shall be void unless such supplemental application is filed within ninety (90) days after the date of the decision of the Board of Appeals.

Subpart B. Application and Contents of Site Plan

SECTION 9320. APPLICATION FOR SITE PLAN APPROVAL.

- A. Contents. Application for approval of a site plan shall be filed with the Planning Director by the owner of the lot to be affected or by the owner's attorney or agent, together with the fee prescribed by the County Commissioners. The application shall be on a form prescribed by the Planning Director and be accompanied by the plat and other information referred to in this Subpart. No action shall be taken with respect to an application until the Planning Director determines that all required information has been submitted.
- B. Copies. Any application, site plan or other information required to be furnished by this Part shall be accompanied by (a) nine (9) copies of that information, in case of a minor site plan or (b) ten (10) copies of that information, in all other cases. After preliminary review, additional copies may be required for submission to the Planning Commission.
- C. Scope of requirements. If any provision of this Subpart requires information with respect to a physical feature or characteristic on or near the site, the provision shall be construed to mean that both existing and proposed features of that type are to be shown, with proper indication of whether each feature is existing or proposed.
- D. Other information. In addition to the information specifically required by this Part, the Planning Commission or the Planning Director may at any time require in writing that the applicant furnish any other information which will be requisite to the issuance of a zoning approval under Part 2 of this Article if site plan approval is given.

SECTION 9321. CONTENTS OF PLAT.

- A. Scale. A site plan shall contain a plat, drawn to a scale of not less than one (1) inch equals one hundred (100) feet, which contains the information required by this section. The Planning Director may authorize the use of a different scale or an orientation different from that required in subsection B if, in his opinion, the requirement otherwise places an unnecessary burden upon the applicant and the information required to be shown on the plat can be presented with equal clarity by the use of a different scale or orientation.

B. General information. The following general information shall be shown on the plat:

1. A small location "key" map showing the tract and illustrating its relationship to the nearest major street intersection and adjacent streets.
2. North arrow oriented to the top of the page and bar scale of the drawings.
3. A title block including the name of the development; the names and addresses of the person(s) shown as the owner(s) of the land by the Land Records of Queen Anne's County, the developer and the developer's architect, professional land surveyor or engineer; and the seal of the architect, professional land surveyor or engineer.
4. A separate block showing the date of preparation of the plat first submitted under the provisions of this Part and the dates of all subsequent revisions to the plat and the a brief summary of the nature of each such revision.

C. Legend. The plat shall contain a legend with the following information:

1. The gross square footage of all buildings and structures.
2. The present zoning of the site.
3. The area, in square feet, of green space on each lot not occupied by structures, paving and other impervious surface.
4. All plant names, numbers and sizes used in landscaping.
5. With respect to non-residential uses, the number of employees in the largest shift or, for places of assembly, the maximum capacity of the meeting or assembly space.

D. Physical features. The following information shall be graphically represented and identified, with such further description as here required:

1. Property lines, right of way lines (with metes, bounds, courses and distances indicated).
2. The location of each adjoining property and the use being made and the zoning classification of each such property and its zoning classification.
3. Lines and dimensions of all easements, including off-site easements, which affect the site, together with the

name(s) of the owner(s) of each easement as shown by the Land Records of Queen Anne's County and a description of the facilities located or to be located within the easement.

4. The location, size and description of all natural resources listed in Section 5302 of this Ordinance.
  5. The approximate location of all isolated trees having a trunk diameter of six (6) inches or more, and all tree masses.
  6. All facilities for protection of shorelines, as required by Article VI of this Ordinance.
  7. All building lines and buffer yards as required by this Ordinance for the entire site.
  8. With respect to planned developments, the location and area of each lot within the site plan.
  9. The location, size, height and yard area of all structures and other improvements, including buildings, parking and loading areas, roads, walkways, drainage structures, utility poles, fences, and retaining walls and a general description of the use for which each building is intended.
  10. In multiple family developments, conceptual location and configuration of buildings, approximate locations of common ground areas, open space, major utility easements, and stormwater retention areas shall also be indicated.
  11. All exterior sign design, including location and size of both freestanding and attached signs and illumination techniques.
  12. The location of all exterior lighting, including the height and spacing of all lighting standards, required by Article VI of this Ordinance.
  13. The location of outside refuse collection areas and type of enclosure proposed to screen all refuse containers from public view.
  14. The location of any existing or proposed well and septic field.
- E. Traffic. The following information shall be graphically represented and identified with respect to internal and peripheral vehicular circulation:

1. Curb cuts required to provide ingress and egress to and from adjacent streets.
  2. Widths (including any proposed widening) of all adjacent streets and rights of way and the size and location of traffic islands or medians.
  3. Location and dimensions of any new easements and right of way dedications.
  4. All street entrances on the opposite side of any street adjacent to the site.
  5. Location of all aisles and medians on the site.
  6. Location and dimensions of all curbs.
  7. Location and size of spaces to be used for outdoor vehicular and equipment storage and the location and description of screening for such spaces.
- F. Drainage. The following information shall be graphically represented and identified with respect to drainage:
1. All ponds, lakes, basins, sinkholes or other bodies of water and the proposed use of each (e.g. recreational, retention, etc.).
  2. Storm sewers which will serve the site.
  3. The location of the sanitary sewer hookup and an indication of the sanitary sewer district or sewer company to serve the project.
  4. Major drainage facilities, such as bridges, culverts, channels, creeks, etc.
  5. The limits of the one hundred (100) year floodplain zone.
- G. Site grading. Contours of the site, referenced to U.S.G.S. datum, and extending at least fifty (50) feet in each direction outside of the site shall be graphically represented. Existing contour lines shall be differentiated from proposed contour lines. Normally, contour lines shall be at two (2) foot intervals. In cases of unusual topography, the plan should employ more descriptive contour intervals, varied frequency of contours and/or spot elevations; and the Planning Commission or the Planning Director may require such description in any case.
- H. Landscaping. The location and size of deciduous and evergreen trees and ground cover and other landscaping elements, in accordance with the landscaping requirements of



Part VI of this Ordinance, shall be graphically represented and identified.

SECTION 9322. OTHER CONTENTS OF SITE PLAN.

- A. Generally. A site plan shall also contain the information required by this section and may include other information which the applicant considers relevant to any factor to be considered by the Planning Commission. The information required by this section may be shown on the plat referred to in Section 9321 or in separate documentation.
- B. Land uses. Two copies of (1) all recorded deeds by which the present owner holds fee simple title to the site and (2) all easements, covenants and restrictions which affect all or any part of the site.
- C. Capacity calculations. One copy of complete site capacity calculations prepared in accordance with Article V of this Ordinance.
- D. Engineering specifications. Details of road, sanitation, stormwater, shoreline protection, landscaping, lighting and screening plans not contained in the plat.
- E. Sediment control. Any sediment control plan required by the Sediment Control Ordinance.
- F. Building. A color photograph and/or rendering of any proposed building as viewed from the front of the lot at the street lot line and elevation views of the remaining sides of the building, sufficient to represent adequately its appearance, massing, and relationship to the site.
- G. Estimates. A statement of the estimated cost of completing all required improvements and a reasonable time for the completion of all required improvements and all other construction.

Subpart C. Administrative Review of Site Plan

SECTION 9330. ADMINISTRATIVE REVIEW.

- A. Submission. After receipt of a site plan containing all information required by Subpart B, the Planning Director shall:
  - 1. forward copies of the site plan to the Departments of Public Works, the Department of Environmental Health, the Soil Conservation Service and other agencies having supervision and control over required improvements and

2. notify the applicant of the date, time and place of the meeting of the Staff Technical Advisory Committee (STAC) at which the site plan will be considered, which shall be the first such meeting which occurs at least eighteen (18) days after the date when all information required by Subpart B was received by the Planning Director.
- B. Consideration. At the time of such Staff Technical Advisory Committee (STAC) meeting, each agency to which a site plan has been referred in accordance with subsection A shall deliver a written report to the applicant.

#### SECTION 9331. AGENCY REPORTS.

- A. Form. Each report shall specify the latest revision date shown on the site plan to which the report applies and shall be signed by an authorized representative of the agency.
- B. Contents. Each report shall contain either an affirmative statement that the site plan meets all requirements with which the particular agency is concerned and that the agency has no recommendations or:
1. any recommendations for changes in the site plan and
  2. any conditions for approval necessary to bring the site plan into compliance with any applicable law, ordinance or regulation or to eliminate any adverse effects of the proposal on those aspects of the general health, safety and welfare of the community for which such agency has special responsibility and
  3. any revisions which the agency requires with respect to the estimates of cost and completion contained in the site plan.

#### SECTION 9332. NOTIFICATION BY PLANNING DIRECTOR.

Within five (5) days after receipt from the applicant of all reports required by this Subpart, the Planning Director shall notify the applicant in writing of one of the following determinations:

1. The site plan will be recommended for approval as submitted.
2. The site plan requires specified changes of a minor nature and will be submitted to the Planning Commission only after a revised site plan containing such changes has been submitted.

October 1988

Ordinance amending Queen Anne's County Zoning Ordinance

Page 12

3. The site plan will not be recommended for approval and must be resubmitted for further administrative review, with changes specified in the notification.

#### SECTION 9333. REVISED SITE PLAN.

- A. When required. If notified that changes are required, the applicant shall file a revised site plan with the Planning Director and comply with the other provisions of this section. If a revised site plan containing all required changes is not filed within six (6) months of the date of the first notice issued in accordance with Section 9332, the application shall be void. Upon request filed during the 6-month period by the applicant, the Planning Director may extend that period for not more than three (3) months. Both the request and the approval must be in writing.
- B. Minor changes. If notified that only minor changes are required (paragraph 2 of Section 9332), the applicant shall also deliver a copy of the revised site plan to each agency which required any of such changes and obtain from each such agency and deliver to the Planning Director a report in the form specified in Section 9331.
- C. Further review. If notified that further administrative review is required (paragraph 3 of Section 9332), the applicant shall include in the filing with the Planning Director the same number of copies of the revised site plan as required for an original filing in accordance with Subpart B. The revised site plan shall then be submitted to all appropriate agencies in accordance with the provisions of Section 9330.

#### Subpart D. Review by Planning Commission

#### SECTION 9340. REPORT TO PLANNING COMMISSION.

- A. When made. No action shall be taken in accordance with this Subpart until any major or minor subdivision necessary to establish the site has been finally approved and the applicant has delivered to the Planning Director:
  1. reports containing an affirmative statement by each agency to whom the site plan has been referred that the site plan meets all requirements with which the particular agency is concerned and that the agency has no recommendations and
  2. at least one (1) mylar and the following number of paper copies of the site plan whose approval is reflected in

those reports: for a major site plan, 11 paper copies;  
for a minor site plan, 2 paper copies.

- B. Report. After determining that the site plan conforms with all requirements of this Ordinance, the Planning Director shall promptly report those facts to the Planning Commission in writing. With respect to each required improvement, the report shall contain information which he has received from the agencies involved with the improvement as to the estimated cost of completing such improvement and a reasonable time for its completion. This subsection does not apply to any minor site plan which is to be approved by the Planning Director.

SECTION 9341. CONSIDERATION BY PLANNING COMMISSION.

- A. Submission. The site plan, all other documents filed by the applicant and the report of the Planning Director shall be submitted to the Planning Commission at its next regular meeting which is at least fifteen (15) days after the report of the Planning Director.
- B. Scope of review. The Planning Commission shall determine whether the site plan meets all requirements of this Ordinance and is in general conformity with the style and design of surrounding structures. The Commission may require the applicant to submit any additional information which it deems necessary to make those determinations.
- C. Requirements for approval. The Planning Commission shall not approve any site plan unless it determines that the plan meets all requirements of this Ordinance and:
1. will not substantially increase traffic hazards or congestion due to traffic generated by the proposed use, the location or orientation of curb cuts or the layout of internal circulation and
  2. contains a layout of buildings, parking, roads, and utilities which does not substantially increase fire, health or other public safety hazards and
  3. is consistent with the purposes of the buffering and character values of screening uses from roads or neighboring properties intended to be achieved by the buffering and landscaping provisions of this Ordinance and
  4. will not substantially increase stormwater drainage or pollution and
  5. will not have an unreasonably adverse effect upon property values in the vicinity of the site and

6. will not adversely affect the public welfare.
- D. Decision. The Planning Commission shall render its decision with respect to the site plan within sixty (60) days of the meeting at which it is submitted.
- E. Approval. If the Planning Commission determines that the site plan fulfills all of the requirements for approval, it shall approve the site plan.
- F. Conditional approval. If the Planning Commission determines that the site plan does not adequately fulfill any one or more of those requirements and that such inadequacy may be removed by amendment of the site plan or the application of conditions to approval, it may approve the site plan subject to such conditions and/or submission of a revised site plan containing changes which it determines will adequately fulfill the requirements for approval.
- G. Denial of approval. If the Planning Commission determines that the site plan does not fulfill any one or more of the requirements for approval and that such requirement(s) cannot be fulfilled by amendment to the site plan or by the application of conditions to approval, it shall deny the application. The decision shall contain the reasons for denial.
- H. Notification. Unless the applicant or his representative is present at the meeting at which action is taken by the Planning Commission, the Planning Director shall (a) within three (3) days after such meeting, verbally notify the applicant of that action and (b) within ten (10) days, provide written notice to the applicant.

SECTION 9342. CONDITIONS OF APPROVAL BY PLANNING COMMISSION.

- A. Required conditions. In addition to any other conditions which it may impose under this Part, any final approval by the Planning Commission shall include:
1. a schedule for commencement and completion of all construction, including construction referred to in paragraph 2 of this subsection (which period shall ordinarily be no more than 30 months from the date of final approval by the Planning Commission) and
  2. subject to the provisions of subsection B, a finding that all resource protection, landscaping, bufferyards, off-street parking and loading and other facilities and improvements required by Article VI of this Ordinance and all required improvements which the Planning Commission

determines are necessary with respect to the particular site have been completed.

- B. Guarantee. If any required improvement is not completed at the time when a site plan might otherwise be approved, the Planning Commission may approve the site plan conditioned upon the filing of a guarantee, in a form and with the undertakings provided in Part 5, Subpart A, of this Article. The Planning Commission shall establish the amount of any such guarantee and a reasonable time within which such improvement is to be completed.

#### SECTION 9343. FORM AND DURATION OF APPROVAL.

- A. Form. After approval, the Chairman or Secretary of the Commission (or, in the case of a minor site plan, the Planning Director) shall note the approval and its date on the mylar copy of the site plan. Such signature shall constitute final approval of a site plan; and a site plan is not finally approved until the required signature is affixed.
- B. Duration. If all construction is not completed within such time, any approval given under this Subpart is void after the time established by the Planning Commission for completion of all construction.

#### SECTION 9344. RECORDING.

After it has been signed as required by Section 9343, an approved site plan and all related documents shall be permanently filed by the Planning Director among the records of the Department of Planning and Zoning.

#### Subpart E. Amendment of site plan

#### SECTION 9350. AMENDMENT OF APPROVED SITE PLANS.

- A. Generally. A site plan approved by the Planning Commission in accordance with Subpart D or under any prior Ordinance, including any conditions or guarantees attached to its approval, may be amended in accordance with this section. All other requirements and standards of this Part are applicable to this section.
- B. Filing. A person desiring to amend a site plan shall file such of the instruments required to be submitted for approval of a site plan as are necessary to provide a complete reflection of the proposed amendment and its effect upon the original site plan and any prior amendments. The proposed

amendment shall be accompanied by a fee established by the County Commissioners.

- C. Initial review. 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. No further action shall be taken with respect to a proposed amendment until all information required by this subsection is furnished.
- D. Consideration. The Planning Commission shall consider the proposed amendment at a regular meeting which is at least fifteen (15) days after the Planning Director determines that all necessary information has been furnished. The Commission shall review the proposed amendment as if it had been submitted as an original site plan under this Part.
- E. Approval. If the Planning Commission determines that the amendment does not represent a significant change from the use or character of the site plan as originally approved and previously approved amendments and does not require review and approval by other appropriate agencies, it may approve or disapprove the amendment in the same manner as would be permitted with respect to an original site plan. The approval of any amendment shall contain such amendments with respect to conditions for guarantee and completion of construction as may be found necessary or appropriate by the Planning Commission.
- F. Reconsideration. If the Planning Commission determines that the amendment represents a significant change from the use or character of the original site plan and previously approved amendments or requires more detailed review and approval by other appropriate agencies, the original site plan, any previously approved amendments, together with the proposed amendment, shall be regarded as an original application for a site plan; and further action shall be taken with respect to the proposed amendment as if it were then being filed as an original application with the Planning Director.
- G. Recording. Any amendment approved by the Planning Commission shall be filed by the Planning Director as provided in Subpart D.

SEC. 2. And be it further ordained, that, except as herein provided with respect to amendment, the provisions of this Ordinance shall not be construed to enlarge, limit or otherwise affect any final site plan approval given prior to the effective date of this Ordinance or to revive

or give any other effect to any final site plan approval which has been, or is hereafter deemed to be, abandoned or terminated under the provisions of the ordinance in effect at the time when such final approval was given.

SEC. 3. And be it further ordained, that the provisions of this Ordinance shall be effective at 12:01 a.m. on October 15, 1988.

ADOPTED this 11th day of October, 1988.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

William V. Riggs III  
William V. Riggs III  
President

Wheeler R. Baker  
Wheeler R. Baker

Frances A. Ashley  
Frances A. Ashley

Attest:

Lynda H. Palmatary  
Lynda H. Palmatary  
Clerk

October 1988

Ordinance amending Queen Anne's County Zoning Ordinance

Page 18



BE IT ORDAINED, by the County Commissioners of Queen Anne's County, that the Queen Anne's County Zoning Ordinance be, and is hereby, amended to add a new section to be known and designated as Section 5440 which shall read as follows:

SECTION 5440. INSTITUTIONAL USES AND STRUCTURES.

In a District in which Institutional Uses are permitted, the sale of goods and service at retail shall be permitted as an accessory use if (1) such goods and services are directly related to a principal Institutional use conducted on the same lot; (2) such sales otherwise constitute an accessory use, as defined by this Ordinance; (3) except when such sales are conducted in a principal building primarily used for an Institutional Use, any structure involved in such sales meets all requirements of this Ordinance for an accessory building or structure; and (4) such sales are made only to persons who are at the time of sale using the lot for the principal Institutional Use. In addition to any other signs permitted by this Ordinance, an accessory structure authorized by this Section may include one (1) wall sign not exceeding two (2) square feet in size.

AND BE IT FURTHER RESOLVED, that the provisions of this Ordinance shall be effective ten (10) days after recordation.

ADOPTED this 10<sup>th</sup> day of January, 1989.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Frances A. Ashley  
FRANCES A. ASHLEY, PRESIDENT

ATTEST:

Lynda H. Palmatary  
Lynda H. Palmatary  
Clerk

Wheeler R. Baker  
WHEELER R. BAKER

William V. Riggs III  
WILLIAM V. RIGGS, III

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QUEEN ANNE'S COUNTY

IN THE MATTER OF THE \* BEFORE THE COUNTY  
 APPLICATION OF MASONS \*  
 UNLIMITED, INC. FOR A FIRST \* COMMISSIONERS OF  
 READING APPROVAL OF A \*  
 SUBURBAN INDUSTRIAL FLOATING \* QUEEN ANNE'S COUNTY  
 ZONE FOR A PARCEL OF LAND, \*  
 SIXTH ELECTION DISTRICT, \* ZONING CASE NO.  
 QUEEN ANNE'S COUNTY, MARYLAND \*

DECISION

A hearing was held on Tuesday, August 22, 1989 at 9:00 a.m. on the application of Mason's Unlimited, Inc., Contract Purchaser for a first reading approval of a Suburban Industrial Floating Zone on lands of Robert E. Wilson, consisting of 5.223 acres, more or less, designated as part of Parcel 19 on Queen Anne's County Sectional Zoning Map No. 36.

The hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland.

The application, certificate of publication, certification as to posting of the subject property and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

William M. Crowding, II of Rauch, Walls and Lane, Inc. appeared on behalf of the applicant and presented evidence,

PATRICK E. THOMPSON  
 ATTORNEY AT LAW  
 ROUTE 2, BOX 522 B  
 GRASONVILLE, MD 21836

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testimony and exhibits on behalf of the application. There was no testimony in opposition to the application.

Mr. Joseph Stevens testified on behalf of the Queen Anne's County Planning Commission and the planning staff.

Upon consideration of the application, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings are made;

1. The standards set forth in Section 7105 B. of the Queen Anne's County Zoning Ordinance have been met.

Upon motion by Mr. Baker, seconded by Mr. Riggs it was unanimously RESOLVED that the application for first reading be APPROVED upon the following conditions:

1. Applicant shall comply with the provisions of Section 7106 B. of the Queen Anne's County Zoning Ordinance.

2. Applicant shall meet all requirements of the Department of Public Works respecting road, drainage or other improvements prior to second reading approval.

Dated:

WITNESS:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

*Linda H. Palmatier*

*Frances A. Ashley*  
Frances A. Ashley

*Linda H. Palmatier*

*Wheeler R. Baker*  
Wheeler R. Baker

*Linda H. Palmatier*

*William V. Riggs III*  
William V. Riggs, III

08/31/89-36/kjr

ATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 822 B  
BRABSONVILLE, MD 21038

IN THE MATTER OF THE \* BEFORE THE COUNTY  
 PETITION OF REVERDY P. \*  
 SADLER, JR. AND AUDREY M. \* COMMISSIONERS OF  
 SADLER FOR A CHANGE IN \*  
 ZONING CLASSIFICATION OF \* QUEEN ANNE'S COUNTY  
 TWO PARCELS OF LAND IN THE \*  
 FOURTH ELECTION DISTRICT, \* ZONING CASE NO.  
 QUEEN ANNE'S COUNTY, MARYLAND \*

DECISION

A hearing was held on Tuesday, August 8, 1989 at 9:00 a.m. on the petition of Reverdy P. Sadler, Jr. and Audrey M. Sadler for a change in zoning classification of lands of the Petitioners situate in the Fourth Election District, Queen Anne's County, Maryland from Countryside (CS) classification to Neighborhood Conservation 20 (NC-20) classification. The subject property consists of two parcels containing 1.759 acres, more or less and 1.543 acres, more or less designated as parcel 180 on Queen Anne's County Sectional Zoning Map No. 63.

The hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland.

The petition, certificates of publication, certification as to posting of the subject property and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of

ATRICK E. THOMPSON  
 ATTORNEY AT LAW  
 ROUTE 2, BOX 522B  
 GRASONVILLE, MD 21838

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QUEEN ANNE'S COUNTY

the County Commissioners of Queen Anne's County to hear and decide the matter.

Mark Pudinski, Esquire, appeared on behalf of the Petitioners and presented evidence, testimony and exhibits. The Petitioners and Margaret Kaii of the Queen Anne's County Zoning Office were called to testify on behalf of the proposed rezoning. It was the Petitioners' contention that a mistake was made at the time of the adoption of the Queen Anne's County Zoning Ordinance and that at present the zoning line delineating the CS from NC-20 zones bisects the subject property.

Testimony in opposition to the proposed rezoning was received and considered by the County Commissioners.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made:

A. There is evidence of substantial population change in the area. The adjoining area to the west and in fact a part of the subject property is presently zoned NC-20.

B. There are no public water and sewer facilities serving the subject property.

D. Although some concern was expressed over possible traffic impacts there is no evidence that the proposed rezoning would over burden the existing traffic flows to any significant or ascertainable degree.

D. The existing neighborhood of Batts Neck has been designated as NC-20.

E. The proposed rezoning is consistent with the purposes set forth in Article 66B of the Annotated Code of Maryland, the

ATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522B  
PRAIRIEVILLE, MD 21658

Comprehensive Plan and the Queen Anne's County Zoning Ordinance.

F. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.

G. The location of the zoning demarcation line bisecting the Petitioners property would indicate that a mistake was made in not having the zoning boundary follow the property line.

H. The CS portion of the property was added to the NC-20 portion prior to the adoption of the Queen Anne's County Zoning Ordinance and should have zoned consistently with the adjoining property, a smaller parcel such as Petitioners being inconsistent with Countryside zoning.

Based upon the foregoing matters and after careful consideration of the evidence and testimony presented, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

Upon motion by Mr. Baker, seconded by Mr. Riggs it was unanimously RESOLVED that the Queen Anne's County Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in these proceedings be reclassified to Neighborhood Conservation-20 (NC-20) District.

Dated:

WITNESS:

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

*Lynnda H. Palmatier*

*Frances A. Ashley*  
Frances A. Ashley

*Lynnda H. Palmatier*

*Wheeler R. Baker*  
Wheeler R. Baker

*Lynnda H. Palmatier*

*William V. Riggs III*  
William V. Riggs, III

09/01/89-36/kjr



THE COUNTY COMMISSIONERS  
 OF QUEEN ANNE'S COUNTY  
 COUNTY OFFICE BUILDING  
 208 N. COMMERCE STREET  
 CENTREVILLE, MARYLAND 21617  
 758-0322

FRANCES A. ASHLEY, PRESIDENT  
 WHEELER R. BAKER  
 WILLIAM V. RIGGS, III

ROBERT D. SALLITT, ADMINISTRATOR  
 LYNDA H. PALMATARY, CLERK  
 PATRICK E. THOMPSON, ATTORNEY

RESOLUTION

WHEREAS, Section 5-4(y) of the Code of Public Local Laws of Queen Anne's County authorizes the County Commissioners of Queen Anne's County by Ordinance or Resolution to adopt all necessary rules and conditions for the acceptance, construction, and maintenance of roads;

AND WHEREAS previously adopted road right of way standards in the SUBDIVISION DESIGN and CONSTRUCTION STANDARDS for the ROADS DIVISION of the DEPARTMENT OF PUBLIC WORKS of QUEEN ANNE'S COUNTY, MARYLAND have proved inadequate to insure proper maintenance of the roads in the subdivisions of Queen Anne's County,

NOW, THEREFORE, be it resolved that on October 1, 1989, the following road right of way requirements must be met for all newly proposed roads to become County owned and maintained:

- ROADS ..... 70 feet wide
- CUL DE SAC ..... 70 feet radius

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County.

COUNTY COMMISSIONERS  
 OF QUEEN ANNE'S COUNTY

Frances A. Ashley  
 Frances A. Ashley, President

Wheeler R. Baker  
 Wheeler R. Baker, Vice Preside

out of town  
 William V. Riggs, III, Member

Attest: Lynnda H. Palmatary  
 Clerk to County Commissioners

Date: Sept. 19, 1989  
 CLERK, CIRCUIT COURT

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QUEEN ANNE'S COUNTY

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## QUEEN ANNE'S COUNTY

ORDINANCE NO. 89-9

AN ORDINANCE concerning certain nuisances in Queen Anne's County for the purpose of defining a nuisance and providing for the abatement of such nuisances in Queen Anne's County through certain enforcement procedures.

SECTION I. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the nuisances set forth in this law are hereby prohibited.

## SECTION II. DEFINITIONS:

A. Garbage - All organic waste, consisting of the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

B. Refuse - ashes, garbage, rubbish, junk, industrial waste, motor drain oil, dead animals and all other solid waste materials, including salvageable waste.

C. Rubbish - All refuse other than garbage, whether combustible or noncombustible, and such forms shall include but not be limited to the following: Rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, slash, rubble, street refuse, abandoned automobiles, household appliances, machinery, bottles, cans, waste paper, cardboard, sawdust piles and slash remaining from abandoned sawmill operations and all other waste materials and unsightly debris from any industry.

D. Unfit Structure - Any vacant dwelling, building or part thereof which constitutes a hazard to the safety, health, or welfare of the public because it is in disrepair, unsanitary or vermin or rodent infested.

PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522B  
GRASONVILLE, MD 21638

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QUEEN ANNE'S COUNTY



E. Enforcement Officer - That person designated by the County Commissioners of Queen Anne's County to exercise the authority and perform the functions and duties set forth herein.

F. Residential Area - An area having an average housing density of 1 acre or less per dwelling unit.

G. Junk - Means old or scrap cooper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel and any other old or scrap material, including wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, or household appliances.

H. Affected Persons - Contiguous property owner or resident.

SECTION III. The following specific acts, deeds or conditions shall constitute a nuisance within the meaning of this ordinance.

A. The deposit or accumulation of any foul, decaying or putrescent substance or garbage or refuse, or rubbish or other offensive matter in or upon any land, street, or highway unless in a manner approved by the Enforcement Officer of his property designated agents.

B. The discharge of any foul liquids or sewage from any type mobile vehicle holding tank except into an approved sewer or treatment works, excepting normal agricultural practices.

C. The disposal of human excreta, dead chickens, hogs, horses, cows, sheep, dogs or cats or any other fowl or animal upon any land, street or highway or in or upon any public or private place without it being buried to a suitable depth or otherwise disposed of in a manner approved by the Enforcement Officer.

D. The conveying of garbage, swill, refuse, dead animal, dead fowl or other filthy matter through any street or any

highway, public or private in a manner not approved by the Enforcement Officer. This section shall not operate to prohibit the activities of licensed septage haulers or the transportation of sludge or sludge products otherwise licensed and/or permitted by law.

E. The use of garbage, offal or other decaying or putrescent matter, either by itself or in connection with ashes or other harmless matter for the purpose of filling in any land or other space, exempting licensed or governmentally operated sanitary landfills.

F. The permitting or existence of any unfit structure as defined by this Ordinance.

G. Failure to exercise proper rodent control measures to discourage or eliminate the presence of rats.

H. The presence of junk on any property in excess of thirty (30) days which is stored and maintained in an unsafe or unsanitary manner or stored or maintained within two hundred (200) feet of a public or private road or dwelling. This subparagraph shall not be interpreted so as to prevent junk yards allowed and operated under the provisions of the Queen Anne's County Comprehensive Zoning Ordinance.

I. The deposit or storage of materials containing designated hazardous substances as defined and identified in Natural Resources Article 8-1413.2 of the Annotated Code of Maryland upon any lands within the territorial boundaries of Queen Anne's County.

SECTION IV. PRIVATE RESPONSIBILITY: The owner and the occupant of any premises within Queen Anne's County shall be responsible for sanitary conditions of the premises occupied by such person and it will be unlawful for any person to place,

deposit, maintain or voluntarily allow to be placed, deposited or maintained on their premises any matter which constitutes a nuisance under the terms of this Ordinance.

SECTION V. The County Commissioners of Queen Anne's County, shall designate a qualified person to be the enforcement officer hereunder. When such person receives a complaint in writing from any legally qualified medical practitioner or any affected person, he or she shall institute an investigation and if the place or thing complained of is in such a condition as to constitute a nuisance under the terms of this ordinance, he or she shall serve a notice in writing on the person, firm, or corporation responsible for the condition requiring him or them to abate same within a time specified in the notice.

SECTION VI. PENALTY: Any person, firm or corporation who fails to abate a nuisance as defined in this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00). Each day that a violation continues shall constitute a separate offense.

SECTION VII. It shall be the duty of all law enforcement officers who have jurisdiction in Queen Anne's County to enforce this Ordinance, and it shall further be the duty of the State's Attorney for Queen Anne's County to prosecute violators under this Ordinance.

SECTION VIII. The County Commissioners of Queen Anne's County may take any action legally necessary, including making application to the appropriate Court of competent jurisdiction for an injunction to abate any nuisances as herein defined. The County Commissioners may also recover the penalty as set

PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 822 B  
GRASONVILLE, MD 21638

forth in Section VI of this section by civil action in any Court of competent jurisdiction.

SECTION IX. In addition to any other enforcement procedures set forth herein the County Commissioners of Queen Anne's County shall have the full power and authority to abate any nuisance as set forth herein by any appropriate means and to assess the property owner for the costs thereof. Any charges or assessments made hereunder shall be a lien against the real property benefitted and may be collected in the same manner as County real estate taxes.

SECTION X. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION XI. EFFECTIVE DATE: The effective date of this Ordinance shall be October 24, 1989.

ADOPTED this 24<sup>th</sup> day of October, 1989.

WITNESS:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

Syda H. Palmatary

Frances A. Ashley  
Frances A. Ashley

Syda H. Palmatary

Wheeler R. Baker  
Wheeler R. Baker

Syda H. Palmatary

William V. Riggs III  
William V. Riggs III

02/09/89-36/kjr

IN THE MATTER OF THE  
PETITION OF LHJ, LTD.  
FOR A TEXT AMENDMENT  
TO THE QUEEN ANNE'S COUNTY  
ZONING ORDINANCE

\* BEFORE THE  
\* COMMISSIONERS OF QUEEN  
\* ANNE'S COUNTY  
\* ZONING CASE NO. 89-004

\*\*\*\*\*

DECISION

A hearing was held before the County Commissioners of Queen Anne's County Commissioners on October 17, 1989 at 9:00 a.m. upon the Petition of LHJ Ltd. and upon the recommendations of the Queen Anne's County Planning Commission to amend the Queen Anne's County Zoning Ordinance ("The Ordinance") as follows:

A. To amend Section 5104 of the Ordinance to increase the maximum gross density for planned development in the Urban Residential (UR) District from 8.00 units per acre to 8.5 units per acre, and

B. To amend Section 5105-I of the Ordinance to increase the maximum number of attached units in a single multiplex building from six (6) to eight (8).

The hearing was held in the office of the County Commissioners of Queen Anne's County, 208 N. Commerce Street, Centreville, Maryland. The Petition of LHJ, Ltd., certificates of publication of notice of the hearing and the recommendations of the Queen Anne's County Planning commission were made a part of the record of this proceeding, without objection. There was no objection to the sufficiency or form of the procedure followed in processing the proposed amendments nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Jeffrey E. Thompson, Esquire appeared on behalf of the Petitioner and presented testimony and evidence on the proposed amendments with particular reference to the effect thereof on his client's property generally known as Queens Landing. Mr. Joseph Stevens presented the recommendations of the Planning Commission and Department of Planning and Zoning.

After review of the proposed Amendment, the testimony and exhibits offered and the recommendations of the Queen Anne's County Planning Commission, The County Commissioners do hereby determine that the proposed Amendments will be in the general public interest and will promote the health, safety and welfare of the community.

Upon motion by Mr. Riggs, seconded by Mr. Baker it was RESOLVED, as follows:

BE IT ORDAINED by the County Commissioners of Queen Anne's County that the above amendments to the Queen Anne's County Zoning Ordinance be and are hereby Adopted effective October 17, 1989.

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QUEEN ANNE'S COUNTY

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

*Frances A. Ashley*  
Frances A. Ashley

*Linda H. Palmatier*

*Wheeler R. Baker*  
Wheeler R. Baker

\_\_\_\_\_

*William V. Riggs III*  
William V. Riggs, III

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10/25/89 - 1A-A

IN THE MATTER OF THE  
PETITION OF LAURENCE B. RUSSELL,  
ET AL., FOR A CHANGE IN ZONING  
CLASSIFICATION OF PROPERTIES IN  
THE SECOND ELECTION DISTRICT,  
QUEEN ANNE'S COUNTY, MARYLAND

\* BEFORE THE  
\* COUNTY COMMISSIONERS  
\* OF QUEEN ANNE'S COUNTY  
\* ZONING CASE NO. 89-005

\*\*\*\*\*

DECISION

A hearing was held on Tuesday, October 10, 1989 at 9:00 a.m. upon the Petition of Laurence B. Russell, et al., for a change in zoning classification of lands of the Petitioners situate in the Second Election District, Queen Anne's County, Maryland from Suburban Commercial (SC) District to Neighborhood Conservation-20 (NC-20) District. The subject properties are designated as Parcels 7, 66, part of Parcel 120, lots 12, 13, 14, 16, 17, 18, 18A, 19, 27, 28, 29, 30, Parcels 90, 91, 97, 131, 112, 96, 93 and 110 as shown on Block 6 on Queen Anne's County Sectional Zoning Map No. 9. The properties in question are shown on a revised plat which is attached to and incorporated into the Amended Petition filed in this proceeding.

The hearing was held in the offices of the County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland.

The Petition, Amended Petition, certificate of publication, certificate of posting of the subject properties and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Laurence B. Russell, Esquire testified on behalf of the Petitioners and indicated that the subject properties had always been residential in character, all were one-half acre or less in size and seventeen were presently improved by single family residences. There are presently no commercial uses on the subject properties.

There was no testimony or opposition to the proposed rezoning.

Margaret Kaii testified on behalf of the Queen Anne's County Planning Commission and Department of Planning and Zoning. Ms. Kaii indicated the inclusion of the subject properties in the SC zone was apparently an oversight during the Comprehensive Rezoning and that the area in question is and has been residential in character.

Upon consideration of the record, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made:

A. There is no evidence of any substantial population change in the immediate area.

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QUEEN ANNE'S COUNTY

B. There is no public water or sewer facilities available to the subject properties.

C. There is no evidence of increased traffic patterns or the effect of this rezoning on traffic flows.

D. The existing land use appears to be rural to suburban residential and would seem to be a stable residential area.

E. The proposed rezoning is not in conflict with the Queen Anne's County Master Plan.

F. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.

G. The zoning of the subject properties as SC would appear to have been inadvertent and is not consistent within the present, anticipated or desired land use on the property.

Based upon the foregoing matters and after careful consideration of the recommendations of the Queen Anne's County Planning Commission, the County Commissioners of Queen Anne's County do determine that there was a mistake in the original zoning of the subject properties.

Upon motion by Mr. Riggs, seconded by Mr. Baker it was unanimously RESOLVED that the Queen Anne's County Zoning Ordinance be amended as follows:

BE IT ORDAINED THAT the area described in these proceedings be reclassified to NC-20 (Neighborhood Conservation - 20) District.

Dated October 10, 1989

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

Frances A. Ashley  
Frances A. Ashley

Wheeler R. Baker  
Wheeler R. Baker

William V. Riggs III  
William V. Riggs III

bbs  
10/25/89 - 11A-B



IN THE MATTER OF THE PETITION \* BEFORE THE  
OF LISLE T. LIPSCOMB, WILBUR R. \* COUNTY COMMISSIONERS  
GARRETT, JR. AND C. ARTHUR \* OF  
SLATER, JR. FOR A CHANGE IN \* QUEEN ANNE'S COUNTY  
THE ZONING CLASSIFICATION OF \* ZONING CASE NO. 89007  
A TRACT OF LAND IN THE FOURTH  
ELECTION DISTRICT, QUEEN ANNE'S  
COUNTY, MARYLAND

DECISION

A hearing was held on Tuesday, February 27, 1990 at 11 A.M. upon the Petition of Lisle T. Lipscomb, Wilbur R. Garrett, Jr. and C. Arthur Slater, Jr. for a change in the zoning classification of lands of the Petitioners situate in the Fourth Election District, Queen Anne's County Maryland from the Suburban Commercial (SC) District to the Neighborhood Conservation-15(NC-15) District. The subject property is designated as Parcel 26 on Queen Anne's County Sectional Zoning Map No. 70.

The hearing was held in the offices of the County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland. The Petition, Certificate of Publication, Certificate of Posting of the subject propertys and the favorable recommendation of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. Additionally, the following documents were entered into evidence as part of the record without objection:

1. Deed dated August 1, 1976 recorded among the Land Records of Queen Anne's County at Liber CWC 108, folio 227 by which the Petitioners took title to the subject propertys.
2. A copy of a portion of Queen Anne's County Sectional Zoning Map No. 70 detailing the purported location and current zoning of the Petitioners' property.

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3. A copy of a portion of Queen Anne's County Tax Map No. 70 also detailing the location of the Petitioners' property.
4. Queen Anne's County Sectional Map No. 70 with mylar overlay prepared by McCrone, Inc. depicting correct location of inlet to Price's Creek.
5. Rezoning Plat of Petitioner's property prepared by McCrone, Inc.
6. Correspondence dated December 12, 1989 from Joyce A Carlson, supervisor of assessments for Queen Anne's County, State Department of Assessments and Taxation, addressed to Jeffrey E. Thompson, Esquire, which appears to acknowledge an error in Tax Map No. 70.

There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Ryland L. Willis appeared on behalf of the Petitioners and gave testimony in support of the Petition. Mr. Willis testified that both the Queen Anne's County Sectional Zoning Map No. 70 and Queen Anne's County Tax Map No. 70 contained a mapping error in that they located the inlet to Price's Creek which services Queen Anne Marina to the south of the Petitioners' property when, in fact, the inlet is located immediately to the north of the property. The mapping error leads to the appearance that the Petitioners' property is actually the property upon which Queen Anne Marina is located or is immediately adjacent thereto. Mr. Willis testified that the SC District classification of the Petitioners' property was also an error as it clearly assumed the Petitioners' property was part of or adjacent to the existing commercial Queen Anne Marina.

Michael Whitehill, Office Manager for McCrone, Inc. in Centreville, also appeared and testified on behalf of the Petitioner. Mr. Whitehill confirmed Mr. Willis' testimony that Queen Anne's County Tax Map No. 70, upon which the Queen

Anne's County Sectional Zoning Map No. 70, was based was drawn in error. Mr. Whitehill noted that the aerial photographs upon which the Tax Maps were drawn date from the 1940's. The inlet to Price's Creek which serves Queen Anne Marina was dredged in 1959 or 1960. As a result, when Queen Anne's County Tax Map No. 70 was drawn or revised, it was not done with benefit of aerial photographs showing the precise location of the inlet to Price's Creek. According to Mr. Whitehill, had the inlet been correctly located, the Petitioners' property would not have been zoned in the SC District as it clearly would have been part of or adjacent to the existing residential community of Kent Island Estates, which is classified in the NC-15 District.

Stephen Ziegler, a Planner for the Department of Planning and Zoning, testified on behalf of the Department of Planning and Zoning. Mr. Ziegler recommended in favor of the proposed rezoning on the grounds that the erroneous location of the inlet to Price's Creek produced a mistake as to the location of the Petitioners' property. Had the inlet been correctly located, the Petitioners' property would have been zoned consistently with adjacent residential property in the Kent Island Estate subdivision.

Ronald Zimnitzky, who resides at 406 Bay Drive, Stevensville, Maryland, Len Swain, who resides at 502 Bay Drive, Stevensville, Maryland and Earl Quandt, who resides at 1605 Riverside Drive, Annapolis, Maryland, addressed questions to Mr. Willis and Mr. Whitehill concerning the use and condition of Beach Drive which has suffered from severe erosion. Each was concerned that additional traffic would adversely affect the already poor condition of the roadbed. Mr. Willis testified that no more than four (4) houses will be allowed on the Petitioners' property. Mr. Willis did not believe the traffic creating by those 4 houses would significantly impact Beach Drive. He did agree that the road

was in extremely poor condition and required immediate attention. Mr. Swain, appearing on behalf of the Kent Island Estate Home Improvement Association and Road Maintenance Association, testified that those entities had no objection to the proposed rezoning. The County Commissioners also took note of the favorable recommendation of the Queen Anne's County Planning Commission set forth in a resolution approved unanimously at the Planning Commission's regularly scheduled meeting on December 14, 1989.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made;

- A. There is no evidence of any substantial population change in the immediate area.
- B. There are no public water or sewer facilities serving the subject property.
- C. Although some concern was expressed over possible traffic impact upon Beach Drive from the residential development of the Petitioners' property consistent with NC-15 District zoning, there is no evidence that an additional maximum of 4 homes on the Petitioners' property would overburden existing traffic flows on Beach Drive to any significant or ascertainable degree.
- D. All adjacent or contiguous lands are zoned in the NC-15 District.
- E. The proposed rezoning is consistent with the purposes set forth in Article 66B of the Annotated Code of Maryland, the Queen Anne's County Comprehensive Plan and the Queen Anne's County Zoning Ordinance.
- F. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.
- G. Upon a careful analysis of the existing Queen Anne's County Sectional Zoning Map No. 70 and Queen Anne's County Tax

Map No. 70, it is clear that the location of the inlet to Price's Creek which serves Queen Anne Marina was incorrectly located as existing to the south of the Petitioners' property. In fact, that inlet is located to the north of the Petitioner's property. The incorrect mapping of the inlet to Price's Creek created the appearance that the Petitioners' property was part of or adjacent to Queen Anne Marina which is properly zoned in the SC District. Had the Zoning and Tax Maps been correctly drawn, the location of the Petitioners' property as contiguous and adjacent to the existing residential community of Kent Island Estates would have been obvious. Under those circumstances, the property would have been zoned in the NC-15 District as are all properties in the adjacent areas of the Kent Island Estates community.

Based on the foregoing matters and after careful consideration of the evidence and testimony presented, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

Upon motion made by Mr. Baker, seconded by Mr. Riggs it was unanimously RESOLVED that the Queen Anne's County Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in these proceedings be reclassified to the Neighborhood Conservation-15 (NC-15) District.

Linda H. Palmatary  
Witness

Linda H. Palmatary  
Witness

Linda H. Palmatary  
Witness

The County Commissioners of  
Queen Anne's County

Wheeler R. Baker  
Wheeler R. Baker

Francis A. Ashley  
Francis A. Ashley

William V. Riggs, III  
William V. Riggs, III

IN THE MATTER OF THE PETITION \* BEFORE THE COUNTY  
OF 2BD LIMITED PARTNERSHIP \* COMMISSIONERS OF  
FOR A CHANGE IN THE ZONING \* QUEEN ANNE'S COUNTY  
CLASSIFICATION OF TWO PARCELS \*  
OF LAND IN THE FOURTH ELECTION\* ZONING CASE NO. 89-008  
DISTRICT, QUEEN ANNE'S CO., MD\*

DECISION

A hearing was held on Tuesday, March 20, 1990 at 11:00 a.m. upon the Petition of 2BD Limited Partnership for a change in zoning classifications of lands of the Petitioners, situate in the Fourth Election District, Queen Anne's County, Maryland, from Suburban Commercial to Urban Commercial classification. The subject properties are designated as part of Parcel No. 155 and all of Parcel No. 460 as shown on Queen Anne's County Sectional Zoning Map No. 57.

A hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland.

The Petition, Amended Petition, certificate of publication, certificate of posting of the subject properties and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

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QUEEN ANNE'S COUNTY

Jeffrey E. Thompson, Esquire appeared on behalf of the Petitioner and presented evidence on behalf of the proposed rezoning. Testimony was received from A. John Briscuso, Managing General Partner of 2BD Limited Partnership and William C. Lannom, Landscape Architect. Mr. Thompson contended that there had been a mistake in zoning the subject property and as evidence thereof he indicated that the Petitioner's property was bisected by a zoning line which designated part of Petitioner's property UC and the subject property as SC. The property is also bisected by the critical areas line. According to Petitioner, all of this combined to make a unified development of the property difficult and should be indicative of a mistake in the zoning designation.

Testimony was also received from a number of residents of the neighborhood in opposition to the property rezoning. The opponents expressed concern over changes in traffic and property values that might be caused by the rezoning and indicated their desire that the area remain residential in character.

Mr. Joseph Stevens testified on behalf of the Queen Anne's County Planning Commission who had recommended against the proposed rezoning. Mr. Stevens acknowledged the property of Petitioner was bisected by the zoning and critical areas line but indicated that this area had been studied closely in the last comprehensive rezoning and that the zoning designations of Petitioner's property were intentionally and

ATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522B  
GRASONVILLE, MD 21638

very deliberately arrived upon during that rezoning process.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made;

- A. There is no evidence of any substantial population change in the immediate area.
- B. There is and has been public sewer facilities available to the subject property.
- C. There is no evidence of increased traffic patterns or the effect of this rezoning on traffic flows.
- D. The property is presently unimproved.
- E. The property rezoning would not be consistent with the Queen Anne's County Master Plan.
- F. There has been no showing that the proposed rezoning would be in the general public interest or would promote the health, safety and welfare of the community.
- G. There has been no showing of either "change" or "mistake" in the legal sense sufficient to justify the rezoning of the subject property.

Based upon the foregoing matters and after careful consideration of the recommendations of the Queen Anne's County Planning Commission, the County Commissioners of Queen Anne's County do hereby determine that there was not a mistake in the original zoning of the subject property.

Upon motion by Mr. Riggs, seconded by Mr. Baker it was



unanimously RESOLVED that the petition of 2BD Limited Partnership be and is hereby DENIED.

Dated: April 24, 1990.

WITNESS:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

*Lynnda H. Palmatier*

*Wheeler R. Baker*  
Wheeler R. Baker

*Lynnda H. Palmatier*

*William V. Riggs III*  
William V. Riggs, III

*Lynnda H. Palmatier*

*Frances A. Ashley*  
Frances A. Ashley

04/19/90-kjr  
data/2BD

TRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522 B  
RASONVILLE, ND 21638

RESOLUTION

WHEREAS, Section 12-103 of the Tax-Property Article of the Annotated Code of Maryland authorizes the governing body of every county to set, by law the tax imposed upon every instrument of writing conveying title to real or personal property, or creating liens or encumbrances upon real or personal property which is offered for record and recorded with the Clerk of the Circuit Court of Queen Anne's County;

AND WHEREAS, the County Commissioners of Queen Anne's County, pursuant to the authorization as aforesaid, desire to fix the rate of tax imposed by Section <sup>12</sup>~~11~~-103 of the Tax-Property Article of the Annotated Code of Maryland.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Queen Anne's County, that the rate of tax applicable to instruments recorded with the Clerk of the Circuit Court for Queen Anne's County pursuant to Section <sup>12</sup>~~11~~-103 of the Tax-Property Article of the Annotated Code of Maryland shall be as follows:

In the case of instruments conveying title to property, the tax shall be at the rate of \$3.30 for each \$500.00 or fractional part thereof of the actual consideration paid or to be paid; and in the case of instrument securing a debt, the tax shall be at the rate of \$3.30 for each \$500.00 of the principal amount of the debt secured.

AND BE IT FURTHER RESOLVED that this resolution shall take effect on July 1, 1989.

ADOPTED this 27<sup>th</sup> day of June, 1989.

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

Jana M. Niles

Frances A. Ashley  
Frances A. Ashley

Wheeler R. Baker  
Wheeler R. Baker

William V. Riggs, III  
William V. Riggs, III

06/19/89-17/kjr

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QUEEN ANNE'S COUNTY

IN THE MATTER OF THE PETITION \* BEFORE THE  
 OF JOHN A. BRIGGS, JO ANN K. \*  
 BRIGGS, EARL F. DAYTON AND RACHEL \* COUNTY COMMISSIONERS  
 J. DAYTON FOR A CHANGE IN THE \*  
 ZONING CLASSIFICATION OF TWO \* QUEEN ANNE'S COUNTY  
 PARCELS OF LAND IN THE THIRD \*  
 ELECTION DISTRICT, QUEEN ANNE'S \* ZONING CASE NO. 89-006  
 COUNTY, MARYLAND \*

\*\*\*\*\*

DECISION

A hearing was held Tuesday, May 22, 1990 at 9:00 a.m. upon the Petition of John A. Briggs, Jo Ann K. Briggs, Earl F. Dayton and Rachel J. Dayton for a change in zoning classifications of lands of the Petitioners situate in the Third Election District, Queen Anne's County, Maryland, from Neighborhood Conservation-5 (NC-5) to Agricultural (AG) Classification. The subject properties are designated as Parcel 44 and Parcel 46 as shown on Queen Anne's County Section Zoning Map No. 52.

The hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 North Commerce Street, Centreville, Maryland.

The Petition, certificate of publication, certificate of posting of the subject properties and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Jeffrey E. Thompson, Esquire appeared on behalf of the Petitioners and presented testimony and evidence in favor of the proposed rezoning. Mr. Thompson contended that the present

RICK E. THOMPSON  
 ATTORNEY AT LAW  
 ROUTE 2, BOX 522 B  
 CENTREVILLE, MD 21638

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QUEEN ANNE'S COUNTY

zoning classification is not reflective of the true character of the neighborhood and that the subject properties were mistakenly zoned NC-5 at the time of the last adoption of the Queen Anne's County Comprehensive Zoning Ordinance. Mr. Eric Ruby of the Queen Anne's County Department of Planning and Zoning testified on behalf of the Planning Commission and the planning staff both of whom recommended in favor of the proposed rezoning. It was the position of both the staff and Planning Commission that for a variety of reasons there was a mistake in the original zoning of the subject properties and that the parcel sizes and uses were consistent with an Agricultural designation.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made;

- A. There is no evidence of any substantial population change in the immediate area.
- B. There is no evidence of public water or sewer facilities available to the subject property.
- C. There is no evidence of increased traffic patterns or effect of this rezoning on traffic flows.
- D. The existing land use is and has been agricultural.
- E. The proposed rezoning is not in conflict with the Queen Anne's County Master Plan.
- F. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.

Based upon the foregoing matters and after careful consideration of the recommendations of the Queen Anne's County Planning Commission, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in the original zoning of the subject property.

Upon motion by Mr. Riggs, seconded by Mrs. Ashley it was  
unanimously RESOLVED that the Queen Anne's County Zoning Ordinance  
be amended as follows:

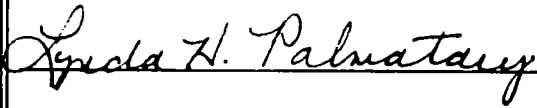
BE IT ORDAINED that the area described in these proceedings  
be reclassified to AG (Agricultural) District.

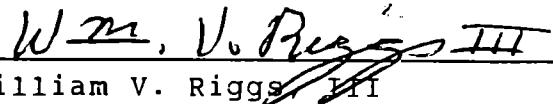
Dated: May 29, 1990

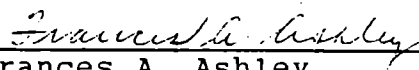
WITNESS:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

  
Wheeler R. Baker, President



  
William V. Riggs, III

  
Frances A. Ashley

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PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522B  
GRASONVILLE, MD 21638

IN THE MATTER OF THE \* BEFORE THE  
 PETITIONS OF THOMPSON CREEK \* COUNTY COMMISSIONERS  
 TOWN HOMES JOINT VENTURE AND \* OF QUEEN ANNE'S COUNTY  
 THOMPSON CREEK TOWN HOMES, INC. \*  
 FOR A CHANGE IN DEVELOPMENT AREA \* CASE NOS. DAC 89-001 and  
 CLASSIFICATION \* DAC 89-002

\*\*\*\*\*

DECISION

A consolidated hearing was held on Tuesday, May 1, 1990 at 1:30 p.m. upon the Petitions of Thompson Creek Town Homes Joint Venture (DAC #89-001) and Thompson Creek Town Homes, Inc. (DAC #89-002) requesting amendments to the Queen Anne's County Critical Area Map to change the development area classification of two parcels of land from Limited Development Area ("LDA") to Intense Development Area ("IDA"). The properties in question are located near Thompson Creek Road, Fifth Election District, Queen Anne's County and are designated as Parcels 313 and 312 on Queen Anne's County Sectional Zoning Map No. 56.

The hearing was held in the County Commissioner's Hearing Room, 208 North Commerce Street, Centreville, Maryland. Certificates of Publication, the recommendation of the Chesapeake Bay Critical Areas Commission, the recommendations of the Queen Anne's County Planning Commission, the original Petitions and certificates of posting of the properties were entered into evidence without objection.

There was no objection to the form or sufficiency of the procedure followed in processing the Petitions nor to the jurisdiction of the County Commissioners of Queen Anne's County to hear and decide the matter.

Richard Rice, Esquire appeared and testified on behalf of the Petitioners. Mr. Rice contended that there was a mistake in

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 ATTORNEY AT LAW  
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the original designation of the subject properties as LDA.

After careful consideration of the testimony and evidence presented, the recommendations of the Queen Anne's County Planning Commission and Chesapeake Bay Critical Areas Commission, the purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, Ordinance and the Comprehensive Plan, the following specific findings of fact are made:

1. The procedures outlines in Section 7012 of the Queen Anne's County Chesapeake Bay Critical Area Ordinance have been fully complied with.
2. The proposed Amendment is consistent with the purposes contained in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, in the Queen Anne's County Critical Area Program, the Comprehensive Plan and in the Chesapeake Bay Critical Area Ordinance of Queen Anne's County.
3. There was a mistake in the original classification of the subject properties based on the application of the Method for Delineating Land Use Management Classifications contained in the Queen Anne's County Critical Area Program.
4. The proposed Amendments have been approved by the Chesapeake Bay Critical Area Commission and the Queen Anne's County Planning Commission.

Based on the foregoing matters the County Commissioners do hereby determine that there was a mistake in the original designation of the subject properties as LDA.

Upon motion by Mr. Riggs, seconded by Mrs. Ashley (Mr. Baker being absent from the deliberations) it was unanimously RESOLVED as follows:

ATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 5223  
GRASONVILLE, MD 21638

BE IT ORDAINED by the County Commissioners of Queen Anne's County that the properties described in these proceedings be designated as Intense Development Areas (IDA) on the Queen Anne's County Critical Area Map.

Dated: May 29, 1990

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

Wm. V. Riggs III  
William V. Riggs III

Syda H. Palmatary

Frances A. Ashley  
Frances A. Ashley

5/25/90  
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AN ORDINANCE

To repeal and reordain Section 6007 B.1.f. of the Queen Anne's County Chesapeake Bay Critical Area Ordinance to clarify certain prohibited uses in the Resource Conservation Areas of Queen Anne's County.

SECTION 1. Be it ordained by the County Commissioners of Queen Anne's County, that Section 6007 B.1.f. of the Queen Anne's County Chesapeake Bay Critical Area Ordinance be, and it is hereby, repealed and reordained with amendments, to read as follows:

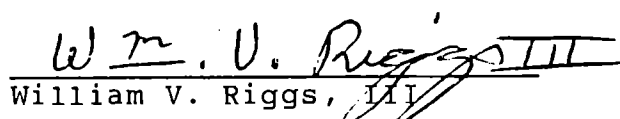
- f. New commercial and light industrial, heavy industrial, extraction and disposal, effluent disposal and lateral oil and gas drilling uses as defined in The Queen Anne's County Zoning Ordinance.

SECTION 2. And it is further ordained, that the provisions of this Ordinance shall be effective immediately upon its adoption.

ADOPTED this 21<sup>st</sup> day of August, 1990.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

  
Wheeler R. Baker, President

  
William V. Riggs, III

  
Frances A. Ashley

Attest:

  
Lynda H. Palmatary  
Clerk

8/14/90  
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QUEEN ANNE'S COUNTY

ORDINANCE NO. 92

AN ORDINANCE, PURSUANT TO SECTION 13-111 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN KENT POINT FARMS SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 13-111 of the Code of Public Local Laws of Queen Anne's County provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, the County Commissioners of Queen Anne's County, in compliance with Section 13-111 of the Code of Public Local Laws of Queen Anne's County, held public hearings after due notice was given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of the assessment, and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment;

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner on record of each parcel of property proposed to be assessed to the person in whose name the property is assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW, THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective the 16<sup>th</sup> day of October, 1990, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road Improvement" attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be SIXTY PERCENT (60%) of \$270,651.14 which sum represents 60% of the actual cost of construction of the project, and ONE HUNDRED PERCENT (100%) of \$15,800.00 which represents the total actual engineering cost.

B. Each property owner shall be assessed on a per lot basis.

C. Said special assessment shall be a lien against the property and the Treasurer of Queen Anne's County shall keep a record of the names of the property owners and the amount of the benefit charges hereby levied.


D. The special assessment levied may be payable in TEN (10) equal annual installments of principal interest. Interest shall be calculated at the rate of 9% (NINE PERCENT) per annum on unpaid balance. The first installment shall be due and payable on November 1, 1990, and annually on the same date thereafter and shall be collectable in the same manner as County taxes.

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E. No transfers of title of property assessed under this Ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

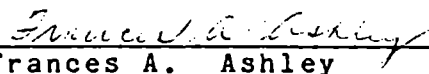
AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 16th day of October, 1992.

  
\_\_\_\_\_  
Wheeler R. Baker (SEAL)  
President

ATTEST:

  
\_\_\_\_\_  
Lynda H. Palmatary

  
\_\_\_\_\_  
William V. Riggs, III (SEAL)

  
\_\_\_\_\_  
Frances A. Ashley (SEAL)

Sworn and subscribed to before me this 16th day of October, 1992.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires 4/1/94

IN THE MATTER OF THE PETITION \* BEFORE THE  
 OF G.C.F., INC. (FORMERLY \* COUNTY COMMISSIONERS  
 ASHLEY BROTHERS, INC.) \* OF QUEEN ANNE'S  
 FOR A CHANGE IN THE ZONING \* COUNTY  
 CLASSIFICATION OF A PARCEL OF \*  
 OF LAND IN THE THIRD ELECTION \* ZONING CASE NO. \_\_\_\_\_  
 DISTRICT, QUEEN ANNE'S \*  
 COUNTY, MARYLAND \*

DECISION

A hearing was held Tuesday, February 19, 1991 at 11:00 a.m. upon the Petition of G.C.F., Inc. (formerly Ashley Brothers, Inc.) for a change in zoning classifications of land of the Petitioner situate in the Third Election District, Queen Anne's County, Maryland, from Agricultural (AG) classification to Suburban Industrial (SI) classification. The subject property is designated as Parcel 34 as shown on Queen Anne's County Section Zoning Map No. 45.

The hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 North Commerce Street, Centreville, Maryland.

The Petition, certificate of publication, certificate of posting of the subject properties and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction

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RICK E. THOMPSON  
 ATTORNEY AT LAW  
 ROUTE 2, BOX 522 B  
 PATERSONVILLE, MD 21636

of the County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire, appeared on behalf of the Petitioner and presented testimony and evidence in favor of the proposed rezoning including a deed to G.C.F., Inc. dated October 24, 1990 and recorded among the Queen Anne's County land records in Liber M.W.M. No. 359, folio 673. Mr. Price contended that the subject property was mistakenly zoned AG at the time of the adoption of the Queen Anne's County Comprehensive Zoning Ordinance. Mr. Joseph Stevens of the Queen Anne's County Department of Planning and Zoning testified on behalf of the Planning Commission and the planning staff both of whom recommended in favor of the proposed rezoning. It was the position of both the staff and Planning Commission that for a variety of reasons there was a mistake in the original zoning of the subject property. The planning staff, however, expressed concern that the mistake not be interpreted to create a precedent for rezoning of other properties which, like the Petitioner's were zoned industrial prior to the latest adoption of the Queen Anne's County Comprehensive Zoning Ordinance. Other adjoining and nearby properties to the subject property also were zoned for industrial use but rezoned to an Agricultural designation under the latest zoning maps. Such rezonings (and the coincidental creation of a floating zone) were intentionally, done not mistakenly. It appears, for reasons fully set forth in the recommendation of the Queen Anne's County Planning

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ATTORNEY AT LAW  
ROUTE 2, BOX 522 B  
GRASONVILLE, MD 21638

Commission the subject property, unlike the other properties in the vicinity, should have properly retained an industrial designation.

Upon consideration of the Petition, the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made;

- A. There is no evidence of any substantial population change in the immediate area.
- B. There is no evidence of public water or sewer facilities available to the subject property.
- C. There is no evidence of increased traffic patterns or effect of this rezoning on traffic flows.
- D. The existing land use is and has been agricultural, however, the adjoining Kudner lands are industrial and the sole access to this property is through such industrially zoned and used land.
- E. The proposed rezoning is not in conflict with the Queen Anne's County Master Plan.
- F. The proposed rezoning will be in the general public interest and will promote the health, safety and welfare of the community.

Based upon the foregoing matters and after careful consideration of the recommendations of the Queen Anne's County Planning Commission, the County Commissioners of Queen Anne's County do hereby determine that there was a mistake in

the original zoning of the subject property.

Upon motion by Mr. Riggs, seconded by Mr. MacGlashan it was unanimously RESOLVED that the Queen Anne's County Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in this proceedings be reclassified to SI (Suburban Industrial) District.

Dated: 2/26/91

WITNESS:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

Linda H. Palmatary

Wm. V. Riggs III  
William V. Riggs, III

Linda H. Palmatary

A.A. MacGlashan  
A.A. MacGlashan

Linda H. Palmatary

Oscar A. Schulz  
Oscar A. Schulz

kjr\data  
022291\GCFInc

PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522 B  
GRASONVILLE, MD 21638

QUEEN ANNE'S COUNTY IMPACT FEE ORDINANCE

WHEREAS, new development and growth in Queen Anne's County, and the incorporated towns in the County, can add to and help maintain the quality of life in the County under a balanced growth management program; and

WHEREAS, effective growth management requires that adequate public facilities be provided to serve new growth coincident with the impacts of that growth; and

WHEREAS, new growth in Queen Anne's County has created a need for (1) increased capacity of public schools throughout the County, and (2) emergency service facilities to serve areas south of U.S. Route 50 on Kent Island and areas in the vicinity to the east of Queenstown Creek in the Fifth Election District; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that new growth in the County will render existing public schools, and emergency service facilities inadequate to meet anticipated demands; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that new growth in the incorporated towns in Queen Anne's County will contribute to the inadequacy of existing public schools in that town residents attend and otherwise utilize County public schools; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that new development should assume a fair share of the cost of providing adequate capital facilities for public schools and emergency services; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that residents of Queen Anne's County will be adversely impacted if new growth in all incorporated towns in the County is not required to assume a fair share of the cost of providing adequate capital facilities for public schools and new growth in the Town of Queenstown is not required to assume a fair share of the cost of providing adequate capital facilities for emergency services; and

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WHEREAS, development impact fees are an equitable and appropriate means to help finance the capital costs of additional and expanded facilities required by new development; and

WHEREAS, the County Commissioners of Queen Anne's County, pursuant to Article 25 Section 9H of the Annotated Code of Maryland, are authorized to fix, impose, and collect development impact fees; and

WHEREAS, the County Commissioners of Queen Anne's County, pursuant to Article 23A Section 2B of the Annotated Code of Maryland, are authorized to cause such development impact fees to apply to new development in incorporated towns in the County; and

WHEREAS, the County Commissioners of Queen Anne's County have adopted a Capital Budget for needed expansions and additions to existing public schools, for construction of new public schools, and construction of new emergency service facilities; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that Queen Anne's County has insufficient financial resources to fund the additions to and expansion of existing capital facilities and the construction of new capital facilities necessitated by new development and growth in the County and its incorporated towns; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that the fair share of the cost of additional or expanded facilities or the construction of new facilities attributable to development and growth in the County and its incorporated towns can be reasonably and accurately quantified; and

WHEREAS, the County Commissioners of Queen Anne's County have determined that the imposition of impact fees on new development promotes the health, safety and welfare of the residents of Queen Anne's County, including residents of its incorporated towns;

NOW THEREFORE, the County Commissioners of Queen Anne's County hereby enact the following Impact Fee Ordinance which shall read as follows:

QUEEN ANNE'S COUNTY IMPACT FEE ORDINANCE

Section 1000 - DEFINITIONS

As used in this Ordinance, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

A. Building Permit - means the permit required by Section 9201 of the Queen Anne's County Zoning Ordinance, or the permit required by the Zoning Ordinances of the incorporated towns, as

each of them may be amended, modified or readopted from time to time, for the construction, reconstruction, extension, conversion, or alteration of structures. The term building permit, as used herein, shall not include permits for accessory structures or permits required for remodeling, replacement, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided unless (1) there is an increase in the number of dwelling units, or (2) there is an increase in nonresidential gross floor area, and or (3) there is a change in the residential use of the structure to commercial, industrial or institutional uses.

B. Capital budget - means the budget adopted by the County Commissioners of Queen Anne's County from time to time, dedicated to identifying and financing needed capital improvements.

C. Capital improvements - means land acquisition, site development, site-related improvements, purchase of equipment, or construction of structures necessary for the expansion or construction of public schools and emergency service facilities in Queen Anne's County and all costs related to.

D. Capital improvements program - means the schedule of capital improvements to be undertaken by Queen Anne's County as determined from time to time by the County Commissioners of Queen Anne's County or as set forth in the Capital Budget.

E. Farm - shall have the meaning set forth in Section 2300 of the Queen Anne's County Zoning Ordinance.

F. Floor area - has the meaning set forth in Section 2300 of the Queen Anne's County Zoning Ordinance as amended from time to time. For purposes of this Ordinance, floor area shall refer only to commercial, industrial, or institutional structures.

G. Impact fee - shall mean any charge, fee, or assessment levied as a condition of issuance of a building permit or development approval intended to fund any portion of the costs of capital improvements or any public facilities.

H. Impact fee subareas - means geographically defined areas of Queen Anne's County that have been designated by the County Commissioners of Queen Anne's County as areas in which new development will create the need for specified capital improvements to be funded in part or in whole by impact fees.

I. Impact fee subarea map - means the map of development subareas adopted by the County Commissioners of Queen Anne's County in which impact fees for specified capital improvements are imposed.

J. Incorporated towns or municipalities - means the towns of Centreville, Queenstown, Church Hill, Sudlersville, Queen Anne, Templeville, Barclay and Millington.

K. Industrial use - means any development approved by Queen Anne's County, or the incorporated towns, for industrial use of a site as defined by the Queen Anne's County Zoning Ordinance, or the Zoning Ordinances of the incorporated towns.

L. Institutional use - means any development approved by Queen Anne's County, or the incorporated towns, for institutional use of a site as defined by the Queen Anne's County Zoning Ordinance, or the Zoning Ordinances of the incorporated towns.

M. Nonresidential development - means any development approved by Queen Anne's County for commercial, industrial or institutional uses, as defined by the Queen Anne's County Zoning Ordinance, or the Zoning Ordinances of the incorporated towns.

N. Person - means the individual, corporation or other legal entity who applies for a building permit or seeks other development approval, but does not include a County, municipal, State, or Federal governmental entity or the applicant for a building permit for residential housing units subsidized by any County, municipal, State, or Federal government which are intended for low-income owners or tenants and which meet the provisions of Section 8400, et. seq. of the Queen Anne's County Zoning Ordinance.

O. Residential development - means any development approved by Queen Anne's County, or the incorporated towns, for residential use of a site as defined in the Queen Anne's County Zoning Ordinance, or the Zoning Ordinances of the incorporated towns.

P. Site - means the land on which development takes place.

Q. Site development - means engineering studies, soil testing, percolation testing, surveys, environmental assessments, site planning and other studies, drawings, assessments and tests that may reasonably be required to make a site ready for improvement.

R. Site-related improvements - means roadway construction, upgrades, or improvements, traffic control devices or measures, and other off-site improvements required for capital improvements or facilities.

S. Zoning certificate - means the permit required by Section 9230 of the Queen Anne's County Zoning Ordinance, or applicable provisions of the Zoning Ordinances of the incorporated towns, for the use or occupancy of a structure where a building permit is not required but the development of the structure will produce additional dwelling units or an increase in gross floor area.

Section 2000 - PURPOSE

This Ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of Queen Anne's County, and its incorporated towns, by:

A. Requiring all new residential and nonresidential development that add or increase the number of dwelling units or increase non-residential floor area in an identified service area to pay its proportionate fair share of the costs of capital improvements necessary to accommodate development impacts on public schools and emergency service facilities;

B. Assisting in the implementation of the General Development Plan and Capital Budget to help insure that adequate public facilities for schools, and emergency service facilities are available in a timely and well planned manner.

Section 3000 - ESTABLISHMENT OF IMPACT FEE SUBAREAS

A. An impact fee subarea is established for the purpose of imposing impact fees on new development to assist in the cost of capital improvements for emergency services facilities. The impact fee subarea shall be as set forth on the attached impact fee subarea map which is incorporated herein and made a part of this Ordinance by reference.

Section 4000 - APPLICABILITY OF IMPACT FEE

A. The impact fees established by this Ordinance for capital improvements for public schools shall be uniformly applicable to all development in Queen Anne's County and all incorporated towns located in Queen Anne's County for which a building permit or zoning certificate, as defined herein, is required.

B. The impact fees established by this Ordinance for capital improvements for emergency service facilities shall be uniformly applicable only to all development for which a building permit or zoning certificate, as defined herein, is required, in Queen Anne's County and incorporated towns included in the impact fee subarea set forth on the impact fee subarea map attached hereto and made a part of this Ordinance.

C. Impact fees shall not be assessed for nonresidential development on a farm.

Section 5000 - IMPOSITION OF IMPACT FEE

A. No building permit or zoning certificate shall be issued for a development until the impact fees established by this Ordinance have been calculated and paid.

B. In the event development is begun or completed without the payment of all applicable impact fees, the impact fees shall be a lien against the site of development, shall be levied, collected and enforced in the same manner as real property taxes imposed by Queen Anne's County, and shall have the same priority and bear the same interest and penalties as real property taxes.

Section 6000 - WHO MUST PAY IMPACT FEES

A. Any person who applies for and obtains a building permit or zoning certificate for residential development in Queen Anne's County, or the incorporated towns, must pay the impact fees established by this Ordinance for public schools.

B. In any incorporated town in Queen Anne's County that does not issue building permits or zoning certificates, any person who increases the number of dwelling units on a site must pay the impact fees established by this Ordinance for public schools.

C. Any person who applies for and obtains a building permit or zoning certificate for residential, commercial, or industrial or institutional development in the impact fee subareas established by this Ordinance must pay the impact fees established by this Ordinance for emergency service facilities.

Section 7000 - COMPUTATION OF IMPACT FEES - FEE SCHEDULE

A. Except as provided in Section 8000 of this Ordinance, the amount of the impact fee shall be determined by the fee schedule set forth in this section.

B. The impact fee schedule shall be:

<u>Land Use Type</u>	<u>School Fee Sept. 1, 1991</u>	<u>School Fee Sept. 1, 1992</u>	<u>South County Emergency Service Fee</u>
RESIDENTIAL (Per Unit)			
Single Family Detached	\$ <u>1,140</u>	\$ <u>2,280</u>	\$ <u>55</u>
Townhouses	<u>585</u>	<u>1,170</u>	<u>55</u>
Apartments/ Multifamily	<u>383</u>	<u>765</u>	<u>55</u>

Mobile Homes	<u>757</u>	<u>1,513</u>	<u>55</u>
Duplexes	<u>624</u>	<u>1,247</u>	<u>55</u>
COMMERCIAL (Per square feet of gross floor area)	*N/A		<u>0.15</u>
INDUSTRIAL (Per square feet of gross floor area)	N/A		<u>0.15</u>
INSTITUTIONAL (Per square feet of gross floor area)	N/A		<u>0.15</u>

\*Not Applicable

### Section 8000 - COMPUTATION OF FEES - SITE-SPECIFIC ANALYSIS

A. A site-specific analysis shall be used to calculate applicable impact fees if:

1. The Planning Director of the Queen Anne's County Department of Planning and Zoning determines that the proposed development does not conform to the land use types set forth in the fee schedule established in Section 7000 of this Ordinance, or

2. The proposed development cannot be quantified by the number of additional dwelling units or increase in gross floor area, or

3. The person required to pay impact fees chooses to prepare a site-specific analysis.

B. The person required to pay impact fees shall be responsible for the preparation of a site-specific analysis which may be necessary for any reason set forth in this Section.

C. The site-specific analysis shall be prepared in accordance with standard methodologies for the evaluation of impacts upon capital improvements created by new development and shall be prepared by a person or firm with sufficient professional training and experience in the preparation of such analyses. A draft site-specific analysis shall be submitted to the Planning Director who

shall make a preliminary determination on the sufficiency and accuracy of the analysis and the qualifications of the person or firm preparing the analysis.

D. In the event the Planning Director is unable to preliminarily approve the analysis, he shall inform the person required to pay impact fees in writing and shall set forth in reasonable detail the reasons for the denial. The Planning Director's denial of preliminary approval shall constitute a final administrative decision from which an appeal as provided herein may be filed. If the proposed development site is located within a municipal corporation, the Planning Director shall consult with that municipality prior to denying preliminary approval.

E. When the site-specific analysis has received the preliminary determination from the Planning Director as to form and sufficiency, the analysis shall be reviewed by the Queen Anne's County Commissioners at a regularly scheduled meeting. The Commissioners shall consider the analysis, the qualifications of the person or firm preparing the analysis, the recommendations of the Planning Director, and the recommendations of the municipal corporation if the development is located within a municipality, and shall approve, disapprove, or modify the analysis. In reaching a decision on a site-specific analysis, the Commissioners shall also consider (1) the goals and objectives of the General Development Plan and the Capital Budget, (2) whether the site-specific analysis promotes those goals and objectives, (3) whether the site-specific analysis is sufficiently detailed and mathematically quantified to permit a decision to be made on the basis of reasonably certain facts and qualified opinions, and (4) any opposition to the site specific analysis presented by members of the public. The decision of the Commissioners shall constitute a final decision from which an appeal as provided herein may be noted.

F. Upon approval of the site-specific analysis by the Commissioners, the person required to pay impact fees shall pay those fees established in the approved analysis. If the development site is located in an incorporated municipality, the municipality will be notified of the required fees.

#### Section 9000 - CREDITS

A. The conveyance of land or the dedication of any structures to the County Commissioners of Queen Anne's County by the person required to pay impact fees for use for new or expanded public schools, or emergency service facilities may, at the sole discretion of the County Commissioners, be used as a credit against impact fees due as calculated under Section 7000 or 8000 of this Ordinance.

B. The value of land conveyed or structures dedicated shall be determined by qualified appraiser selected by Queen Anne's County. The person required to pay impact fees shall be responsible for the cost of the appraisal.

C. The person required to pay impact fees and the County Commissioners of Queen Anne's County shall negotiate and execute an agreement establishing the value of the credit to be applied against the impact fees due as calculated by the provisions of this Ordinance. If the development site, or the land or dedication of any structure for credit, is located within a municipal corporation, the Commissioners or Council of the municipal corporation shall be consulted regarding the proposed conveyance or dedication prior to its execution. Upon execution of the agreement, the balance of impact fees due, if any, shall be paid as provided in this Ordinance and the land shall be conveyed in fee simple to the County Commissioners free and clear of all leases and encumbrances. In the event the agreement contemplates the dedication of structures, the person required to pay impact fees shall execute such easements and other instruments as may be requisite and necessary to authorize the County Commissioners to use the structures for public purposes.

D. Credit may not be given for:

(1) Site-related transportation improvements to local roads and collectors, including transportation improvements required for adequate access for a subdivision;

(2) Conveyance of land or construction of facilities required as part of the Planning Commission approval of the project; or

(3) Any conveyance or construction otherwise required for development under any other provision of State or County law.

E. Any land awarded credit under this Section shall be conveyed no later than the time at which development impact fees are required to be paid. The portion of the development impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the County for maintenance or when adequate security for the completion of the construction has been provided.

#### Section 10000 - ADMINISTRATION OF IMPACT FEES FUNDS

A. Impact fees are payable to the Queen Anne's County Treasurer's Office as a condition of the issuance of a building permit or use certificate and shall be delivered to the Queen Anne's County Department of Planning and Zoning. The person



required to pay impact fees shall provide the Department of Planning and Zoning with an accounting of the amount of impact fees attributable to each of the applicable capital improvement funds established herein.

B. Upon receipt of impact fees, the Treasurer's Office shall deposit the fees as directed by the Department of Planning and Zoning in one or more of the following interest-bearing accounts to be established with a financial institution authorized to receive deposits for Queen Anne's County:

1. Queen Anne's County Public School Impact Fee Fund.
2. Queen Anne's County Emergency Service Facility Impact Fee Fund.

C. The Finance Office shall maintain and keep accurate financial records for each of the funds that shall (1) show the source and disbursement of all revenues; (2) account for all fees received; (3) ensure that disbursements from the funds are used solely and exclusively for the capital improvements for which the funds were established; and (4) provide an annual accounting for each of the funds showing the source and amount of all fees collected and the capital improvements funded.

D. The Finance Office shall make its financial records of the funds available for public inspection at reasonable times and under reasonable circumstances.

E. All impact fees collected and interest accrued shall be used solely and exclusively for the capital improvements for which they were originally levied and paid.

#### Section 11000 - REFUND OF IMPACT FEES

A. Subject to the provisions of Paragraph E of this section, impact fees and appropriate accrued interest shall be refunded to the current owner of sites on which impact fees have been paid if:

1. The fees collected during one fiscal year have not been actually expended or become required to meet any incurred but unpaid capital improvement expenses by the end of the eighth (8th) fiscal year following collection.

B. Subject to the provisions of Paragraph F of this section, impact fees shall be refunded to the person who paid the fee if:

1. The building permit or zoning certificate for which the fees were paid has lapsed or otherwise become null and void without the commencement of work on or construction of the development, or

2. The development for which a building permit or zoning

certificate was issued has been altered resulting in a decrease in the amount of the impact fee due provided the funds have not been expended or encumbered., or

. The development in the incorporated towns in Queen Anne's County that do not issue building permits or zoning certificates is not commenced within two (2) years of the payment of the impact fees.

C. In the event fees become available for refund by virtue of Section B(1) or (2) the County shall retain 10% of the available refund to offset administrative cost of providing such refund.

D. For purposes of determining whether fees have been expended or become required to meet incurred but unpaid capital improvement expenses under subsection (A)(1) of this Section, Queen Anne's County shall use funds deposited to the applicable Impact Fee Fund in the order of deposit to the extent practicable (i.e., funds deposited in 1991 used or expended first, 1992 second, etc.).

E. In the event fees become available for refund by virtue of subsection (A)(1) of this Section, the Queen Anne's County Treasurer, within sixty (60) days of the end of the fiscal year in which fees become available for refund, shall publish a notice in a newspaper of general circulation in Queen Anne's County for two (2) successive weeks advising the public that impact fees collected within a specified fiscal year are available for refund upon application by the current property owner of the property on which impact fees were paid. Eligible property owners shall make application for refund within thirty (30) days of the last publication of notice. Failure to file a timely application shall constitute a forfeiture of any fees available for refund to the property owner. Such fees shall therefore be paid into the capital improvements fund of Queen Anne's County. If a portion of the impact fees collected during a fiscal year have been expended or encumbered before the end of the eighth fiscal year following collection, the Treasurer shall distribute refunds to eligible property owners on a pro-rata basis.

F. In the event fees become available by virtue of subsections B(1) or (2), or (3) of this Section, an application for refund must be filed with the Treasurer's Office by the person entitled to the fee within one (1) year of the event giving rise to the right to a refund. Failure to file an application for refund within one (1) year shall constitute a forfeiture of any fees available for refund to the property owner. Such fees shall thereafter be paid into the capital improvement fund of Queen Anne's County. The application shall be referred to the Planning Director who shall make a written report to the Treasurer's Office approving or denying the application. The decision of the Planning Director shall be a final administrative decision from which an

Director shall be a final administrative decision from which an appeal as provided herein may be noted.

Section 12000 - APPEALS

A. An appeal may be taken by any person aggrieved by a final decision of the Planning Director or the County Commissioners. Appeals from decisions of the Planning Director shall be to the Queen Anne's County Board of Appeals and shall be filed and administered in accordance with the provisions of Section 9060 of the Queen Anne's County Zoning Ordinance. Appeals from decisions of the County Commissioners shall be to the Circuit Court for Queen Anne's County.

Section 13000 - EFFECT ON OTHER ORDINANCES

A. This Ordinance shall not be construed to alter, amend, or modify any provision of the Queen Anne's County Zoning Ordinance or Queen Anne's County Critical Area Ordinance which shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions or intentions that are or may be expressed or implied herein.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY

Wm. V. Riggs III  
WILLIAM V. RIGGS, III, PRESIDENT

A.A. MacGlashan III  
A.A. MACGLASHAN, III

Oscar A. Schulz  
OSCAR A. SCHULZ

ATTEST:

Lynda H. Palmatary  
LYNDA H. PALMATARY, CLERK

DATE: 6/18/91

IN THE MATTER OF THE PETITION \* BEFORE THE  
 OF KIM'S CHESAPEAKE MOTEL COUNTY COMMISSIONERS OF  
 CORPORATION FOR A CHANGE IN \* QUEEN ANNE'S COUNTY, OF  
 THE ZONING CLASSIFICATION OF MARYLAND  
 THE PARCELS OF LAND IN THE \*  
 FIFTH ELECTION DISTRICT,  
 QUEEN ANNE'S COUNTY, \*  
 MARYLAND ZONING CASE NO. \_\_\_\_\_

\*\*\*\*\*

DECISION

A hearing was held on October 1, 1991 at 11:00 a.m. upon the Petition of Kim's Chesapeake Motel Corporation for a change in zoning classification of land of the Petitioner and land of the State Highway Administration situate in the Fifth Election District, Queen Anne's County, Maryland from Countryside (CS) classification to Suburban Commercial (SC) classification. The subject property consists of 4.464 acres, more or less, owned by Petitioner and being part of Parcel 14 as shown on Queen Anne' County Sectional Zoning Map No. 58 and .144 acres, more or less, owned by the State Highway Administration of the Maryland Department of Transportation of the State of Maryland and being part of parcel 459 as shown on Queen Anne's County Sectional Zoning Map No. 58. A plat of the subject lands by McCrone, Inc. dated May, 1991 was entered into evidence in the proceedings.

The hearing was held in the offices of The County Commissioners of Queen Anne's County, County Office Building, 208 N. Commerce Street, Centreville, Maryland.

The Petition with attached Exhibits, certificate of publication, certificate of posting of the subject properties, letter from the State Highway Administration and the recommendations of the Queen Anne's County Planning Commission were entered into evidence as part of the record without

PATRICK E. THOMPSON  
 ATTORNEY AT LAW  
 ROUTE 2, BOX 522 B  
 GRASONVILLE, MD 21638

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QUEEN ANNE'S COUNTY

objection. There was no objection to the form or sufficiency of the procedure followed in processing the Petition nor to the jurisdiction of The County Commissioners of Queen Anne's County to hear and decide the matter.

Robert R. Price, Jr., Esquire, appeared on behalf of the Petitioner and presented evidence in support of the proposed rezoning. Mr. Price contended that there was a change in character of the neighborhood since the adoption of the Queen Anne's County Zoning Ordinance sufficient to justify the rezoning of the property. Mr. Price described the construction of the Winchester Creek Service Road and the extension of public sewer as bases for the alleged change in character.

Ms. Margaret Kaii testified on behalf of the Queen Anne's County Planning Commission which had found as a matter of fact that "the construction and location of the Winchester Creek Service Road has caused a significant change in the neighborhood of the applicant's property, has isolated the applicant and the SHA's properties from the balance of the large area of CS District lands to the north producing inconsistency between the goals and objectives of the CS District and potential uses of the now isolated portion of the applicant's property." Ms. Kaii indicated that although the Planning Commission had made this finding, the Planning and Zoning staff were opposed to the rezoning of the subject properties at this time. Apparently the staff felt that although the requested rezoning might well be included in the next comprehensive rezoning of the area, the Applicant had not made a sufficient legal case to prove change in the character of the neighborhood.

While it is true that the Maryland Courts have held in some instances that construction of road improvements is insufficient to justify a reclassification of property to commercial (Dustin v. Mayor & Council of Rockville, 23 Md. App. 389) it is equally

clear that such road improvements are factors that must be taken into consideration, especially when, as here, there is no showing that the contemplated road was considered during the adoption of the last comprehensive rezoning. See Dustin, supra, Bartrik v. Calvert County Hospital, 262 Md. 434, Montgomery v. Board of County Commissioners for Prince George's County, 263 Md. 1.

The real test, in this Board's opinion, is not whether or not a new road has been constructed (or even for that matter whether public utilities have been extended to the property) but whether such factors have cumulatively operated to effect a change in the neighborhood. For example, the Dustin Court specifically found that the "physical relationship between the subject tract and the neighboring residentially zoned lands was not altered in any way by" the road extension.

In this case the physical isolation of the subject properties by the road extension creating an "island" of land severed from surrounding CS land by substantial traffic patterns, the extension of public sewer to this "island" and the illogical division of the land into SC and CS zones, all combine to clearly show a substantial change in the neighborhood sufficient to justify the requested rezoning.

Upon consideration of the Petition the recommendations of the Queen Anne's County Planning Commission and the testimony and evidence presented, the following findings of fact are made.

A. The "neighborhood" is defined as that area between Winchester Creek and Nesbit Road, Fifth Election District, Queen Anne's County.

B. There was no evidence presented relative to population change in the area.

C. Public sewer has been made available to the subject properties since adoption of the last comprehensive zoning plan.

D. Traffic patterns (as noted above) have been substantially altered so as to sever and physically isolate the subject properties from the balance of the formerly adjacent CS land. There is no evidence that the proposed rezoning will have any adverse impact on traffic flows.

E. The subject land, although vacant has to a significant extent been utilized in conjunction with the commercial uses to its south.

F. The proposed rezoning is not in conflict with the Queen Anne's County Master Plan, will be in the general public interest and will promote the health, safety and welfare of the community.

Based upon the foregoing matters and after careful consideration of the recommendations of the Queen Anne's County Planning Commission, The County Commissioners of Queen Anne's County do hereby determine that there has been change in the character of the neighborhood since the original zoning of the subject property.

Upon motion by Mr. Riggs, seconded by Mr. MacGlashan, it was unanimously RESOLVED that the Queen Anne's County Zoning Ordinance be amended as follows:

BE IT ORDAINED that the area described in these proceedings be reclassified to Suburban Commercial (SC) District.

Dated October 15, 1991

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

William V. Riggs III  
William V. Riggs III

Liquid H. Palmatary

Oscar A. Schulz  
Oscar A. Schulz

A. A. MacGlashan III  
A. A. MacGlashan, III

PATRICK E. THOMPSON  
ATTORNEY AT LAW  
ROUTE 2, BOX 522 B  
GRASONVILLE, MD 21638

10/7/91  
19A-B

92-01

## A BILL ENTITLED

## AN ACT CONCERNING

Repeal and Re-enactment with Amendments of  
the Queen Anne's County Floodplain Ordinance

For the purpose of establishing Floodplain Zones within the geographical confines of Queen Anne's County and requiring a permit for all development within the designated Floodplain Zone; providing certain minimum standards for construction within the Floodplain Zone; setting forth standards and procedures for submission and approval of plans for development; and establishing penalties for failure to comply with the provisions of this Ordinance.

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that the existing Queen Anne's County Floodplain Ordinance be and it is hereby repealed and that the attached Floodplain Ordinance be and is hereby enacted and ordained.

SECTION 2. AND BE IT FURTHER ENACTED; that the attached Ordinance shall be known and designated as the Queen Anne's County Floodplain Ordinance.

SECTION 3. AND BE IT FURTHER ENACTED; that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Oscar A. Schulz, County Commissioner

Date: January 21, 1992

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QUEEN ANNE'S COUNTY



ORDINANCE # 92-01

AN ORDINANCE ESTABLISHING FLOODPLAIN ZONES WITHIN THE COMMUNITY OF QUEEN ANNE'S COUNTY, MARYLAND AND REQUIRING A PERMIT FOR ALL DEVELOPMENT WITHIN THE DESIGNATED FLOODPLAIN ZONE; PROVIDING CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN ZONE; SETTING FORTH STANDARDS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS FOR DEVELOPMENT; AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE.

THE DEPT. OF PUBLIC WORKS OF QUEEN ANNE'S COUNTY, HEREIN REFERRED TO AS THE "LOCAL PERMITTING OFFICIAL" WILL HAVE THE AUTHORITY AND RESPONSIBILITY TO IMPLEMENT THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND AS FOLLOWS:

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QUEEN ANNE'S COUNTY

LIST OF CONTENTS

Article I Purpose and General Provisions. . . . . 3

    Sect. 1.1 Purpose and Authority. . . . . 3

    Sect. 1.2 Abrogation and Greater Restrictions. . . . . 3

    Sect. 1.3 Applicability. . . . . 4

    Sect. 1.4 Partial Invalidity and Severability. . . . . 4

    Sect. 1.5 Disclaimer of Liability. . . . . 4

Article II Definitions. . . . . 5

Article III Permit Procedures . . . . . 9

    Sect. 3.1 General . . . . . 9

    Sect. 3.2 Information for a Permit . . . . . 9

    Sect. 3.3 Subdivision Proposals . . . . . 10

    Sect. 3.4 Issuance of Permit . . . . . 11

    Sect. 3.5 Conditioned Permits . . . . . 12

    Sect. 3.6 Fees . . . . . 12

    Sect. 3.7 Penalties . . . . . 12

Article IV Establishment of Floodplain Zones. . . . . 14

    Sect. 4.1 Identification of Zones. . . . . 14

    Sect. 4.2 Floodplain Zones . . . . . 14

    Sect. 4.3 Floodplain Boundaries. . . . . 14

Article V Development Regulations in Floodplain Zones . . . 16

    Part A. Nontidal and Tidal Floodplain Zones. . . . . 17

        Sect. 5.1 General. . . . . 17

        Sect. 5.2 Elevation Requirements . . . . . 17

        Sect. 5.3 Fill . . . . . 18

        Sect. 5.4 Flood Protection Setback Requirement . . . . 18

        Sect. 5.5 Subdivision Requirements . . . . . 19

    Part B. Floodways. . . . . 19

        Sect. 5.6 General. . . . . 19

        Sect. 5.7 Alternative Analysis Requirement . . . . . 20

        Sect. 5.8 Existing Structures. . . . . 20

        Sect. 5.9 Maintenance of Natural Channels. . . . . 20

        Sect. 5.10 Obstructions. . . . . 21

    Part C. Coastal High Hazard Area (V-Zone). . . . . 21

        Sect. 5.11 General . . . . . 21

        Sect. 5.12 New and Substantially Improved Structures . 21

        Sect. 5.13 Manufactured Homes and Recreational  
                Vehicles. . . . . 22

        Sect. 5.14 Fill and Excavation . . . . . 22

        Sect. 5.15 Location of Structures. . . . . 22

        Sect. 5.16 Existing Structures . . . . . 22

Article VI Specific Requirements . . . . .	23
Sect. 6.1 Placement of Buildings and Materials . . . . .	23
Sect. 6.2 Enclosures Below Lowest Floor . . . . .	23
Sect. 6.3 Manufactured Homes and Parks . . . . .	23
Sect. 6.4 Anchoring . . . . .	24
Sect. 6.5 Utilities . . . . .	24
Sect. 6.6 Accessory Structures and Garages . . . . .	25
Sect. 6.7 Recreational Vehicles . . . . .	26
Sect. 6.8 Fill . . . . .	26
Article VII Variances . . . . .	27
Sect. 7.1 Reasons for Granting . . . . .	27
Sect. 7.2 Conditions . . . . .	27
Sect. 7.3 Functionally Dependent Uses . . . . .	28
Article VIII Effective Date and Subsequent Amendments . . . . .	29

Article I Purpose and General Provisions

**Sect. 1.1 Purpose and Authority**

The purposes of this Ordinance are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the State, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of this Ordinance.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced.

This Ordinance provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the Federal and State programs concerned with floodplain management. These programs are: the National Flood Insurance Program (44 CRF 59-79); the State's Waterway Construction Permit Program for nontidal floodplains; the State's Tidal and Nontidal Wetlands Permit Programs; the U.S Army Corps of Engineers' Section 10 and 404 Permit Programs; and the State's Coastal Zone Management Program. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful-planning processes which evaluate resource conditions and human needs.

**Sect. 1.2 Abrogation and Greater Restrictions**

This Ordinance supersedes any ordinance in effect in flood-prone areas. However, any other ordinance shall remain in full force to the extent that its provisions are more restrictive.

**Sect. 1.3 Applicability**

Any person or entity proposing to do any development within the floodplain zone regulated by this Ordinance must first obtain a permit for that development from the local permitting agency, and must comply with all provisions of this Ordinance.

**Sect. 1.4 Partial Invalidity and Severability**

If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

**Sect. 1.5 Disclaimer of Liability**

The degree of flood protection provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This Ordinance does not create liability on the part of the Community, any officer, or employee thereof for any damage which may result from reliance on this Ordinance.

Article II Definitions

- 2.1 Accessory structure - a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, eg. a shed or detached garage.
- 2.2 Base Flood - the 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this Ordinance.
- 2.3 Basement - an enclosed area which is below grade on all four sides.
- 2.4 Breakaway Wall - a wall that is not part of the structural support of a building and is intended to collapse under specific lateral loading forces without causing damage to the supporting foundation system of the building.
- 2.5 Certificate of Occupancy or Use - a permit to legally occupy or use a building for the intended purpose.
- 2.6 Development - any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials. Development includes subdivision of land.
- 2.7 Elevation Certificate - form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).
- 2.8 Flood - general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.
- 2.9 -Flood Insurance Rate Map (FIRM) - map which depicts the minimum special flood hazard area to be regulated by this Ordinance (unless a Floodway Map is available).
- 2.10 Floodplain - that land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.
- 2.11 Floodproofing - any combination of structural or nonstructural changes which reduce or eliminate flood damage to improved property.

- 2.12 Floodproofing Certificate - form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the Flood Protection Elevation.
- 2.13 Flood Protection Elevation (FPE) - the elevation of the base flood plus one foot freeboard.
- 2.14 Floodway - the channel and adjacent land area required to discharge the waters of the 100-year flood of a watercourse without increasing the water surface elevations more than a specified height.
- 2.15 Floodway Map - map which depicts floodways and special flood hazard areas to be regulated by this Ordinance.
- 2.16 Floodway Fringe - that portion of the floodplain outside the floodway.
- 2.17 Freeboard - an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.
- 2.18 Historic Structure - a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior, or determined as contributing to the historic significance of a historic district registered with Secretary of the Interior.
- 2.19 Lowest Floor - the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.
- 2.20 Manufactured Home - a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.
- 2.21 NGVD - National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level.
- 2.22 New Construction - a structure for which the start of construction commenced on or after the effective date of the adoption of a Floodplain Management Ordinance, and includes any subsequent improvements.

- 2.23 One Hundred (100) Year Frequency Flood - the Base Flood, having a one chance in a hundred (one percent chance) of being equalled or exceeded in any year.
- 2.24 Permanent Construction - any structure occupying a site for more than 180 days per year.
- 2.25 Recreational Vehicle - a vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling or camping.
- 2.26 Start of Construction - the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within 180 days of permit issuance. The actual start of construction is the placement of slab or footings, piles, columns, or actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.
- 2.27 Structure - a walled and roofed building, including, but not limited to, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.
- 2.28 Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- 2.29 Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.
- 2.30 Temporary Structure - any structure completely removed within 180 days from issuance of the permit.
- 2.31 Variance - the grant of relief from a term or terms of this Ordinance.



2.32 Wetland - any land which is: (1) considered private wetland or State wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as wetland under the procedures described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" by the Federal Interagency Committee for Wetland Delineation, 1989, as amended.

Article III Permit Procedures**Sect. 3.1 General**

A permit is required for all development in any Floodplain Zone. It shall be granted only after all necessary permit applications are submitted to federal and State agencies. A permit issued by the local permitting official under this Ordinance is not valid until all necessary permits for development are obtained. Receipt of federal or State permits does not exempt development from the provisions of this Ordinance.

**Sect. 3.2 Information for a Permit**

Applications for a Building Permit shall contain, at a minimum, the following information:

- a. name, address, and phone number of applicant (owner or agent of owner);
- b. name, address, and phone number of owner, if different;
- c. name, address, and phone number of contractor
- d. legal description of site location;
- e. proposed uses for the site;
- f. type, dimensions, and estimated cost of development proposed;
- g. site characteristics and improvements; and
- h. other information deemed appropriate by the local permitting official.

All permit applications must have a site plan drawn to scale which shows:

- a. dimensions of site;
- b. size and location of existing and proposed structures or alterations;
- c. setbacks;
- d. elevation contours in mean sea level (NGVD);
- ..... e. delineation of the 100-year flood elevation and boundary; and
- f. proposed elevation of the lowest floor and method of elevation, if applicable.

The local permit official may require plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers, and final grading as part of the permit application process.

All applicants shall agree in writing to provide an Elevation Certificate completed by a registered professional engineer or surveyor to certify the as-built lowest floor of a structure which must be elevated to or above the Flood Protection Elevation.

An Elevation Certificate must be submitted before a Certificate of Occupancy or Use may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the Flood Protection Elevation, a Nonconversion Agreement may be required, which includes an agreement to install water equalizing vents as specified in Sect. 6.2 of this Ordinance.

If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of the structure before the improvement must be supplied to the local permitting official to allow a determination of substantial improvement. The local permitting official may use tax assessment records to determine substantial improvement. In floodway and coastal high hazard areas, permits shall be tracked by property location to determine if the cumulative value of improvements constitutes substantial improvement of a structure.

#### **Sect. 3.3 Subdivision Proposals**

In addition to the information required in Sect. 3.2, an applicant for subdivision in the nontidal floodplain zone shall submit a plan to demonstrate that a building site for each lot is outside of the 100-year floodplain. The local permitting official shall assure that a plan for the perpetual protection of the floodplain areas in their natural state as required under Sect. 5.5 is included.

Subdivision plans for the tidal floodplain zone shall be reviewed to assure that the provisions of Sect. 5.5 are met, especially with regard to avoiding wetlands, low areas, and existing forest cover.

In all floodplain subdivisions, plans for maintenance of forest cover, flood protection setbacks, revegetation, accommodation of stormwater runoff, prevention of erosion, and other plans required by the local permitting official must be submitted with subdivision proposals. The plans shall be evaluated as a whole to achieve maximum preservation of the natural and beneficial floodplain functions, desirable resources, and characteristics of each site. The plan for utility ingress, stormwater drainage structures, road access, and other rights of way shall be evaluated in light of the site characteristics.

#### **Sect. 3.4 Issuance of Permit**

##### **Considerations**

Prior to issuance of a permit, the local permitting official shall determine the location of the project relative to floodways, floodplains, or V-zones and shall note on the permit the proper elevation to which

the lowest floor of proposed structures must be elevated. In approximate floodplains where an elevation is not available, the applicant shall be required to obtain such elevation. The applicant must agree to secure all other required permits, an Elevation Certificate, Floodproofing Certificate, engineering analysis, or other required verifications deemed appropriate by the local permitting official.

Permits shall be granted by the local permitting official only after determining that the proposed development will be in complete conformance with the requirements of this Ordinance and all other applicable local codes and ordinances. All other necessary permits or approvals must be applied for or granted. Permits are valid only after all other necessary permits are granted.

#### **Dam Safety**

Caution should be exercised when approving development downstream of existing or proposed dams. The condition of the dam, as well as the design criteria, hazard class, and the danger reach, should be investigated to avoid increasing potential hazards. Dams must meet design criteria based on the potential impacts downstream of the dam. Downstream development within the dam break flood wave shall be denied unless the dam meets the design standards for a high hazard dam.

#### **After Issuance and During Construction**

After issuance of a permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the local permitting official. A copy of the permit or other verification must be displayed at the construction site during construction activity.

Work on the permitted activity shall begin within 180 days of the issuance of the permit, or the permit shall expire, unless a written extension is granted by the local permitting official. Work shall be completed within one year of the date of the permit unless a greater time is specified in the permit or a written extension is granted.

During construction, the local permitting official or an authorized representative shall inspect the site to determine that the work is in compliance with the permit. Any work found to be noncompliant must be corrected before any additional work is undertaken.

### **Record of Permits**

A record of all floodplain permits shall be maintained and be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration) during periodic assessments of this community's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as Elevation Certificates, map amendments or revisions, variance actions, shall be available for review during these assessments.

### **Sect. 3.5 Conditioned Permits For Accessory Structures and Garages**

A conditioned permit may be issued at the discretion of the local permitting official when the 300 square foot exemption is exceeded for accessory structures up to a total size of 600 square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The provisions of Sect. 6.6 must be met.

A conditioned permit is subject to the applicant's completion of a Nonconversion Agreement stating that the use of the accessory structure may not change from that permitted and that it must be equipped with the proper water equalizing vents. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or Memorandum of Land Restriction must be made as described in Sect. 7.2, stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this Ordinance.

### **Sect. 3.6 Fees**

A fee may be charged at the time of application.

### **Sect. 3.7 Penalties**

A person who does not comply with a permit issued pursuant to the provisions of this Ordinance is guilty of a misdemeanor. Alternatively or in addition, the violation may be considered a civil infraction and a fine imposed, but a fine does not excuse the violation. Each day a violation continues is a separate offense. The violation must be corrected prior to any further work progressing on the project.

The Federal Insurance Administrator and the Water Resources Administration must be notified by the local permitting official within 30 days after issuance of the citation of any violation which requires a fine or court appearance. New or renewal federal flood

insurance may be denied any structure remaining in violation of this Ordinance. The violation may also violate State law, may be subject to separate action, and may incur a separate penalty.

## Article IV Establishment of Floodplain Zones

### Sect. 4.1 Identification of Flood Zones

The regulatory floodplain shall be those areas of \_\_\_\_\_ Queen Anne's County \_\_\_\_\_ which are subject to the 100-year flood, delineated on the most recent revision of the community's Floodway Maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). Floodway Maps and the FIS, if available for the community, must be used. Areas along nontidal streams that do not have FEMA delineations as described above are subject to regulation by this Ordinance and the State.

### Sect. 4.2 Floodplain Zones

A community may have one or more of the following floodplain zones:

**Nontidal Floodplains** consist of the Floodway and the Floodway Fringe. Nontidal floodplains may have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.

**Tidal Floodplains** consist of areas subject to coastal or tidal flooding by the 100-year flood. These areas are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.

**Coastal High Hazard Areas** consist of areas subject to coastal or tidal flooding with the addition of high velocity water and wind action. These areas are designated as V-Zones on the Flood Insurance Rate Maps.

### Sect. 4.3 Floodplain Boundaries

#### Floodplain Zone Determination

The local permitting official will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS if available, or, if not, by using the FIRM. Without prior approval from FEMA, the community shall use no other data to enforce floodplain management regulations. Where map boundaries and elevations disagree, elevations prevail, with no approval from FEMA required.

#### Approximate Floodplain Determination

For development proposed in the approximate floodplain (no water surface elevations or floodway data provided), the applicant must use the best available information to determine the elevation of the 100-year flood and the extent of the floodway, and must

delineate these on the site plan submitted for approval. For new subdivisions, the applicant must have the 100-year flood elevations certified by a registered professional engineer based on hydrologic and hydraulic analyses which include a floodway analysis. For individual lot development, if no data are available, the point-on-the-boundary method may be used. In this method, the distance is scaled from a reference point at the site to the edge of the 100-year floodplain boundary indicated on the FIRM. An elevation of the 100-year flood is determined at that point by survey.

#### **Unmapped Streams**

In cases in which development is proposed in the vicinity of unmapped streams, which have no delineated 100-year floodplain, the 50 foot flood protection setback from the banks of the stream described in Sect. 5.4 may be used. State permits may be required and applicants are advised to seek a determination from the State.



## Article V Development Regulations in Floodplain Zones

In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provisions shall apply to all development, new construction, and substantial improvements to existing structures in all floodplain zones. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure. The specific requirements contained in Article VI also apply to development in this Article. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable State and federal requirements.

### **Watercourses**

In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance. All conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized. Adjacent communities and property owners, FEMA, and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses. Any activity falling within the 100-year nontidal floodplain may require a waterway construction permit from the Water Resources Administration.

### **Wetlands**

Encroachment by development into wetlands is not allowed without State and federal permits. It is State and federal policy that disturbance of wetlands shall be avoided. The applicant must demonstrate that no alternatives exist and the encroachment is the minimum necessary. Mitigation may be required by the appropriate regulatory authorities.

### **Sediment and Stormwater Management**

Any land disturbance permitted in the floodplain must have a stormwater management and sediment and erosion control plan as required by State and local regulations. The plan must include design of land contours that will not increase surface water runoff onto neighboring properties. Ground cover must be established immediately after disturbance, and a plan for permanent plantings, including trees, should provide for adequate vegetative cover within the flood protection setback from watercourses to prevent erosion.

**Part A. Nontidal and Tidal Floodplain Zones****Sect. 5.1 General**

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.

**Sect. 5.2 Elevation Requirements - New and Substantially Improved Structures****Residential Structures**

All new or substantially improved residential structures, including manufactured homes, shall have the lowest floor elevated to or above the Flood Protection Elevation. Basements are not permitted. In nontidal floodplains, horizontal expansions which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the Flood Protection Elevation. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the Elevation Certificate, after the lowest floor is in place. Enclosures below the Flood Protection Elevation must be constructed with water equalizing vents to meet the specifications of Sect. 6.2. Improvements in tidal floodplains which are less than substantial shall be constructed to minimize damage during flooding or shall be elevated to the greatest extent possible.

**Nonresidential Structures**

All new or substantially improved nonresidential structures shall either be elevated as set forth above for residential structures or shall be floodproofed. Horizontal expansions in the nontidal floodplain which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the Flood Protection Elevation. State regulations do not allow basements or the floodproofing option for new nonresidential structures in nontidal floodplains.

Floodproofing designs must insure that areas below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If the floodproofing option is chosen, a Floodproofing Certificate must be completed by a registered professional engineer or architect who shall review the design and specifications and certify that the nonresidential structure will meet this standard.

### **Sect. 5.3 Fill**

The placement of more than 600 cubic yards of fill per parcel/lot in the floodplain is prohibited except by variance. Elevating buildings by other methods must be considered unless 600 cubic yards or less of fill are required. An applicant shall demonstrate that fill is the only alternative to raising the building to at least the Flood Protection Elevation, and that the amount of fill used will not affect the flood storage capacity or increase flooding onto neighboring properties.

In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the local permitting official may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill. The conditions described in Sect. 6.8 must be met whenever fill is used.

### **Sect. 5.4 Flood Protection Setback Requirement**

A minimum 100 foot flood protection setback shall be maintained from the edge of the banks of any watercourse delineated as having a floodplain on the Floodway Map or FIRM, except where the setback may extend beyond the floodplain. To prevent erosion, natural vegetation shall be maintained in this area. Where natural vegetation does not exist along the water course, and conditions for replanting are suitable, high priority shall be given to planting trees in the setback area to stabilize banks and to enhance aquatic resources.

A minimum 50 foot flood protection setback shall be maintained from the top of the bank of any stream which has no designated floodplain. Natural vegetation shall be maintained and, if needed, trees planted.

For activities within the Chesapeake Bay Critical Area, a Critical Area buffer exemption will exempt proposed development from the flood protection setback requirement. However, new construction is prohibited within the reach of mean high tide.

The local permitting official may consider a variance if the applicant demonstrates that it is impossible to allow any development without encroachment into the flood protection setback area. The variance shall be the minimum necessary and shall be made only after due consideration is given to varying other siting standards, such as side, front, and back lot line setbacks. Necessary public works and temporary construction may be exempted from this Section.

**Sect. 5.5 Subdivision Requirements**

To achieve long-term flood damage avoidance and protection of the natural and beneficial floodplain functions, creation of any new flood-prone building sites shall not be permitted in any new subdivisions regardless of size, number of lots, and location, except in tidal floodplains.

Within new subdivisions, the floodplain areas and their natural vegetation shall be preserved and dedicated to natural buffer areas, open space, recreation, and similar compatible uses by deed restriction, restrictive covenants, or donation to a land trust. At a minimum, the area preserved shall include the flood protection setback area, and, to the greatest extent possible, other floodplain areas. Steep slopes and forested areas adjacent to watercourses shall also be given high priority for preservation.

All other provisions of this Article and Article VI apply to subdivisions. The local permitting official may specify additional provisions in the plan review.

**Nontidal Floodplains**

In new subdivisions in nontidal floodplains, each lot platted must have a suitable building site outside the floodplain. Consideration must be given to clustering development out of the floodplain. The flood protection setback requirement of Sect. 5.4 shall be met. An access road at or above the elevation of the 100-year flood shall be provided.

**Tidal Floodplains**

New subdivisions in tidal floodplains shall be designed to develop the highest natural land available before floodplain lots are platted. The flood protection setback requirement of Sect. 5.4 shall be met. High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

**Part B. Floodways**

**Sect. 5.6 General**

Floodways shall be preserved to carry the discharge of the 100-year flood. Floodways present increased risks to human life and property because of their relatively faster and deeper flowing waters. Fill shall not be permitted. New structures shall not be permitted. New development shall not be permitted in the floodway where alternatives exist elsewhere or if any increase in water surface elevations will result from the 100-year flood.

Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a Conditional Letter of Map Revision. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer must be submitted. Failure to receive this Letter shall be grounds for denial of the permit.

An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of Part A above, as well as Part B, apply to floodways.

#### **Sect. 5.7 Alternative Analysis Requirement**

Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

- a. no reasonable alternatives exist outside the floodway;
- b. encroachment in the floodway is the minimum necessary;
- c. the development will withstand the 100-year flood without significant damage; and
- d. the development will not increase downstream or upstream flooding or erosion.

#### **Sect. 5.8 Existing Structures**

Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this Ordinance without increasing the footprint. Minor additions (less than substantial) must be elevated to the Flood Protection Elevation on pilings or columns. In the event of substantial damage or replacement, the applicant shall submit an alternative analysis to determine if the structure can be relocated to a less hazardous site. Where replacement structures cannot be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of Sect. 5.2 of this Ordinance. Permits for incremental improvements and additions shall be tracked by the local permitting official, and if cumulative improvements constitute substantial improvement, no further permits may be issued unless the structure conforms to the provisions of this Ordinance.

#### **Sect. 5.9 Maintenance of Natural Channel**

The natural watercourse shall be maintained for protection of aquatic resources. A variance is required for alteration of watercourses. Any variance issued must assure that the conditions for encroachment in the floodway are met, adverse impacts to aquatic

resources are minimized, and the public good outweighs the adverse impacts. The provisions of Article V pertaining to altering a watercourse must be met.

#### **Sect. 5.10 Obstructions**

Structures or fill which may impede, retard, or change the direction of the flow of flood waters, or any materials that may be carried downstream to cause damage shall not be placed in the floodway. Fences, except two wire fences, shall not be placed in the floodway.

#### **Part C. Coastal High Hazard Area (V-Zone)**

##### **Sect. 5.11 General**

New development shall not be permitted in the coastal high hazard area where the action of wind and waves, in addition to tidal flooding, is a factor unless the applicant demonstrates that:

- a. no reasonable alternative exists outside the coastal high hazard area;
- b. the encroachment into the coastal high hazard area is the minimum necessary;
- c. the development will withstand the 100-year wind and water loads without damage;
- d. the development will not create an additional hazard to existing structures; and
- e. any natural dune system will not be disturbed.

##### **Sect. 5.12 New and Substantially Improved Structures**

All new or substantially improved structures shall be elevated on adequately anchored pilings or columns to resist flotation, collapse, and lateral movement due to the effects of the 100-year water loads and wind loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood, and wind loading values shall be those required by local building standards. The bottom of the lowest horizontal structural member supporting the lowest floor shall be elevated to or above the Flood Protection Elevation. Building designs and elevations must be certified by a registered professional engineer or architect knowledgeable in such designs that the building has been designed to withstand the water and wind loads and be anchored properly. The use of slabs or other at grade foundation systems is prohibited.

The space below the Flood Protection Elevation shall be free of obstruction or may be enclosed with open wood lattice, insect screening, or breakaway walls. Glass walls are not to be considered breakaway walls. Breakaway walls shall be designed to collapse under a wind and water load less than would occur during the 100-year flood, and have a designed safe loading resistance of not less than 10 pounds and no more than 20 pounds per square foot. Enclosed areas below the Flood Protection Elevation shall be used solely for the parking of vehicles, limited storage, and building access. If such areas are enclosed, a Nonconversion Agreement, described in Sect. 3.5, must be signed by the applicant.

**Sect. 5.13 Manufactured Homes and Recreational Vehicles**

Manufactured homes are not permitted in the coastal high hazard area. Recreational vehicles must meet the requirements of Sect. 6.7.

**Sect. 5.14 Fill and Excavation**

The use of fill for the structural support of buildings is prohibited. Excavation under existing structures or excavation within any enclosed space is prohibited.

Earth or sand removed for the proper placement of pilings or columns shall be replaced. Excavation to create a basement is prohibited.

**Sect. 5.15 Location of Structures**

New construction within the reach of mean high tide is prohibited. New construction within the 100 foot flood protection setback as described in Sect. 5.4 is prohibited. Alteration of the dune system is prohibited.

**Sect. 5.16 Existing Structures**

Existing structures located in the V-zone shall not be substantially improved or expanded vertically or horizontally unless the entire foundation system is certified by a professional engineer or architect as capable of supporting the existing building and the proposed improvement during the 100-year storm as specified in Sect. 5.12. Permits for incremental improvements shall be tracked, and when cumulative improvements constitute substantial improvement, the entire building must comply with Sect. 5.12.

**Article VI Specific Requirements**

In addition to the requirements outlined in Article V, the following specific requirements must be applied.

**Sect. 6.1 Placement of Buildings and Materials**

In general, buildings and accessory structures should be located entirely out of the floodplain, out of the flood protection setback, or on land that is least susceptible to flooding. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of flood waters. Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal, or plant life, shall not be stored below the Flood Protection Elevation.

**Sect. 6.2 Enclosures Below Lowest Floor**

Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation, as well as garages and accessory structures which are not elevated (Sect. 6.6), shall be constructed with water equalizing vents which meet or exceed the following standards:

- a. a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- b. the bottom of all openings shall be no higher than one foot above grade; and
- c. openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage. If such areas are enclosed, a Nonconversion Agreement as described in Sect. 3.5 must be signed by the applicant.

In coastal high hazard areas, enclosures below the Flood Protection Elevation shall comply with the provisions of Sect. 5.12 of this Ordinance.

**Sect. 6.3 Manufactured Homes and Manufactured Home Parks**

New manufactured homes and manufactured home parks are prohibited in the coastal high hazard area and in the floodway. In other floodplain zones, all new, replacement, or substantially improved manufactured homes, whether in a manufactured home park or not, shall comply with Sect. 5.2 of this Ordinance.



Methods of anchoring shall include use of over-the-top and frame ties to ground anchors. Pilings or columns shall be used to maintain storage capacity of the floodplain. Concrete block support pilings must be reinforced by placing reinforcing bars inside and extending them into the footing, filling the hollows with cement, and using mortar to cement the blocks together. FEMA Publication 85, "Manufactured Home Installation in Flood Hazard Areas", should be consulted for specific recommendations.

Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes are considered to be new structures and must fully comply with Sect 5.2.

Owners of manufactured home parks or subdivisions that are partially or fully within the floodplain must file an evacuation plan with the local emergency management agency. In nontidal floodplains, a flood free access road shall be provided in all new manufactured home parks and subdivisions.

#### **Sect. 6.4 Anchoring**

All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding. All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

#### **Sect. 6.5 Utilities**

##### **Electric**

All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this Ordinance. Distribution panel boxes must be at least 2 feet above the Flood Protection Elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators, distribution systems, must be installed at or above the Flood Protection Elevation.

##### **Plumbing**

Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.

##### **Gas**

Gas meters, distribution lines, and gas appliances must be installed at or above the Flood Protection Elevation.

## Water Supply and Sanitary Facilities

Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of flood waters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall meet these same standards.

### Sect. 6.6 Accessory Structures and Garages

Where feasible, accessory structures and garages should be located out of the floodplain or elevated to or above the Flood Protection Elevation. When these measures are not feasible the following apply:

- a. the floor of the structure must be at or above grade;
- b. the structure must be located, oriented, and constructed so as to minimize flood damage; and
- c. the structure must be firmly anchored to prevent flotation.

#### Attached Garages

A garage attached to the main structure shall be elevated to the greatest extent possible, but may be permitted as an exemption to the strict elevation requirement if it is used solely for parking of vehicles, storage, or building access and is no more than 600 square feet in area. Attached garages must meet the venting requirements of Sect. 6.2, have all interior walls, ceilings, and floors below the Flood Protection Elevation unfinished, and have no machinery or electric devices or appliances located below the Flood Protection Elevation. A Nonconversion Agreement as described in Sect. 3.5 must be signed by the property owner stating that the garage may never be used for human habitation without first becoming fully compliant with this Ordinance.

#### Detached Garages and Accessory Structures

An accessory structure or detached garage may be permitted as an exemption to the elevation requirement if it is less than 300 square feet, used solely for parking of vehicles and limited storage, meets the venting requirements of Sect. 6.2, has all interior wall, ceiling, and floor elements below the Flood Protection Elevation unfinished, and has no machinery, electric devices, or appliances located below the Flood Protection Elevation. A Nonconversion Agreement must be signed by the property owner.

An accessory structure or a detached garage between 300 square feet and 600 square feet may be permitted below the Flood Protection Elevation only by a conditioned permit described in Sect. 3.5.

An accessory structure or garage larger than 600 square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure in Sect. 7.1 of this Ordinance.

#### **Sect. 6.7 Recreational Vehicles**

Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements provided they are:

- a. located on the site less than 180 consecutive days per year;
- b. fully licensed and ready for highway use; and
- c. properly permitted.

A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick disconnect type utilities and securing devices, and has no permanently attached additions. If it cannot meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this Ordinance.

#### **Sect. 6.8 Fill**

Fill is discouraged because storage capacity is removed from floodplains. Other methods of elevating structures should be considered first, and fill used only if other methods are not feasible. Fill may not be placed in the floodway. Fill may not be used for structural support in coastal high hazard areas. Fill may not be placed in tidal or nontidal wetlands without the required State and federal permits.

Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.

Fill used to support structures must be compacted to 95% of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and its suitability to support structures certified by a registered professional engineer. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

**Sect. 7.1 Reasons for Granting**

The Appeal Board shall hear and decide appeals and requests for variances from the requirements of this Ordinance. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the 100-year flood levels will result.

Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and State laws or ordinances.

The variance action shall be the minimum necessary, considering the flood hazard, to afford relief. In considering a variance action, comments from the State Coordinating Office of the Water Resources Administration must be taken into account and maintained with the permit file.

**Sect 7.2 Conditions**

Variances may not be granted for the following:

- a. placement of fill or any development in the floodway if any increase in flood levels would result;
- b. placement of fill in the coastal high hazard area for structural support; or
- c. new buildings in the floodway.

For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life and property in granting the variance, and the increased premium rates for National Flood Insurance coverage. The applicant shall be notified in writing of the requirement for recordation of these conditions on the deed or Memorandum of Land Restriction prior to obtaining a permit, and of the need to secure all necessary permits as conditions for granting a variance. The Memorandum is described in Article 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.

The local permitting official shall maintain a record of all variance actions and the justification for their issuance, as well as all correspondence. This record must be submitted as a part of the Biennial Report to FEMA, and be available for periodic review. The number of variance actions should be kept to a minimum.

### **Sect. 7.3 Functionally Dependent Uses**

Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use. A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water. It includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. The variance may be issued only upon sufficient proof of the functional dependence. The provisions of Sect. 7.1 and 7.2 must be met and the structure must be protected by methods that minimize flood damage up to the Flood Protection Elevation and must create no additional threats to public safety. This may require methods of "wet floodproofing" which allow the structure to flood without significant damage. Methods of floodproofing must not require human intervention.

Article VIII Effective Date and Subsequent Amendments

This ordinance is hereby enacted and shall become effective \_\_\_\_\_, 1992. This Ordinance shall be amended as required by the Federal Emergency Management Agency, 44 Code of Federal Regulations. All subsequent amendments to this ordinance are subject to approval of the Federal Emergency Management Agency and the Maryland Department of Natural Resources.

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE'S COUNTY

\_\_\_\_\_  
William V. Riggs, III

\_\_\_\_\_  
A. A. MacGlashan, III

\_\_\_\_\_  
Oscar A. Schulz

Attest:

\_\_\_\_\_  
Lynda H. Palmatary, Clerk

Date: \_\_\_\_\_

AN ORDINANCE

To adopt a new Section Section 5000 c. of the Queen Anne's County Chesapeake Bay Critical Area Ordinance.

SECTION 1. Be it ordained by the County Commissioners of Queen Anne's County that a new Section 5000 c. of Article V of the Chesapeake Bay Critical Area Ordinance be and is hereby adopted to read as follows:

- c. Notwithstanding contrary density requirements of this Ordinance, land subdivided into lots of record prior to December 1, 1985 and located within a Resource Conservation Area may be developed for any permitted residential use at a density not exceeding the number of existing lots in the subdivision.

SECTION 2. And be it further ordained, that the provisions of this Ordinance shall be effective immediately upon its adoption.

ADOPTED this 22<sup>nd</sup> day of September, 1992.

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

ATTEST:

William V. Riggs III  
William V. Riggs, III

Lynda H. Palmatary  
Lynda H. Palmatary, Clerk

A. A. MacGlashan III  
A. A. MacGlashan, III

Oscar A. Schulz  
Oscar A. Schulz

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## AN ORDINANCE

To adopt a new subsection F. to Section 8004 of the Queen Anne's County Waterfront Village Center Sub-Area Ordinance and to amend Sections 3000 and 3002 of such Ordinance to permit single family residential uses in Resource Conservation Areas.

SECTION 1. Be it ordained by the County Commissioners of Queen Anne's County that a new Subsection F. of Section 8004 of the Queen Anne's County Waterfront Village Center Sub-Area Ordinance be and is hereby adopted to read as follows:

## SECTION 8004 - F. DIRECTIONAL SIGNS

1. Off-premise directional signs shall be permitted to facilitate reasonable advertising of commercial, industrial and institutional uses within the Kent Narrows Waterfront Village Center. Off-premise directional signs shall be permitted in accordance with the following provisions:

a. One (1) off-premise directional sign shall be permitted at each of the following intersections:

- (1) Main St./Rt. 18 and "Access Road" (east of Narrows);
- (2) Kent Narrows Road and Kent Narrows Way;
- (3) Main St/Rt. 18 and "Access Road" (west of Narrows);
- (4) Piney Narrows Swan Cove Road and Piney Narrows Road;
- (5) Main St./Rt. 18 and Kent Narrows Way;

b. Each off-premise directional sign shall contain general directions (arrows pointing North, South, East and West), name and direction of relevant streets/roads and the names of each business advertised.

c. The sign shall not exceed ten (10) feet in height, nor more than thirty-five (35) square feet in sign face area.

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d. Sign and sign supports shall be constructed of natural material and consist of "earth tone" colors (i.e., brown, tan, gray). All signs shall be the same in materials and colors. Sign script shall not exceed one (1) foot in height for each business name.

e. Each off-premise directional sign shall advertise no more than eight (8) businesses.

2. The construction, design, location and placement of off-premise directional signs shall be administered by the Kent Narrows Development Foundation, who shall have discretion to establish reasonable fees and regulations for construction and maintenance of and inclusion on the signs. All signs shall be subject to the approval of the Queen Anne's County Planning Commission.

SECTION 2. And be it further ordained that Section 3000 of said Ordinance be amended by the addition of the following:

SECTION 3000 - PERMITTED USES

Single-family residences shall be permitted only on land classified as a Resource Conservation Area by the Queen Anne's County Critical Area Zoning Ordinance.

SECTION 3. And be it further ordained that Section 3002 of said Ordinance be amended by the repeal and re-adoption of the provision on "Single family residential" to read hereafter as follows:

SECTION 3002 - USES NOT PERMITTED

Single family residential (except on parcels classified as Resource Conservation Area under the Queen Anne's County Critical Area Ordinance).

SECTION 4. And it is further ordained that the provisions of this Ordinance shall be effective immediately upon its adoption.

ADOPTED this 22<sup>nd</sup> day of September, 1992.

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

ATTEST:

William V. Riggs, III  
William V. Riggs, III

Lyndia H. Palmatary  
Lynda H. Palmatary, Clerk

A. A. MacGlashan, III  
A. A. MacGlashan, III

Oscar A. Schulz  
Oscar A. Schulz

bbs  
5A-A

AN ORDINANCE

To adopt amendments to Sections 2002, 5000, 6005, 6006 and 6007 of the Queen Anne's County Critical Area Ordinance and to delete Section 6017 thereof.

SECTION 1. Be it Ordained by the County Commissioners of Queen Anne's County that Sections 2002, 5000, 6005, 6006 and 6007 of the Critical Area Ordinance be amended to read as provided on Exhibit A attached hereto and incorporated herein.

SECTION 2. And be it further Ordained that Section 6017 of the Queen Anne's County Critical Area Ordinance be deleted in its entirety.

SECTION 3. And be it further Ordained, that the provisions of this Ordinance shall be effective immediately upon its adoption.

ADOPTED this 22<sup>nd</sup> day of December, 1992.

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

ATTEST:

William V. Riggs, III  
William V. Riggs, III

Lynda H. Palmatary  
Lynda H. Palmatary, Clerk

A. A. MacGlashan, III  
A. A. MacGlashan, III

Oscar A. Schulz  
Oscar A. Schulz

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QUEEN ANNE'S COUNTY

AMENDMENTS TO THE QUEEN ANNE'S COUNTYCRITICAL AREAS ORDINANCE

[ ] - deleted

CAPS - new language

## § 2002 - DEFINITIONS

70. Project Approvals - The approval of development AND REDEVELOPMENT, other than development AND REDEVELOPMENT by a State or local government agency, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits. The term does not include building permits.

Note: [The County will permit a single lot or parcel of land as described in B.1 through B.4 above that was legally of record on June 29, 1988 to be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions contained in this Ordinance. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval prior to June 1, 1984, must comply with the provisions of this Ordinance insofar as possible. Any such parcel of land or subdivided lot 200' or less in depth, measured from the mean high water line of tidal waters or tributary streams or the edge of tidal wetlands that must comply with the density, use and setback restrictions established in B.4. Development of land described in B.1 must comply with the provisions of this Ordinance insofar as possible].

§5000. Note: NOTHING IN THIS SECTION MAY BE INTERPRETED AS ALTERING ANY REQUIREMENTS FOR DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SET OUT IN THIS ORDINANCE CONCERNING HABITAT PROTECTION AREAS AND WATER-DEPENDENT FACILITIES.

§6005 D. Site Performance Standards FOR PROJECT APPROVALS  
Development and redevelopment requiring [site plan, subdivision,  
variance, special exception, or conditional use approval] PROJECT  
APPROVALS within the IDA [development areas] shall be subject to  
the following conditions and restrictions:

§6005 E. SITE PERFORMANCE STANDARDS FOR BUILDING PERMITS

DEVELOPMENT AND REDEVELOPMENT REQUIRING ONLY THE ISSUANCE OF A  
BUILDING PERMIT WITHIN THE IDA SHALL BE SUBJECT TO THE FOLLOWING  
CONDITIONS AND RESTRICTIONS:

1. ALL ENVIRONMENTAL AND NATURAL FEATURES ON THAT PORTION OF THE  
SITE WITHIN THE CRITICAL AREA SHALL BE IDENTIFIED.
2. DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHALL BE LOCATED TO  
AVOID DISTURBANCE TO HABITAT PROTECTION AREAS. WHEN NO  
ALTERNATIVE EXISTS AND SUCH ACTIVITIES MUST CROSS OR BE  
LOCATED IN HABITAT PROTECTION AREAS, THE APPLICANT SHALL  
MINIMIZE IMPACTS TO HABITATS AND SHOW THAT NO REASONABLY  
FEASIBLE ALTERNATIVE LOCATION FOR SUCH ACTIVITY EXISTS.
3. FORESTS AND DEVELOPED WOODLANDS SHALL BE PROTECTED IN  
ACCORDANCE WITH THE FOLLOWING:
  - A. EXCEPT AS PROVIDED IN SECTION 6000 B.3, THE CLEARING OR  
CUTTING OF FORESTED OR DEVELOPED WOODLAND FOR DEVELOPMENT  
OR REDEVELOPMENT SHALL PROVIDE INSOFAR AS POSSIBLE THAT  
NO MORE THAN 20 PERCENT OF THE WOODLAND IS REMOVED.
  - B. WHEN PROPOSED DEVELOPMENT OR REDEVELOPMENT REQUIRES THE  
CUTTING OR CLEARING OF TREES, AREAS PROPOSED FOR CLEARING  
MUST BE IDENTIFIED ON THE PLAN ACCOMPANYING THE BUILDING  
PERMIT APPLICATION.
  - C. CUTTING OR CLEARING OF TREES ASSOCIATED WITH DEVELOPMENT  
OR REDEVELOPMENT SHALL PROVIDE, IN SO FAR AS POSSIBLE,  
REPLACEMENT TREES ON A ONE TO ONE BASIS ON THE SITE WITH  
A MINIMUM OF A FOUR TO SIX FOOT TALL TREE. IF  
REPLACEMENT ON-SITE IS NOT POSSIBLE, THEN REPLACEMENT  
SHALL OCCUR ELSEWHERE WITHIN THE CRITICAL AREA AS  
PROPOSED BY THE APPLICANT AND APPROVED BY THE QUEEN  
ANNE'S COUNTY DEPARTMENT OF PLANNING AND ZONING.

4. DEVELOPMENT ON SLOPES GREATER THAN 15 PERCENT SHALL BE PROHIBITED UNLESS THE SLOPE IS UNSTABLE AND SUCH DEVELOPMENT IS DEMONSTRATED TO BE THE ONLY EFFECTIVE WAY TO MAINTAIN OR IMPROVE SLOPE STABILITY.
5. A MINIMUM OF TWENTY FIVE (25) FOOT BUFFER SHALL BE MAINTAINED AROUND NON-TIDAL WETLANDS.

§6006 D. Site Performance Standards FOR PROJECT APPROVALS

Development and redevelopment requiring [site plan, subdivision, variance, special exception, or conditional use approval] PROJECT APPROVALS within the LDA [development areas] shall be subject to the following conditions and restrictions:

§6006 D. 8.

[8. Impervious surfaces shall be limited to 15 percent of the gross site area proposed for developments. However, impervious surfaces on any lot not exceeding (1) area in size in a subdivision approved after June 1, 1986 may be increased up to a maximum of twenty-five (25) percent.]

§6006 E.

DEVELOPMENT AND REDEVELOPMENT REQUIRING ONLY THE ISSUANCE OF A BUILDING PERMIT WITHIN THE LDA SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

1. ALL ENVIRONMENTAL AND NATURAL FEATURES ON THAT PORTION OF THE SITE WITHIN THE CRITICAL AREA SHALL BE IDENTIFIED.
2. DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHALL BE LOCATED TO AVOID DISTURBANCE TO HABITAT PROTECTION AREAS. WHEN NO ALTERNATIVE EXISTS AND SUCH ACTIVITIES MUST CROSS OR BE LOCATED IN HABITAT PROTECTION AREAS, THE APPLICANT SHALL MINIMIZE IMPACTS TO HABITATS AND SHOW THAT NO REASONABLY FEASIBLE ALTERNATIVE LOCATION FOR SUCH ACTIVITY EXISTS.
3. FORESTS AND DEVELOPED WOODLANDS SHALL BE PROTECTED IN ACCORDANCE WITH THE FOLLOWING:
  - A. EXCEPT AS PROVIDED IN SECTION 6000 B.3, THE CLEARING OR CUTTING OF FORESTED OR DEVELOPED WOODLAND FOR DEVELOPMENT OR REDEVELOPMENT SHALL PROVIDE INsofar AS POSSIBLE THAT NO MORE THAN 20 PERCENT OF THE WOODLAND IS REMOVED.

- B. WHEN PROPOSED DEVELOPMENT OR REDEVELOPMENT REQUIRES THE CUTTING OR CLEARING OF TREES, AREAS PROPOSED FOR CLEARING MUST BE IDENTIFIED ON THE PLAN ACCOMPANYING THE BUILDING PERMIT APPLICATION.
  - C. CUTTING OR CLEARING OF TREES ASSOCIATED WITH DEVELOPMENT OR REDEVELOPMENT SHALL PROVIDE IN SO FAR AS POSSIBLE, REPLACEMENT TREES ON A ONE TO ONE BASIS ON THE SITE WITH A MINIMUM OF A FOUR TO SIX FOOT TALL TREE. IF REPLACEMENT ON-SITE IS NOT POSSIBLE, THEN REPLACEMENT SHALL OCCUR ELSEWHERE WITHIN THE CRITICAL AREA AS PROPOSED BY THE APPLICANT AND APPROVED BY THE QUEEN ANNE'S COUNTY DEPARTMENT OF PLANNING AND ZONING.
4. DEVELOPMENT ON SLOPES GREATER THAN 15 PERCENT SHALL BE PROHIBITED UNLESS THE SLOPE IS UNSTABLE AND SUCH DEVELOPMENT IS DEMONSTRATED TO BE THE ONLY EFFECTIVE WAY TO MAINTAIN OR IMPROVE SLOPE STABILITY.
  5. (A) EXCEPT AS PROVIDED HEREIN, MANMADE IMPERVIOUS SURFACES SHALL BE LIMITED TO 15 PERCENT OF THE GROSS SITE AREA PROPOSED FOR DEVELOPMENT OR REDEVELOPMENT.
    - (B) IMPERVIOUS SURFACES MAY BE INCREASED TO NO MORE THAN 25 PERCENT OF THE GROSS SITE AREA:
      - (i) ON ANY LOT OF 1/2 ACRE OR LESS IN SIZE THAT WAS IN RESIDENTIAL USE OR ZONED FOR RESIDENTIAL PURPOSES ON OR BEFORE DECEMBER 1, 1985,
      - (ii) ON ANY LOT 1/4 ACRE OR LESS IN SIZE THAT WAS IN NON-RESIDENTIAL USE ON OR BEFORE DECEMBER 1, 1985, OR
      - (iii) ON ANY LOT 1 ACRE OR LESS IN SIZE THAT IS PART OF A SUBDIVISION APPROVED AFTER DECEMBER 1, 1985, PROVIDED THE TOTAL OF IMPERVIOUS SURFACES IN THE ENTIRE SUBDIVISION MAY NOT EXCEED 15 PERCENT.
    - (C) THIS SECTION DOES NOT APPLY TO A TRAILER PARK THAT WAS IN RESIDENTIAL USE ON OR BEFORE DECEMBER 1, 1985.
  6. A MINIMUM OF A TWENTY-FIVE (25) FOOT BUFFER SHALL BE MAINTAINED AROUND NON TIDAL WETLANDS.

§6007 E. SITE PERFORMANCE STANDARDS FOR BUILDING PERMITS

DEVELOPMENT AND REDEVELOPMENT REQUIRING ONLY THE ISSUANCE OF A BUILDING PERMIT WITHIN THE RCA SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

1. ALL ENVIRONMENTAL AND NATURAL FEATURES ON THAT PORTION OF THE SITE WITHIN THE CRITICAL AREA SHALL BE IDENTIFIED.
2. DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHALL BE LOCATED TO AVOID DISTURBANCE TO HABITAT PROTECTION AREAS. WHEN NO ALTERNATIVE EXISTS AND SUCH ACTIVITIES MUST CROSS OR BE LOCATED IN HABITAT PROTECTION AREAS, THE APPLICANT SHALL MINIMIZE IMPACTS TO HABITATS AND SHOW THAT NO REASONABLY FEASIBLE ALTERNATIVE LOCATION FOR SUCH ACTIVITY EXISTS.
3. FORESTS AND DEVELOPED WOODLANDS SHALL BE PROTECTED IN ACCORDANCE WITH THE FOLLOWING:
  - A. EXCEPT AS PROVIDED IN SECTION 6000 B.3, THE CLEARING OR CUTTING OF FORESTED OR DEVELOPED WOODLAND FOR DEVELOPMENT OR REDEVELOPMENT SHALL PROVIDE INSOFAR AS POSSIBLE THAT NO MORE THAN 20 PERCENT OF THE WOODLAND IS REMOVED.
  - B. WHEN PROPOSED DEVELOPMENT OR REDEVELOPMENT REQUIRES THE CUTTING OR CLEARING OF TREES, AREAS PROPOSED FOR CLEARING MUST BE IDENTIFIED ON THE PLAN ACCOMPANYING THE BUILDING PERMIT APPLICATION.
  - C. CUTTING OR CLEARING OF TREES ASSOCIATED WITH DEVELOPMENT OR REDEVELOPMENT SHALL PROVIDE IN SO FAR AS POSSIBLE, REPLACEMENT TREES ON A ONE TO ONE BASIS ON THE SITE WITH A MINIMUM OF A FOUR TO SIX FOOT TALL TREE. IF REPLACEMENT ON-SITE IS NOT POSSIBLE, THEN REPLACEMENT SHALL OCCUR ELSEWHERE WITHIN THE CRITICAL AREA AS PROPOSED BY THE APPLICANT AND APPROVED BY THE QUEEN ANNE'S COUNTY DEPARTMENT OF PLANNING AND ZONING.
4. DEVELOPMENT ON SLOPES GREATER THAN 15 PERCENT SHALL BE PROHIBITED UNLESS THE SLOPE IS UNSTABLE AND SUCH DEVELOPMENT IS DEMONSTRATED TO BE THE ONLY EFFECTIVE WAY TO MAINTAIN OR IMPROVE SLOPE STABILITY.
5. (A) EXCEPT AS PROVIDED HEREIN, IMPERVIOUS SURFACES SHALL BE LIMITED TO 15 PERCENT OF THE GROSS SITE AREA PROPOSED FOR DEVELOPMENT OR REDEVELOPMENT.
  - (B) IMPERVIOUS SURFACES MAY BE INCREASED TO NO MORE THAN 25 PERCENT OF THE GROSS SITE AREA:
    - (i) ON ANY LOT OF 1/2 ACRE OR LESS IN SIZE THAT WAS IN RESIDENTIAL USE OR ZONED FOR RESIDENTIAL PURPOSES ON OR BEFORE DECEMBER 1, 1985,



- (ii) ON ANY LOT 1/4 ACRE OR LESS IN SIZE THAT WAS IN NONRESIDENTIAL USE ON OR BEFORE DECEMBER 1, 1985, OR
  - (iii) ON ANY LOT 1 ACRE OF LESS IN SIZE THAT IS PART OF A SUBDIVISION APPROVED AFTER DECEMBER 1, 1985, PROVIDED THE TOTAL OF IMPERVIOUS SURFACES IN THE ENTIRE SUBDIVISION MAY NOT EXCEED 15 PERCENT.
  - (C) THIS SECTION DOES NOT APPLY TO A TRAILER PARK THAT WAS IN RESIDENTIAL USE ON OR BEFORE DECEMBER 1, 1985.
6. A MINIMUM OF TWENTY FIVE (25) FOOT BUFFER SHALL BE MAINTAINED AROUND NON-TIDAL WETLANDS.

[ §6017 - BUFFER EXEMPTION.] Delete in its entirety.

§7012 A.

Text or map amendments may be initiated by resolution of the County Commissioners or by a petition of the property owner filed with the County Commissioners. All petitions filed by property owners for map amendments shall be accompanied by the information required in Section [9011] 9060 of the Queen Anne's County Zoning Ordinance and a fee prescribed by the County Commissioners.



ARTICLE I - TITLE, AUTHORITY, PURPOSE, APPLICABILITY AND JURISDICTION

SECTION 1000 - TITLE

This Ordinance shall be known as the "Queen Anne's County Waterfront Village Center District Sub-Area Ordinance".

SECTION 1001 - PURPOSE

The Waterfront Village Center (WVC) District is intended to preserve the character of the working waterfront in the Kent Narrows area and allow greater freedom, imagination, and flexibility in the development of land surrounding the waterfront while insuring excellence in urban design and district appearance. The Waterfront Village Center District allows flexibility in the relationship of uses, structures, openspaces, water views and vistas, and heights of structures. This Ordinance is further intended to encourage more rational and economic development, and to encourage consistency with the objectives of the Kent Narrows Development Foundation, the Kent Narrows Waterfront Village Center Development Handbook, and the Subarea Plan For the Kent Narrows.

SECTION 1002 - RELATIONSHIP TO OTHER ORDINANCES

- A. Only those provisions of the Queen Anne's County Zoning Ordinance specifically referenced in this Ordinance shall apply to the Waterfront Village Center District. All land within the Waterfront Village Center District shall continue to be subject to the force, effect and regulation of the Queen Anne's County Critical Area Ordinance.
- B. All provisions of this Ordinance shall be construed to be in addition to all other applicable laws and rules of the federal government and the State of Maryland. In the case of any conflict between this Ordinance and any such other law, ordinance or rule, the more restrictive shall prevail. Reference in this Ordinance to any law, statute, ordinance rule or regulation in force on the date of enactment of the Ordinance includes any amendment in force at the time to which such reference relates.

SECTION 1003 - JURISDICTION AND APPLICATION

- A. These provisions shall apply to all land within the Waterfront Village Center District as shown and designated on the Queen Anne's County Zoning Map.
- B. No person shall develop, alter, or use any land for residential, commercial, industrial, or institutional uses in the Waterfront Village Center District except in compliance with this Ordinance and unless the Planning Commission, the Planning Director or the Board of Appeals, as the case may be, has made findings that the proposed development or activity is consistent with the standards, goals and objectives of this Ordinance.

## SECTION 1004 - INTERPRETATION

- A. This Ordinance shall be interpreted, whenever an administrator or the judiciary is called upon to do so, in conformity with the purposes intended to be served by its enactment. The intent of the regulations and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed development or activity within the Waterfront Village Center District. To this end, those called upon to interpret this Ordinance shall proceed as follows:
1. Determine the public purpose(s) of the standard(s) with respect to which an interpretation is required.
  2. Determine the actual impact of various proposed interpretations, permitting flexibility in design but prohibiting any interpretation that lowers the protection afforded to the public and would be inconsistent with the goals and objectives of this Ordinance.
  3. Determine whether the proposed interpretation will insure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

## ARTICLE II - DEFINITIONS

## SECTION 2000 - PURPOSE

It is the purpose of this Article to define words, terms and phrases contained in this Ordinance.

## SECTION 2001 - WORD USAGE

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G. The word "County" shall mean Queen Anne's County, Maryland.
- H. The word "Board" shall mean the Queen Anne's County Board of Appeals.

- I. The word "Foundation" shall mean the Kent Narrows Development Foundation.
- J. The word "Commissioners" shall mean the Queen Anne's County Board of Commissioners.
- K. The words "Planning Commission" shall mean the Queen Anne's County Planning Commission.
- L. The words "Planning Director" shall mean the Planning Director of Queen Anne's County.
- M. The words "Recorder" and "Recorder of Deeds" shall mean the Queen Anne's County Clerk of the Circuit Court.
- N. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
- O. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

#### SECTION 2002 - DEFINITIONS

When used in this Ordinance, the following terms shall have the succeeding meanings.

**Accessory Dock Facility** - A structure(s) used for docking of boats that is supplemental to a commercial use located on the water and provides temporary docking for patrons of the use or uses in the vicinity.

**Agricultural support activities** - These are grain elevators, heavy farm equipment sales, and seed and supply stores.

**Apartment, commercial** - An apartment located above the first floor of a commercial building.

**Arcade** - A continuous semi-covered area, adjacent to public pedestrian areas.

**Attic** - That part of a building which is immediately below, and wholly or partly within, the roof framing.

**Auxiliary sign** - A sign which provides special information such as direction, price, sales information, hours of operation, or warnings, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, and signs which list prices of gasoline.

**Average ground elevation** - The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**Bed and Breakfast/Country Inn** - A dwelling unit and guest rooms where the guest receive a room and at least one meal per day.

**Boatel** - (RESERVED).

**Building** - A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

**Building, accessory** - A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use except as otherwise expressly authorized by provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

**Building front** - The exterior wall of a building which faces the primary access point of the property or the wall that contains the primary access into the building.

**Building height** - The vertical distance as measured from the average ground elevation to the highest point on such building.

**Building line** - A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Ordinance. The building line limits the area in which principal buildings are permitted subject to all applicable provisions of this Ordinance. This is also referred to as a "setback".

**Chesapeake Bay Critical Area - Coastal Area** as defined by State of Maryland Natural Resources Article 8-1807 (C), Annotated Code of Maryland.

**Cluster residential use** - See Section 4006 (B) of the Queen Anne's County Zoning Ordinance.

**Community Piers** - Boat docking facilities for use by owner, tenants and guests of land within subdivisions, or condominium, apartment, and other multiple-family dwelling units. Private piers and commercial marinas are excluded from this definition.

**Comprehensive Plan** - The Queen Anne's County Comprehensive Plan and all accompanying maps, charts, and explanatory material adopted by the County on April 7, 1987, and all amendments thereto.

**Conference center** - Facilities for the purpose of conducting training, discussions, meetings, conferences or seminars with attendant amenities required for such purposes and for the care of the participants including facilities for lodging, food service and recreation.

**Cutoff** - The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

**Cutoff angle** - The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutoff-type luminaire** - A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cut off angle that is less than ninety (90) degrees.

**Dedication** - The transfer of property interest from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee interest including an easement.

**Density, gross (GD)** - The quotient of the total number of dwelling units divided by the area of a site.

**Developer** - The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development including optionee or contract purchaser.

**Development** - The division of a parcel of land into two (2) or more parcels; the construction,

reconstruction, conversion, structural alteration, renovation, relocation, or enlargement of any structures; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

Development sign - A sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

Directional sign - A sign that provides off-site directional information following a standard format for important municipal, emergency, or educational uses, or identifies general commercial areas or places.

Dwelling - Any building or portion thereof which is designated or used for residential purposes.

Dwelling unit - A room or group of rooms providing, or intended to provide, living quarters for not more than one (1) family.

Elevated Bridge - That portion of the U.S. Route 50/301 which is a raised, not graded, structure built to provide access across or over the Kent Narrows.

Exterior storage - Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Fast food restaurant - See Restaurant, fast food.

Floodplain, coastal - Coastal floodplains are those areas inundated by a 100-year storm as designated on the FEMA flood insurance maps whose surface elevation is seven (7) feet or less based on the national geodetic vertical datum of 1929.

Floor Area - The sum of the gross area for each floor of a building's stories measured from the exterior limits of the faces of the structure. The floor area includes habitable basement floor area, but includes attic floor area only if the attic meets the Queen Anne's County Building Code standards for habitable floor area. It does not include cellars, unenclosed porches, arcades, or any floor space in an accessory structures or in the principal structure which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor area ratio - An intensity measured as a ratio derived by dividing the total floor area of a building by the site area. Where the lot is part of a larger development and has no bufferyard, that lot area may be used instead of the base site area.

Footcandle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Freestanding sign - A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

Garden center - A place of business where retail and wholesale garden products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Graded Road - Roadway or embankment located at or adjacent to ground level.

Gross density - See Density, gross.

Helipad - A landing pad for use by one helicopter.

Highway, arterial - These roads are intended to provide for high-speed travel between or within communities or to and from collectors and expressways. Access is controlled so that only regionally significant land uses may take direct access to these streets. These highways are designated in the Queen Anne's County Comprehensive Plan.

Highway, collector - Collector roads connect residential streets to the highway system's major and high-speed arterial roads or provide access to nonresidential uses and arterial streets. These highways are designated in the Queen Anne's County Comprehensive Plan.

Highway, freeway - Arterial highway with restricted or limited access.

Home occupation - A business, profession, occupation, or trade conducted for gain or support, employing no more than one employee other than the resident of the building, and located entirely within a residential building, or a structural accessory thereto, which is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel - A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight lodging facilities for periods not to exceed thirty (30) days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services.

Hotel, resort - A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight lodging facilities for periods not to exceed thirty (30) days to the general public for compensation with or without meals, and which has common facilities for reservation and cleaning services and on-site management. Generally located along waterfront, marinas, and beach areas and catering to leisure and recreational type activities.

Impervious surface - Impervious surfaces are those which do not absorb water. They consist of all building, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Institutional residential uses - These include convents or monasteries, group care facilities, rooming houses and shelter care homes.

Lot - A parcel of land undivided by any street or private road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development.

Lot line - A property line bounding a lot except that where any portion of the lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.



Lot line, front - A lot line which abuts a public street, right-of-way or waterway. In the case where a lot has two or more frontages, the lot line most closely parallel with the front door shall be the front lot line.

Lot line, rear - In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line twenty feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be the rear lot line. In the case of lots that have frontage on more than one road, street, or waterway, the rear lot line shall be the opposite line along which the lot takes access to the street.

Lot line, side - Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side - Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record - Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot width - The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line. Where there is only one (1) side lot line, lot width shall be measured between such lot line and the opposite line or future right-of-way line.

Luminaire - A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Maintenance guarantee - A guarantee of facilities or work to insure the correction of any failures of any improvements required pursuant to this Ordinance and regulation, or to maintain same.

Marina - Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers, accessory docking facility and other noncommercial boat docking and storage facilities.

Marquee - The sign of a theater, auditorium, fairground, or museum, which advertises present and scheduled events.

Motel - See Hotel.

Nonconforming use - An activity using land, buildings, signs, and/or structures which were legally established prior to the effective date of this ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance.

Office - See Section 4008 of the Queen Anne's County Zoning Ordinance.

Office, temporary - See Section 4010 of the Queen Anne's County Zoning Ordinance.

Off-premise sign - Any sign advertising a business or service which is not provided on the same lot as the sign, or any sign advertising a product which is not manufactured on the same lot as the sign (more commonly referred to as "billboards").

Open space - Land restricted by Article IV of this Ordinance, to be kept in vegetation and used for recreational or landscaping.

Open space ratio - The proportion of a site required to be maintained as open space.

Planned residential development - A development that contains one (1) or more of the dwelling unit types referred to in Section 5105 of the Queen Anne's County Zoning Ordinance, except cluster house. See also, Section 4006 of the Queen Anne's County Zoning Ordinance.

Planning Director - The administrative head of the Department of Planning and Zoning, referred to in Article IX of the Queen Anne's County Zoning Ordinance.

Principal use - See use, principal.

Projecting sign - A sign, other than a wall sign, which is attached to and projects perpendicular from a structure or building face. The sign face of double-faced projecting signs is calculated by measuring one (1) face of the sign only, provided both faces are back to back.

Public improvement - Any improvement, facility, or service together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation system, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public openspace - A designated area dedicated to the use of the public for their enjoyment and use.

Public pedestrian access improvements - Pedestrian circulation improvements as designated in the circulation plan in the Kent Narrows Design Handbook.

Public service - Any service rendered to the general public by an agency of government, or a facility maintained in connection with the rendition of such service, including road maintenance garages, firehouses, police facilities, ambulance garages and government offices. For purposes of the definition, a recognized volunteer fire company which receives an appropriation from Queen Anne's County shall be deemed to be an agency of government.

Regional Shopping Center - A group of commercial establishments planned, developed, and managed as a unit having in excess of fifty thousand (50,000) square feet of gross floor area.

Restaurant, fast food - An establishment whose principal business is the sale of foods and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in containers or in paper, plastic, or other disposable containers.

Restaurant, standard - An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Sedimentation - The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Setback - See Building line.

Sign - Any object, device, display, structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

Single-family residential use - See Section 4006(A) of the Queen Anne's County Zoning Ordinance.

Site plan - A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas along with certain information as required in Article IX of the Queen Anne's County Zoning Ordinance.

Structural alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure - Any construction, production or piece of work which is artificially built up or composed of parts joined together in some definite manner. "Structure" includes buildings and signs.

Subdivision - Any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change or arrangement of boundaries. All subdivisions are also developments.

Temporary sign - A sign or advertising display constructed of cloths, canvas, fabric, paper, plywood, or other light material and intended to be displayed temporarily.

Temporary use - See Use, temporary.

Use - The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory - An accessory use is one which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use.

Use, principal - The specific primary purpose for which land is used.

Use, temporary - A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance - Permission to depart from the literal requirements of this Ordinance granted pursuant to Article IX of the Queen Anne's County Zoning Ordinance.

Wall sign - A sign mounted parallel to a building facade or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than eighteen (18) inches from its surface.

Wetland, Non-tidal - Those areas regulated under Title 9 of the Natural Resources Article, Annotated Code of Maryland, where an area is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions commonly known as hydrophytic vegetation.

Wetland, Tidal - State wetlands that are defined as any land under the navigable waters of the State below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands defined as any land not considered State wetlands' bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

Zoning map - The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, "Official Zoning Maps, Queen Anne's County, Maryland".

### ARTICLE III - PERMITTED USES, CONDITIONAL USES, AND THOSE USES NOT PERMITTED

#### SECTION 3000 - PERMITTED USES

The following uses shall be permitted uses in the Waterfront Village Center District (WVC).

- Single-family residences shall be permitted only on land classified as a Resource Conservation Area by the Queen Anne's County Critical Area Ordinance.
- Planned residential development as defined in Section 4006 (C) the Queen Anne's County Zoning Ordinance.
- The following institutional uses: aquariums, conference centers associated with nonprofit institutions, community or recreational centers, gymnasiums, libraries, museums, indoor skating rinks, indoor swimming pools, indoor tennis courts, indoor racquetball courts, indoor handball courts.
- Public services as defined in Section 4007 of the Queen Anne's County Zoning Ordinance.
- The following outdoor recreation uses: jogging, cycling, tot lots, play fields, outdoor swimming pools, tennis courts, put-put golf, and all passive recreational uses such as nature areas, picnic areas and wildlife sanctuaries.
- The following commercial uses: offices, barbershops; ice cream stores and stands, light mechanical repair, liquor stores, retail sales, specialty retail sales, photo shops, tailor shops, shoe repair, boat repair and sales, repair shops furniture sales, garden centers, banks and other financial institutions; service business; travel agencies; restaurants, bars, taverns, convenience

stores, as part of a larger development), hotels, motels, convention centers, bed and breakfast country inns, fraternal organizations and yacht clubs, commercial apartments, regional shopping centers.

- Light industrial uses as defined by the Queen Anne's County Zoning Ordinance unless specifically listed therein as a conditional use.
- Dredge disposal which disturbs less than 10 acres of land.
- Aquaculture.

#### SECTION 3001 - CONDITIONAL USES

The following uses shall be permitted uses provided conditional use approval is obtained by the Board of Appeals under the procedures, standards and conditions in Section 7200, et. seq. of the Queen Anne's County Zoning Ordinance and shall be subject to all the applicable development standards and regulation of the Queen Anne's County Zoning Ordinance.

- Marinas
- Boatels
- Cluster residential development
- home occupations
- towers
- helipads for private use
- institutional residential uses
- all minor extraction and disposal uses as defined by the Queen Anne's County Zoning Ordinance, unless specifically permitted by this Ordinance.

#### SECTION 3002 - USES NOT PERMITTED

The following uses shall not be permitted in the Waterfront Village Center (WVC):

- Agriculture (except aquaculture), forestry, nurseries
- Single-family residential (except on parcels classified as Resource Conservation Area under the Queen Anne's County Critical Area Ordinance).
- Mobile home parks
- Agricultural support activities
- Private landing strips
- Heavy industrial
- Effluent disposal uses
- Airports and public heliports.
- New and used car sales

#### SECTION 3003 - TEMPORARY USES

Temporary Uses are permitted in the Waterfront Village Center (WVC) only as expressly provided for in Section 4010 of the Queen Anne's County Zoning Ordinance.

## ARTICLE IV RESIDENTIAL PERFORMANCE STANDARDS

## SECTION 4000 - RESIDENTIAL DENSITIES

Planned residential development shall be allowed a gross site density of 8 dwellings per acre.

## SECTION 4001 - BULK STANDARDS

Bulk requirements for planned residential development shall be those prescribed in Section 5105 of the Queen Anne's County Zoning Ordinance. In no case, however, shall any principal residential structure be located within 25 feet of any tidal or nontidal wetland.

## SECTION 4002 - OPEN SPACE

Open space ratio (OSR) for all planned residential development shall be .30 .

## ARTICLE V. NON-RESIDENTIAL PERFORMANCE AND BULK STANDARDS

## SECTION 5000 - NONRESIDENTIAL FLOOR AREA

The maximum nonresidential floor area ratio shall be .3 . A floor area ratio bonus may be granted by the Planning Commission based upon the development bonus schedule in Section 9001.

## SECTION 5001 - NONRESIDENTIAL BUILDING SETBACKS

All nonresidential structures shall comply with the following minimum bulk requirements.

## WATERFRONT VILLAGE CENTER

<u>Feature</u>	<u>Setback</u>
Route 50/301 (graded road)	50 feet
Route 50/301 (elevated bridge)	25 feet
Route 18	25 feet
All other public roads	25 feet
Tidal Wetland	15 feet
Nontidal Wetland	25 feet
Between all structures	6 feet
Rear Yard	10 feet
Side Yard	10 feet*

\*Buildings on two adjacent lots or parcels may have less than a ten (10) foot setback from the property line provided the spacing between buildings is at least twenty (20) feet.

## SECTION 5002 - HEIGHT LIMITATIONS

The maximum height of any building shall not exceed forty five (45) feet.

A building height bonus may be granted by the Planning Commission based upon the development bonus schedule in Section 9001. In no event shall the resulting building height exceed the height of (60) feet.

ARTICLE VI. PARKING

SECTION 6000 - PARKING REQUIREMENTS

1. The parking requirements for all development shall be those required by the Queen Anne's County Zoning Ordinance except for the following:
  - a. The applicant may petition the Planning Commission to reduce the required parking and the Planning Commission may reduce the required parking by up to 25% provided the applicant enters an agreement with the County Commissioners which will allow the parking area to be accessed by the general public;
  - b. Parking required under this Section or the Queen Anne's County Zoning Ordinance may be provided completely or partially off site as long as the parking area is in the WVC Zoning District and the applicant enters into a written agreement with the County ensuring access for the development and the general public.
2. The proposed development shall be generally consistent with the circulation plan as described in the Comprehensive Plan and the Kent Narrows Development Handbook.
3. A maximum of twenty five percent (25%) of the required parking spaces, exclusive of handicapped spaces, may be provided in small car spaces (7 1/2 ft. x 16 ft.). All small car spaces must be clearly and distinctively marked as small car spaces by signs or other markings. Regular spaces shall be 8 1/2 ft. x 18 ft.

ARTICLE VII. ACCESSORY DOCKING FACILITIES.

SECTION 7000

Subject to the limitations of Section 5420 of the Queen Anne's County Zoning Ordinance, Accessory Docking Facilities shall be allowed in the Waterfront Village Center District (WVC) provided:

1. No overnight occupancy shall be permitted at any accessory docking facility; and
2. Only docks and piers are permitted.

ARTICLE VIII. SIGNAGE

SECTION 8000

Commentary: Signage associated with various land uses can have a significant effect on the health, safety and welfare of the citizens of Queen Anne's County. It is desirable to minimize signs which distract a driver's attention from the road. It is also recognized, however, that signage is a necessity for business areas to thrive.

The Kent Narrows Waterfront Village Center District is intended to be an economic and commerce center in the County. The Kent Narrows Development Plan is aimed at creating a destination place for tourism and recreational activities. The new high level Kent Narrows Bridge and road improvements move traffic through the area at a much faster speed, thereby, making it more difficult

for individual businesses to attract visitors.

Balancing these two conflicting interests is not an easy task. Sign regulations which are extremely permissive will block waterviews, act as an unsightly distraction to both pedestrians and vehicle traffic, and detract from the desired character of the area. Yet, overly restrictive sign regulations will prevent local businesses from obtaining the visibility they need.

The following regulations are intended to allow reasonable visibility to area businesses while not detracting from the character of the Kent Narrows.

**SECTION 8001. MEASUREMENT OF SIGNAGE AREA.**

The signage area shall be measured in the manner prescribed in Section 6401 of the Queen Anne's County Zoning Ordinance.

**SECTION 8002. SIGN LIGHTING**

Sign lighting shall be permitted and defined in the manner prescribed in Section 6402 of the Queen Anne's County Zoning Ordinance.

**SECTION 8003. GENERAL REGULATIONS.**

A. Except as provided herein, the general signage regulations for all development shall be those prescribed in Section 6403 of the Queen Anne's County Zoning Ordinance.

B. **WVC SIGNAGE PERFORMANCE STANDARDS**

<u>Sign type</u>	<u>Square feet</u>
<u>Parcels with one (1) use or business</u>	
Wall or projecting sign	
individual sign	90 square feet
cumulative area	180 square feet
One Freestanding sign	60 square feet
Maximum height for freestanding sign	15 feet

Parcels with more than one (1) use or business

Wall or projecting sign per business	60 square feet
Freestanding sign for parcel	60 square feet
Wall or projecting to identify overall development	
individual sign	90 square feet
cumulative	180 square feet
Maximum height for freestanding sign	15 feet



Parcels with regional shopping centers

Wall or projecting sign per business	60 square feet
One (1) freestanding sign for entire parcel	150 square feet
Maximum height for freestanding sign	25 feet

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As prescribed in the table above, a parcel with more than one business is permitted a freestanding sign for the overall site, a wall or projecting sign for each business and wall or projecting sign to identify the overall site.

SECTION 8004. DETAILED SIGNAGE REGULATIONS BY SIGN TYPE.

A. Use Signs.

1. When a use takes direct vehicular access from more than one (1) street or road, one (1) additional free standing sign shall be permitted for each such road to which the use takes access.
2. When a use adjoins more than one (1) street or road each frontage shall be permitted a freestanding sign provided the total square footage of freestanding signage on the site does not exceed what is otherwise permitted for freestanding signage.
3. When a nonresidential use adjoins a navigable waterway the following signage may be allowed in addition to what is otherwise permitted by this Ordinance:
  - a. one (1) freestanding sign not to exceed ten (10) feet in height and thirty five (35) square feet.

B. Development Signs.

1. Residential development signs shall only provide the name of the subdivision and/or a logo for the development. The sign face for residential developments shall not exceed six (6) feet in height, nor be more than thirty six (36) square feet in area.
2. All development signs shall be freestanding.
3. Lighting of the development sign may be by the general lighting of the area, shielded spot lighting, internal backlighting, or backlighting.

C. Additional Regulations.

1. Marquee signs for theaters, museums and auditoriums shall be permitted one sign not to exceed fifteen (15) percent of the area of the facade on which it is located or two hundred and fifty (250) feet, whichever is less.
2. Auxiliary signs. Commercial uses shall be permitted one (1) auxiliary sign. An auxiliary sign may be free standing, attached to a freestanding sign or attached to the building. No auxiliary signs shall exceed thirty two (32) square feet, be more than

four (4) feet high, or be more than twenty (20) feet from the building. A portable freestanding signs may not be considered auxiliary.

D. Directional Signs.

1. Off premise directional signs shall be permitted to identify the Kent Narrows area. Only one such sign shall be permitted on the west side and one on the east side of the Kent Narrows. Such signs shall contain only the name "Kent Narrows" and the logo for the Kent Narrows as adopted by the Kent Narrows Development Foundation and the County Commissioners. Such signs may be freestanding, wall or projecting signs and may not exceed thirty (30) feet in height and two hundred (200) square feet. Such signs shall be designed as an architectural feature such as a sign tower and are subject to the approval of the Planning Commission.
2. On premise directional signs for the purpose of directing on-site circulation, parking and loading may be permitted. Such signs shall not exceed eight (8) square feet and six (6) feet in height.

E. Temporary Signs.

Temporary signs shall be permitted in the manner prescribed in Section 6404 (f) of the Queen Anne's County Zoning Ordinance.

F. Directional Signs

1. Off-premise directional signs shall be permitted to facilitate reasonable advertising of commercial, industrial and institutional uses within the Kent Narrows Waterfront Village Center. Off-premise directional signs shall be permitted in accordance with the following provisions:
  - a. One (1) off-premise directional sign shall be permitted at each of the following intersections: (1) Main St./Rt. 18 and "Access Road" (east of Narrows); (2) Kent Narrows Road and Kent Narrows Way; (3) Main St./Rt. 18 and "Access Road" (west of Narrows); (4) Piney Narrows Swan Cove Road and Piney Narrows Road; and (5) Main St./Rt. 18 and Kent Narrows Way, and any other locations deemed appropriate by the Planning Commission.
  - b. Each off-premise directional sign shall contain general directions (arrows pointing North, South, East and West), name and direction of relevant streets/roads and the names of each business advertised.
  - c. The sign shall not exceed twenty (20) feet in height, nor more than one hundred (100) square feet in sign face area.
  - d. Sign and sign supports shall be constructed of natural material and consist of "earth tone" colors (i.e., brown, tan, gray). All signs shall be the same in materials and colors. Sign script shall not exceed one (1) foot in height for each business name.
  - e. Each off-premise directional sign shall advertise no more than twelve (12) businesses.

2. The construction, design, location and placement of off-premise directional signs shall be administered by the Kent Narrows Development Foundation, who shall have discretion to establish reasonable fees and regulations for construction and maintenance of and inclusion on the signs. All signs shall be subject to the approval of the Queen Anne's County Planning Commission.

## ARTICLE IX. SITE PLAN REVIEW

### SECTION 9000

In addition to the requirements of Article IX, Part 3 of the Queen Anne's County Zoning Ordinance, the Planning Commission or Planning Director shall not approve a site plan for development of a parcel in the Kent Narrows area unless it has fully considered the recommendations of the Kent Narrows Development Foundation, Board of Directors and makes the following findings:

1. That the development is consistent with the goals, objectives and policies of the Kent Narrows Area Plan Component of the Queen Anne's County Comprehensive Plan.
2. That the development is generally consistent with the guidelines for development as established in the Kent Narrows Development Handbook regarding architecture, pedestrian and vehicular circulation, pedestrian pathways and boardwalks, signage, landscaping, (etc).

### SECTION 9001 - BONUS PROVISION

In approving a site plan within the WVC, the Planning Commission at the time of site plan review, may grant a bonus to the normally allowed floor area and building height standards as provided under Sections 5000. The Planning Commission may grant a specified bonus up to .50 FAR. Building height may be increased up to sixty (60) foot total building height.

In no event shall the resulting bonus exceed the maximum allowed by the bonus schedule.

### SECTION 9002 - DETERMINATION OF ALLOWED BONUS

The allowable bonus will be determined based upon a monetary contribution or value of the amenity to be provided by the developer for the public benefit. The value of the bonus floor area should generally equal the monetary contribution or the value of the amenity to be provided by the developer. A list of amenities and associated cost will be kept by the Director of the Department of Planning and Zoning.

In addition to the above, the Commission shall take into consideration the following when approving a bonus:

1. The intent of this Article.
2. Provisions for public openspace and amenities as described in the Development Handbook.
3. Compatibility with adjacent existing and permitted uses and developments.
4. Particular dimensions, grade and orientation of the site.

5. How the amenity provided or contribution and increase in floor area will help achieve the goals, objectives and policies for development in the Kent Narrows.

The Planning Commission shall grant a bonus only if the Commission finds that:

1. the proposed development is consistent with the overall development scheme for the Kent Narrows and Development Handbook.
2. the proposed development will not overburden existing public services including parking, water, sanitary sewer, public roads, storm drainage and other public improvements.
3. the proposed development will not create a threat to the public health, safety or welfare.

#### ARTICLE X. OTHER APPLICABLE REGULATIONS AND PROCEDURES

##### SECTION 10000

The standards for the following regulations and procedures shall be those established in the Queen Anne's County Zoning Ordinance adopted on April 9, 1987 as amended from time to time.

CONDITIONAL USE PROCEDURE  
GENERAL ADMINISTRATIVE PROCEDURES  
ZONING BOARD OF APPEALS  
NONCONFORMING USES  
REQUIRED PERMITS AND CERTIFICATION  
SUBDIVISIONS  
GUARANTEES AND COVENANTS  
ENFORCEMENT AND PENALTIES  
AMENDMENTS TO THIS ORDINANCE

As amended 9-22-92  
As amended 7-6-93

AN ORDINANCE

To adopt an amendment to Section 9431, PURPOSES AND LIMITATIONS of the Zoning Ordinance and Subdivision Regulations of Queen Anne's County, and permitting administrative subdivisions on non-conforming lots even if the non-conformity is increased, provided the increased non-conformity is only to the area of the lot, and provided given lots meet all other requirements of the Ordinance.

Be it ordained by the County Commissioners of Queen Anne's County that Subsection B.2. of Section 9431 of the Subdivision Regulations is hereby repealed.

Be it further ordained by the County Commissioners of Queen Anne's County that a new Subsection B.2. of Section 9431 of the Zoning Ordinance and Subdivision Regulations is hereby adopted to read as follows:

B.2. The administrative subdivision results in an increase in the size of one or more existing nonconforming lots and increases only the area non-conformity on any existing lots, while meeting all other requirements of this Ordinance.

And it is further ordained that the provisions of this Ordinance shall be effective immediately after its adoption.

Adopted this 14<sup>th</sup> day of December, 1993.

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

ATTEST:

Wm. V. Riggs III  
WILLIAM V. RIGGS, III, PRESIDENT

Lynda H. Palmatary  
LYNDA H. PALMATARY, CLERK

A. A. MacGlashan III  
A. A. MACGLASHAN, III

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Oscar A. Schulz  
OSCAR A. SCHULZ

14-03

**A BILL ENTITLED**

**AN ACT CONCERNING**

An Amendment to the Queen Anne's County Waterfront Village Center District Sub-Area Ordinance to Permit Satellite Simulcast Facilities.

FOR the purpose of amending the Waterfront Village Center Zoning District Sub-Area Ordinance to provide a definition of "Satellite Simulcast Facilities"; to allow the same as a accessory use to a principal use of a restaurant; and to provide parking requirements therefore.

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, that the Waterfront Village Center District Sub-Area Ordinance is herewith repealed and re-enacted to include the following provisions:

Section 2002: DEFINITIONS (add)

SATELLITE SIMULCAST FACILITIES--FACILITIES FOR THE CONDUCT OF SATELLITE SIMULCAST BETTING AS DEFINED UNDER AND REGULATED BY THE PROVISIONS OF SECTIONS 11-815 THROUGH 11-832 OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND AS AMENDED FROM TIME TO TIME.

SECTION 3100: ACCESSORY USES

SECTION 3101: SATELLITE SIMULCAST FACILITIES AS ACCESSORY USES TO RESTAURANTS

SATELLITE SIMULCAST FACILITIES PROVIDED THAT THERE SHALL BE PRINCIPAL DINING AREA(S) SEPARATE FROM THOSE AREAS DEDICATED TO THE JOINT USE OF DINING AND SATELLITE SIMULCAST FACILITIES.

Section 6601: OFF STREET PARKING STANDARDS

A. Required Number of Parking Spaces to be Provided:

1. Restaurant, Standard OR WITH SATELLITE SIMULCAST FACILITY: one (1) space per three (3) patron seats or one (1) space per hundred (100) square feet of gross floor area, whichever is greater, plus one (1) space per employee on the largest work shift.

SECTION 2. AND BE IT FURTHER ENACTED that this bill shall take

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effect on the forty-sixth day following its passage.

Introduced By: Commissioner W<sup>m</sup> V. Risco III  
Date of Introduction: 2-2-94  
Hearing Scheduled: 3-8-94 11:00 a.m.  
Action: three (3) Yea          Nay  
Date: March 15, 1994

**ORDINANCE  
95-03**

**QUEEN ANNE'S COUNTY  
DEPARTMENT OF  
ANIMAL CONTROL  
REGULATIONS**

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**ADOPTED  
JUNE 20, 1995  
EFFECTIVE AUGUST 6, 1995**



COUNTY ORDINANCE NO. 95-03

**A BILL ENTITLED**

AN ACT CONCERNING Repeal and Re-enactment with Amendment of The Queen Anne's County Animal Control Ordinance, Ordinance Number 94-11 of the Code of Public Laws of Queen Anne's County, Maryland.

For the purpose of providing for the public safety; encouraging responsible animal ownership; requiring humane care and treatment of animals through certain requirements; permitting enforcement procedures by repealing and re-enacting with amendments of specific sections of The Queen Anne's County Animal Control Ordinance, Ordinance Number 94-11 of the Code of Public Laws of Queen Anne's County, Maryland.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Ordinance Number 94-11, The Queen Anne's County Animal Control Ordinance, is hereby repealed and re-enacted as County Ordinance Number 95-03 to read as set forth on the attached.

**SECTION II**

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

Introduced By: Commissioner Zimmer  
Date of Introduction: June 6, 1995  
Hearing Scheduled: June 20, 1995 10:00 a.m.  
Action: 2 Yea 0 Nay  
Date: June 20, 1995

Effective Date August 6, 1995

QUEEN ANNE'S COUNTY  
DEPARTMENT OF ANIMAL CONTROL

201 CLAY DR  
QUEENSTOWN, MD 21658

PHONE: (410) 758-2393  
TDD: (410) 758-2126  
FAX: (410) 827-5064

COUNTY COMMISSIONERS

Mark Belton, President  
Michael F. Zimmer Jr, Vice President  
George M. O'Donnell, Member  
Robert D. Sallitt, County Administrator

ANIMAL CONTROL COMMISSION

Steven P. Harris, DVM, Chairperson  
Dawn C. Nock, Vice Chairperson

Pauline K. White, Commission Member  
Charles Clough, Commission Member  
Barbara Brinkley, Commission Member

Eve A. Whitt, Recording Secretary

ADMINISTRATION

John A. Conover, Director  
Cynthia A. Compton, Office Manager  
Dawn R. Lange, Clerk II

OFFICERS

Patricia A. Trossbach, Animal Control Supervisor  
Beverly R. Cross, Animal Control Investigator  
Clark A. Ferrin, Sr., Animal Control Officer  
Tricia Harvey, Kennel Operator

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

TABLE OF CONTENTS

		<u>PAGE</u>
Section 1	Statement of Purpose	1
Section 2	Definitions	2
Section 3	Duties of All Animal Owners	7
Section 4	Animal Control Commission	7
Section 5	Powers and/or Duties of the Animal Control Commission	8
Section 6	Director of the Department of Animal Control	9
Section 7	Powers and/or Duties of the Animal Control Officer	10
Section 8	Powers and/or Duties of the Animal Control Center	12
Section 9	Cruelty	13
Section 10	Rabies Prevention	15
Section 11	Dog Licensing	16
Section 12	Commercial Animal Establishment/Kennel Licensing	18
Section 13	Commercial Animal Establishment/Kennel License - Issuance and Revocation	20
Section 14	Animal Care and Minimum Standards for Indoor and Outdoor Enclosures	21
Section 15	Animal At Large	23
Section 16	Female In Season	23
Section 17	Animal Urinating or Defecating on Private/Public Property	23
Section 18	Public Nuisance Animal	24
Section 19	Dangerous and/or Vicious Animal - Defined	25
Section 20	Dangerous and/or Vicious Animal - Enforcement Requirements	26
Section 21	Dangerous and/or Vicious Animal - Requirements by the Animal Control Commission	27
Section 22	Impoundment/Redemption/Adoption	28
Section 23	Duties upon Striking a Domestic Animal with a Motor Vehicle	29
Section 24	Establishment and Evaluation of Fees and Charges	30
Section 25	Severability Clause	30
Section 26	Civil Violations-Penalties and Fine Dispositions	30

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

SECTION 1 - STATEMENT OF PURPOSE

- 1.1 This Animal Control Ordinance is hereby established by the County Commissioners of Queen Anne's County, Maryland to provide for the safety of the public, the humane care and treatment of animals and to encourage responsible pet ownership.

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

SECTION 2 - DEFINITIONS

As used in this Ordinance the following terms are defined below:

- Animal: Every non-human species of animal both domestic and wild including but not limited to dogs, cats, livestock and fowl.
- Animal At Large: Any animal off the premises of the owner and not under restraint as herein defined.
- Animal Exposed to Rabies: Any animal which has been bitten by an animal which either is infected with rabies or has been in contact with an animal that is infected with rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which is infected with rabies. The determination whether an animal is infected with rabies shall be made by the Director of the Department of Environmental Health.
- Animal Control Center: Any facility operated by the County Commissioners of Queen Anne's County, for the purpose of impounding animals under the authority of this Ordinance or State Code for care, confinement, redemption, adoption, or euthanasia.
- Animal Control Officer: Any employee hired by Queen Anne's County Department of Animal Control to enforce this Ordinance and state code.
- Animal Control Commission: The Animal Control Commission established pursuant to this ordinance for the purpose of implementing this Ordinance and regulations adopted pursuant thereto.
- Animal/Veterinary Hospital: Any establishment maintained or operated by a licensed veterinarian for the immunization, hospitalization, surgery, diagnosis, prevention and treatment of diseases and injuries to animals.
- Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Ordinance.

- Cage: Any enclosure of limited space, enclosed on the top, bottom, and all sides in which animals are placed for any purpose, including confinement or display.
- Cat: Any domesticated feline. The term "cat" shall not include wild or exotic felines.
- Circus: A commercial variety show featuring or including animal acts for public entertainment.
- Commercial Animal Establishment: Any person, partnership or corporation or other legal entity that has as its primary or secondary purpose the sale, transfer, or conveyance of any animal/animal services for money. The term shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing, or selling guard dogs. The term shall not include animal hospitals, animal shelters or humane societies.
- Commercial Kennel/Cattery: Any establishment for the commercial breeding, boarding, grooming, sale or training of dogs and/or cats for which a fee is charged; provided that an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "Commercial Kennel/Cattery".
- Complainant: Any person who makes a complaint in a legal or administrative action or proceeding under this Ordinance.
- County: County Commissioners of Queen Anne's County, a body politic and corporate and a political subdivision of the State of Maryland.
- Cruelty/Neglectful Act: Any act which would constitute a violation of Section 9 of this Ordinance.
- Custodian: Any person, partnership or corporation that provides food, shelter and care for an animal in the absence of the owner.
- Department of Animal Control: Queen Anne's County Department of Animal Control.
- Director: The person appointed by the Queen Anne's County

Commissioners to administer any and all laws and regulations pertaining to animal control in Queen Anne's County. This person is also the Chief Animal Control Officer.

- Dog: Any member of the domesticated canine species, to include both male and female.
- Dog Fancier: Any person who owns or keeps within or adjoining a private residence, five (5) or more dogs for the non-commercial purposes of hunting, practice tracking, exhibition in dog shows, field or obedience trials or as pets.
- Domestic Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. Domestic Animals include but are not limited to birds, cats, dogs, fish, hamsters, mice, reptiles and other animals associated with man's environment.
- Euthanize: To humanely destroy an animal.
- Exotic Animal: Any animal of a species that is not indigenous to the State of Maryland and is not a domesticated animal and shall include any hybrid or crossbred animal which is part exotic animal.
- Farm: A parcel or combination of parcels under the same ownership which is: (1) not less than five (5) acres in size; and (2) used for agricultural purposes, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, aquaculture, silviculture, and animal and poultry husbandry. "Farm" includes necessary accessory uses for packing, treating or storing produce which are purely secondary to and support normal agricultural activities conducted on the parcel. "Farm" does not include the business of garbage feeding of hogs or other animals or raising of such animals as rats, mice, monkeys and the like for use in medical or other tests and experiments.
- Farm Animal: Any animal kept or raised, on a farm, for use and profit, including livestock and fowl.
- Fowl: Any and all birds, domesticated and wild which are used for food.

- Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- Guard Dog: Any dog that is trained specifically and/or used to protect property or a secured area.
- Humane Society: A non-profit organization dedicated to the rescue, rehabilitation, and adoption of injured and ailing pets and to the humane education of both adults and children.
- Multiple Dog License: A license that can be purchased at a discount by a Dog Fancier.
- Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.
- Performing Animal Exhibition: Any spectacle, display, act, or event, other than circuses, in which performing animals are used.
- Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise that buys any species of animal for resale as pets.
- Petting Zoo: Any activity or facility where a fee is charged, whose purpose is to permit persons to come into physical contact with animals maintained within or upon such an establishment, activity or facility.
- Poultry: Any domestic fowl.
- Public Nuisance: Any act which would constitute a violation of Section 18 of this Ordinance.
- Respondent: Any person, corporation or entity against whom any complaint is filed under this ordinance including the owner of any animal which is the subject of a complaint.
- Restraint: Secured by a leash or lead, under the effective control of its owner or other responsible person and obedient to that person's commands; within a vehicle being driven or parked on the street; or within the property limits of its owner or keeper. As it pertains to unattended farm animals, restraint shall mean any fence or enclosure of suitable material and capable of holding the animal within its confines.



Sanitary: A condition of good order and cleanliness which minimizes the probability of transmission of disease and does not cause a fouling of the air which would be deemed offensive to neighbors or other persons in close proximity to the area.

State Code: Any and all laws of the Annotated Code of Maryland pertaining to animal control.

Stray: Any domesticated animal for which ownership has not been established.

Vaccination: Administration of an anti-rabies vaccine approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

Vicious/  
Dangerous  
Animal: Any animal which meets the criteria established in Section 19 of this Ordinance.

Wild Animal: Any animal which is not included in the definition of "Domestic Animal" or "Farm Animal" and shall include any offspring of wild animals crossbred with domestic animals.

Zoological  
Park: Any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel/cattery, displaying or exhibiting one or more species of wild animals.

QUEEN ANNE'S COUNTY ANIMAL CONTROL ORDINANCE

**SECTION 3 - DUTIES OF ALL ANIMAL OWNERS**

- 3.0 It shall be the duty of every owner of an animal, or anyone having any animal in his/her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, ferocity or any other motive.
- 3.1 In the event that the owner or custodian of any animal is under eighteen years of age, the parent or guardian of such person shall be responsible to ensure compliance with all provisions of this Ordinance and the State Code.
- 3.2 No animal may be sold or given to a person under the age of eighteen without the written consent of the parent or guardian.

**SECTION 4 - ANIMAL CONTROL COMMISSION**

- 4.0 The County Commissioners of Queen Anne's County shall appoint at least three (3) and no more than seven (7) persons to serve as the Animal Control Commission. The term of each member shall be set by the County Commissioners of Queen Anne's County. The members so appointed shall receive no remuneration for their service. Any member of the Commission may be removed prior to the expiration of their term by action of the said County Commissioners.
- 4.1 Two (2) members shall be appointed by the County Commissioners to serve as Chairperson and Vice-Chairperson, respectively.
- 4.2 The Animal Control Commission may appoint an individual other than a commission member to serve as a non-voting recording secretary.
- 4.3 A quorum shall consist of three (3) voting members.
- 4.4 The Director is authorized to reimburse the Commission for expenses to the extent allowed by the current fiscal budget.

- 4.5 The Director is authorized to provide the Commission with office space, supplies, and equipment as may be required by the Commission to the extent allowed by the current fiscal budget.

**SECTION 5 - POWERS AND/OR DUTIES OF THE ANIMAL CONTROL COMMISSION**

- 5.1 The Commission shall meet at the call of the Chairperson, or upon the request of two (2) voting members.
- 5.2 The Commission shall recommend to the County Commissioners changes in the laws regarding the control of animals in Queen Anne's County.
- 5.3 The Chairperson shall notify the County Commissioners if a Commission member misses three (3) regularly scheduled meetings per calendar year.
- 5.4 The Commission may conduct hearings on whether an animal shall be deemed a dangerous and/or vicious animal under the provisions hereof. Upon finding that an animal is dangerous and/or vicious they shall have authority to set any reasonable conditions and/or restrictions on release of such animal or to order the animal euthanized.
- 5.5 Upon a written complaint from a citizen, the Commission may conduct a public hearing to determine whether violations of this Ordinance have occurred.
- 5.6 Upon a written complaint by an Animal Control Officer or a member of the Commission, the Commission shall conduct a public hearing to determine whether a person has complied with an order of the Commission.
- 5.7 The Commission shall give written notice to the respondent of a complaint by either personal delivery or by certified mail, restricted delivery, return receipt requested. Said notice shall be mailed to the respondent at least ten (10) days prior to the public hearing regarding the alleged violation. The notice shall contain the nature of the complaint, time, date and place of the hearing.
- 5.8 The Commission shall notify the complainant, by First Class Mail, of the time, date and place of the hearing.

- 5.9 After a public hearing but within three (3) days, if the Commission finds that a violation(s) of this Ordinance has occurred, the Commission may set conditions to correct the violation and order the violator to abide by those conditions within a prescribed time limit. The Commission may provide for any disposition of any animal including euthanasia. Any and all costs incurred by the respondent to comply with the Commission's rulings will be the sole responsibility of the respondent. If the Commission finds that a violation did not occur, it shall dismiss the complaint.
- 5.10 The Commission may issue subpoenas for the attendance of a witness(es) and the production of documents at a hearing of the Commission.
- 5.11 The Commission shall develop and update a comprehensive set of regulations for the inspection of Commercial Animal Establishments/Kennels.
- 5.12 All decisions of the Commission authorized under this Ordinance shall be final and subject to review by the Circuit Court for Queen Anne's County upon appeal filed pursuant to the time prescribed for appeals from administrative agencies by the Maryland Rules of Procedure.
- 5.13 It shall be unlawful for any person to fail to comply with a lawful order or direction of the Animal Control Commission.

**SECTION 6 - DIRECTOR OF THE DEPARTMENT OF ANIMAL CONTROL**

- 6.1 The Director shall have the operational responsibility for carrying out the duties prescribed in this Ordinance and enforcing the provisions of this Ordinance, including but not limited to: public safety, public nuisance, prevention, cruelty to animals, and minimum standards for animal care. The Director shall be the Chief Animal Control Officer and the head of the Animal Control Center.
- 6.2 The Director shall implement a program of regular patrols and response to citizen complaints for the purpose of enforcing this Ordinance and the State Code regarding animal control and any regulation adopted pursuant thereto.

- 6.3 The Director shall implement a program of regular inspection of all animal establishments required to have a special license under this Ordinance.
- 6.4 The Director or his/her designee will be responsible for maintaining accurate records of licenses, impoundments, dispositions, animal bites and all enforcement actions taken by the Department of Animal Control in regard to this Ordinance.
- 6.5 The Director shall provide a 24-hour, seven-day a week animal emergency service to respond to complaints deemed an emergency situation by the Director.
- 6.6 The Director shall make available to the general public any information concerning the enforcement of this Ordinance as they pertain to animal control, including but not limited to: fees for adoption, redemption, care and treatment, and services provided by the Department of Animal Control.
- 6.7 The Director shall serve as an advisor to the Animal Control Commission.

**SECTION 7 - POWERS AND/OR DUTIES OF THE ANIMAL CONTROL OFFICER**

- 7.1 An Animal Control Officer employed by the County Commissioners of Queen Anne's County shall be specifically authorized and empowered by this Ordinance to exercise that authority necessary to enforce the provisions of this Ordinance and the State Code or any regulations adopted pursuant thereto.
- 7.2 An Animal Control Officer may humanely impound animals observed whose owner or custodian is in violation of this Ordinance.
- 7.3 An Animal Control Officer will make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal, including coordinating with the Animal Control Center Staff.
- 7.4 An Animal Control Officer may issue a citation to the owner or custodian of an animal when it is observed in violation of this Ordinance, State Code or any regulations adopted pursuant thereto.

- 7.5 An Animal Control Officer shall promptly respond to administer emergency assistance, first aid, and/or qualified medical assistance to injured or diseased stray animals which come into the custody of the County without the consent of the owner or custodian of such animals. For this purpose, neither the Animal Control Officer administering such assistance, Queen Anne's County or any of its employees or agents shall be liable for acts committed or omitted while rendering such assistance unless such act or omission constitutes gross negligence or malice.
- 7.6 An Animal Control Officer may conduct investigations and/or assist the Environmental Health Department in the investigation of animal bites pursuant to this Ordinance.
- 7.7 An Animal Control Officer will conduct public information programs on this Ordinance, adoption, spay/neuter, health care, and other programs as instructed by the Director.
- 7.8 An Animal Control Officer will conduct inspections of Commercial Animal Establishments as provided in this Ordinance or regulations adopted pursuant thereto.
- 7.9 An Animal Control Officer will receive for adoption or euthanasia any unwanted owned animals.
- 7.10 An Animal Control Officer may initiate a complaint or other form of enforcement of this Ordinance and/or State Code.
- 7.11 Prior to a complaint being filed by an Animal Control Officer to a court of the State of Maryland, the Animal Control Officer shall have probable cause to believe that a violation of this Ordinance, State Code or regulations adopted pursuant thereto has taken place.
- 7.12 It shall be unlawful for any person to interfere with an Animal Control Officer performing the duties as prescribed in this Ordinance or State Code. Interference may be described as using physical force, verbal misdirection, or failing to give appropriate information, which would prevent an Animal Control Officer from carrying out his/her official duties.
- 7.13 An Animal Control Officer may enter upon private

property to check compliance with orders of the Animal Control Commission and to investigate animal cruelty complaints. This access is limited to unenclosed places and structures which are open and the interior is easily visible to the Animal Control Officer.

- 7.14 An Animal Control Officer may impound injured animals found on roads or public lands in Queen Anne's County or upon private property if the owner of the property is not the owner or custodian of the animal.
- 7.15 It shall be unlawful for any person to fail to comply with the lawful order or direction of an Animal Control Officer.

**SECTION 8 - POWERS AND DUTIES OF THE ANIMAL CONTROL CENTER**

- 8.1 The Animal Control Center shall receive stray and unwanted animals regardless of their medical condition. Animals that have a confirmed disease which may cause death or serious illness to other animals confined at the center, may be immediately euthanized.
- 8.2 The Animal Control Center shall ascertain the identity of the owner of an impounded animal, and as a precondition of release, require the payment of all charges for the care, impoundment, board, veterinary treatment, and any unpaid license fees from that animal's owner.
- 8.3 The Animal Control Center shall place for adoption unredeemed or unwanted animals in accordance with the regulations established by this Ordinance and the State Code.
- 8.4 The Animal Control Center shall humanely euthanize unredeemed and unwanted animals in accordance with this Ordinance and the State Code.
- 8.5 The Animal Control Center shall provide humane treatment of all animals under their care.
- 8.6 The Animal Control Center shall maintain and adhere to comprehensive procedures prescribing standards for the humane operation of the Center, including, but not limited to: the housing, feeding, care, veterinary treatment, adoption, and euthanasia of

animals in the facility pursuant to this Ordinance and the State Code.

- 8.7 The Animal Control Center shall provide for necessary and appropriate veterinary care of injured or sick animals in the custody of the County. Such veterinary care may be rendered without the consent of the owner. Queen Anne's County employees, Animal Control Center staff and its agents shall not be liable for acts committed or omitted in rendering such care.
- 8.8 The Animal Control Center shall post, in a conspicuous place, a schedule of charges for the housing, care, treatment, adoption and redemption of animals which come into the custody of the Center.
- 8.9 The Animal Control Center shall keep records of impoundments, veterinary treatment, disposition of animals, and other activities for a period of three (3) years after such records are initiated. Animal records shall be complete and accurate as to the breed, sex, color, condition, how, when and where the animal was obtained, and any identification the animal may have been wearing.
- 8.10 The Animal Control Center shall conduct public information programs on this Ordinance, responsible pet ownership, adoption, spay/neuter, health care and other programs as instructed by the Director.
- 8.11 The Animal Control Center shall make a prompt and reasonable effort to locate and notify owners of stray animals.
- 8.12 The Animal Control Center may provide information to the Humane Society for a pet of the week program to include any animal that is eligible for adoption. The Humane Society may in turn provide this information to the local newspapers.

#### SECTION 9 - CRUELTY

- 9.1 An individual may not abandon any animal.
- 9.2 An individual may not tease, torture, torment, deliberately incite, cruelly beat/kill, injure intentionally, mutilate, run down with a vehicle intentionally, overdrive, overload, or otherwise abuse any animal.



- 9.3 An individual may not administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with the intent to injure or kill any animal, except for mice and rats.
- 9.4 An individual may not use or permit any animal to be used for the purpose of fighting, raise for the purpose of fighting, or organize or participate in any type of animal fighting.
- 9.5 An owner or custodian of an animal may not inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.
- 9.6 If an Animal Control Officer determines that the health and/or safety of an animal is in immediate danger because of a cruel or neglectful act, an Animal Control Officer may remove the animal from any place except the interior of a private residence and impound the animal. For the purposes of this section, an Animal Control Officer may enter upon private property without the consent of the owner.
- 9.7 After impounding an animal whose health and/or safety was endangered because of a cruel or neglectful act, the Animal Control Officer shall make a prompt and reasonable effort to notify the owner that the animal has been impounded and give the reason(s) for the impoundment. Notice shall also be given to the owner indicating the condition(s) for the release of the animal and a schedule for implementation.
- 9.8 Legitimate medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting activities shall not be construed as prohibited by any provision hereof provided such activities employ the most humane method, reasonably available.
- 9.9 Training of any animal for police work by the State or any political subdivision shall not be considered as teasing, tormenting or deliberately inciting an animal.
- 9.10 It shall be unlawful for any person to leave any domestic animal unattended in a standing or parked

vehicle in a manner that endangers the health or safety of the animal. Under this section an Animal Control Officer or any Public Safety Officer may use reasonable force to remove the animal from the vehicle. Any Officer who uses force under this section may not be held liable for any damages resulting from the use of that force.

- 9.11 It shall be unlawful for any person to shoot any domestic animal, except as provided under Section 20 of this Ordinance and except to humanely destroy such animal because of sickness, disease or injury.

**SECTION 10 - RABIES PREVENTION**

- 10.1 Every resident of Queen Anne's County owning a dog or cat four (4) months old or older must have such dog or cat vaccinated with an anti-rabies vaccine approved by the Director of Public Health. The vaccination shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of that dog or cat and exhibited promptly upon request for inspection by an Animal Control Officer, Health Officer, or any law enforcement Officer, and shall also be exhibited to the Animal Control Center staff when redeeming an animal at the Center.
- 10.2 Any animal exposed to rabies shall be quarantined for ten (10) days following the exposure, or for said longer period as may be established by the Director of Department of Environmental Health or the Director.
- 10.3 The animal must be confined to a house, garage, or other escape proof enclosure or building approved by the Director of the Environmental Health Department.
- 10.4 The animal must be prevented from any contact with other animals or persons except their owner or owner or custodian.
- 10.5 The animal may not be removed from the quarantine premises unless permission is first obtained from the Director of the Environmental Health Department and under conditions set by said Director.
- 10.6 If the animal becomes ill or begins to show behavioral changes, the owner or custodian must

immediately notify the Environmental Health Department, who shall determine the proper course of action.

- 10.7 If the animal dies, the owner or custodian shall immediately notify the Director of the Environmental Health Department and make the animal available for rabies testing.
- 10.8 If the animal escapes, the owner or custodian shall immediately notify the Animal Control Center, the Sheriff's Office, and the Director of the Environmental Health Department.
- 10.9 Until the animal is released by the Director of the Environmental Health Department from quarantine, the owner or custodian shall not kill, give away, sell, or otherwise dispose of the animal without the written permission of the Environmental Health Department.
- 10.10 If a veterinarian's examination is not required on the last day of the quarantine, the owner or custodian shall report to the Director of the Environmental Health Department the health status of the animal or make the animal available for inspection by the Environmental Health Department or an Animal Control Officer.
- 10.11 If the animal is not vaccinated against rabies at the time of exposure, the animal shall not be vaccinated until released from quarantine.
- 10.12 If the animal is not vaccinated, the owner or custodian shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five (5) days of the end of quarantine.
- 10.13 If an animal is not properly quarantined it shall be impounded by the Department of Animal Control and a citation for failing to comply with this section may be issued by an Animal Control Officer.

**SECTION 11 - DOG LICENSING**

- 11.1 The sale of licenses shall be through the Queen Anne's County Department of Animal Control, the Queen Anne's County Treasurer, any licensed veterinarian in Queen Anne's County, or any location designated by the Director.

- 11.2 It shall be unlawful for any person, partnership or corporation to own, keep or harbor a dog four (4) months old or older without a current Queen Anne's County dog license. The license shall expire on the last day of December of each year.
- 11.3 Any person, partnership or corporation that owns keeps or harbors five (5) or more dogs over the age of four (4) months shall maintain a valid Multiple Dog License.
- 11.4 Owners of certified Seeing Eye Dogs, Hearing Dogs, Governmental Police Dogs, or other certified dogs that are trained to assist the physically impaired shall not be required to pay the annual fee but shall obtain and display a County dog license. Police Dogs shall be exempt from displaying the County dog license.
- 11.5 Animal shelters operated by a chartered Humane Society or the Department of Animal Control shall be exempt from licensing requirements.
- 11.6 Before any license shall be issued, the owner or custodian shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog is currently vaccinated against rabies.
- 11.7 License certificates shall include the date of issuance and date of expiration, the owner's name and address, home and work telephone numbers, name, breed, color, and sex of the dog, rabies vaccination and expiration date, and rabies tag number and the name of the issuing party.
- 11.8 A license tag shall be issued with the license certificate. The tag must be worn by the dog at all times, except when participating in a competition where such displays are prohibited, when hunting or while undergoing organized training. The dog tag must be worn on a collar or harness around the dog's neck and be easily visible.
- 11.9 No person may use any license for any dog other than the dog for which it was issued.
- 11.10 The license certificate shall be made available for inspection, upon request, by an Animal Control Officer, Environmental Health Officer or any law enforcement officer.

- 11.11 If a license tag is lost the owner may obtain a duplicate license.
- 11.12 If a dog has a valid license issued by another Maryland County and the owner becomes a resident of Queen Anne's County the owner may obtain a transfer dog license .
- 11.13 If the ownership of a dog changes, the new owner may obtain a transfer license if the dog has a valid Queen Anne's County license at the time of transfer of ownership.
- 11.14 It shall be a violation of this section if an owner fails to obtain a Queen Anne's County dog license within thirty (30) days of procurement of a dog, establishing residence in Queen Anne's County, or the dog becomes four (4) months old.
- 11.15 Veterinary Hospitals or Clinics where dogs are hospitalized and Medical Research Facilities are exempt from license requirements under this section, but all such establishments must register their operation with the Queen Anne's County Department of Animal Control. Veterinary Hospitals that board or sell animals shall comply with the requirements of Section 12.

**SECTION 12 - COMMERCIAL ANIMAL ESTABLISHMENT/KENNEL LICENSING**

- 12.1 No person, partnership, or corporation shall operate a commercial animal establishment/kennel without first obtaining a commercial animal establishment/kennel license in compliance with this section. License applications must be accompanied by written verification from Queen Anne's County Planning and Zoning that the applicant complies with any and all applicable zoning and use regulations.
- 12.2 A Zoological Park owned and operated by any government agency is not required to obtain a license.
- 12.3 All dogs and cats offered for resale must have a current Health Certificate issued by a Maryland licensed veterinarian dated within the last three (3) months prior to resale. This section does not apply to any animal shelters operated by a chartered Humane Society or the Department of

Animal Control.

- 12.4 Any animal under veterinarian treatment may not be offered for sale without being released from the veterinarian.
- 12.5 Any owner or employee of a Commercial Animal Establishment/Kennel who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information prior to sale.
- 12.6 Records must be maintained for a period of one (1) year, from the date of resale, for any animal purchased for resale. Records shall contain at least the following information : animal description-breed, sex, color and age, origin of purchase to include the supplier and the date of receipt, and any and all medical records including any required treatment program.
- 12.7 An annual Commercial Animal Establishment/Kennel License shall be issued upon successful completion of an inspection and payment of the applicable fee and shall be displayed in a conspicuous place on the premises of the establishment.
- 12.8 If there is a change in ownership of a Commercial Animal Establishment/Kennel, the new owner may have the current license transferred to their name upon payment of a transfer fee and completion of a successful inspection by the Department of Animal Control.
- 12.9 Every facility subject to this Ordinance shall be considered a separate enterprise requiring an individual license.
- 12.10 The license period shall run for one year from the date of issuance. Renewal applications for licenses shall be made thirty (30) days prior to expiration of said license.
- 12.11 No wild animals shall be kept in Queen Anne's County unless an individual exemption is issued by the local Director of the Department of Environmental Health and, if required, a permit to keep the animal has been issued by the Maryland Department of Natural Resources. If any wild animal is kept in Queen Anne's County such animal must be registered with the Department of Animal Control.

**SECTION 13 - COMMERCIAL ANIMAL ESTABLISHMENT/KENNEL-LICENSE  
ISSUANCE AND REVOCATION**

- 13.1 Written application for a Commercial Animal Establishment/Kennel license shall be made to the Queen Anne's County Department of Animal Control. Application shall be accompanied by the license fee and written verification from Queen Anne's County Planning and Zoning that the applicant complies with any and all applicable zoning and use regulations.
- 13.2 The Department of Animal Control shall inspect the facility prior to issuing or renewing the license. A license may be withheld or revoked if the person, partnership or corporation holding the license refuses or fails to comply with this Ordinance or any law governing the protection and keeping of animals.
- 13.3 The Queen Anne's County Department of Animal Control shall be permitted to inspect at anytime all animals and the premises where animals are kept.
- 13.4 If the applicant has withheld or falsified any information on the application, the Department of Animal Control may refuse to issue or may revoke the license.
- 13.5 No person, partnership or corporation who has been found guilty of cruelty to animals shall be issued a license to operate a Commercial Animal Establishment/Kennel.
- 13.6 Any person having been denied a license shall not be eligible to reapply for a period of six (6) months. Each reapplication shall be accompanied by a fee, in addition to the licensing fee, and written verification that the applicant complies with any and all zoning and use regulations. Individuals who have been denied a license under Section 13.5 of this Ordinance may not reapply.
- 13.7 Appeals from withheld or revoked licenses may be made to the Animal Control Commission within fifteen (15) days of the notice of such action.
- 13.8 In the event of a timely appeal of revocation of a license the revocation will not be effective until after the next scheduled meeting of the Commission.

In the event of an emergency situation an Animal Control Officer may make application to the Chairperson of the Commission who is authorized to issue a temporary cease and desist order pending a hearing at the next meeting of the Commission.

- 13.9 The Commission is authorized to adopt and, from time to time, revise a schedule of fees for licenses issued hereunder.

**SECTION 14 - ANIMAL CARE AND MINIMUM STANDARDS FOR INDOOR AND OUTDOOR ENCLOSURES**

- 14.1 No owner or custodian of an animal shall fail to provide the animal with sufficient, wholesome and nutritious food; potable water in sufficient quantities; proper air, shelter, space, light and protection from weather; veterinary care when needed to prevent suffering; and humane care and treatment.
- 14.2 In the case of farm animals, nothing in this section may be construed as imposing standards more stringent than normally accepted husbandry practices.
- 14.3 All enclosures must be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
- 14.4 All enclosures must provide sufficient space to allow each animal adequate freedom of movement.
- 14.5 All enclosures must be cleaned to remove excretions and other waste materials, dirt and trash in order to provide humanely clean conditions and to minimize health hazards and obnoxious odors.
- 14.6 All enclosures must provide potable water that is always available and that is kept in a vessel secured to prevent tipping.
- 14.7 All enclosures that do not have natural lighting, must provide artificial lighting in sufficient quantities as determined by the needs of the species.
- 14.8 All indoor enclosures must provide adequate ventilation by natural or mechanical means and the ambient temperature shall be compatible with the health of the animal.



- 14.9 When sunlight is likely to cause heat exhaustion, outdoor enclosures must provide sufficient shade by natural or artificial means to protect the animal from direct sunlight.
- 14.10 All outdoor enclosures must be weatherproof. They must be solid with no cracks or openings other than the entrance. The shelter must not have metal or uninsulated plastic as the primary interior surfaces.
- 14.11 All outdoor enclosures must have the floor elevated off the ground at least two (2) inches.
- 14.12 All outdoor enclosures must have a door flap. The entrance must be covered with a flap and the entrance must be placed down wind if necessary to protect the animal from the elements of weather.
- 14.13 All outdoor enclosures must contain dry bedding. Straw, leaves, hay, cedar chips or other material must be provided as needed during cold and inclement weather.
- 14.14 All outdoor enclosures must be large enough to allow the animal to enter, stand, turn around and lie down comfortably. The enclosure must be small enough to allow the animal to warm the interior with its body.
- 14.15 If a chain or cable is used to restrain an animal, it shall be at least ten (10) feet in length and allow the animal freedom of movement without becoming entangled with obstructions. Any chain or cable used to restrain an animal must be of acceptable material and shall be fastened to a collar and not placed directly on the animal's neck or body. Neither rope, line nor any material that the dog may chew through is considered acceptable.
- 14.16 A person may not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well ventilated container, cage, or other device designated to safely prevent the animal from falling or jumping from the motor vehicle.
- 14.17 All enclosures that house animals at a commercial animal establishment/kennel must be constructed in such a manner as to prevent an animal from one enclosure from coming into direct contact with an animal in an adjacent enclosure.

**SECTION 15 - ANIMAL AT LARGE**

- 15.1 No animal may be off the property of the owner or custodian without being under proper restraint as defined in Section 2 of this Ordinance.
- 15.2 The owner or custodian of any animal may not permit the animal to be on school grounds on a day when school is in session without the permission of the proper authority. If in a public recreation area the animal must be controlled by a leash or other similar restraining device.
- 15.3 No animal accidentally at large with a person in immediate pursuit shall be deemed at large.
- 15.4 Any person who finds a stray animal shall report the finding to the Department of Animal Control.
- 15.5 An Animal Control Officer who observes an animal at large may pursue that animal on public and/or private property.
- 15.6 This section shall not be construed to prevent supervised obedience training or hunting activities in an authorized area with animals supervised by a competent person.

**SECTION 16 - FEMALE IN SEASON**

- 16.1 Every female dog or cat in season must be humanely confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding. This does not exclude normal waste elimination while under physical restraint and direct supervision and on the owner/custodian's property.

**SECTION 17 - ANIMAL URINATING OR DEFECATING ON PRIVATE/  
PUBLIC PROPERTY**

- 17.1 It shall be unlawful for any owner or custodian to allow his/her animal or any animal under his/her care to urinate or defecate on the property of another without the consent of the owner of said property.
- 17.2 It shall be unlawful for any owner or custodian to allow his/her animal or any animal under his/her

care to defecate on public property unless the owner or custodian of the animal immediately thereafter removes and disposes of any waste in a sanitary manner.

**SECTION 18 - PUBLIC NUISANCE ANIMAL**

18.1 It shall be unlawful for any owner or custodian to keep or maintain any animal in such manner as to cause or permit the animal to be a public nuisance. A public nuisance is defined as permitting an animal or animals:

- a) to repeatedly be at large.
- b) to molest or intimidate pedestrians or passersby. Intimidation under this section is defined as what a reasonable, prudent person under same and/or similar circumstances would consider intimidation and whether that person would have felt intimidated by the actions of the animal in question.
- c) to chase vehicles or bicycles.
- d) to bark or make other harsh or excessive noise so as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable persons with normal sensitivities to noise.
- e) to foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- f) to defecate on public property and/or urinate/defecate on private property.
- g) to do or perform any other acts which are determined by the Animal Control Commission, after a notice to the owner and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.

18.2 For the purposes of this Section, public nuisance does not include any activity resulting from a farm operation, including but not limited to: production of livestock, pasturing, raising of poultry and fowl, production of eggs, production of milk, and production of bees and

their products.

**SECTION 19 - DANGEROUS AND/OR VICIOUS ANIMALS - DEFINED**

- 19.1 Any animal which has inflicted injury on a human being without provocation may be deemed dangerous and/or vicious.
- 19.2 Any animal which has injured or killed a domestic animal without provocation may be deemed dangerous and/or vicious.
- 19.3 Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting may be deemed dangerous and/or vicious.
- 19.4 Any animal not owned by a governmental or law enforcement agency, used primarily to guard public or private property, may be deemed dangerous and/or vicious.
- 19.5 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or custodian of the animal.
- 19.6 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained by a person who was teasing, tormenting, abusing or assaulting the animal.
- 19.7 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained by a person who has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal.
- 19.8 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained by a person who was committing or attempting to commit a crime.
- 19.9 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained because the animal was protecting or defending its young or other animals.
- 19.10 No animal may be deemed dangerous and/or vicious if the threat, injury or damage was sustained because the animal was responding to pain or

injury.

**SECTION 20 - DANGEROUS AND/OR VICIOUS ANIMAL - ENFORCEMENT REQUIREMENTS**

- 20.1 Any animal exhibiting dangerous and/or vicious behavior as defined under Section 19 of this Ordinance may be impounded by the Department of Animal Control and held until a hearing can be convened by the Animal Control Commission. The owner will be responsible for any and all fees incurred during the impoundment.
- 20.2 It shall be unlawful for any owner, custodian or any person to refuse to surrender any dangerous and/or vicious animal as defined in Section 19 to an Animal Control Officer after being duly notified to surrender such animal.
- 20.3 In the event that the owner or custodian of a dangerous and/or vicious animal is in violation of any requirements of the Commission, established under Section 21 of this Ordinance, an Animal Control Officer may order the violation immediately corrected and cite the owner or custodian for the violation.
- 20.4 If the violation cannot be immediately corrected, the animal may be impounded, in which case the owner or custodian will be notified to appear before the Commission to argue the disposition of the animal. At the owners request and expense, and with the approval of the Director of the Department of Animal Control, such impoundment may be at a veterinarian or licensed kennel of the owners choosing. The veterinarian or kennel must be in Queen Anne's County.
- 20.5 If the owner or custodian of a dangerous and/or vicious animal impounded for a violation of this Ordinance presents proof to the Director, that the animal will now be kept in compliance with this Ordinance, the animal may be released upon payment of any and all fees.
- 20.6 If the owner or custodian of a dangerous and/or vicious animal fails to provide proof that the animal will now comply with this Ordinance, fails to acknowledge his/her attendance at a hearing before the Commission or fails to reclaim the animal within seventy two (72) hours from the

Department of Animal Control, the animal shall be humanely euthanized.

20.7 Repeat offenders of provisions relating to dangerous and/or vicious animals will be given an opportunity to fully explain to the Commission why a violation has been repeated. The Commission shall consider such explanation in determining an appropriate disposition for the animal.

20.8 Any person may kill any animal which he/she sees in the act of pursuing, attacking, wounding or killing any poultry, livestock, or any domesticated animal or a human being. There shall be no liability on such persons in damages or otherwise for such killings.

**SECTION 21 - DANGEROUS AND/OR VICIOUS ANIMAL - REQUIREMENTS BY THE ANIMAL CONTROL COMMISSION**

21.1 The Commission may require any owner or custodian of a dangerous and/or vicious animal who maintains his/her animal outside, to enclose a portion of his/her property with a perimeter or area fence. Within this perimeter fence the animal shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the pen or kennel must be locked.

21.2 The Commission may require that whenever outside of its enclosure, but on the owner's or custodian's property, a dangerous and/or vicious animal shall be controlled and/or restrained by a secure collar, muzzle and leash of sufficient strength to prevent escape.

21.3 The Commission may require all owners or custodians of any dangerous and/or vicious animal to display in a prominent place on their premises, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words, "DANGEROUS" followed by the type of animal deemed dangerous.

21.4 The Commission may require that except when being

transported in a vehicle, no dangerous and/or vicious animal shall be permitted off the property of its owner or custodian unless it is controlled, humanely restrained by a secure collar and leash (leash not to exceed six (6) feet in length and be of sufficient strength to prevent escape), and humanely muzzled by any means sufficient to prevent biting another person or domestic animal.

- 21.5 The Commission may require that the animal be neutered at the expense of the owner.
- 21.6 The Commission may require that the animal be tattooed with a number to be issued by the Commission at the expense of the owner.
- 21.7 The Commission may require that ownership or custody of the animal deemed dangerous and/or vicious not be transferred without prior approval of the Commission.
- 21.8 The Commission may require that the animal be humanely euthanized.
- 21.9 The owner or custodian of an animal deemed dangerous and/or vicious by the Commission must notify the Queen Anne's County Sheriff's Office and the Queen Anne's County Department of Animal Control immediately should the animal become at large for any reason.
- 21.10 The Commission may require any and all of the conditions above or may set special conditions not set forth above. The Commission will consider each case on an individual basis.

**SECTION 22 - IMPOUNDMENT / REDEMPTION / ADOPTION**

- 22.1 Any animal observed in violation of this Ordinance or the State Code shall be impounded and housed at the Animal Control Center or its designated facility. In addition to, or in lieu of impounding an animal, an Animal Control Officer may issue to the owner or custodian a citation for the violation.
- 22.2 Impounded domestic animals shall be kept for not less than three (3) working days, excluding holidays and weekends. If the animal is contagiously ill or severely injured it may be humanely euthanized immediately.

- 22.3 An owner reclaiming an impounded animal shall pay fees as established by the Animal Control Commission. In addition to said fees the owner must possess or purchase a valid county license, a current rabies vaccination, and pay any and all costs including any veterinary fees incurred by the Animal Control Center in connection with housing and care of his/her animal.
- 22.4 Except as otherwise provided in this Ordinance, any animal impounded and not redeemed by its owner within three (3) working days shall be deemed abandoned and become the property of the Animal Control Center. The Animal Control Center shall place the animal for adoption or humanely euthanize the animal in accordance with this Ordinance.
- 22.5 No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that the animal will be sterilized within thirty (30) days for adults or a specified date, in the contract for puppies or kittens. A deposit established by the Commission shall be paid at the time of adoption and refunded once proof of sterilization is presented to the Animal Control Center.
- 22.6 Any animal considered by the Department of Animal Control to be unhealthy, dangerous or otherwise unsafe may not be placed for adoption.
- 22.7 The Queen Anne's County Department of Animal Control may deny applications for adoption as provided by this Ordinance and Animal Control Center regulations adopted pursuant thereto.
- 22.8 No wild animal may be placed for adoption.
- 22.9 It shall be unlawful for any person to fail to abide by the terms of any contract entered into with the Animal Control Center in reference to the adoption of an animal from the Center.

**SECTION 23 - DUTIES UPON STRIKING A DOMESTIC ANIMAL WITH A MOTOR VEHICLE**

- 23.1 Any person who strikes a domestic animal with a motor vehicle shall immediately notify the State or Local Police and remain at the scene until help arrives for the injured animal.



**SECTION 24 - ESTABLISHMENT AND EVALUATION OF FEES AND CHARGES**

- 24.1 The County Commissioners shall promulgate and maintain a schedule of fees to be imposed under this Ordinance, including fees for licensing, transfer, re-application, commercial kennels, redemption, adoption, board and other fees or charges authorized or required hereunder. In addition, the County Commissioners shall establish and adopt a schedule of fines which shall be imposed for violations of this Ordinance. Said fees and fines may be evaluated and adjusted at any time by the County Commissioners.

**SECTION 25 - SEVERABILITY CLAUSE**

- 25.1 If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**SECTION 26 - CIVIL VIOLATIONS-PENALTIES AND FINE DISPOSITION**

- 26.1 Civil Penalties. A person who commits or assists in the commission of any act which constitutes a violation of the Ordinance is guilty of a civil violation and subject to an original preset fine, not to exceed Five Hundred Dollars (\$500.00). Each day on which the violation continues constitutes a separate violation.
- 26.2 Additional penalties. A person who doesn't not pay the original preset fine within the time specified in the original citation issued in accordance with this Section, or fails to file a timely notice of intention to stand trial and does not pay the original preset fine within twenty (20) days from the date of formal notice of the violation shall pay a fine equal to twice the amount of the original preset fine.
- 26.3 Manner of collection. The procedure for the issuance of citations, collection of fines and trial with respect to disputed or unsatisfied citations shall be that prescribed in Section 13(c) of Article 25B of the Annotated Code of Maryland, as amended from time to time.

26.4 Duty of local officials. For purposes of this Ordinance:

- a) The Director of the Department of Animal Control or an animal control officer designated by the Director of the Department of Animal Control has the authority to issue an original citation and deliver it to a person believed to be committing a civil violation and is hereby declared to be the Animal Control Officer with the duty of enforcing this Ordinance for that purpose. A copy of each original citation shall be given to the Finance Director and the County Treasurer.
- b) The County Treasurer or Finance Director is hereby declared to be the official with the duty of enforcing this Ordinance, with respect to receiving and filing a copy of each original citation and any fines or notices of intention to stand trial; mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set forth in the citation; and notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice thereof has been given.

26.5 County attorney. The County Attorney is authorized to prosecute any civil violation.

AN ACT AMENDING

96-05  
A BILL ENTITLED


AN ORDINANCE RESPECTING PROVISIONS REGULATING THE USAGE OF PARKS IN QUEEN ANNE'S COUNTY INCLUDING THE PROVISIONS FOR THE SAFE AND PEACEFUL USE OF COUNTY PROPERTY AND PARKS BY THE PUBLIC; FOR THE EDUCATIONAL AND RECREATIONAL BENEFIT AND ENJOYMENT OF THE PUBLIC; AND FOR THE PROTECTION AND PRESERVATION OF THE PROPERTY, FACILITIES AND NATURAL RESOURCES OF THE COUNTY.

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending Ordinance Number 96-05 be amended to read as set forth on the attached.

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

  
Michael F. Zimmer, Jr.

  
George M. O'Donnell

  
Mark Belton

RECEIVED  
CLERK, CIRCUIT COURT  
96 MAY -8 PM 2:53  
QUEEN ANNE'S COUNTY

ORDINANCE NO. 96-05  
(AS AMENDED)

QUEEN ANNE'S COUNTY PARKS ORDINANCE

A BILL ENTITLED

AN ORDINANCE RESPECTING PROVISIONS REGULATING THE USAGE OF PARKS IN QUEEN ANNE'S COUNTY INCLUDING THE PROVISIONS FOR THE SAFE AND PEACEFUL USE OF COUNTY PROPERTY AND PARKS BY THE PUBLIC; FOR THE EDUCATIONAL AND RECREATIONAL BENEFIT AND ENJOYMENT OF THE PUBLIC; AND FOR THE PROTECTION AND PRESERVATION OF THE PROPERTY, FACILITIES AND NATURAL RESOURCES OF THE COUNTY.

Pursuant to the authority contained in Article 25B Section 13C of the Annotated Code of Maryland and in the Code of Public Local Laws of Queen Anne's County including Section 1-501, the County Commissioners of Queen Anne's County and upon the recommendation of the Board of Recreation and Parks of Queen Anne's County do hereby ordain, establish, adopt, resolve and promulgate the following rules and regulations to be effective at all County Parks in Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Ordinance Number 96-\_\_\_\_, The Queen Anne's County Parks Ordinance, is hereby enacted as County Ordinance Number 96-05 to read as set forth on the attached.

SECTION II  
GENERAL PROVISIONS

1. Hunting, trapping and firearms are prohibited on County owned lands.
2. Fishing is permitted except in posted areas, provided it is done in conformity with County and State law.
3. No person may enter a County Park or areas controlled by the Queen Anne's County Recreation and Parks when such lands are closed to public entry by proclamation of the Director of Recreation and Parks. All entry when County property is closed will be considered trespassing.
4. Bathing and swimming are permitted only in places and at times designated by the Department of Recreation and Parks. Bathers must be properly clad in a bathing suit.
5. Camping is allowed in designated areas by permit only and only in the place and the period specified in the permit.
6. Private water crafts are permitted only by Department

permit.

7. No person may sell, offer for sale, hire, lease or let out merchandise in County parks without a permit from the Queen Anne's County Department of Recreation and Parks.

8. Fires are permitted only in designated areas by consent of the Department of Recreation and Parks and with a permit issued by the Fire Marshall. Fires must be continuously under the care of a competent person over 16 years of age. Every fire must be thoroughly extinguished before leaving.

9. No sign, notice or noise shall be made to attract attention to any kind of exhibition without written permission from the Queen Anne's County Department of Recreation and Parks.

10. Lighted matches, cigars, cigarettes or other burning objects shall be properly extinguished prior to being discarded.

11. Refuse and rubbish must be properly disposed of in trash receptacles. Any litter or discharge of waste materials on the lands or waters of County parks is prohibited. Dumping of household or commercial trash is prohibited on any County property whether or not said dumping occurs in a trash receptacle.

12. Injury, defacement or disturbance of any building, sign, equipment or public property, and except under permit, the removal or destruction of any tree, flower, fern, shrub, rock or other plant or mineral in a County Park is prohibited. Standing, parking, driving vehicles on unpaved areas without permission is prohibited. The intentional disturbance or harassment of any animal or animal habitat is prohibited.

13. Games of chance and fortune telling is prohibited in County Parks.

14. No minors are allowed to transport or possess intoxicating beverages in any County park. No consumption of intoxicating beverages by players, coaches, managers, etc. before or during competitive league or tournament games is permitted. Glass containers are prohibited. Sales of intoxicating beverage are prohibited.

15. No person may perform an obscene or indecent acts; throw stones or other missiles; annoy people, interfere with, encumber, obstruct or render dangerous any drive, path, walk, dock, beach or public place. No person may perform any act that ends or amounts to a breach of the peace; climb upon any structure other than playground equipment; enter or leave a park except at established entrance ways or exits; engage in, instigate and/or encourage a contention or fight, or assault a person. Every legal order of a park official must be properly obeyed.

16. Traffic and parking in County parks is under direction of

the Department of Recreation and Parks. All posted signs and the instructions of park officials must be obeyed. The interior of a car on park land must be at all times fully open to view. It is prohibited to drive or park a vehicle within or upon a safety zone, walk, trail or bridal path, or any other place not customarily used for vehicular traffic. Drivers must obey all posted speeds and operate their car in a safe manner.

17. Park users must pay the fixed charges for permit or use as established by the Queen Anne's County Department of Recreation and Parks.

18. Grazing of animals is not allowed on County park lands without special permission.

19. Pets, cats and dogs, etc. except seeing-eye dogs are prohibited from bathing, picnic or other areas specifically restricted and posted. All pets must be on a leash and under control at all times.

## SECTION II

### Enforcement Violation and Penalties.

1. The provisions of this Ordinance shall be enforced by those persons or agencies designated by the County Commissioners of Queen Anne's County (hereinafter referred to as the "Designee"). It shall be a violation of this Ordinance to interfere with the Designee in the performance of his/her duties.

2. Violation of this Ordinance shall be a "civil infraction". Any person, firm, corporation or other legal entity found to have committed a civil infraction by violating any provisions of this Ordinance or any amendment thereto shall be fined not more than One Hundred (\$100.00) Dollars and the person receiving a citation must correct the violation. Each and every day during which such violation continues may be deemed a separate offense.

3. Citations shall be in the form designated and promulgated by the District Court of Maryland. The fine shall be payable within twenty (20) calendar days of receipt of the citation. A person receiving a citation for civil infraction may elect to stand trial for the offense by notifying the County of his/her intention to stand trial. The notice of intent to stand trial shall be given at least five (5) days before the date of payment as set forth in the citation. Upon receipt of the notice of intent to stand trial, the Designee shall forward to the District Court of Queen Anne's County, a copy of the citation and the notice of intent to stand trial. On receipt of the same, the District Court shall schedule the case for trial and notify the Defendant(s) of the trial date. All penalties, fines and forfeitures collected by the District Court for violations of this Ordinance shall be remitted to the Treasurer of Queen Anne's County.

4. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation, and fails to file a notice of intention to stand trial, formal notice of the violation shall be sent to the person's last known address. If the citation is not satisfied within fifteen (15) days from the date of notice, the person is liable to an additional fine not to exceed twice the original fine. If after thirty-five (35) days, the citation is not satisfied, the Designee may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summons the Defendant(s) to appear.

5. In any proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions under Article 25B, Section 13C of the Annotated Code of Maryland. The County Commissioners may authorize either the County Attorney or an appointed attorney or prosecute any violation of this Ordinance.

6. If the person is found by the District Court to have committed a violation of this Ordinance he/she shall be liable for the costs of the proceedings in the District Court.

#### SECTION IV

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

Introduced By: Commissioner O'Donnell  
Date of Introduction: March 19, 1996  
Hearing Scheduled: April 9, 1996  
Action: Adopted Yea 3 Nay 0  
Date: May 7, 1996  
Effective Date: June 22, 1996

COUNTY ORDINANCE NO. 96-13

A BILL ENTITLED

AN ACT CONCERNING amendments to the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations.

FOR THE PURPOSE OF regulating waste disposal facilities and similar industrial uses, including extraction and disposal operations; differentiating between major and minor conditional uses and providing additional standards for certain specified conditional uses; and dealing generally with the regulation of the use of land in Queen Anne's County for waste disposal as defined.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the amendments to the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations ("the Ordinance") shown on "Exhibit A" attached hereto and incorporated herein be and are hereby adopted. The matters and language shaded are to be added to the Ordinance and the matters and language stricken are to be deleted.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner O'Donnell  
DATED: November 19, 1996  
PUBLIC HEARING HELD: December 17, 1996 - 1:00 p.m.  
VOTE: 2 YEA 0 NAY  
DATE: January 7, 1997

*Commr. Belton no longer a County Commissioner. Only two (2) votes.*

Effective date: February 21, 1997

RECEIVED  
CLERK, CIRCUIT COURT  
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QUEEN ANNE'S COUNTY



**EXHIBIT A**

## Section 1000

## ARTICLE I. TITLE, PURPOSE, AND JURISDICTION

## SECTION 1000. TITLE.

This Ordinance shall be known as and may be referred to as the "1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations".

## SECTION 1001. APPLICATION AND INTENT OF ORDINANCE

The provisions of this Ordinance shall apply to all of Queen Anne's County except those portions which lie within the boundaries of incorporated towns.

Special attention has been given to making this Ordinance conform to the 1993 Comprehensive Plan for Queen Anne's County; and great care has been taken to follow carefully the goals of that Plan and to insure that the standards and zoning maps will achieve the goals and objectives of the Plan.

## SECTION 1002. EFFECTIVE DATE AND DISPOSITION OF PENDING MATTERS.

- A. General effective date. Except as expressly provided in the remaining provisions of this section, this Ordinance shall take effect and be enforced forty-five (45) days following its passage.
- B. Building permits. Construction may be started and/or completed under the terms of a building permit issued prior to the effective date of this Ordinance if such permit was in force and fully valid on that date. Such construction is subject to (1) all terms of the permit, (2) the Ordinance under which it was issued and (3) if applicable, the provisions of subsection D.
- C. Pending matters. Any of the following matters filed prior to ~~the effective date of this Ordinance~~ **November 5, 1994** shall be processed and/or decided in accordance with the ordinance in effect on the date on which the particular matter was filed:
1. Completed applications for building permit;
  2. Completed applications for subdivision approval, other than applications involving a major subdivision;
  3. Completed applications for approval of a major subdivision, if such application received preliminary approval by the Planning Commission prior to the effective date of this Ordinance;

Section 1002

4. Any matter pending before the Board of Appeals on appeal or by way of application for conditional use.
- D. Duration of site plan approval. A project may be started and/or completed in accordance with final site plan approval given prior to the effective date of this Ordinance, or in accordance with subsection C 3, under the terms of the ordinance governing such approval. However, any such approval shall expire at the later of (a) two years from the effective date of this Ordinance or (b) two years from the date of such final approval. On written application of the owner prior to the time of such expiration, the Planning Commission may grant an extension for a specified period of not more than two years from the expiration date provided in this subsection. The Planning Commission shall not grant an extension unless it finds that the owner has not effectively abandoned the project, such as, for example, where construction has not been completed for reasons beyond the control of the owner and his contractors and agents.
- E. Effect of section. With respect to any building permit or pending matters referred to in subsections B, C and D, nothing in this section shall be construed (a) to affect the status of any use or structure involved in any such permit, application, approval or pending matter as a nonconforming use or structure under this Ordinance; (b) to extend, enlarge or otherwise affect the provisions of any prior ordinance relating to the duration, expiration or termination of any such permit, application, approval or pending matter; or (c) to revive or give any other effect to any permit, application, approval or pending matter which has been, or is hereafter deemed to be, abandoned or terminated under the provisions of this Ordinance or any prior ordinance which is applicable.
- F. Approved Subdivision: Any lot in a subdivision having received final approval of the Planning Commission after June 1, 1965, and prior to the effective date of this Ordinance, but not recorded, will upon recordation of the subdivision plat be deemed to be a lot of record as of the date of Planning Commission final approval and shall be processed under the terms of this Ordinance as if recorded on the date of final approval, provided said lots have at least thirty-five (35) foot frontage along a public or private road.
- G. Approved Transfer of Development Rights: Any original Instrument of Transfer having received approval by the Planning Director and recorded in the Land Records after April 9, 1987, and prior to the effective date of this Ordinance, may be processed under the terms of the 1987 Ordinance.

## Section 1002

H. Existing Waste Disposal Facilities. Any applications for building permits, use certificates, variances, conditional use approval, or site plan approval pending as of July 2, 1996 and which effect a waste disposal facility lawfully existing and in use prior to July 2, 1996 shall be processed and determined in accordance with the Ordinance in effect on July 1, 1996.

## SECTION 1003. PURPOSE.

The purpose of this Ordinance is the implementation of the 1993 Queen Anne's County Comprehensive Plan and the promotion of the health, safety, and general welfare of the present and future inhabitants of the County by:

- A. Giving effect to policies and proposals of the 1993 Queen Anne's County Comprehensive Plan.
- B. Dividing the unincorporated area of the County into zoning districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and surrounding open space.
- C. Preserving and enhancing the County's rural character.
- D. Preserving and protecting the County's natural resources and protecting the waters of the Chesapeake Bay and its tributaries.
- E. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- F. Lessening the danger and congestion of traffic on the roads and highways; limiting excessive numbers of intersections, driveways, and other friction points; minimizing other hazards; and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- G. Securing safety from fire, panic, flood, and other dangers.
- H. Providing adequate privacy, light, and air.
- I. Protecting the tax base by facilitating cost-effective development within the County.
- J. Promoting economy in local government expenditures.
- K. Protecting the values of property throughout the County.

## Section 2300

Dwelling, single family residential. A dwelling designed for single-family residential use and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling unit (du). A principal building, room or group of rooms providing, or intended to provide, living quarters for not more than one (1) family.

Easement. Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

Effluent Disposal Uses. This use category includes spray irrigation facilities, sewer treatment plants, community septic fields, berm infiltration ponds and other State and County approved effluent treatment facilities which dispose of or treat effluent which is generated in Queen Anne's County.

Environmental assessment. A comprehensive report that describes the natural features and characteristics of a proposed development site; the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Erosion hazard area. Areas designated as having moderate to high historic erosion rates on the Historical Shorelines and Erosion Rates maps prepared by the Maryland Geological Survey, 1975.

Family. One (1) or more persons related by blood, marriage, adoption, or guardianship, or not more than five (5) persons not so related, occupying a dwelling unit and living as a single housekeeping unit.

Farm. A parcel or combination of parcels under the same ownership which is: (1) not less than five (5) acres in size; and (2) used for agricultural purposes, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, aquaculture, silviculture, and animal and poultry husbandry. "Farm" includes necessary accessory uses for packing, treating or storing produce which are purely secondary to and support normal agricultural activities conducted on the parcel. "Farm" does not include the business of garbage feeding of hogs or other animals or the raising of such animals as rats, mice, monkeys and the like for use in medical or other tests and experiments.

Farm field. Any land five (5) acres or more in agricultural production of food or fiber for two (2) out of the last five (5) years; and any land which is fallow or set aside due to Soil Conservation Service best management practices, crop rotation, or federal, state, or local government programs.

Section 2300

Open space, resource protection. Land required to be restricted by Article V, Section 5302 of this Ordinance to natural resource protection and ancillary agricultural and recreational uses.

Open space ratio (OSR). The total area of district or resource protection open space divided by the Base Site Area.

Outside storage or display. Outdoor storage or display of fuel, raw materials, vehicles, boats, manufactured products, and equipment.

Performance guarantee. A financial guarantee to insure that all improvements, facilities or work required by this Ordinance will be completed in compliance with the Ordinance and the approved plans and specifications of a development.

Planned development. A residential development that involves the identification and protection of required open space and one (1) or more of the dwelling unit types referred to in Section 5106.

Projecting Sign. A sign, other than a wall sign, which is attached to and projects perpendicular from a structure or building facade or other vertical building surface.

Public service. Any service rendered to the general public by an agency of government, or a facility maintained in connection with the rendition of such service, including, but not limited to, road maintenance garages, firehouses, police facilities, ambulance garages and government offices. For purposes of this definition, a recognized volunteer fire company which receives an appropriation from Queen Anne's County shall be construed to be an agency of government.

Public sewer. Includes the Queen Anne's County Sanitary District and other forms of sewer systems approved by the State Health Department, and maintained by a public or private agency authorized to operate such systems.

Public utilities. Facilities owned or maintained by public utility companies or public agencies, for the furnishing of water, sewer, gas, electric, communication, or similar services, but not including any cross-country transmission lines or towers.

Recycling facility. A facility that collects paper, plastic, metal and glass products for recycling and that bundles or packages such products for shipment. All such facilities shall be owned and operated by Queen Anne's County.

## Section 2300

incorporated in a window display, works of art which in no way identify a product, scoreboards located on athletic fields or vending machines.

Sign, development. A sign which, by symbol or name, identifies a residential, commercial or industrial development.

Sign, directional. A sign that provides off-site directional information following a standard format for important municipal, emergency, or educational uses, or identifies general commercial areas or places.

Sign, electronic. A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

Sign, freestanding. A sign not attached to a building, resting on or supported by poles, standards, or any other type of base on the ground.

Sign, projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall.

Sign, wall. A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall to which they are mounted, nor shall they project more than eighteen (18) inches from the wall surface.

Site plan. A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas and all information required in Article IX.

Site plan, major. Any site plan other than a minor site plan.

Site plan, minor. A site plan which involves only: (1) duplex planned development units; or (2) a non-residential use which will cover ten (10) percent or less of the lot; or (3) an addition to an existing non-residential building after April 9, 1987, that will cover no more than (10%) of the permitted floor area as determined by Section 5305 of this Ordinance.

Sludge, Land Application. An Agricultural practice by which sewage sludge is applied to cropland as a fertilizer supplement in accord with standards promulgated and permits validly issued by the Maryland Department of the Environment. The Land Application of sewage sludge on marginal lands for disposal purposes is not an agricultural practice.

## Section 2300

Truck stop/travel plaza. Recreational vehicle and truck service facilities which consist of fuel sales and restaurant facilities, and may also include vehicle service and repairs, ancillary retail overnight lodging activities, and shower and locker room facilities, all managed as a unit with off-street parking provided on the property.

Understory tree. A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood and witch-hazel.

Use. The purpose or activity for which land or any structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory. An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance; and (4) is customarily incidental to the principal structure or use.

Use, principal. The specific primary purpose(s) for which land is used.

Use, temporary. A use established for a fixed period of time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this Ordinance granted pursuant to Article IX.

Waste Disposal Facility. Any facility designated and operated to dispose or manage the disposal of waste, including but not limited to junk, scrap and salvage yards, sanitary or rubble landfills, sludge disposal or sludge storage facilities, resource recovery facilities, and trash transfer stations. All such facilities shall be owned and operated by Queen Anne's County or a regional governmental authority. Waste Disposal Facilities do not include Recycling Facilities.

Wetlands, non-tidal. Non-tidal wetlands are those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is considered a non-tidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands", published in 1987 and as may be amended and interpreted by the U.S. Environmental Protection Agency.



Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>C. Institutional</b>												
1. Outdoor Recreation	Y	Y	Y	Y	Y	Y	Y	Y	C	C	Y	C
2. Institutional (Non-Profit)	C	C	Y	Y	Y	Y	Y	C	Y	Y	Y	C
2a. Institutional	C	C	C	C	C	C	Y	C	Y	Y	Y	C
3. Institutional Residential serving 6 or more Residents	C	C	C	C	C	Y	N	C	N	N	N	C
4. Institutional Residential Serving 5 or Less Residents	Y	Y	Y	Y	Y	Y	N	C	N	N	N	Y
5. Public Service	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C
7. Day Care - Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Day Care - Group <sup>4</sup>	C	C	C	C	C	Y	Y	C	N <sup>4</sup>	N <sup>4</sup>	Y	N
9. Waste Disposal Facility	C	N	N	N	N	N	N	N	C	N	N	N
10. Effluent Disposal Uses <sup>4</sup>	Y	Y	Y	C	C	C	Y	C	Y	Y	Y	C
11. Recycling Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>D. Commercial <sup>5</sup></b>												
1. High	N	N	N	N	N	N	Y	C	NA	NA	Y	N
2. Medium	N	N	N	N	N	N	Y	C	NA	NA	Y	N
3. Low	N	N	N	N	N	N	Y	C	NA	NA	Y	N
4. SI/LIHS Commercial	N	N	N	N	N	N	N	N	Y	Y	N	N
5. Hotels	N	N	N	N	N	N	Y	C	N	Y	Y	N
6. Country Inn	C	C	C	N	N	N	Y	C	N	N	Y	N
7. Bed & Breakfast	Y	Y	C	C	C	N	N	C	N	N	Y	C

Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>D. Commercial (continued)</b>												
8. Marinas	N	C	C	C	C	C	C	C	C	N	C	C
9. Regional Shopping Center	N	N	N	N	N	N	Y	N	Y	Y	Y	N
10. Ag. Support	Y	C	N	N	N	N	Y	C	Y	Y	Y	N
11. Private Airports	C	C	N	N	N	N	C	N	C	C	N	N
12. Home Occupations	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y
13. Camp Grounds	C	C	N	N	N	N	N	N	N	N	C	N
14. Fraternal Org.	C	C	C	C	C	C	Y	C	N	N	Y	C
15. Funeral Homes	C	C	C	C	C	C	Y	Y	N	N	Y	C
16. Shooting Clubs	C	C	N	N	N	N	N	N	N	N	N	N
17. Truck Stops and Travel Plazas	N	N	N	N	N	N	N	N	C	C	N	N
18. Country Store	C	N	N	N	N	N	Y	C	N	N	Y	N
<b>E. Industrial</b>												
1. Light Industry	N	N	N	N	N	N	Y	C	Y	Y	C	N
2. Heavy Industry	N	N	N	N	N	N	N	N	C	C	N	N
3. Major Extraction and Dredge Disposal	C	C	N	N	N	N	N	N	C	C	N	N

Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>E. Industrial (continued)</b>												
4. Minor Extraction and Dredge Disposal Uses	Y	Y	C	C	C	C	C	C	Y	Y	C	C
<del>5. Effluent Disposal</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>C</del>
<del>6 5. Towers</del>	C	C	N	N	N	N	N	N	C	C	N	N
<del>7 6. Public Heliports and Airports</del>	C	N	N	N	N	N	N	N	C	C	N	N
<b>F. Other</b>												
1. Private Landing Strips and Heliports	C	C	N	N	N	N	N	N	N	N	N	N
2. Covered Slips/Private	N	C	C	C	C	C	N	C	N	N	N	C

**Y = Permitted    N = Not Permitted    C = Permitted as Conditional Use    NA = Not Applicable**

1. A single-wide manufactured home is a permitted use in NC districts with a "T" designation only. A single-wide manufactured home is also permitted in any zoning district as a replacement for any legal existing mobile home or single-wide manufactured home. A single-wide manufactured home is permitted to provide housing for temporary farm workers in the AG and CS districts provided the requirements of Section 4010 have been met. A single-wide manufactured home is also permitted as temporary shelter provided the requirements of Section 4010 have been met.

2. A manufactured home community which contains single-wide manufactured homes is allowed only as a conditional use in those NC districts with a "T" designation.

3. Commercial Apartments are a conditional use in conjunction with a Country Store in the AG district.

4. Group Day Care is permitted in the SI and LIHS districts only as an accessory use related to a principal use of industrial, commercial or office development.

5. All effluent disposal uses are conditional uses in the VC and NC Districts. Sewer treatment plants and spray irrigation facilities are conditional uses in the SE, SR and UR Districts; all other effluent disposal uses are permitted in those Districts.

~~6 5.~~ All commercial uses which are not separately categorized in Section 4002 D. 5-18 are to be specified in Section 4008 as either low, medium or high commercial.

~~6 7.~~ Certain Agricultural uses are permitted only on NC properties that meet the definition of a Farm under Section 2300. These include all methods of the commercial production or management of crops, vegetation, soil and the related activities of tillage, fertilization, pest control, silviculture and aquaculture harvesting and marketing. All other agriculture uses are prohibited on properties that meet the definition of a Farm.

- G. Manufactured home community. A type of planned development which may be a rental community or subdivision which contains manufactured homes.
- H. Apartment, commercial. See definition in Section 2300.
- I. Apartment, first floor commercial. See definition in Section 2300.

#### SECTION 4007. INSTITUTIONAL USES.

- A. Outdoor recreational. Outdoor recreational uses include areas for active recreational activities (including, but not limited to, jogging, cycling, totlots, playfields, playgrounds, outdoor swimming pools, tennis courts, and golf courses). Also included are passive recreational uses (including, but not limited to, arboretums, areas for hiking, nature areas, and wildlife sanctuaries). Also included are picnic areas, public and private parks, garden plots and beaches.
- B. Institutional uses. These uses include aquariums, youth camps, cemeteries, churches, conference centers associated with non-profit institutions, community or recreational centers, gymnasiums, privately owned libraries or museums, indoor recreational centers, public or private schools, indoor skating rinks (ice or roller), indoor swimming pools, tennis, racquetball, handball courts, and all other indoor recreational uses.
- C. Institutional residential. These uses include convents or monasteries, group care facilities, nursing homes, protective living facilities, rooming houses, and sheltered care homes.
- D. Public service. See definition in Section 2300.
- E. Public utilities. See definition in Section 2300.
- F. Day care center, family. See definition in Section 2300.
- G. Day care center, group. See definition in Section 2300.
- H. Waste Disposal Uses. See definition in Section 2300.
- I. Effluent Disposal Uses. See definition in Section 2300.
- J. Recycling Facility. See definition in Section 2300.

## Section 4009

extermination shops; food processing and packing plants; fuel oil (storage and sales); coal storage and sales (fully enclosed); furniture cleaning plants; furniture refinishing shops; lumberyards; manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with fewer than five hundred (500) employees on a single shift); mirror supply and refinishing shops; monument works; ornamental iron workshops; pilot plants; printing plants; publishing plants; scientific (e.g., research, testing, or experimental) laboratories; trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling); truck terminals; wholesale business and storage. Also permitted are showrooms and incidental retail associated with building and plumbing supply distribution operations.

- B. **Heavy industry.** This use category includes manufacturing activities, a significant part of which may be conducted outdoors. Outdoor storage is permitted. Nuisances associated with the use such as noise, odor, smoke and dust are significant. Such uses include asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed), motor or rail terminals; also, any industrial use, including those uses listed above as light industry with more than five hundred (500) employees on any single shift.

These uses have severe potential for negative impact on any uses located relatively close to them. These uses differ from light industrial uses in that they require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage. Because of their scale, they are likely to have a regional impact.

- C. **Major extraction and dredge disposal uses.** This category includes ~~junk, scrap or salvage yards, landfills, sludge disposal or storage, resource recovery facilities, trash compaction, waste or trash transfer stations and any other form of waste management facilities,~~ all extraction operations which disturb more than five (5) acres, dredge disposal uses which disturb more than ten (10) acres of land, and all non-lateral oil and gas drilling and extraction. Extraction associated with aquacultural activities ~~are exempted from this Section~~ is not included in this Section, provided all extracted material remains on-site.

These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses is an acceptable neighbor in a residential environment.

- D. Minor extraction and dredge disposal uses. This category includes dredge disposal sites which disturb less than ten (10) acres; and gravel, sand, or similar extraction; lateral oil and gas drilling and extraction; and storage operations which disrupt five (5) or less acres of land. Extraction associated with aquacultural activities ~~are exempt from this Section is not included in this Section, provided all extracted material remains on-site.~~
- ~~E. Effluent disposal uses. This use category includes spray irrigation facilities, sewer treatment plants, community septic fields, berm infiltration ponds and other State and County approved effluent treatment facilities which dispose of or treat effluent which is generated on or off site.~~
- F. Towers. Towers for phone, radio, microwave, or other forms of communications transmission that exceed district height limitations, except power transmission line towers and windmills.
- G. Airports, public and heliports, public. See definition in Section 2300.

#### SECTION 4010. TEMPORARY USES.

- A. Authorization. Temporary uses are permitted only as expressly provided in this section and shall comply with the requirements of Article IX.
- B. Zoning Certificate required. No temporary use shall be established unless a Zoning Certificate shall have first been issued as provided in Article IX.
- C. Use limitations.
1. No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Sections 6400.F.1.
- D. Regular temporary uses permitted. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
1. Christmas tree sales.
    - a. Permitted in any district.
    - b. Maximum length of permit for display and open-lot sales shall be forty-five (45) days.

**PART 2 - NONRESIDENTIAL STANDARDS**

**SECTION 5200. NONRESIDENTIAL PERFORMANCE STANDARDS.**

Table of Nonresidential Performance Standards

District and Use	Minimum LSR	Maximum FAR
<b>AGRICULTURE (AG)</b>		
agriculture	--	--
agricultural support	.20	.35
major extraction and disposal	.20	.12
all other	.60	.12
<b>COUNTRYSIDE (CS)</b>		
agriculture	--	--
major extraction and disposal	.20	.10
all other (Critical Area)	.85	.10
all other	.70	.10
<b>ESTATE (E)</b>	.70	.10
<b>SUBURBAN ESTATE (E)</b>	.70	.10
<b>SUBURBAN RESIDENTIAL (SR)</b>		
institutional	.60	.13
all other	.65	.11
<b>SUBURBAN COMMERCIAL (SC)</b>		
office	.55	.17
commercial	.55	.20
all other	.55	.17
<b>URBAN RESIDENTIAL (UR)</b>		
institutional	.50	.15
other	.50	.15
<b>URBAN COMMERCIAL (UC)</b>		
office	.40	.25
commercial	.40	.25
all other	.40	.25
<b>VILLAGE CENTER (VC)</b>		
office	.30	.30
commercial	.30	.30
all other	.30	.30
<b>SUBURBAN INDUSTRIAL (SI)</b>		
office	.35	.27
major extraction and disposal	.20	.22
other industrial	.35	.40
all other	.35	.22
<b>LIGHT INDUSTRIAL HIGHWAY SERVICE (LIHS)</b>		
major extraction and disposal	.20	.22
all other	.35	.40
<b>NEIGHBORHOOD CONSERVATION (NC)</b>		
institutional/residential	.50	.30
all other	.60	.13

SECTION 5201. NONRESIDENTIAL BULK REQUIREMENTS.

All nonresidential structures shall comply with the following minimum bulk requirements. Unless otherwise permitted by this Ordinance, no nonresidential structure in any district shall have a setback less than thirty-five (35) feet from the front yard property line or fifty (50) feet from a tidal wetland or body of water. In cases where the bufferyard exceeds any minimum setback, the more restrictive shall apply. Any detached structures on a lot shall be placed at least fifteen (15) feet apart from one another.

TABLE OF NONRESIDENTIAL BULK REQUIREMENTS/SETBACKS

District	U.S. Rts. 50/301	Arterial	Height	Side & Rear Yards
AG				
On-lot AG	100	75	135	10
Commercial	100	75	135	
AG support				10
All other	100	75	45	10
CS				
On-lot AG	100	75	135	10
Commercial	100	75	135	10
AG support				
All other	100	75	45	10
E	100	50	30	10
SE	100	50	30	10
SR	100	50	30	10
SC	50	50	30	10
UR	100	50	40	10
UC	50	20	45	10
VC	50	25	45	10
SI	75	50	45	10
LIHS <sup>1</sup>	200 <sup>2</sup>	150 <sup>2</sup>	45	100
NC	50	25	30	10

<sup>1</sup> Minimum lot size in the LIHS district is ten (10) acres. Minimum lot size for subdivision of an existing residence is one (1) acre.

<sup>2</sup> A minimum one hundred (100) foot setback is required if the property fronts on a road or intersection with a right-of-way which results in at least one hundred (100) feet of planted open space between the paved edge of the roadway and the back edge of the right-of-way.



Section 6108

SECTION 6108. HABITATS OF THREATENED AND ENDANGERED SPECIES.

Disturbance of habitat areas for threatened and endangered species may only be permitted after consideration of recommendations from the Maryland Department of Natural Resources and any expert advice from the applicant. Such disturbance shall be limited to the minimum extent necessary to permit practical development of the site.

PART 2 - LANDSCAPING STANDARDS

SECTION 6200. LANDSCAPING STANDARDS.

This part contains the landscaping standards required for on-site and for parking lots, district boundary boundaries and street buffers. These standards apply to planned, cluster and nonresidential developments. These standards do not apply to single-family large lot subdivisions, or large lot agricultural or sliding scale subdivisions in the AG district.

SECTION 6201. STANDARD PLANT UNITS.

- A. Required landscaping shall conform to one or more of the following standard plant unit alternatives found in this Section, except that required landscaping for all waste disposal, major extraction and dredge disposal, and heavy industrial must conform to Alternative #7.
- B. Subsection F. specifies alternative plant units that may be used for street and district boundary bufferyards, on-site landscaping and parking areas. The first five plant mixes are interchangeable, but alternative #5 shall be used for the interior of parking lots. Along U.S. 50/301, alternative #4 is the preferred alternative. Alternate plant unit #6 shall be employed only as an alternative where on-lot landscaping requirements exceed five (5) acres.
- C. In the Countryside, Estate, Suburban Estate, and Suburban Residential districts the shrub requirements for street buffers may be substituted with two (2), four foot tall trees for every five (5) shrubs required per plant unit.
- D. In street and district boundary Buffer Yards Canopy trees may be reduced in caliper by one inch and Evergreen Trees may be reduced in height by two feet if a three foot high berm is used.
- E. The amount and type of plantings for a fraction of a total plant unit shall be determined by the Planning Director.

F. PLANT UNITS1. Alternative Unit #1

1 - 2.5" caliper canopy tree  
2 - 1.5" understory trees  
10 - 18" high shrubs

2. Alternative Unit #2

1 - 2" caliper canopy tree  
1 - 1.5" understory tree  
10 - 18" high shrubs  
1 - 8' high evergreen tree

3. Alternative Unit #3

1 - 2" caliper canopy tree  
10 - 18" high shrubs  
2 - 6' high evergreen trees

4. Alternative Unit #4

10 - 18" high shrubs  
1 - 8' high evergreen trees  
2 - 6' high evergreen trees

5. Alternative Unit #5

3 - 3" caliper canopy trees  
2 - 2.5" caliper canopy tree  
5 - 18" high shrubs

6. Alternative Unit #6

1 - 2.5" caliper canopy tree  
21 - 12" high canopy tree whips at  
minimum 10' on center spacing

7. Alternative Unit #7

10 - 6' high evergreens  
10 - 18" high shrubs

Section 6303

SECTION 6303. TABLE OF REQUIRED BUFFERYARDS ~~AND STREET BUFFERS.~~

- A. The letters in the table below establish bufferyard requirements and standards along adjacent zoning districts, ~~and streets, and for certain institutional and industrial uses.~~ For example, a "B" bufferyard is described in the Table of Bufferyard Standards as being fifteen (15) feet wide and containing two (2) plant units, as described in Section 6201, per one hundred fifty (150) lineal feet. ~~The Tables for District Boundary Buffers and Street Buffers do not apply to any waste disposal, major extraction and dredge disposal, or heavy industry.~~

DISTRICT BOUNDARY BUFFERS

Adjacent Zoning District

Developing Property Zoning District	AG,CS	E	SE,SR,NC	UR,VC	SC	SI,UC	LIHS
AG, CS	--	--	--	--	--	--	--
E	A	--	B	C	D	E	E
SR, SR	--	A	--	A	D	E	E
UR, VC	B	C	B	--	C	D	D
SC	D	D	D	C	--	A	A
SI, UC	D	E	E	D	A	--	--
LIHS	L	L	L	L	L	L	--

**STREET BUFFERS**

Developing Property Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
AG	--	--	--	--
CS	S	A	--	--
E,SE,SR	D	C	S	S
UR	D	C	C	C
VC	B	--	--	--
SC	B	S	B	S
SI	D	C	E	S
UC	B	B	D	S
LIHS	L	L	L	S

**BUFFERS FOR WASTE DISPOSAL,  
MAJOR EXTRACTION, DREDGE DISPOSAL, AND  
HEAVY INDUSTRIAL USES**

Developing Property Zoning District	All Streets	All Property Lines	All Adjacent Zoning Districts
AG, CS, SI, LIHS	I	I	I

Section 6303

TABLE OF BUFFERYARD STANDARDS

<u>Bufferyard</u>	<u>Number of plant units per 150 lineal feet</u>	<u>Bufferyard Width</u>
A	1	15 feet
B	2	15 feet
C	3	20 feet
D	4	20 feet
E	5	20 feet
S	2	10 feet from edge of street r.o.w.
L	8	40 feet
I	6	60 feet

- B. In cases where the property line requiring a buffer is less than 150 feet in length, a minimum of one (1) plant unit is required. For property lines requiring a buffer which are greater than 150 feet, but not an even multiple of 150 feet, the required amount of plant units shall be calculated and determined by the Planning Director.
- C. In cases where a commercial or industrial use is proposed adjacent to a residentially zoned property with an existing residential use, the Planning Commission may require earthen berms and/or opaque or semi-opaque fencing in addition to the required plant units.
- D. Notwithstanding the other provisions of this section, the design of a required buffer shall insure that neighboring properties and public rights-of-way are adequately screened from adverse external effects of proposed adjacent development.

SECTION 6304. BUFFERYARD USE.

A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (1) no required plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other regulations of the Ordinance are met. In no event shall active recreation uses be permitted in bufferyards.

- D. The County Commissioners shall consider the map amendment request pursuant to Section 9930 of this Ordinance. The requirements of Section 9931B. shall not apply to a floating zone map amendment. The County Commissioners shall require that the map amendment is in compliance with the standards of Section 7100 of this Ordinance. County Commissioner approval of the UR map amendment shall be contingent upon the applicant receiving final site plan and/or final subdivision plat approval from the Planning Commission and approval of all required building permits within two (2) years of County Commissioners conditional approval of the map amendment. If the above conditions are not satisfied the County Commissioners may take action to nullify the conditional approval of the map amendment.
- E. Once the final site plan and/or final subdivision plat has been approved and all required building permit applications have been approved, the Planning Director shall prepare revised copies of the pertinent Zoning Map(s) for signature by the County Commissioners.

## PART 2 - CONDITIONAL USES

### SECTION 7200. CONDITIONAL USES: GENERAL

Conditional uses are those uses which must be reviewed on a case-by-case basis to evaluate their appropriateness for a particular location. Conditional uses for each zoning district are listed in Section 4002 (Table of Permitted Uses) of this Ordinance. For purposes of establishing the proper public notification procedures in Section 9053 of this Ordinance, conditional uses are divided into two categories -- Major Conditional Uses (Section 7203 (A-G) and Minor Conditional Uses (Section 7203 (H-O)).

### SECTION 7201. CONDITIONAL USE PROCEDURES

- A. An application for conditional use approval shall include a concept site plan and/or sketch subdivision plan as required in Sections 9311 and 9451 and any other information necessary to determine the appropriateness of the use at a particular location.
- B. Applications for conditional use approval shall be processed by the Planning Director as follows:
- I. Prior to formal application for conditional use approval it is highly recommended that the applicant schedule a meeting with County staff to discuss the proposal. During this meeting, every effort will be made to provide the applicant with preliminary guidance.

Section 7201

2. Only after the applicant submits a complete application (as prescribed by the Board of Appeals) and concept/sketch plan as required in Sections 9311 and 9451 to the clerk to the Board, will the Department of Planning and Zoning offer a formal response to the applicant. The Clerk to the Board will forward copies of the application to the Departments of Planning and Zoning, Public Works, Environmental Health, Maryland State Highway Administration, Critical Area Commission and other applicable State and County review agencies as appropriate.
3. The Department will prepare a staff report outlining their comments, concerns and recommendations, and forward a copy to the Board of Appeals and applicant within 10 working days. Although the Department may request additional information from the applicant, or that the application and/or plans be revised, this request is not a requirement.
4. A public hearing shall be held by the Board of Appeals after a public notice has been published in accordance with Article 66B of the Annotated Code of Maryland. The attorney for the Board of Appeals is responsible for scheduling a hearing date. Not later than ~~ten (10)~~ **fifteen (15) working days** prior to the date set for the hearing on ~~the an application for variance or minor conditional use and not later than forty-five (45) working days~~ **prior to the date set for the hearing on an application for major conditional use**, the Planning Director and each official or agency to which the application has been referred shall file a written report with the Board of Appeals, setting forth the recommendations for changes in the plans as submitted and the conditions for approval, if any, necessary to bring such plan into compliance with any applicable ordinance or regulation or to eliminate any adverse effects of the proposed development on those aspects of the general health, safety, and welfare of the community for which such official or agency has special responsibility.
5. The Board of Appeals may, in approving the application for any conditional use, impose such restrictions and conditions as it determines are required by the general purposes, goals, and objectives of the Comprehensive Plan and this Ordinance to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, and welfare of the County. All conditions imposed upon any conditional use approval shall be expressly set forth in the resolution granting such conditional use approval.

## SECTION 7203. ADDITIONAL STANDARDS FOR SPECIFIED CONDITIONAL USES.

The following additional standards must be met for the particular conditional uses listed below.

**Major Conditional Uses****A. Waste Disposal Facilities.****1. Plans Required**

a. Plan of general area (within a one (1) mile radius of the boundaries of the subject property) at a scale of one thousand (1,000) feet to the inch or less with a ten (10) foot contour interval or less to show:

**1) Existing Data**

- a) Location of proposed site.
- b) Land use pattern including building locations and historical sites and buildings within a one (1) mile radius of proposed site.
- c) Roads -- indicating major roads and showing width, weight loads, types of surfaces and traffic data.

**2) Site and geological data.**

- a) Soil and geology, with soil borings on a 100-foot grid for disposal or storage facilities.
- b) Surface drainage patterns.
- c) Groundwater movements and aquifer information.
- d) Aquifer recharge data.
- e) Vegetation cover on the site and dominant species.
- f) Annual precipitation, and dominant seasonal wind direction.



Section 7203

- 3) Proposed operation of the disposal site.
  - a) Approximate number of cubic yards of waste to be accepted per day, or thousands of gallons.
  - b) Detailed description of the operation.
  - c) Method of protecting wastes from exposure to wind, rain, or biological influences.
  - d) Types of liners or other barriers to prevent movement through the soils.
  - e) Types of leachates generated and method of managing these materials.
  - f) Type and origin of the waste materials.
  - g) Average number of vehicles entering the site and the routes taken to get there.
  - h) Ability of roads and bridges to support such loadings.
  - i) On-site management techniques used to protect against odor, dust, litter, animal or insect vectors.
  - j) Data on previous developments that have been approved by the County for either building permits, zoning reviews, subdivisions or land developments.
- b. Plan of proposed site at a scale of one hundred (100) feet to the inch or less with a two (2) foot contour interval or less to show:
  - 1) Basic data
    - a) Soils and geology.
    - b) Groundwater data and water courses.
    - c) Vegetation -- with dominant species.

## Section 7203

- d) Wind data -- directions and percentage of time.
- 2) Proposed usage.
    - a) Final grading by contours.
    - b) Interior road pattern, its relation to operation yard and points of ingress and egress to state and county roads.
    - c) Estimated amount and description of aggregate and overburden to be removed.
    - d) Ultimate use and ownership of site after completion of operation.
    - e) Source of water if final plan shows use of water.
- c. Plan of Operation showing:
    - 1) Proposed tree and berm screen locations.
    - 2) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
    - 3) Method of disposition of excess water during operation.
    - 4) Location and typical schedule of blasting.
    - 5) Machinery -- type and noise levels.
    - 6) Safety measures -- monitoring of complaints.
- d. End Use Plan

An end use plan for the rehabilitation of the site after the disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then

Section 7203

engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use shall be submitted. For all such uses, evidence of post operation maintenance and legal responsibility for any environmental pollution that occurs after the facility is closed and financial ability to clean up such pollution must also be presented.

2. Performance Standards.

- a. Operations. Waste disposal facilities shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.
- b. Site Area and Location. Waste disposal facilities shall be located on a lot with an area of at least one hundred (100) acres that has direct access to an arterial or collector road as identified in the Comprehensive Plan.
- c. Setbacks. No disposal area or structure that is used to store, compact, treat, or dispose of waste shall be located within one hundred twenty-five (125) feet of any lot line; one hundred twenty-five (125) feet of any street; within three hundred (300) feet of any residential or commercial district boundary line; within three hundred (300) feet of any perennial or intermittent stream or any nontidal wetlands of Special State Concern or any nontidal wetlands that are hydrologically connected to floodplains, perennial or intermittent streams; within three hundred (300) feet of any property lines towards which groundwater flows; or within one-thousand (1,000) feet of any residential, not-for-profit institutional, or group day care uses.
- d. Height Limitation. No disposal area or structure that is used to store, compact, treat, or dispose of waste shall exceed a height of forty-five (45) feet from the grade of the site prior to any disturbance.
- e. Access. Truck access to any waste disposal facility shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

## Section 7203

- f. **Drainage.** Drainage and stormwater management systems shall be provided, either natural or artificial, so that disturbed and/or developed areas shall not collect nor permit stagnant water to remain.
- g. **Planting.** When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.
- h. **Liners and Leachate Collection Systems.** Rubble and sanitary landfills shall have a liner and leachate collection system.
- 1) The liner shall be:
- Constructed of materials that have sufficient strength and thickness to prevent failure due to pressure gradients, physical contact with waste or leachate, climatic conditions, the stress of installation, and the stress of daily operation.
  - A minimum of 1 foot of clay having an in-place permeability of less than or equal to  $1.0 \times 10^{-7}$  centimeters/second, or one or more unreinforced synthetic membranes with a combined minimum thickness of 50 mil or a single reinforced synthetic membrane with a minimum thickness of 30 mil which has a permeability less than or equal to  $1.0 \times 10^{-10}$  centimeters/second, and the liner shall be installed over a prepared subbase free of objects which could be injurious to the integrity of the liner material, with a minimum thickness of 2 feet and a permeability less than or equal to  $1.0 \times 10^{-5}$  centimeters/second.

Section 7203

- c. Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, uplift, puncture, cutting, or activities at the landfill.
  - d. Installed to cover all surrounding earth likely to be in contact with the waste or leachate.
  - e. Installed at a minimum slope of 2 percent to facilitate movement of leachate towards the leachate collection system and prevent leachate ponding on the liner floor;
- 2) A leachate collection and removal system shall be located immediately above the liner, that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill, with the leachate collection and removal system being:
- a. Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill,
  - b. Designed and operated to function without clogging.
  - c. Designed and operated to ensure that the leachate depth over the liner does not exceed 30 centimeters (1 foot), and
  - d. Designed and operated to function solely by the force of gravity in all areas where the system will directly underlie solid waste.

**B. Major Extraction and Dredge Disposal.**

When applying for a zoning permit or change of zoning, the applicant shall provide the following plans and information in addition to what is otherwise required for a conditional use permit:

**1. Plans Required**

a. Plan of general area (within a one (1) mile radius of boundaries of the subject property) at a scale of one thousand (1,000) feet to the inch or less with a ten (10) foot contour interval or less to show:

**1) Existing Data**

a) Location of proposed site.

b) Land use pattern including building locations and historical sites and buildings within a one (1) mile radius of proposed site.

c) Roads -- indicating major roads and showing width, weight loads, types of surfaces and traffic data.

**2) Site and geological data.**

a) Soil and geology, with soil borings on a 100-foot grid for disposal or storage facilities.

b) Surface drainage patterns.

c) Groundwater movements and aquifer information.

d) Aquifer recharge data.

e) Vegetation cover on the site and dominant species.

f) Annual precipitation, and dominant seasonal wind direction.

Section 7203

3) Proposed operation of the site.

a) Extractive operations.

i. Type of material to be removed.

ii. Annual removal rate.

iii. Method of extraction, including types of equipment, use of conveyors, use of blasting materials.

iv. Supplementary processes, drying, grading, mixing or manufacturing.

v. Estimated life of the operation and maximum extent of area disturbed, final depths and side wall slopes.

vi. Approved sediment erosion control plan.

b) Disposal Facilities.

i. Approximate number of cubic yards of waste to be accepted per day, or thousands of gallons.

ii. Detailed description of the operation.

iii. Method of protecting wastes from exposure to wind, rain, or biological influences.

iv. Types of liners or other barriers to prevent movement through the soils.

v. Types of leachates generated and method of managing these materials.

vi. Type and origin of the waste materials.

vii. Average number of vehicles entering the site and the routes taken to get there.



- viii. Ability of roads and bridges to support such loadings.
  - ix. On-site management techniques used to protect against odor, dust, litter, animal or insect vectors.
  - x. Data on previous developments that have been approved by the County for either building permits, zoning reviews, subdivisions or land developments.
- b. Plan of proposed site at a scale of one hundred (100) feet to the inch or less with a two (2) foot contour interval or less to show:
- 1) Basic data
    - a) Soils and geology.
    - b) Groundwater data and water courses.
    - c) Vegetation -- with dominant species.
    - d) Wind data -- directions and percentage of time.
  - 2) Proposed usage.
    - a) Final grading by contours.
    - b) Interior road pattern, its relation to operation yard and points of ingress and egress to state and county roads.
    - c) Estimated amount and description of aggregate and overburden to be removed.
    - d) Ultimate use and ownership of site after completion of operation.
    - e) Source of water if final plan shows use of water.



## Section 7203

### c. Plan of Operation showing:

- 1) Proposed tree and berm screen locations.
- 2) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
- 3) Method of disposition of excess water during operation.
- 4) Location and typical schedule of blasting.
- 5) Machinery -- type and noise levels.
- 6) Safety measures -- monitoring of complaints.

### d. End Use Plan

An end use plan for the rehabilitation of the site after the extraction or disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use shall be submitted. For all such uses, evidence of post operation maintenance and legal responsibility for any environmental pollution that occurs after the facility is closed and financial ability to clean up such pollution must also be presented.

## 2. Performance Standards.

- a. **Operations.** Extractive operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.
- b. **Setbacks.** No excavation, quarry wall, storage or disposal area shall be located within one hundred twenty-five (125) feet of any lot line, one hundred twenty-five (125) feet from any street right-of-way, nor within three hundred (300) feet of any residential or commercial district boundary line.

## Section 7203

- c. Height Limitation. No excavation, quarry wall, storage or disposal area shall exceed a height of forty-five (45) feet from the grade of the site prior to any disturbance.
- d. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- 1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc. or other materials, providing such materials are composed of non-noxious, noncombustible solids.
  - 2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (b) above may be reduced by one-half, such that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line.
  - 3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
  - 4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
- e. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

## Section 7203

f. **Planting.** When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

### C. Airports, Landing Strips and Heliports.

1. Airports, private airports, private landing strips and private or public heliports may be required to install bufferyards and/or other noise abatement devices to insure that surrounding properties and public rights-of-way are protected from adverse impacts of the use.
2. The applicant shall demonstrate that the proposed airport, private airport, private landing strip or private or public heliport meets the standards of the State Aviation Administration of the Maryland Department of Transportation and all other applicable State, Federal or municipal agencies for the type of class of use proposed.
3. No application for an airport, private landing strip or private or public heliport shall be considered unless it is accompanied by a plan, drawn to scale, showing the proposed location of the facility, boundary lines, dimensions, names of abutting property owners, proposed layout of runways, landing strips or pads, taxiways, aprons, roads, aircraft and vehicle parking areas, navigational aids, hangars, buildings and other structures and the location and height of all buildings, structures, trees and overhead wires falling within approach and departure patterns and less than five-hundred (500) feet distance from the boundary lines of the airport. The application shall also indicate the location of all existing airports, private airports, private landing strips, and public and private heliports within a five (5) mile radius.
4. The Board of Appeals shall consider the impact a proposed airport, private airport, private landing strip or private or public heliport may have upon adjacent residential areas and may include such conditions in its approval of the proposed use as it may consider advisable to preserve the quiet enjoyment of such residential areas, including but not limited to, restrictions on arrivals or departures, maximum size of aircraft permitted to arrive at or depart from the facility and other noise and

## Section 7203

nuisance abatement procedures not inconsistent with safe aviation practices or applicable State or Federal regulations.

5. Notwithstanding the limits on the number of aircraft permitted to use a private airport or landing strip, the Board of Appeals may approve the temporary use of private airports or landing strips by aircraft used for agricultural spraying or fertilizing upon the specific request of the applicant and only under such conditions as the Board of Appeals may find are consistent with the nature and size of the facility, impacts on adjacent lands and uses and the legitimate needs or convenience of properties to be served by such agricultural spraying or fertilizing.
6. Any building, hangar, or other structure shall be at least one hundred (100) feet from any street or lot line.
7. All major repair of aircraft and machinery shall be done inside hangars.

D. Truck Stops and Travel Plazas.

1. A Truck Stop or Travel Plaza shall not locate any buildings or parking areas within 200 feet of any residentially zoned district.
2. A Truck Stop or Travel Plaza shall not be located on a parcel less than twenty-five (25) acres.
3. A Truck Stop or Travel Plaza shall include architectural design features which provide compatibility between the proposed buildings and other commercial buildings in the area.
4. All on site lighting shall be sized and directed to provide for minimal light spillage onto adjacent properties.
5. The Board may require additional landscaping, screening, and berming as necessary to minimize the visual and noise impact of the Truck Stop or Travel Plaza on adjacent properties.

E. Commercial Communication Towers.

Towers shall be located so that they do not interfere with reception in nearby residential areas, and with a sufficient radius of clear land around the tower so that its collapse will be contained on the property, and that there is room for maintenance vehicles to maneuver on the property. Ancillary structures are exempt from site plan requirements.

## Section 7203

F. Within the Neighborhood Conservation (NC) Districts, major cluster and planned residential developments may be allowed as conditional uses in order to provide for greater design flexibility and construction of more affordable housing types provided the permitted density of the NC parcel is not increased. Standards for the inclusion of major cluster and planned residential development as conditional uses in the NC Districts are as follows:

1. Major cluster subdivisions or planned developments may be located as infill development on undeveloped parcels throughout an NC District neighborhood. No more than thirty (30) percent of the total dwelling units permitted within the immediate NC District shall be constructed as a planned development.
2. The bulk standards for cluster and planned developments shall have the same side, rear, and front setbacks as required in the zoning district in which they are located (see Sections 5105 and 5106).
3. The dwelling units developed within the cluster and planned developments shall be in keeping with the architectural character of the area as well as the colors and materials of surrounding buildings.
4. Density shall be determined by the minimum lot size for the district.
5. Planned developments shall not consist of more than six (6) dwelling units per building.

### G. Campgrounds.

1. A three (3) inch caliper tree shall be planted for each campsite not located in a wooded area.
2. The perimeter of the site shall be developed with a D bufferyard as described in Article VI, Section 6303, unless a greater bufferyard is required due to adjoining zoning districts or roadways by Section 6303.

### Minor Conditional Uses

#### H. Manufactured Home Communities.

Manufactured home communities in the Suburban Residential (SR) and NC-T districts shall be conditional uses. In the Suburban Residential (SR) district, such sites shall provide a minimum of forty-five (45) percent open space. At



this open space ratio and the permitted density in the Suburban Residential (SR) district, the use shall be considered to have met the provisions of Section 7202 A. Further, the requirements in Section 7202 B. and C. should be reviewed only as the manufactured home community differs in intensity from permitted uses in the district. In the NC-T district the density shall be determined by the minimum lot area in the district. The requirement for open space shall be the same as that required for Suburban Residential above, and lot size shall be no less than four thousand (4,000) square feet in any case. The following specific conditions that shall be applied are as follows:

1. Buffer landscaping between the manufactured home community and any existing single-family dwellings be of sufficient width and plant density to serve as an effective screen. The use of berms and/or evergreen plantings may be required.
2. Double-wide manufactured units may be required on the outer fringe of the development near existing residential uses.
3. The manufactured home community shall not be utilized as a seasonal or vacation community, but rather is clearly intended to meet the needs of full-time residents of Queen Anne's County.

I. Minor Extraction and Dredge Disposal.

Sand, gravel, or similar extraction and clean fill storage operations and dredge disposal operations shall provide the following plans and information in addition to what is otherwise required for a conditional use permit.

1. Plans required (General).
  - a. A general area plan within a one (1) mile radius from extraction or disposal operation at a scale of one thousand (1,000) feet to the inch or less which shows:
    - 1) Location of proposed site.
    - 2) Existing zoning.

Section 7203

2. General Operational Information.

a. Extraction

- 1) Type of material to be removed.
- 2) Removal rate.
- 3) Method of extraction.
- 4) Any supplementary process.
- 5) Estimated life of operation.
- 6) Average number of vehicles per day.

b. Dredge Disposal

- 1) Approximate number of cubic yards to be accepted.
- 2) Origin of dredge material.
- 3) Method of transport of dredge disposal.
- 4) Number of vehicles per day.

3. An approved Sediment and Erosion Control Plan.

4. Proposed usage.

a. Final grading by contours.

b. Interior road pattern, its relation to operation yard and points of ingress and egress to State and County roads.

c. Estimated amount and description of aggregate and overburden to be removed.

d. Ultimate use and ownership of site after completion of operation.

e. Source of water if final plan shows use of water.

## Section 7203

## 5. Plan of Operation showing:

- a. Proposed tree and berm screen locations.
- b. Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
- c. Method of disposition of excess water during operation.
- d. Machinery - type and noise levels.
- e. Safety measures - monitoring of complaints.

## 6. End Use Plan

An end use plan for the rehabilitation of the site after the extraction or dredge disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use shall be submitted.

## 7. Performance Standards:

- a. Operations. Extraction and dredge disposal operations shall meet all development and performance standards of this Ordinance and all applicable local, State and Federal regulations.
- b. Setbacks. No excavation, quarry wall, or storage area shall be located within fifty (50) feet of any lot line, one hundred twenty-five (125) feet from any street right-of-way.
- c. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.



Section 7203

- 1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc. or other materials, providing such materials are composed of non-noxious, noncombustible solids.
  - 2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (b) above may be reduced, such that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line.
  - 3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
  - 4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
- d. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- e. Planting. When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings

## Section 7203

shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

**J. First Floor Commercial Apartments.**

1. Square footage of the apartment shall be minimized to the extent practicable in order to insure that the dwelling is affordable and the use of the building remains substantially commercial.
2. Shall comply with the parking requirement for apartments in 6601 A (8).
3. Shall provide no less than 150 square feet patio or deck area at the outside entrance of each unit.
4. The developer shall provide landscape surface area at the entrance of each dwelling.

**K. Country Inns and Bed and Breakfast.**

No Bed and Breakfast/Country Inn shall be approved except as an adaptive reuse of an existing building. All such facilities shall be required to obtain permits to serve food and beverages and shall be inspected annually at a fee as established by separate ordinance to verify that the uses continue to meet all applicable regulations. In noncommercial districts, only one (1) thirty-five (35) square foot sign shall be permitted. Signs shall be set back from the road to maintain a rural character except in areas where adjoining uses are on the road. There shall be one (1) parking space for each room, three (3) for the owner, and one and a quarter (1¼) spaces per four (4) seats for the Country Inns having extra seating capacity. Restaurant size shall be limited to the number of rooms in the facility.

**L. Day Care.**

1. Shall meet all State requirements for day care and/or child care facilities.
2. Off-street parking and loading area shall be provided.
3. Shall be located on streets which have adequate capacity to accommodate the volume of traffic generated by the proposed use.

Section 7203

4. Within the Suburban Industrial (SI) district shall only exist as an accessory use to the principal use(s) on the same lot and shall only service the business which it is accessory to or those businesses located in the same business park or subdivision.

M. Funeral Homes:

1. Shall meet all state requirements for funeral home facilities.
2. Off-street parking and loading area shall be provided.
3. Shall be located on collector or arterial street.

N. Country Stores:

1. Shall not be located within one (1) mile of an existing Village Center (VC) Zoning District.
2. Shall only be located at an intersection involving a minor arterial or collector road as designated by the State Highway Administration or the County Comprehensive Plan.
3. If access is to a State road, a State Highway Administration Access Permit must be obtained.
4. Total floor area of the Country Store and accessory residential units shall not exceed 3,000 square feet.
5. Adequate off-street parking and loading spaces shall be provided as required by Section 6601. All parking shall be located to the side and rear of the store building and shall be screened on all sides by a three (3) to six (6) foot high, year-round, semi-opaque landscaped buffer or a combination of landscaping and wooden fencing.
6. No outside storage or display of merchandise is permitted.
7. All buildings must be compatible in design with surrounding rural residential character and have: wood, brick or vinyl siding; a minimum 1:4 roof pitch; and a covered front porch extending at least two-thirds (2/3) the length of the building.
8. Maximum building height is forty-five (45) feet.

## Section 7203

9. One (1) wall sign is permitted. The wall sign shall not exceed sixteen (16) square feet in area. One (1) freestanding sign is permitted. Each side of the freestanding sign shall not exceed thirty-two (32) square feet in area. Maximum height of the freestanding sign shall be fifteen (15) feet. All signs must be constructed of natural materials and shall not be internally lighted.
10. A Country Store may contain up to two (2) accessory residences above the first floor of the store building.
11. A Country Store may contain eat-in and/or carry-out food service provided that no more than fifty (50) percent of the total non-residential floor area is utilized for food preparation and dining area.
12. A Country Store may sell petroleum products provided only one pump island is permitted and the pump island is covered by a canopy which is designed and constructed to be compatible with the store building and incorporates similar roofing and siding materials.
13. A landscaping plan must be submitted and approved in conjunction with the site plan. Impervious surfaces shall be limited to the extent possible.

O. Marinas and Covered Slips:

1. Slips shall be located in a manner which minimizes dredging needs and volumes. Dredged channels shall decrease in width and depth toward shore with provision made for berthing deeper draft boats farthest from shore. Design of slips shall be two (2) feet deeper at mean low water than the lowest projection of boats moored in them to minimize turbidity and bottom disturbances.
2. Dimensions and locations of channels shall be designed to achieve maximum flushing of the marina basin.
3. The flow and volume of the natural drainage system, both on site and on adjacent properties shall be maintained.
4. Use of impervious ground surfacing shall be minimized wherever possible. Reasonable distances shall be maintained between water and parking and loading areas.
5. Marinas shall not be located in the upper halves of river bodies within the County.

Section 7203

6. New commercial marinas of more than twenty (20) slips shall only be developed as part of a mixed-use project, including one or more of the following uses permitted in the underlying zoning district: restaurants, nautical supply shops, boutiques, retail shops and/or lodging establishments.
7. New marinas and additions to existing marinas shall be serviced by sanitary sewer connections for pump outs for boat slips within the marina.
8. Minimum distance for marina basins from Shellfish Harvesting Areas shall be six hundred sixty (660) feet.
9. All on-site storage of flammable liquids shall be subject to the requirements of Section 5500 D. 2. 4.
10. Covered slips shall not be located where they will block any adjacent or nearby properties' views to any body of water.
11. All covered slips and piers shall comply with applicable State and Federal regulations.

~~A. Airports, Landing Strips and Heliports.~~

- ~~1. Airports, private airports, private landing strips and private or public heliports may be required to install bufferyards and/or other noise abatement devises to insure that surrounding properties and public rights-of-way are protected from adverse impacts of the use.~~
- ~~2. The applicant shall demonstrate that the proposed airport, private airport, private landing strip or private or public heliport meets the standards of the State Aviation Administration of the Maryland Department of Transportation and all other applicable State, Federal or municipal agencies for the type of class of use proposed.~~
- ~~3. No application for an airport, private landing strip or private or public heliport shall be considered unless it is accompanied by a plan, drawn to scale, showing the proposed location of the facility, boundary lines, dimensions, names of abutting property owners, proposed layout of runways, landing strips or pads, taxiways, aprons, roads, aircraft and vehicle parking areas, navigational aids, hangars, buildings and other structures and the location and height of all buildings, structures, trees~~

## Section 7203

~~and overhead wires falling within approach and departure patterns and less than five hundred (500) feet distance from the boundary lines of the airport. The application shall also indicate the location of all existing airports, private airports, private landing strips, and public and private heliports within a five (5) mile radius.~~

- ~~4. The Board of Appeals shall consider the impact a proposed airport, private airport, private landing strip or private or public heliport may have upon adjacent residential areas and may include such conditions in its approval of the proposed use as it may consider advisable to preserve the quiet enjoyment of such residential areas, including but not limited to, restrictions on arrivals or departures, maximum size of aircraft permitted to arrive at or depart from the facility and other noise and nuisance abatement procedures not inconsistent with safe aviation practices or applicable State or Federal regulations.~~
- ~~5. Notwithstanding the limits on the number of aircraft permitted to use a private airport or landing strip, the Board of Appeals may approve the temporary use of private airports or landing strips by aircraft used for agricultural spraying or fertilizing upon the specific request of the applicant and only under such conditions as the Board of Appeals may find are consistent with the nature and size of the facility, impacts on adjacent lands and uses and the legitimate needs or convenience of properties to be served by such agricultural spraying or fertilizing.~~
- ~~6. Any building, hangar, or other structure shall be at least one hundred (100) feet from any street or lot line.~~
- ~~7. All major repair of aircraft and machinery shall be done inside hangars.~~

~~B. Marinas and Covered Slips.~~

- ~~1. Slips shall be located in a manner which minimizes dredging needs and volumes. Dredged channels shall decrease in width and depth toward shore with provision made for berthing deeper draft boats farthest from shore. Design of slips shall be two (2) feet deeper at mean low water than the lowest projection of boats moored in them to minimize turbidity and bottom disturbances.~~
- ~~2. Dimensions and locations of channels shall be designed to achieve maximum flushing of the marina basin.~~

Section 7203

- ~~3. The flow and volume of the natural drainage system, both on site and on adjacent properties shall be maintained.~~
- ~~4. Use of impervious ground surfacing shall be minimized wherever possible. Reasonable distances shall be maintained between water and parking and loading areas.~~
- ~~5. Marinas shall not be located in the upper halves of river bodies within the County.~~
- ~~6. New commercial marinas of more than twenty (20) slips shall only be developed as part of a mixed use project, including one or more of the following uses permitted in the underlying zoning district: restaurants, nautical supply shops, boutiques, retail shops and/or lodging establishments.~~
- ~~7. New marinas and additions to existing marinas shall be serviced by sanitary sewer connections for pump outs for boat slips within the marina.~~
- ~~8. Minimum distance for marina basins from Shellfish Harvesting Areas shall be six hundred sixty (660) feet.~~
- ~~9. All on site storage of flammable liquids shall be subject to the requirements of Section 5500 D. 2. 4.~~
- ~~10. Covered slips shall not be located where they will block any adjacent or nearby properties' views to any body of water.~~
- ~~11. All covered slips and piers shall comply with applicable State and Federal regulations.~~

~~C. Extraction and Disposal.~~

~~Includes sand, clay, shale, gravel, topsoil, or similar extractive operations including borrow pits (excavations for removing material for filling operations) and disposal operations such as: landfills, trash transfer sites, incinerators, sludge or other land disposal or storage of septic tank wastes or sludges, trash, junk cars, recycling facilities, used auto parts, or junk yards. When applying for a zoning permit or change of zoning, the applicant shall provide the following plans and information in addition to what is otherwise required for a conditional use permit: —~~

## Section 7203

1. Plans Required

~~a. Plan of general area (within a one (1) mile radius of site) at a scale of one thousand (1,000) feet to the inch or less with a ten (10) foot contour interval or less to show:—~~

~~1) Existing Data~~

~~a) Location of proposed site.—~~

~~b) Land use pattern including building locations and historical sites and buildings within a one (1) mile radius of proposed site.—~~

~~c) Roads indicating major roads and showing width, weight loads, types of surfaces and traffic data.—~~

~~2) Site and geological data.—~~

~~a) Soil and geology, with soil borings on a 100 foot grid for disposal or storage facilities.—~~

~~b) Surface drainage patterns.—~~

~~c) Groundwater movements and aquifer information.—~~

~~d) Aquifer recharge data.—~~

~~e) Vegetation cover on the site and dominant species.—~~

~~f) Annual precipitation, and dominant seasonal wind direction.—~~

~~3) Proposed operation of the site.—~~

~~a) Extractive operations.—~~

~~i. Type of material to be removed.—~~

~~ii. Annual removal rate.—~~



Section 7203

~~iii. Method of extraction, including types of equipment, use of conveyors, use of blasting materials.~~

~~iv. Supplementary processes, drying, grading, mixing or manufacturing.~~

~~v. Estimated life of the operation and maximum extent of area disturbed, final depths and side wall slopes.~~

~~vi. Approved sediment erosion control plan.~~

~~b) Disposal Facilities.~~

~~i. Approximate number of cubic yards of waste to be accepted per day, or thousands of gallons.~~

~~ii. Detailed description of the operation.~~

~~iii. Method of protecting wastes from exposure to wind, rain, or biological influences.~~

~~iv. Types of liners or other barriers to prevent movement through the soils.~~

~~v. Types of leachates generated and method of managing these materials.~~

~~vi. Type and origin of the waste materials.~~

~~vii. Average number of vehicles entering the site and the routes taken to get there.~~

~~viii. Ability of roads and bridges to support such loadings.~~

~~ix. On-site management techniques used to protect against odor, dust, litter, animal or insect vectors.~~

Section 7203

- ~~x. Data on previous developments that have been approved by the County for either building permits, zoning reviews, subdivisions or land developments.~~
- ~~b. Plan of proposed site at a scale of one hundred (100) feet to the inch or less with a two (2) foot contour interval or less to show:
 
  - ~~1) Basic data
 
    - ~~a) Soils and geology.~~
    - ~~b) Groundwater data and water courses.~~
    - ~~c) Vegetation with dominant species.~~
    - ~~d) Wind data directions and percentage of time.~~~~
  - ~~2) Proposed usage.
 
    - ~~a) Final grading by contours.~~
    - ~~b) Interior road pattern, its relation to operation yard and points of ingress and egress to state and county roads.~~
    - ~~c) Estimated amount and description of aggregate and overburden to be removed.~~
    - ~~d) Ultimate use and ownership of site after completion of operation.~~
    - ~~e) Source of water if final plan shows use of water.~~~~~~
- ~~e. Plan of Operation showing:
 
  - ~~1) Proposed tree and berm screen locations.~~
  - ~~2) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.~~~~

Section 7203

- ~~3) Method of disposition of excess water during operation.~~
- ~~4) Location and typical schedule of blasting.~~
- ~~5) Machinery type and noise levels.~~
- ~~6) Safety measures monitoring of complaints.~~

~~d. End Use Plan~~

~~An end use plan for the rehabilitation of the site after the extraction or disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use shall be submitted. For all such uses, evidence of post operation maintenance and legal responsibility for any environmental pollution that occurs after the facility is closed and financial ability to clean up such pollution must also be presented.~~

~~2. Performance Standards.~~

- ~~a. Operations. Extractive operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.~~
- ~~b. Setbacks. No excavation, quarry wall, or storage area shall be located within fifty (50) feet of any lot line, one hundred twenty five (125) feet from any street right of way, nor within two hundred (200) feet of any residential or commercial district boundary line.~~
- ~~e. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.~~

## Section 7203

- ~~1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc. or other materials, providing such materials are composed of non-noxious, noncombustible solids.~~
  - ~~2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or thirty three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (b) above may be reduced by one half, such that the top of the graded slope shall not be closer than twenty five (25) feet to any lot line, seventy five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line.~~
  - ~~3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.~~
  - ~~4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.~~
- ~~d. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.~~
- ~~e. Planting. When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed~~

Section 7203

~~buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.~~

~~D. Within the Neighborhood Conservation (NC) Districts, major cluster and planned residential developments may be allowed as conditional uses in order to provide for greater design flexibility and construction of more affordable housing types provided the permitted density of the NC parcel is not increased. Standards for the inclusion of major cluster and planned residential development as conditional uses in the NC Districts are as follows:~~

~~1. Major cluster subdivisions or planned developments may be located as infill development on undeveloped parcels throughout an NC District neighborhood. No more than thirty (30) percent of the total dwelling units permitted within the immediate NC District shall be constructed as a planned development.~~

~~2. The bulk standards for cluster and planned developments shall have the same side, rear, and front setbacks as required in the zoning district in which they are located (see Sections 5105 and 5106).~~

~~3. The dwelling units developed within the cluster and planned developments shall be in keeping with the architectural character of the area as well as the colors and materials of surrounding buildings.~~

~~4. Density shall be determined by the minimum lot size for the district.~~

~~5. Planned developments shall not consist of more than six (6) dwelling units per building.~~

~~E. Commercial Communication Towers.~~

~~Towers shall be located so that they do not interfere with reception in nearby residential areas, and with a sufficient radius of clear land around the tower so that its collapse will be contained on the property, and that there is room for maintenance vehicles to maneuver on the property. Ancillary structures are exempt from site plan requirements.~~

## Section 7203

~~F. Country Inns and Bed and Breakfast.~~

~~No Bed and Breakfast/Country Inn shall be approved except as an adaptive reuse of an existing building. All such facilities shall be required to obtain permits to serve food and beverages and shall be inspected annually at a fee as established by separate ordinance to verify that the uses continue to meet all applicable regulations. In noncommercial districts, only one (1) thirty five (35) square foot sign shall be permitted. Signs shall be set back from the road to maintain a rural character except in areas where adjoining uses are on the road. There shall be one (1) parking space for each room, three (3) for the owner, and one and a quarter (1¼) spaces per four (4) seats for the Country Inns having extra seating capacity. Restaurant size shall be limited to the number of rooms in the facility.~~

~~G. Campgrounds.~~

- ~~1. A three (3) inch caliper tree shall be planted for each campsite not located in a wooded area.~~
- ~~2. The perimeter of the site shall be developed with a D bufferyard as described in Article VI, Section 6303, unless a greater bufferyard is required due to adjoining zoning districts or roadways by Section 6303.~~

~~H. Day Care.~~

- ~~1. Shall meet all State requirements for day care and/or child care facilities.~~
- ~~2. Off street parking and loading area shall be provided.~~
- ~~3. Shall be located on streets which have adequate capacity to accommodate the volume of traffic generated by the proposed use.~~
- ~~4. Within the Suburban Industrial (SI) district shall only exist as an accessory use to the principal use(s) on the same lot and shall only service the business which it is accessory to or those businesses located in the same business park or subdivision.~~

~~I. Funeral Homes.~~

- ~~1. Shall meet all state requirements for funeral home facilities.~~
- ~~2. Off street parking and loading area shall be provided.~~

Section 7203

~~3. Shall be located on collector or arterial street.~~

~~J. Manufactured Home Communities.~~

~~Manufactured home communities in the Suburban Residential (SR) and NC T districts shall be conditional uses. In the Suburban Residential (SR) district, such sites shall provide a minimum of forty five (45) percent open space. At this open space ratio and the permitted density in the Suburban Residential (SR) district, the use shall be considered to have met the provisions of Section 7202 A. Further, the requirements in Section 7202 B. and C. should be reviewed only as the manufactured home community differs in intensity from permitted uses in the district. In the NC T district the density shall be determined by the minimum lot area in the district. The requirement for open space shall be the same as that required for Suburban Residential above, and lot size shall be no less than four thousand (4,000) square feet in any case. The following specific conditions that shall be applied are as follows:~~

- ~~1. Buffer landscaping between the manufactured home community and any existing single family dwellings be of sufficient width and plant density to serve as an effective screen. The use of berms and/or evergreen plantings may be required.~~
- ~~2. Double wide manufactured units may be required on the outer fringe of the development near existing residential uses.~~
- ~~3. The manufactured home community shall not be utilized as a seasonal or vacation community, but rather is clearly intended to meet the needs of full-time residents of Queen Anne's County.~~

~~K. Minor Extraction and Dredge Disposal.~~

~~Sand, gravel, or similar extraction and clean fill storage operations and dredge disposal operations shall provide the following plans and information in addition to what is otherwise required for a conditional use permit.~~

- ~~1. Plans required (General).
  - ~~a. A general area plan within a one (1) mile radius from extraction or disposal operation at a scale of one thousand (1,000) feet to the inch or less which shows:~~~~

## Section 7203

- ~~1) Location of proposed site.~~
- ~~2) Existing zoning.~~
- ~~2. General Operational Information.~~
  - ~~Extraction~~
    - ~~a. Type of material to be removed.~~
    - ~~b. Removal rate.~~
    - ~~c. Method of extraction.~~
    - ~~d. Any supplementary process.~~
    - ~~e. Estimated life of operation.~~
    - ~~f. Average number of vehicles per day.~~
- ~~3. General Operational Information.~~
  - ~~Dredge Disposal~~
    - ~~a. Approximate number of cubic yards to be accepted.~~
    - ~~b. Origin of dredge material.~~
    - ~~c. Method of transport of dredge disposal.~~
    - ~~d. Number of vehicles per day.~~
- ~~4. An approved Sediment and Erosion Control Plan.~~
- ~~5. Proposed usage.~~
  - ~~a. Final grading by contours.~~
  - ~~b. Interior road pattern, its relation to operation yard and points of ingress and egress to State and County roads.~~



Section 7203

- ~~e. Estimated amount and description of aggregate and overburden to be removed.~~
- ~~d. Ultimate use and ownership of site after completion of operation.~~
- ~~e. Source of water if final plan shows use of water.~~
- ~~6. Plan of Operation showing:~~
  - ~~a. Proposed tree and berm screen locations.~~
  - ~~b. Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.~~
  - ~~c. Method of disposition of excess water during operation.~~
  - ~~d. Machinery type and noise levels.~~
  - ~~e. Safety measures monitoring of complaints.~~
- ~~7. End Use Plan~~

~~An end use plan for the rehabilitation of the site after the extraction or dredge disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use shall be submitted.~~
- ~~8. Performance Standards.~~
  - ~~a. Operations. Extraction and dredge disposal operations shall meet all development and performance standards of this Ordinance and all applicable local, State and Federal regulations.~~
  - ~~b. Setbacks. No excavation, quarry wall, or storage area shall be located within fifty (50) feet of any lot line, one hundred twenty five (125) feet from any street right of way.~~

## Section 7203

- ~~e. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.~~
- ~~1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc. or other materials, providing such materials are composed of non-noxious, noncombustible solids.~~
  - ~~2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or thirty three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (b) above may be reduced, such that the top of the graded slope shall not be closer than twenty five (25) feet to any lot line, seventy five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line.~~
  - ~~3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.~~
  - ~~4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.~~
- ~~d. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.~~

Section 7203

~~e. Planting. When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.~~

~~L. First Floor Commercial Apartments.~~

- ~~1. Square footage of the apartment shall be minimized to the extent practicable in order to insure that the dwelling is affordable and the use of the building remains substantially commercial.~~
- ~~2. Shall comply with the parking requirement for apartments in 6601 A (8).~~
- ~~3. Shall provide no less than 150 square feet patio or deck area at the outside entrance of each unit.~~
- ~~4. The developer shall provide landscape surface area at the entrance of each dwelling.~~

~~M. Truck Stops and Travel Plazas.~~

- ~~1. A Truck Stop or Travel Plaza shall not locate any buildings or parking areas within 200 feet of any residentially zoned district.~~
- ~~2. A Truck Stop or Travel Plaza shall not be located on a parcel less than twenty five (25) acres.~~
- ~~3. A Truck Stop or Travel Plaza shall include architectural design features which provide compatibility between the proposed buildings and other commercial buildings in the area.~~
- ~~4. All on site lighting shall be sized and directed to provide for minimal light spillage onto adjacent properties.~~
- ~~5. The Board may require additional landscaping, screening, and berming as necessary to minimize the visual and noise impact of the Truck Stop or Travel Plaza on adjacent properties.~~

## Section 7203

~~N. Country Store.~~

- ~~1. Shall not be located within one (1) mile of an existing Village Center (VC) Zoning District.~~
- ~~2. Shall only be located at an intersection involving a minor arterial or collector road as designated by the State Highway Administration or the County Comprehensive Plan.~~
- ~~3. If access is to a State road, a State Highway Administration Access Permit must be obtained.~~
- ~~4. Total floor area of the Country Store and accessory residential units shall not exceed 3,000 square feet.~~
- ~~5. Adequate off street parking and loading spaces shall be provided as required by Section 6601. All parking shall be located to the side and rear of the store building and shall be screened on all sides by a three (3) to six (6) foot high, year-round, semi-opaque landscaped buffer or a combination of landscaping and wooden fencing.~~
- ~~6. No outside storage or display of merchandise is permitted.~~
- ~~7. All buildings must be compatible in design with surrounding rural residential character and have: wood, brick or vinyl siding; a minimum 1:4 roof pitch; and a covered front porch extending at least two-thirds (2/3) the length of the building.~~
- ~~8. Maximum building height is forty five (45) feet.~~
- ~~9. One (1) wall sign is permitted. The wall sign shall not exceed sixteen (16) square feet in area. One (1) freestanding sign is permitted. Each side of the freestanding sign shall not exceed thirty two (32) square feet in area. Maximum height of the freestanding sign shall be fifteen (15) feet. All signs must be constructed of natural materials and shall not be internally lighted.~~
- ~~10. A Country Store may contain up to two (2) accessory residences above the first floor of the store building.~~
- ~~11. A Country Store may contain eat in and/or carry out food service provided that no more than fifty (50) percent of the total non-residential floor area is utilized for food preparation and dining area.~~

Section 7203

- ~~12. A Country Store may sell petroleum products provided only one pump island is permitted and the pump island is covered by a canopy which is designed and constructed to be compatible with the store building and incorporates similar roofing and siding materials.~~
- ~~13. A landscaping plan must be submitted and approved in conjunction with the site plan. Impervious surfaces shall be limited to the extent possible.~~

## Section 9052

- B. Conduct of meetings. All meetings of the Board of Appeals shall be open to the public.
- C. Transcript. The Board shall provide a transcript of all proceedings. The transcript shall reflect the vote of each member or alternate upon each question or, as the case may be, the fact that the member was absent or failed to vote. The transcript shall be immediately filed in the office of the Board and shall be a public record.
- D. Witnesses and oaths. The Chairman or, in his absence, the Vice Chairman or Acting Chairman shall administer oaths and may compel the attendance of witnesses.

## SECTION 9053. HEARINGS.

- A. When held. All hearings with respect to appeals, variances or applications for conditional use shall be held at a meeting of the Board of Appeals. The rules of the Board shall provide that hearings be held promptly after the filing of an appeal or an application for conditional use.
- B. Notice. The rules of the Board shall provide for reasonable notice to the public and to the person who filed the appeal or application for a variance or minor conditional use. Such notice shall include, at least, (a) the conspicuous posting of notice of the time, place and purpose of the hearing on the property involved at least fourteen (14) days prior to the date of the hearing and (b) publication of such notice in at least one (1) newspaper of general circulation in Queen Anne's County once a week for at least two (2) successive weeks prior to the date of the hearing. The last insertion of such newspaper notice shall not be more than eight (8) days or less than two (2) days prior to the date of the hearing. For major conditional uses (Section 7203.A-G) conspicuous posting of notice on the property involved shall occur at least forty-five (45) days prior to the date of the hearing and publication shall begin at least forty-five (45) days prior to date of the hearing and appear in a newspaper of general circulation in Queen Anne's County once a week for at least four (4) successive weeks.
- C. Appearance. Any party may appear in person or by agent or attorney at any hearing.
- D. Time for decision. The Board of Appeals shall decide any matter submitted within a reasonable time.

Section 9300

**PART 4 - SITE PLANS**

**SECTION 9300. APPLICABILITY OF PART.**

A. When required. ~~Except as provided in Subsection (B),~~ site plan approval is required with respect to all planned residential development and nonresidential development, ~~except that site plan approval is not required with respect to the following nonresidential development:~~

B. Exceptions. Unless the proposed development involves a heavy industrial, public waste disposal, or major extraction and disposal use, site plan approval is not required with respect to the following nonresidential development.

1. Farm buildings on a farm, as defined in Section 2300 of this Ordinance.
2. Additions to existing nonresidential buildings which existed on April 9, 1987, if: the addition and all previous additions to the building since April 9, 1987 cover ten percent (10%) or less of the permitted floor area of the site in which the building is located, as determined in Section 5305 of this Ordinance.
3. Improvements not related to buildings which do not decrease the landscape surface area as determined in Section 5305 of this Ordinance, by more than ten percent (10%) as it existed on April 9, 1987.

B C. Effect of requirement. If site plan approval is required by this Section, no permit or approval required by Part 2 of this Article shall be issued until a site plan has been finally approved in accordance with this Part.

**SECTION 9301. RESPONSIBILITY OF APPLICANT.**

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

**SECTION 9303. MINOR SITE PLANS.**

A. Definition. As used in this section, "minor site plan" means a site plan which involves only: (1) duplex planned development units; or (2) a non-residential use (buildings and associated impervious area) which will cover ten percent (10%) or less of the lot; or (3) an addition to an existing non-residential building after April 9, 1987 that will cover no more than ten percent (10%) of the permitted

Queen Anne's County  
Bill No. 97-1

AN ACT CONCERNING adoption of a new edition of the Public Local Laws of Queen Anne's County and the repeal of the 1983 Edition and 1986 Supplement, as amended, and any county ordinance incorporated into the new edition which is legalized by this Act.

FOR the purpose of legalizing the Public Local Laws of Queen County, 1996 Edition, being Article 18 of the Code of Public Local Laws of Maryland, and any supplement thereto, published under the direction of the County Commissioners; repealing former law incorporated into the 1996 Edition; providing for the effect of the 1996 Edition; providing that this bill is an emergency measure; providing for the application of this bill; and generally relating to legalization of the Public Local Laws of Queen Anne's County.

BY adding to

The Public Local Laws of Queen Anne's County  
Section 1-101  
Article 18 - Public Local Laws of Maryland  
(1996 Edition, (as enacted by this Bill))

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that hereby adopted is the attached edition of the Public Local Laws of Queen Anne's County, Article 18 of the Public Local Laws of Maryland, to be known as the "Public Local Laws of Queen Anne's County, 1996 Edition", and said edition is amended to read as follows:

**Public Local Laws of Queen Anne's County**

**1-101. Legalization.**

**(a) In general.**

The County Commissioners of Queen Anne's County hereby legalize the Public Local Laws of Queen Anne's County, 1996 Edition, being Article 18 of the Public Local Laws of Maryland, published under the direction of the County Commissioners, and any supplement to the 1996 Edition published under the direction of the County Commissioners.

**(b) Former Acts.**

Recognizing that the 1996 Edition of the Public Local Laws of Queen Anne's County is a new codification and revision of current County law, the County Commissioners hereby declare the 1983 Edition and 1986 Supplement of the Public Local Laws of Queen Anne's County, as amended, and any additional County law revised as part of the 1996 Edition,

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QUEEN ANNE'S COUNTY



repealed.

(c) *Effect.*

The Public Local Laws of Queen Anne's County, 1996 Edition, as amended from time to time, shall be deemed and taken in all courts of the State, and by all public officials of the State and of its political subdivisions, to be evidence of the Public Local Laws of Queen Anne's County in effect at the time of adoption of this compilation and issuance of any authorized supplement.

SECTION 2. AND BE IT FURTHER ENACTED, That this bill shall be construed retroactively and shall be applied to and interpreted as to have taken effect January 7, 1997.

SECTION 3. AND BE IT FURTHER ENACTED, That this Bill is an emergency measure and shall take effect immediately upon its passage.

INTRODUCED BY: Mike Zimmer  
DATED: January 21, 1997  
PUBLIC HEARING HELD: February 18, 1997  
VOTE: 3 AYE 0 NAY  
DATE: February 18, 1997  
EFFECTIVE DATE: February 18, 1997

QUEEN ANNE'S COUNTY  
Amendment No. 1 to Bill No. 97-1

AN ACT CONCERNING amendments to Bill No. 97-1 presently pending before the County Commissioners of Queen Anne's County;

FOR the purpose of amending TITLE 9. ANIMAL CONTROL of the proposed Public Local Laws of Queen Anne's County, 1996 Edition, being Article 18 of the Code of Public Laws of Maryland;

BY amending Title 9 of the proposed Public Local Laws of Queen Anne's County,  
Section 9-101 (y)  
Section 9-301 (d)  
Section 9-311 (a) by adding a new subparagraph (4)  
Section 9-312 (d)  
Section 9-313 (b) (1), (c) (d) and (e)  
Section 9-315 (a) (1), (b) (2) and (c) (11)  
Section 9-316 (c) and (d)  
Section 9-402 (b) (1)  
Deleting former Section 9-403 and adding new Section 9-403

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Bill No. 97-1 be amended as reflected on the attached.

Introduced By: Mike Zimmer

February 18, 1997, Hearing Date

Vote: 3 Aye, 0 Nay

EFFECTIVE DATE: April 4, 1997

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DIVISION 3. LOCAL REGULATION

TITLE 9. ANIMAL CONTROL

...

9.101. Definitions.

...

(y) Farm animal.

"Farm animal" means an animal kept or raised on a farm for use and profit, including livestock and fowl. ("Farm" has the meaning given in Title 18 of the Queen Anne's County Code).

...

9.301. Dog Licensing.

...

(d) Rabies certificate.

Before a license shall be issued, the owner or custodian shall produce a valid rabies certificate issued by a licensed veterinarian proving that the dog is currently vaccinated against rabies.

...

9.311. Public nuisance animal.

(a) Defined terms.

...

(4) For the purposes of this section, public nuisance does not include any activity resulting from a farm operation, including but not limited to: production of livestock, pasturing, raising of poultry and fowl, production of eggs, production of milk, and production of bees and honey.

...

9.312. Vicious or dangerous animal.

...

(d) Failure to comply with Commission requirements.

If the owner or custodian of a vicious or dangerous animal is in violation of any requirements that the Animal Control Commission establishes under section 9-313 of this subtitle, an animal control officer may order the violation immediately corrected and cite the owner or custodian for the violation.

...

9.313. Same - Requirement by Commission.

...  
(b) Confinement.

(1) The Animal Control Commission may require an owner or custodian of a dangerous or vicious animal who maintains the animal outside to enclose a portion of his or her property with a perimeter or area fence.

...

(c) Same - Outside of enclosure.

The Animal Control Commission may require that a vicious or dangerous animal shall be controlled and restrained a secure collar, muzzle, and leash of sufficient strength to prevent escape whenever outside of its enclosure, but on the owner's or custodian's property.

(d) Warning sign.

The Animal Control Commission may require an owner or custodian of a vicious or dangerous animal to display in a prominent place on the premises, and at each entrance and exit to the area where the animal is confined, a sign easily readable by the public using the words "Dangerous" followed by the type of animal deemed dangerous.

(e) Restraint when off premises.

The Animal Control Commission may require that, except when being transported in a vehicle, a vicious or dangerous animal shall be permitted off the property of its owner or custodian only if it is controlled, humanely restrained by a secure collar and leash, and humanely muzzled by any means sufficient to prevent biting another person or domestic animal. The leash may not exceed six feet in length and shall be of sufficient strength to prevent escape.

...

9.315. Rabies prevention.

(a) Vaccination required.

(1) Every resident of the County owning a dog, cat or ferret four months old or older shall have the dog, cat or ferret vaccinated with an antirabies vaccine approved by the Direction of Public Health.

...

(b) Rabies certificate.

...

(2) The owner or custodian of the dog, cat or ferret shall promptly exhibit the rabies certificate upon request for inspection by an animal control officer, health officer, or any law enforcement officer, and shall also exhibit the certificate to the Animal Control Center staff when redeeming the animal at the Center.

...

(c) Exposure to rabies.

...

(11) If the animal is not vaccinated, the owner or custodian shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five days of the end of quarantine.

...

9.316. Impoundment, redemption, and adoption.

(c) Redemption.

An owner or custodian reclaiming an impounded animal shall:

...

(d) Abandoned animal.

(1) Except as otherwise provided in this title, an animal impounded and not redeemed by its owner or custodian within three working days shall be deemed abandoned and become the property of the Animal Control Center.

...

9.402. Civil penalties.

...

(b) Payment of fines.

(1) All fines imposed under this title shall be payable to the Queen Anne's County Finance Department at 107 N Liberty Street, Centreville, Maryland 21617.

...

9.403. Duty of local officials. For purposes of this Title:

(a) The Director of the Department of Animal Control or an animal control officer designated by the Director of the Department of Animal Control has the authority to issue an original citation and deliver it to a person believed to be committing a civil violation and is hereby declared to be the Animal Control Officer with the duty of enforcing this Title for that purpose. A copy of each original citation shall be given to the Finance Director.

(b) The Finance Director is hereby declared to be the official with the duty of enforcing this Ordinance, with respect to receiving and filing a copy of each original citation and any fines or notices of intention to stand trial; mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set forth in the citation; and notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice thereof has been given.

(c) County Attorney. The County Attorney is authorized to prosecute any civil violation under this Title.

COUNTY ORDINANCE NO. 97-02

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of official Zoning Map Number 58A of Queen Anne's County Zoning Ordinance and Subdivision Regulations 1994 Update.

FOR THE PURPOSE OF re-classifying and redesignating part of parcel 57, tax map (Zoning Map) 58A in Queen Anne's County, Maryland, from Suburban Residential (SR) to Urban Commercial (UC) as established in the Queen Anne's County Zoning Ordinance and Subdivision Regulations 1994 Update.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Queen Anne's County Zoning Ordinance and Subdivision Regulations 1994 Update official Map Number 58A dated November 1, 1994, as amended, be and is hereby repealed and the attached Map Number 58A be and is hereby adopted as the Zoning Ordinance and Subdivision Regulations Official Map Number 58A for Queen Anne's County, Maryland.

SECTION II

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

INTRODUCED BY: George O'Donnell

DATED: January 21, 1997

PUBLIC HEARING HELD: March 11, 1997

VOTE: 3 YEA 0 NAY

DATE: 3/18/97

Effective Date: May 2, 1997

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BILL NO. 97-03

A BILL ENTITLED

QUEEN ANNE'S COUNTY PUBLIC IMPROVEMENTS BOND AUTHORIZATION

A PUBLIC LOCAL LAW to authorize and empower the County Commissioners of Queen Anne's County to borrow not more than Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000) for the public purpose of financing or refinancing a portion of the cost of certain public improvements described herein, and to evidence such borrowing by the issuance and sale at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount; empowering and directing the County to adopt a resolution in accordance with Section 15(4) of Article 25B of the Annotated Code of Maryland (1996 Replacement Volume) prior to issuing the bonds; empowering and directing the County to levy ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds and pledging the County's full faith and credit and unlimited taxing power; exempting the bonds from the provisions of Section 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1993 Replacement Volume and 1996 Supplement); authorizing and empowering the County to borrow not more than Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000) in anticipation of the issuance and sale of its bonds, and to evidence such borrowing by the issuance and sale of its bond anticipation notes in like par amount; and relating generally to the issuance and sale of such bonds and notes.

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND:

Section 1. County Commissioners of Queen Anne's County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purpose described in Section 2 hereof, in an aggregate principal amount not exceeding Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

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Section 2. The proceeds of the bonds authorized to be issued hereunder shall be expended for the public purpose of financing or refinancing all or a portion of the costs of one or more of the following public projects and improvements (which shall include design, engineering, planning, fiscal and legal expenses related thereto whether or not specifically stated, and which may represent the County's share or contribution to the financing or refinancing of such projects), together with any related architectural, financial, fiscal, legal, design, planning and engineering expenses:

- (a) a new high school on Kent Island;
- (b) renovation and addition to the Church Hill Elementary School; and
- (c) acquisition of park, recreation, and general County facilities, including (without limitation) land for expansion of the County golf course and acquisition of land and buildings in the Kent Narrows area for County purposes.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of the County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (1996 Replacement Volume). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date after the effective date of this public local law.

Section 4. The enactment of this public local law constitutes a covenant with the owner of any bond issued hereunder that the County will not make any use of the proceeds of the bonds that would cause any bond to be an "arbitrage bond" within the meaning of Section 148 of

the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and that the County will comply with the requirements of such section and regulations as the same may be amended from time to time as long as any of the bonds remain outstanding and unpaid.

Section 5. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding, ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation, in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 6. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Section 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1993 Replacement Volume and 1996 Supplement).

Section 7. The County is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, in an aggregate principal amount not exceeding Twenty-One Million Five Hundred Thousand Dollars

(\$21,500,000), and to evidence such borrowing by the issuance of its bond anticipation notes in like par amount.

Section 8. The proceeds of any bond anticipation notes authorized to be issued hereunder shall be expended in anticipation of the issuance and sale of the above-referenced bonds for the public purpose of financing or refinancing a portion of the costs of the projects set in Section 2 hereof, together with any related construction, architectural, financial, fiscal, legal, design, planning and engineering expenses.

Section 9. Prior to issuing any bond anticipation notes authorized to be issued hereunder, the Board of County Commissioners of the County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (1996 Replacement Volume). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bond anticipation notes pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bond anticipation notes may be sold on any date after the effective date of this public local law.

Section 10. The principal of and interest on any bond anticipation notes shall be payable out of the first proceeds of the sale of the County's general obligation bonds. The County covenants to pay the principal of the notes and interest thereon not paid from the proceeds of the sale of the bonds and to issue the bonds when, and as soon as, the reason for deferring issuance of the bonds no longer exists.

Section 11. Any bond anticipation notes authorized to be issued hereunder are hereby specifically exempted from the provisions of Section 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1993 Replacement Volume and 1996 Supplement).

Section 12. This public local law shall take effect forty-five days after it is enacted.

ENACTED THIS 16<sup>th</sup> DAY OF Feb., 1997.

[SEAL]

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY, MARYLAND

15/  
George M. O'Donnell, President

ATTEST:

15/  
Michael F. Zimmer, Jr., Member

Lynda N. Patralej

15/  
Ted Moeller, Vice President

Introduced By: Commissioner Zimmer

Date: January 21, 1997

Public Hearing Date: February 18, 1997

Vote 3 For 0 Against

Date: February 18, 1997

Effective Date: April 4, 1997

COUNTY ORDINANCE 97-04

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Re-enactment with Amendments of Sections 18-1-025, 18-1-041 and 18-1-043 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR THE PURPOSE OF repealing and re-enacting with amendments certain Sections of Title 18 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition; permitting sliding scale subdivisions in the Countryside (CS) District and establishing specific density standards for cluster and planned development in the Neighborhood Conservation (NC) Districts of the County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Code of Public Local Laws of Queen Anne's County, 1996 Edition is amended by the repeal of Sections 18-1-025, 18-1-041 and 18-1-043 thereof and the re-enactment thereof with the changes set forth on the attached.

SECTION II

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

INTRODUCED BY: Mike Zimmer  
DATED: 4-15-97  
PUBLIC HEARING HELD: 5/13/97  
VOTE: 3 YEA 0 NAY  
DATE: 6/3/97

Effective Date: July 18, 1997

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Section 18-1-025

SECTION 18-1-025. TABLE OF PERMITTED USES.

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>A. Agriculture</b>												
1. Agriculture	Y	Y	C	C	C	C	N	N	C	Y	N	Y <sub>6</sub>
2. Commercial Forestry	Y	Y	C	C	C	C	C	C	C	C	C	C
Non-Comm. Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Nurseries	Y	Y	C	C	N	N	Y	C	Y	Y	Y	C
4. Private Stables	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y
5. Commercial Stables	Y	Y	C	C	C	N	N	C	N	N	N	C
<b>B. Residential</b>												
1. Single-Family	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y
2. Manufactured Home <sup>1</sup> Single Wide	N	N	N	N	N	N	N	N	N	N	N	Y <sub>1</sub>
3. Sliding Scale Subdivision	Y	<del>N</del> Y	N	N	N	N	N	N	N	N	N	N
4. Large-Lot Agricultural Subdivision	Y	N	N	N	N	N	N	N	N	N	N	N
5. Cluster, Major	Y	Y	Y	Y	Y	Y	N	C	N	N	N	C
6. Cluster, Minor	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y
7. Planned, Major	N	Y	Y	Y	Y	Y	N	C	N	N	N	C
8. Planned, Minor	N	Y	Y	Y	Y	Y	N	Y	N	N	N	C
9. Manufactured Home <sup>2</sup> Community	N	N	N	C	Y	Y	N	N	N	N	N	C <sub>2</sub>
10. Commercial Apts. <sup>3</sup>	N <sub>3</sub>	N	N	N	N	N	Y	Y	N	N	Y	N
11. First Floor Commercial Apartment	N	N	N	N	N	N	C	C	N	N	C	N

## Section 18-1-041

## Section 18-1-041: SLIDING SCALE SUBDIVISION STANDARDS.

- A. Application. Sliding scale subdivisions are permitted (1) on parcels not dedicated to open space uses or created as part of a cluster subdivision; and (2) in the Agriculture and Countryside districts only.
- B. Site Capacity Calculations Not Required. Site capacity calculations are not required for sliding scale subdivisions. Consequently, performance standards concerning building pads/net buildable area, District Open Space, and Resource Protection Open Space are not applicable.
- C. Sliding Scale Density. The number of lots (including the residual parcel) in a sliding scale subdivision shall not exceed two (2) lots for the first 100 acres of a parcel and one (1) for each additional 100 acres, or part thereof.
- D. Sliding Scale Bulk Standards.

Bulk Standards for sliding scale subdivisions shall be as follows:

District	Min. Lot Area	Min. Frontage ft.	Lot Width ft.	Front ft.	Side Min/Total ft.	Rear ft.	Height ft.
AG/CS	20,000 sf.	35	130	40	20/40	50	40



Section 18-1-043

SECTION 18-1-043. TABLE OF CLUSTER, PLANNED, MANUFACTURED HOME COMMUNITY PERFORMANCE STANDARDS

ZONING DISTRICT AND USE	Min. OSR	Max. GD	Max ND	Min. Site Area	Min. Lot Area
AGRICULTURE (AG) Cluster (indv. septic) Cluster (common septic)	.85 .85	.125 .125	1.8 2.31	11 ac. 15 ac.	20,000 sf. 10,000 sf.
COUNTRYSIDE (CS) Cluster Planned	.85 .85	.20 .20	1.8 2.0	10 ac. 10 ac.	20,000 sf. --
ESTATE (E) Cluster Planned	.50 .50	.50 .50	1.24 1.24	10 ac.	20,000 sf.
SUBURBAN ESTATE (SE) Cluster Planned Manufactured Home Community	.40 .50 .60	1.25 1.50 1.75	2.3 4.9 7.0	2 ac. 2 ac. 5 ac.	15,000 sf. -- 4,000 sf.
SUBURBAN RESIDENTIAL (SR) Cluster Planned Manufactured Home Community	.20 .45 .45	2.00 3.40 3.65	3.24 9.00 7.00	2 ac. 2 ac. 5 ac.	10,000 sf. -- 4,000 sf.
URBAN RESIDENTIAL (UR) Cluster Planned Manufactured Home Community	.20 .30 .20	3.20 8.50 5.00	4.0 18.0 7.0	2 ac. 2 ac. 5 ac.	8,000 sf. -- 4,000 sf.
VILLAGE CENTER (VC) - With Sewer Cluster Planned VILLAGE CENTER (VC) - Without sewer Cluster Planned	.20 .30 .40 .50	3.20 4.50 1.25 1.50	4.0 6.5 2.31 4.90	2 ac. 2 ac. 5 ac. 5 ac.	8,000 sf. -- 15,000 sf. --
NEIGHBORHOOD CONSERVATION-5 (NC-5) <sup>2</sup> Cluster	.40	N/A	N/A	10 ac.	2 ac.
<sup>3</sup> NEIGHBORHOOD CONSERVATION-2 (NC-2) Cluster	.40	N/A	N/A	4 ac.	1 ac.
NEIGHBORHOOD CONSERVATION-1 (NC-1) Cluster	.40	N/A	N/A	2 ac.	20,000 sf.
NEIGHBORHOOD CONSERVATION-20 (NC-20) Cluster	.30	N/A	N/A	1 ac.	10,000 sf.
NEIGHBORHOOD CONSERVATION-15 (NC-15) Cluster	.30	N/A	N/A	1 ac.	7,500 sf.
NEIGHBORHOOD CONSERVATION-8 (NC-8) Cluster	.30	N/A	N/A	1 ac.	6,000 sf.

<sup>2</sup> These performance standards apply to all cluster subdivisions and planned developments in the NC-Districts. Density shall not exceed the site area divided by the "minimum lot area" for the applicable NC District set forth in Section 18-1-040.

SECTIONS WITH PROPOSED CHANGES

SECTION 4002. TABLE OF PERMITTED USES. .... IV-3

SECTION 5103. SLIDING SCALE SUBDIVISION STANDARDS. .... V-4

SECTION 5105. TABLE OF CLUSTER, PLANNED, MANUFACTURED HOME COMMUNITY  
PERFORMANCE STANDARDS. .... V-6

Section 4002

SECTION 4002. TABLE OF PERMITTED USES.

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>A. Agriculture</b>												
1. Agriculture	Y	Y	C	C	C	C	N	N	C	Y	N	Y <sub>6</sub>
2. Commercial Forestry Non-Comm. Forestry	Y Y	Y Y	C Y	C Y	C Y	C Y	C Y	C Y	C Y	C Y	C Y	C Y
3. Nurseries	Y	Y	C	C	N	N	Y	C	Y	Y	Y	C
4. Private Stables	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y
5. Commercial Stables	Y	Y	C	C	C	N	N	C	N	N	N	C
<b>B. Residential</b>												
1. Single-Family	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y
2. Manufactured Home <sup>1</sup> Single Wide	N	N	N	N	N	N	N	N	N	N	N	Y <sub>1</sub>
3. Sliding Scale Subdivision	Y	<del>N</del> Y	N	N	N	N	N	N	N	N	N	N
4. Large-Lot Agricultural Subdivision	Y	N	N	N	N	N	N	N	N	N	N	N
5. Cluster, Major	Y	Y	Y	Y	Y	Y	N	C	N	N	N	C
6. Cluster, Minor	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y
7. Planned, Major	N	Y	Y	Y	Y	Y	N	C	N	N	N	C
8. Planned, Minor	N	Y	Y	Y	Y	Y	N	Y	N	N	N	C
9. Manufactured Home <sup>2</sup> Community	N	N	N	C	Y	Y	N	N	N	N	N	C <sub>2</sub>
10. Commercial Apts. <sup>3</sup>	N <sub>3</sub>	N	N	N	N	N	Y	Y	N	N	Y	N
11. First Floor Commercial Apartment	N	N	N	N	N	N	C	C	N	N	C	N

## Section 5103

## Section 5103. SLIDING SCALE SUBDIVISION STANDARDS.

- A. Application. Sliding scale subdivisions are permitted (1) on parcels not dedicated to open space uses or created as part of a cluster subdivision; and (2) in the Agriculture and Countryside districts only.
- B. Site Capacity Calculations Not Required. Site capacity calculations are not required for sliding scale subdivisions. Consequently, performance standards concerning building pads/net buildable area, District Open Space, and Resource Protection Open Space are not applicable.
- C. Sliding Scale Density. The number of lots (including the residual parcel) in a sliding scale subdivision shall not exceed two (2) lots for the first 100 acres of a parcel and one (1) for each additional 100 acres, or part thereof.
- D. Sliding Scale Bulk Standards.

Bulk Standards for sliding scale subdivisions shall be as follows:

District	Min. Lot Area	Min. Frontage ft.	Lot Width ft.	Front ft.	Side Min/Total ft.	Rear ft.	Height ft.
AG/CS	20,000 sf.	35	130	40	20/40	50	40

Section 5105

SECTION 5105. TABLE OF CLUSTER, PLANNED, MANUFACTURED HOME COMMUNITY PERFORMANCE STANDARDS

ZONING DISTRICT AND USE	Min. OSR	Max. GD	Max ND	Min. Site Area	Min. Lot Area
AGRICULTURE (AG) Cluster (indv. septic) Cluster (common septic)	.85 .85	.125 .125	1.8 2.31	11 ac. 15 ac.	20,000 sf. 10,000 sf.
COUNTRYSIDE (CS) Cluster Planned	.85 .85	.20 .20	1.8 2.0	10 ac. 10 ac.	20,000 sf. --
ESTATE (E) Cluster Planned	.50 .50	.50 .50	1.24 1.24	10 ac.	20,000 sf.
SUBURBAN ESTATE (SE) Cluster Planned Manufactured Home Community	.40 .50 .60	1.25 1.50 1.75	2.3 4.9 7.0	2 ac. 2 ac. 5 ac.	15,000 sf. -- 4,000 sf.
SUBURBAN RESIDENTIAL (SR) Cluster Planned Manufactured Home Community	.20 .45 .45	2.00 3.40 3.65	3.24 9.00 7.00	2 ac. 2 ac. 5 ac.	10,000 sf. -- 4,000 sf.
URBAN RESIDENTIAL (UR) Cluster Planned Manufactured Home Community	.20 .30 .20	3.20 8.50 5.00	4.0 18.0 7.0	2 ac. 2 ac. 5 ac.	8,000 sf. -- 4,000 sf.
VILLAGE CENTER (VC) - With Sewer Cluster Planned VILLAGE CENTER (VC) - Without sewer Cluster Planned	.20 .30 .40 .50	3.20 4.50 1.25 1.50	4.0 6.5 2.31 4.90	2 ac. 2 ac. 5 ac. 5 ac.	8,000 sf. -- 15,000 sf. --
NEIGHBORHOOD CONSERVATION-5 (NC-5) <sup>2</sup> Cluster	.40	N/A	N/A	10 ac.	2 ac.
NEIGHBORHOOD CONSERVATION-2 (NC-2) Cluster	.40	N/A	N/A	4 ac.	1 ac.
NEIGHBORHOOD CONSERVATION-1 (NC-1) Cluster	.40	N/A	N/A	2 ac.	20,000 sf.

<sup>2</sup>These performance standards apply to all cluster subdivisions and planned developments in the NC-Districts. Density shall not exceed the site area divided by the "minimum lot area" for the applicable NC-District set forth in Section 5102.

NEIGHBORHOOD CONSERVATION-20 (NC-20) Cluster	.30	N/A	N/A	1 ac.	10,000 sf.
NEIGHBORHOOD CONSERVATION-15 (NC-15) Cluster	.30	N/A	N/A	1 ac.	7,500 sf.
NEIGHBORHOOD CONSERVATION-8 (NC-8) Cluster	.30	N/A	N/A	1 ac.	6,000 sf.

COUNTY ORDINANCE 97-05

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Re-enactment with Amendments of certain Sections of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Edition) and the Official Zoning Maps of Queen Anne's County, and enacting Subtitles 5 and 6 of Title 18.

FOR THE PURPOSE of repealing and re-enacting with amendments Sections 18-1-013, 18-1-020 and 18-1-146 and Queen Anne's County Official Zoning Maps 49 and 57 of Title 18 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, enacting new Subtitle 5 and Subtitle 6 of Article 18; implementing the recommendations of the Draft Chester Community Plan including land use, development, environmental, community facilities, infrastructure and design recommendations for the Chester area of Kent Island; creating development standards for tax proposed zoning districts (Planned Development District and Town Center District).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Code of Public Local Laws of Queen Anne's County, 1996 Edition be and is hereby amended by the repeal of Sections 18-1-013, 18-1-020 and 18-1-146 and Queen Anne's County Official Zoning Maps 49 and 57 and the re-enactment thereof with the changes set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that the Code of Public Local Laws of Queen Anne's County, 1996 Edition be amended by the enactment of Title 5 and of Title 18 to read as set forth on the attached.

SECTION III

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

INTRODUCED BY: Commissioner Michael F. Zimmer, Jr.  
DATE OF INTRODUCTION: 5/20/97  
HEARING SCHEDULED: Tuesday, June 17, 1997 7:00 P.M.  
ACTION: 3 YEA 0 NAY  
DATE OF ACTION: July 1, 1997  
Effective Date: August 15, 1997

RECEIVED  
CLERK, CIRCUIT COURT

98 JAN 14 PM 12:30

QUEEN ANNE'S COUNTY

Proposed Queen Anne's Code, Title 18, Land Use and Development, Amendments Recommended by the Planning Commission on February 13, 1997

Add New Text

Delete Existing Text

18-1-013. Zoning districts.

(12) village center (VC) district; and

(13) Waterfront Village Center (WVC) District (see Subtitle 4 of this title)-

(14) Chester Master-Planned Development (CMPD) District; and

(15) Town Center (TC) District.

18-1-020. Purpose of zoning district.

(o) *Chester Master-Planned Development (CMPD) District.*

This district is intended to provide for master-planned residential or mixed use development on large sites at appropriate locations as identified in the Chester Community Plan. The district provides for a flexible development concept, good site design, architectural integration in the configuration and style of buildings, functional open space and required public facilities as part of a unified and coherent plan of development. Permitted uses generally include a variety of housing types, institutional uses and non-residential uses which can be compatibly integrated within the development.

(p) *Town Center (TC) District.*

This district is intended to provide higher density, mixed-use development and redevelopment along the Chester "Main Street" corridor as identified in the Chester Community Plan (Route 18, Main Street, Postal Road and Piney Creek Service Road). Design standards and guidelines are incorporated within this district to foster an attractive, pedestrian-oriented pattern of mixed-use residential and non-residential development that focuses on "Main Street" as opposed to Route 50/301.



18-1-146. Right of Transfer.

(b) *Limitations.*

(7) Transferrable Development Rights (TDRs) used on receiving parcels within the Chester Master-Planned Development (CMPD) and Town Center (TC) zoning districts must be derived from eligible transferor parcels located within the Fourth (Kent Island) Election District.

Subtitle 5. Chester Master-Planned Development (CMPD) District

18-501. Definitions.

Unless otherwise defined in this subtitle, the definitions provided in 18-1-001 of this title shall apply to this subtitle as well.

18-502. Location.

The CMPD district is intended to have specific application to the Chester Growth Sub-Area for the purposes described in the Chester Community Plan and Section 18-1-020 (o) of this title. As such, the CMPD district may only be applied to lands designated as "Chester Planned Development" by the Chester Community Plan.

18-503. Uses.

(a) *Permitted Uses*

The following uses are permitted within the CMPD District:

(1) Single-family, duplex, patio, townhouse, multiplex and apartment residential uses.

(2) All institutional uses, including golf courses, as defined by Section 18-1-030 of this title.

(3) Commercial uses are permitted only in association with a residential and/or institutional mixed-use development. The Planning Commission shall approve the type and size of any commercial use(s) proposed as a component of an overall mixed-use development plan. In order to approve any specific commercial use and its appropriate size, the Planning Commission must find that the proposed commercial use:

(1) is compatible with surrounding and anticipated development in the area;

(ii) is consistent with the intent of the Chester Community Plan; and

(iii) will not create undue traffic congestion in the area.

(4) The following commercial uses are permitted as a component of a mixed-use development pending approval by the Planning Commission:

(i) small-scale retail and service businesses sized to accommodate the convenience commercial needs of the Chester community;

(ii) restaurants;

(iii) business or professional offices;

(iv) medical offices or clinics;

(v) banks or financial institutions;

(vi) hotels, country inns, bed and breakfasts and associated ancillary resort uses such as conference facilities, aquatic facilities, health spas, athletic courts, etc.;

(vii) home occupations;

(viii) marinas; and

(ix) other commercial uses with similar impacts as determined by the Planning Commission.

(5) Effluent Disposal uses.

(6) All temporary uses as permitted in Section 18-1-033 of this title.

(7) All accessory uses as permitted in Subtitle 1, Part V, Subpart 5 of this title.

(b) Conditional uses.

There are no conditional uses in the CMPD district.

#### 18-504. Development standards.

Applications for development in the CMPD district shall meet the following standards in addition to all other applicable requirements of this title which do not conflict with the standards contained in this section. In cases where other standards within

this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply.

(a) *Minimum site size.*

Minimum site size for a CMPD district development shall be five (5) acres.

(b) *Use mix.*

In a mixed-use development which includes commercial uses, no more than fifty (50) percent of the developed portion (total site area less the required 25 percent open space area) of the site may be utilized for commercial use unless the Planning Commission determines that allowance for a greater percentage is desirable given review of the overall development plan.

(c) *Maximum density.*

Maximum gross density for the residential portion of a CMPD district development shall be six (6) dwelling units per acre and up to eight dwelling units per acre if Transferrable Development Rights (TDRs) are utilized.

(d) *Maximum floor area ratio.*

Maximum floor area ratio for the non-residential portion of a CMPD district development is 0.25. The maximum permitted amount of non-residential floor area may be increased by 25 percent if Transferrable Development Rights (TDRs) are utilized.

(e) *Planning Commission final determination on density and floor area ratio.*

The Planning Commission may require a lower residential density and/or floor area ratio if it finds that the maximum permitted density or floor area ratio would result in development that would:

(1) not be compatible with existing or anticipated development in the surrounding area; or

(2) create a detrimental impact on the environment; or

(3) create a situation where public facilities including, but not limited to, roads and schools would not be adequate.

The Planning Commission may also find that a proposed residential density and/or floor area ratio is too low and would not be an efficient use of limited lands zoned for master-planned

development within a designated growth sub-area.

**(f) Open Space.**

Common or public open space shall comprise at least 25 percent of the total site area. At least 10 percent of the required common or public open space shall be utilized for outdoor recreational uses as defined in Section 18-1-30 of this title. If the open space is to be commonly owned, legal documentation ensuring its continuance and maintenance must be submitted to and approved by the Planning Commission.

**(g) Design standards.**

Building setbacks, lot sizes, impervious coverage, height, landscaping, bufferyard, lighting and road standards shall be determined by the Planning Commission for each individual development in the CMPD district. In determining these requirements the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands. The purpose of this standard is to provide design flexibility, consistent with public health and safety, to the developer who subdivides property and constructs buildings in accordance with a unified and coherent plan of development.

**(h) Traffic circulation and pedestrian linkages.**

On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Where practical, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future developments. Private internal streets/roads are permitted if the Planning Commission finds that such streets/roads will be adequate to carry projected traffic, will be properly maintained, and are more appropriate to the overall development design than public streets built with existing road standards.

**(i) Development phasing.**

The development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of initial sketch and/or concept plan approval. Construction on the commercial component of a mixed-use project involving residential development shall not commence until at least fifty (50) percent of the residential development component is completed.

(j) **Non-applicability of certain sections of this title.**

None of the provisions of Subtitle 1, Part V, Subparts 1, 2, 3 and 4 of this title (General requirements, Residential standards, Non-Residential standards and Site capacity) shall apply to development in the CMPD district.

(k) **Sign standards.**

Sign standards for commercial development in the CMPD district shall be the same as those applying to the Suburban Commercial (SC) zoning district. Sign standards for all other types of development in the CMPD district shall be the same as those applying to the Suburban Residential (SR) zoning district.

(l) **Parking and loading standards.**

Off-street parking and off-street loading standards for development in the CMPD district are contained in Subtitle 1, Part VI, Subpart 2 of this title.

(m) **Natural resource protection standards.**

Natural resource protection standards for development in the CMPD district are contained in Subtitle 1, Part VI, Subpart 2 of this title.

(n) **Forest conservation standards.**

Forest conservation standards for development in the CMPD district outside of the Chesapeake Bay Critical Area are contained in Subtitle 2 of this title. Afforestation and reforestation standards shall be calculated as per the Village Center (VC) zoning district.

**18-505 Development Review Process.**

(a) **Procedures in general.**

In reviewing development proposals in the CMPD district the procedures prescribed in Subtitle 1, Part IX of this title shall generally apply.

(b) **Specific procedures for the CMPD district.**

Notwithstanding Subsection (a), the following items shall apply to the development review process for CMPD projects:

(1) A pre-application conference between the applicant and Department of Planning and Zoning staff is required for all CMPD district development.



(2) A public facilities impact assessment, traffic impact assessment, historic and cultural resources inventory, and environmental impact assessment is required to be submitted with concept or sketch plan development applications in the CMPD district.

(3) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. necessary to determine compliance with the CMPD development standards contained in section 18-504 and the Planning Commission findings contained in section 18-505 (c).

**(c) Planning Commission findings.**

The Planning Commission shall make the following findings with regard to development approvals in the CMPD district:

(1) The proposed development conforms to all applicable regulations contained in this title and Title 14, Subtitle 1, Chesapeake Bay Critical Area Act.

(2) The proposed development conforms to the Chester Community Plan

(3) The proposed development, in conjunction with reasonably anticipated development in the surrounding neighborhood, will not adversely impact the adequate and orderly provision of public services and facilities for the area.

(4) The proposed development, in conjunction with existing and reasonably anticipated development in the surrounding neighborhood, will not cause unacceptable traffic congestion or safety hazards near the site or elsewhere in the Chester area.

(5) The proposed development is planned in such a manner as to protect environmentally sensitive areas and important historic or cultural features on the site.

(6) The proposed development is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and bufferyards to protect the surrounding neighborhood.

**Subtitle 6. Town Center (TC) District**

**18-601. Definitions.**

Unless otherwise defined in this subtitle, the definitions provided in 18-1-001 of this title shall apply to this subtitle as well.

**18-602. Location.**

The TC district is intended to have specific application to the Chester growth sub-area for the purposes described in the Chester Community Plan and section 18-1-020 (p) of this title. As such, the TC district may only be applied to lands designated as "Town Center" within the Chester Community Plan.

**18-603. Uses.**

**(a) Permitted uses.**

Permitted uses in the TC district include all uses listed as either "permitted by right" or "permitted as conditional use" in the Village Center (VC) and Urban Commercial (UC) zoning districts as provided in Subtitle 1, Part IV of this title. Mixed-use development incorporating permitted uses on the same site or within the same structure are permitted.

**(b) Conditional uses.**

There are no conditional uses in the TC district.

**18-604. Development standards.**

Applications for development in the TC district shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply.

**(a) Residential development standards.**

Residential development in the TC district shall comply with all standards of this Ordinance that apply to residential development in the Village Center (VC) district excepting that the Planning Commission may establish building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis in order to ensure consistency with the TC district design guidelines.

**(b) Non-residential development standards.**

Nonresidential development in the TC district shall comply with all standards in this Ordinance that apply to nonresidential development in the Urban Commercial (UC) district except that the minimum landscape surface ratio is .20 and the maximum floor area ratio is .40. The Planning Commission may establish building restriction lines, parking, landscaping and bufferyard requirements

on a case-by-case basis to ensure consistency with the TC district design guidelines.

(c) *Access.*

All development and redevelopment in the TC district shall be required to limit and consolidate entrances and curb cuts, to the extent practical, through the use of shared entrances, off-site parking, internal circulation systems that connect parking areas, and other means.

(d) *Design guidelines.*

All new development and redevelopment in the TC district is strongly encouraged to incorporate the following design guidelines. The Planning Commission shall consider these guidelines and the community design objectives of the Chester Community Plan in their review of all new development and redevelopment within the TC district. The Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines and community design objectives of the Chester Community Plan.

(1) Buildings and structures should be oriented towards local streets as opposed to Rt. 50/301 whenever practical.

(2) Front setbacks should be reduced to bring buildings and structures closer to the street and sidewalks in order to foster town-scale streetscape and encourage pedestrian activity.

(3) Side setbacks and yards between buildings should be reduced to foster a town-scale streetscape and encourage pedestrian activities.

(4) Roadside sidewalks should be provided when sites are developed or redeveloped. Sidewalks linking structures to roadside sidewalks should be provided wherever practical.

(5) Parking should be to the side and rear of buildings with allowances for shared and off-site parking to the rear of buildings. Connecting rear parking lots should be encouraged to allow customers and residents to drive to shops within the corridor without entering public roads and interrupting traffic and pedestrian flows. Individual curb-cuts should be reduced. To the extent possible parking should be screened from public ways and should not be placed directly in front of the building facade containing the primary entrance to the structure.

(6) Newly installed utility and service connections should be placed underground wherever possible.



- (7) Attractive landscape transition to adjoining properties should be provided and existing mature landscaping/trees on sites should be preserved. Landscape and screening treatments between potentially incompatible uses should be enhanced when necessary to lessen any negative impacts.
- (8) Parking areas and sidewalk areas should be enhanced with landscaping.
- (9) Exterior lighting should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained in design and excessive brightness or glare should be avoided. Lighting for pedestrian areas and walkways should be aesthetically pleasing and adequate for public safety.
- (10) Buildings should be in good scale and harmonious conformance with neighboring development.
- (11) Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from public view with materials harmonious with the building, or they should be located so as not to be visible from public ways. Outside storage areas and service equipment should also be screened from public view with materials harmonious to the building.
- (12) Hedges, decorative fences and other forms of landscaping should be used to close gaps between building and define the streetscape.
- (13) Street trees should be planted to help enclose and shade the street and pedestrian ways.
- (14) Flat roofs and false mansard roofs should be discouraged and gabled roofs should be encouraged.
- (15) Pedestrian oriented open spaces should be created by groupings of small-scale buildings in clusters and utilizing spaces between the buildings.
- (16) Multiple story buildings with commercial uses on the ground floor and mixed office or residential uses on upper floors should be encouraged.
- (17) Full facade treatment, foundation landscaping and lighting should be required on all building elevations which are visible from a public way.
- (18) New construction should be designed and built to blend with historical Eastern Shore architectural forms (interpretations of colonial and victorian) in terms of formal characteristics such as shape, height, massing, roof shapes and door and window proportions.

**18-605. Development Review Process.****(a) General procedures.**

In reviewing development proposals in the TC district the procedures prescribed in Subtitle 1, Part IX of this title shall generally apply.

**(b) Specific procedures for the TC district.**

Notwithstanding subsection (a), the following items shall apply to the development review process for TC projects:

(1) A pre-application conference between the applicant and Department of Planning and Zoning staff is required for all TC district development.

(2) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. necessary to determine compliance with the TC development standards contained in section 18-604.

# Chester Community Plan

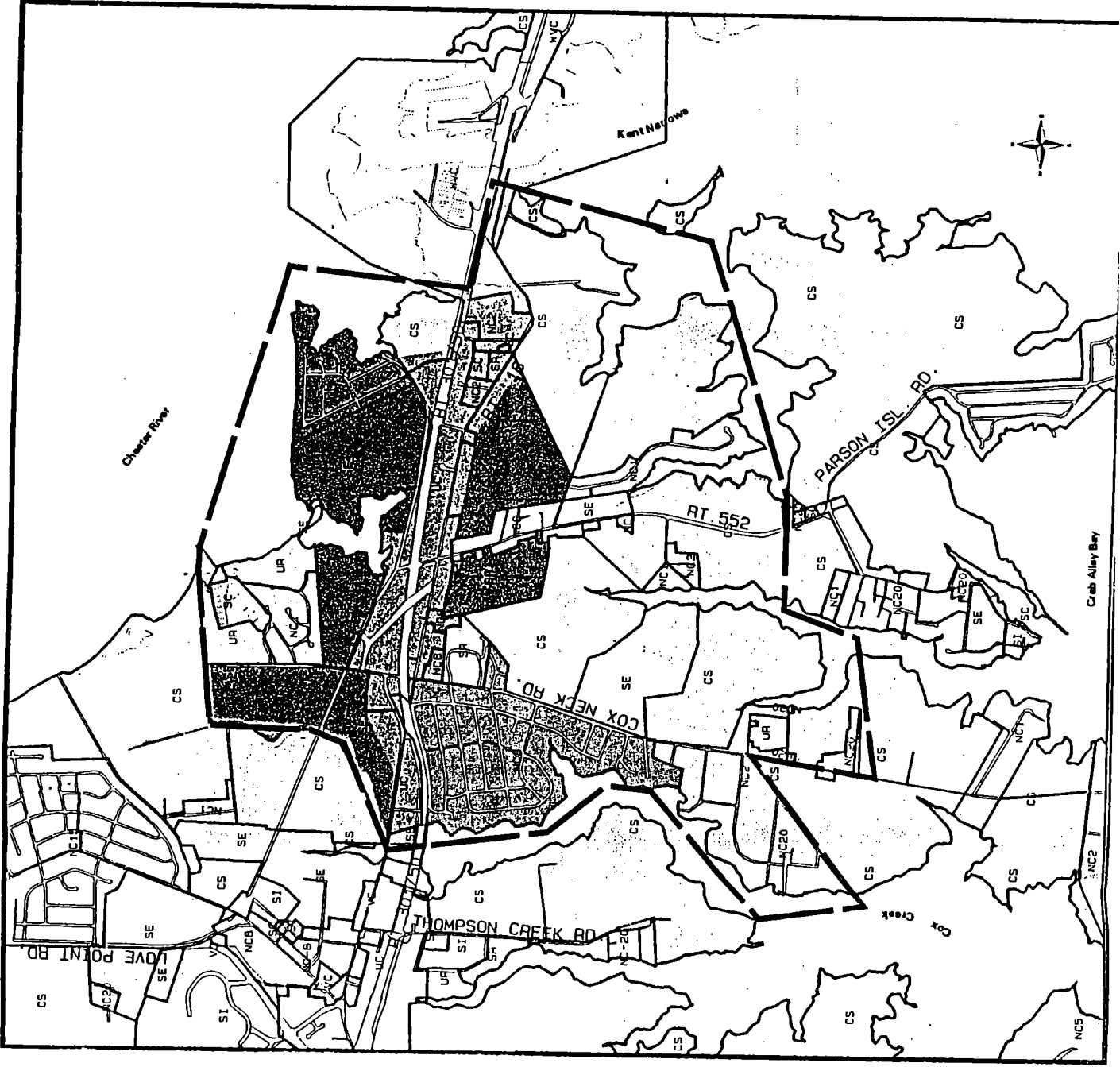
## Proposed Zoning District Amendments

Planning Area	Description
AG	Agriculture
CS	Countryside
B	Estate
SE	Suburban Estate
SR	Suburban Residential
NC	Neighborhood Conservation
UR	Urban Residential
VC	Village Center
SC	Suburban Commercial
UC	Urban Commercial
SI	Suburban Industrial
LIHS	Light Industrial Highway Service
[Stippled Pattern]	Proposed Town Center District
[Dotted Pattern]	Proposed Chester Master Planned Development District
[Cross-hatched Pattern]	Proposed NC-16 District

1 in. = 2800 ft.  
 0 1



February 1997



COUNTY ORDINANCE NO. 97-06

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 Critical Area Overlay Maps Number 57 and 58.

FOR THE PURPOSE OF amending part of Parcel 71, located on said 1996 Official Chesapeake Bay Critical Area Overlay Maps 57 and 58 to designate approximately 6.83 acres of said parcel as Buffer Exempt.

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 Critical Area Overlay Map Number 58 is hereby repealed and the attached Map Number 58 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Maps Number 58 for Queen Anne's County, Maryland.

SECTION II

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

INTRODUCED BY: Mike Zimmer

DATED: June 17, 1997

PUBLIC HEARING HELD: July 8, 1997 - 8:30 a.m.

VOTE: 3 YEA 0 NAY

DATE: July 15, 1997

Effective Date: Sept. 1, 1997

RECEIVED  
CLERK, CIRCUIT COURT  
98 JAN 14 PM 12:30  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 97-07

**A BILL ENTITLED**

AN ACT CONCERNING Repeal and Re-enactment with Amendment of The Queen Anne's County Chesapeake Bay Critical Area Act of the Code of Public Laws of Queen Anne's County, 1996 Edition.

For the purpose of repealing and re-enacting with amendments portions of the Queen Anne's County Chesapeake Bay Critical Area Act; making grammatical corrections to the same; adding imperious surface limitations mandated by the State of Maryland; clarifying amendment procedures; clarifying the status of waste disposal uses in the Critical Area; providing fees for administrative variances; clarifying the effect of transfer of development rights in certain parts of the Critical Area on imperious surface, forest and developed woodland clearing allowances; and providing an amendment to the Buffer Exemption Area in the vicinity of Cloverfields, Fourth Election District.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Queen Anne's County Chesapeake Bay Critical Area Act (Sections 14-101 through 14-177 of the Public Local Laws of Queen Anne's County, 1996 Edition) be and are repealed and re-enacted with the changes set forth on the attached.

**SECTION II**

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

Introduced by: Commissioner Zimmer  
Date of Introduction: Jul. 15, 1997  
Hearing Scheduled: Aug. 19, 1997 8:30 a.m. p.m.  
Action: 3 Yea 0 Nay  
Date of Action: 9-2-97

Effective Date: October 17, 1997

RECEIVED  
CLERK, CIRCUIT COURT  
98 JAN 14 PM 12:30  
QUEEN ANNE'S COUNTY

**QUEEN ANNE'S COUNTY CODE  
TITLE 14  
CHESAPEAKE BAY CRITICAL AREA ACT**

**AND**

**CRITICAL AREA PROGRAM**

**AMENDMENT PACKAGE**

**Subtitle 1. Chesapeake Bay Critical Area Act**

**Part 1. Title, Purpose, Authority, Applicability and Jurisdiction**

**14-101. Title.**

This subtitle shall be known as and may be referred to as the "Queen Anne's County Chesapeake Bay Critical Area Act."

**14-102. Authority.**

(a) *Approval of Program by Critical Area Commission.*

On June 29, 1988, the Critical Area Commission approved a Chesapeake Bay Critical Area Program ("the Program") for Queen Anne's County as submitted by the Queen Anne's County Commissioners and as amended on February 15, 1989 and ~~(date of 4-year review approval)~~ June 4, 1996.

(b) *Adoption by County required.*

Section 8-1809 (e) of the Natural Resources Article, Annotated Code of Maryland requires that the Program and rules and regulations necessary to implement and enforce the Program be adopted by Queen Anne's County in accordance with legislative procedures for enacting ordinances.

(c) *Conformity with requirements.*

This subtitle is intended to conform to the requirements of § 8-1809 (e) of the Natural Resources Article, Annotated Code of Maryland.

This subtitle shall be interpreted, whenever an administrator or the judiciary is called upon to do so, in conformance with the purposes intended to be served by its enactment. The intent of the regulations and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed development or activity within the Critical Area. To this end, those called upon to interpret this Ordinance shall proceed as follows:

- (1) Determine the public purpose(s) of the standard(s) with respect to which an interpretation is required.
- (2) Determine the actual impact of various proposed interpretations, permitting flexibility in design but prohibiting any interpretation that lowers the protection afforded to the public and would be inconsistent with goals and objectives of the Program and the requirements of § 8-1801, et seq., of the Natural Resources Article, Annotated Code of Maryland.
- (3) Determine that the proposed interpretation will insure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.
- (4) This subtitle has been carefully designed by the County Commissioners of Queen Anne's County to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining property owners, or require undue limitations on the ability of property owners to use their land in manners consistent with the goals of the Program. Having balanced the rights of these competing groups to achieve maximum protection with minimum restrictions, great care should be taken by those interpreting this Ordinance not to substitute their judgments for the legislative acts of the County Commissioners.

Whenever in this Ordinance reference is made to an agency of Queen Anne's County, the State of Maryland, or other political subdivision existing on the effective date of this Ordinance, the reference shall be interpreted to include any succession to the agency's duties or responsibilities and any different name by which the agency may become known.



## Subpart 2. Resource Utilization Standards

### 14-128. Regulation of agriculture and timber harvesting in all development areas.

#### (a) *Agricultural Activities.*

Agriculture and agricultural activities shall be permitted in all development areas in the Critical Area, subject to applicable provisions of the Queen Anne's County Code, and provided that:

- (1) The landowner proposing to locate or practice agricultural activities within the Critical Area have in place and be implementing an approved Soil Conservation and Water Quality Plan which shall specify Best Management Practices within the Critical Area and which shall have been approved by the Soil Conservation District.
- (2) The creation of new agricultural lands shall not be accomplished by diking, draining or filling palustrine nontidal wetlands.
- (3) The creation of new agricultural land shall not be accomplished by clearing forests or woodlands on steep slopes or erodible soils; by clearing existing natural vegetation within the Buffer; or by clearing existing natural vegetation if it will adversely affect water quality or destroy plant and wildlife.
- (4) Best Management Practices shall be used to control nutrients, animal wastes, pesticides, and sediment runoff to minimize contamination of surface water and groundwater and minimize adverse effects on plants, fish, and wildlife resources.
- (5) The feeding and watering of livestock shall not be permitted within 50 feet of the mean high water line of tidal waters or tributary streams, or from the edge of tidal wetlands, whichever is further inland.
- (6) Agriculture activities are permitted in the Buffer, if, as a minimum Best Management Practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, shall be established prior to the commencement of any such agricultural activities. The filter strip shall conform to the following minimum standards:
  - (i) The filter strip shall be composed of either trees with a dense ground cover, or a thick sod of grass.
  - (ii) The filter strip shall be expanded a distance of ~~six~~ four (4) feet for every one (1) percent of slope, for slopes greater than six (6) percent.
  - (iii) The filter strip shall be maintained until such time as the landowner

is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Best Management Practices for the specific purpose of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the filter strip.

(b) *Clearing and cutting of trees.*

The clearing and cutting of trees in any forest or developed woodland shall be subject to the following conditions and restrictions:

(1) A timber harvest plan and performance guarantees as prescribed in Subpart 4 of Part VII of this subtitle shall be required for all timber harvesting occurring within any one (1) year interval and affecting one (1) or more acres in forest and developed woodland in the Critical Area. The Plans shall be prepared by a registered professional forester and be reviewed and approved by the Maryland Fish, Heritage, and Wildlife Forest Service through the District Forestry Boards and the project forester, and filed with the Queen Anne's County Department of Planning and Zoning. Plans shall include measures to protect surface and groundwater quality and shall identify whether the activities will disturb or affect Habitat Protection Areas and incorporate protection measures for these areas as specified by the Department of Planning and Zoning. To provide for the continuity of habitat, the plans shall address mitigation through forest management techniques which include scheduling, size, timing and intensity of harvest cut, afforestation and reforestation.

(2) A Sediment Control Plan and performance guarantees as prescribed in Subpart 4 of Part VII of this subtitle shall be required for all timber harvests of 5,000 square feet or more in the Critical Area, including harvesting timber on agricultural lands. This plan shall be developed according to the State guidelines entitled: "Standard Erosion and Sediment Control Plan for Harvest Operations." The operations shall be implemented in accordance with the Maryland Fish, Heritage and Wildlife Forest Service specifications set out by the Maryland Forest Service, and enforced by the Department of Natural Resources.

**Subpart 4. Use and Development Regulations in Development Areas.**

14-137. Use and development regulations in intensely developed areas.

(b) *Uses not permitted or strictly limited.*

(1) The following uses are prohibited in IDAs due to their adverse impact on habitats and water quality development areas:

(i) transportation facilities, and utility transmission facilities (except those serving permitted uses or where regional or interstate facilities must cross tidal waters);

(ii) sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities; and

(iii) non-maritime heavy industry;

(iv) Waste disposal uses as defined in Section 18 of the Queen Anne's County Code; and

(v) the land application of sludge.

~~(2) The following uses are prohibited unless it is determined by the Board of Appeals that no environmentally acceptable alternative exists outside the Critical Area, and that these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem:~~

~~(i) Solid or hazardous waste collection or disposal facilities;~~

~~(ii) Sanitary landfills; and~~

~~(iii) The land application of sludge.~~

(e) *Site performance standards for building permits.*

Development and redevelopment requiring only the issuance of a building permit within the IDA shall be subject to the following conditions and restrictions:

(1) All environmental and natural features on that portion of the site within the Critical Area shall be identified including Habitat Protection Areas as defined in Section VI of the Queen Anne's County Critical Area Program.

(2) Development and redevelopment activities shall be located to avoid disturbance to Habitat Protection Areas as defined in Section VI of the Queen Anne's County Critical Area Program. When no alternative exists and such activities must cross or be located in

Habitat Protection Areas, the applicant shall minimize impacts to habitats and show that no reasonable feasible alternative location for such activities exists.

(3) Forest and developed woodlands shall be protected in accordance with the following:

(i) Except as provided in §14-128(b)(3), the clearing or cutting of forest or developed woodland for development or redevelopment shall provide insofar as possible that no more than 20 percent of the forest or woodland is removed.

(ii) When proposed development or redevelopment requires the cutting or clearing of trees, areas proposed for clearing must be identified on the plan accompanying the building permit application.

(iii) Trees with a diameter at breast height (DBH) greater than four (4) inches that are cut or cleared during development or redevelopment shall be replaced on site on a one-to-one basis. Replacement trees shall be non-bare root, native species and at least four (4) to six (6) feet in height.

14-138 Development standards in limited development areas.

(b) *Uses not permitted or strictly limited.*

(1) The following uses are prohibited in LDAs due to their adverse impact on habitats and water quality development areas:

(i) transportation facilities, and utility transmission facilities (except those serving permitted uses or where regional or interstate facilities must cross tidal waters);

(ii) Sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities; ~~and~~

(iii) non-maritime heavy industry;

(iv) Waste disposal uses as defined in Section 18 of the Queen Anne's

County Code;

(v) The land application of sludge.

~~(2) The following uses are prohibited unless it is determined by the Board of Appeals that no environmentally acceptable alternative exists outside the Critical Area, and that these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem:~~

~~(i) Solid or hazardous waste collection or disposal facilities;~~

- ~~(ii) Sanitary landfills; and~~
- ~~(iii) The land application of sludge.~~

(d) *Site performance standards.*

(6) Forests and developed woodlands shall be created or protected in accordance with the following:

(i) When forest on the site totals less than 15 percent of the site area, additional forested areas shall be established so that at least 15 percent of the site area is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites.

(ii) When forests or developed woodlands exist on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. The developer shall submit development plans to the Maryland Forest Service for comments and recommendations and shall transmit such comments to the Department of Planning and Zoning. In addition, cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:

1. Except as provided in subsection (3) below, no more than 20 percent of a forested or developed woodland area of a site proposed for development may be removed. The remaining 80 percent shall be maintained as forest cover. Restrictive covenants or easements in legally recordable form prohibiting the removal of remaining forest cover shall be submitted to and approved by the Planning Commission Attorney prior to project approval and shall be recorded among the Land Records of Queen Anne's County in accordance with Title 18, Part IX of the Queen Anne's County Code.

2. Clearing of forest or developed woodlands up to 20 percent shall be replaced on an area basis of one to one on site, or, if ~~afforestation~~ reforestation is impracticable on site, elsewhere within the Critical Area as proposed by the applicant and approved by the Planning Director.

3. Subject to the limitations imposed upon the clearing and cutting of woodlands imposed in the Queen Anne's County Code, a developer may propose clearing up to 30 percent of the forested or developed woodland area of a site proposed for development without the need to obtain a variance under this Ordinance. However, any such area removed must be replaced at the rate of 1.5 times the area removed on site or, if ~~afforestation~~ reforestation is impracticable on site, elsewhere within the Critical Area as proposed by the applicant and approved by the Planning Department.

4. A variance under this Ordinance and the Queen Anne's County Code is required for removal of existing forest in excess of 30 percent of the forested or developed woodland area on a site proposed for development. Forested or developed woodland

areas removed must be replaced at the rate of three (3) times the total area removed on site or, if ~~afforestation~~ reforestation is impracticable on site, within the Critical Area as proposed by the applicant and approved by the Planning Department.

5. A sediment control permit shall be required prior to any clearing or cutting of trees associated with any development or development activities. If the cutting or clearing of forests or developed woodlands occurs before a sediment control permit is obtained, the area removed must be replaced on site at the rate of three (3) times the area removed.

(iii) Guarantees as prescribed in Subpart 4 of Part VII of this Subtitle shall be provided in an amount suitable to assure forest replacement or afforestation.

(iv) Forests and developed woodlands required to be retained or created through afforestation or reforestation shall be maintained through restrictive covenants or easements.

(7) Development on slopes greater than 15 percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.

(8) Impervious surfaces shall be limited to 15 percent of the gross site area proposed for development except as follows:

(i) If a parcel or lot one-half ( $\frac{1}{2}$ ) acre or less in size was ~~in residential use or zoned for residential purposes~~ a lot of record on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25 percent of the parcel or lot.

(ii) If a parcel or lot one-fourth ( $\frac{1}{4}$ ) acre or less in size was in nonresidential use on or before December 1, 1985, then man-made impervious surfaces associated with that development are limited to 25 percent of the parcel or lot. If a parcel or lot 8,000 square feet or less in size was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 25 percent of the parcel or lot plus 500 square feet, provided:

1. New impervious surfaces on the parcel or lot have been minimized;
2. Stormwater quality impacts have been minimized through site design and/or use of best management practices agreed on by the County and the Critical Area Commission; and
3. On-site mitigation is performed or payment of a fee-in-lieu is made to offset adverse water quality impacts.

(iii) If a parcel or lot greater than 8,000 square feet but less than or equal to 21,780 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 31.25 percent of the parcel or lot provided §6006.D.8.b(1), (2) and (3) are met.

(iv) If a parcel or lot greater than 21,780 square feet but less than or equal to 36,300 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 5,445 square feet provided §6006.D.8.b(1), (2) and (3) are met.

~~(iii)~~(v) If an individual lot one (1) acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25 percent of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15 percent.

~~(iv)~~ (vi) These provisions do not apply to a legally existing manufactured home park that was in residential use on or before December 1, 1985.

~~(v)~~ (vii) The Board of Appeals may grant a variance from the provisions of this subsection in accordance with Section 7000, et seq.

(e) *Site performance standards for building permits.*

Development and redevelopment requiring only the issuance of a building permit within the LDA shall be subject to the following conditions and restrictions:

(1) All environmental and natural features on that portion of the site within the Critical Area shall be identified including Habitat Protection Areas as defined in Section VI of the Queen Anne's County Critical Area Program.

(2) Development and redevelopment activities shall be located to avoid disturbance to Habitat Protection Areas as defined in Section VI of the Queen Anne's County Critical Area Program. When no alternative exists and such activities must cross or be located in Habitat Protection Areas, the applicant shall minimize impacts to habitats and show that no reasonable feasible alternative location for such activities exists.

(3) Forest and developed woodlands shall be protected in accordance with the following:

(i) Except as provided in § 14-128(b)(3), the clearing or cutting of forest or developed woodland for development or redevelopment shall provide insofar as possible that no more than 20 percent of the forest or woodland is removed.

(ii) When proposed development or redevelopment requires the cutting or clearing of trees, areas proposed for clearing must be identified on the plan accompanying the

building permit application.

(iii) Trees with a diameter at breast height (DBH) greater than four (4) inches that are cut or cleared during development or redevelopment shall be replaced on site on a one-to-one basis. Replacement trees shall be non-bare root, native species and at least four (4) to six (6) feet in height.

(iv) If a person demonstrates to the satisfaction of the Planning and Zoning Office that mitigation requirements, on-site or off-site, cannot be reasonably accomplished, the person shall contribute money (a fee-in-lieu), at a rate to equal the total cost of replacing forest land to be cleared.

(v) The fees-in-lieu collected may only be used for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement, or environmental education. These site will be planted with more than one native species and will remain in a forest management plan held with the Maryland Forest Service.

(4) Development on slopes greater than 15 percent shall be prohibited unless the slope is unstable and such development is demonstrated to be the only effective way to maintain or improve slope stability.

(5) Impervious surfaces shall be limited to 15 percent of the gross site area proposed for development except as follows:

(i) If a parcel or lot one-half (1/2) acre or less in size was in residential use or zoned for residential purposes a lot of record on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25 percent of the parcel or lot.

(ii) If a parcel or lot one-fourth (1/4) acre or less in size was in nonresidential use on or before December 1, 1985, then man-made impervious surfaces associated with that development are limited to 25 percent of the parcel or lot. If a parcel or lot 8,000 square feet or less in size was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 25 percent of the parcel or lot plus 500 square feet, provided:

1. New impervious surfaces on the parcel or lot have been minimized;
2. Stormwater quality impacts have been minimized through site design and/or use of best management practices agreed on by the County and the Critical Area Commission; and
3. On-site mitigation is performed or payment of a fee-in-lieu is made to offset adverse water quality impacts.



(iii) If a parcel or lot greater than 8,000 square feet but less than or equal to 21,780 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 31.25 percent of the parcel or lot provided §14-138(d)(8), i, ii, and are met.

(iv) If a parcel or lot greater than 21,780 square feet but less than or equal to 36,300 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 5,445 square feet provided § 14-138(d)(8), i, ii, and iii are met.

(v) If an individual lot one (1) acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25 percent of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15 percent.

(vi) These provisions do not apply to a legally existing manufactured home park that was in residential use on or before December 1, 1985.

(vii) The Board of Appeals may grant a variance from the provisions of this subsection in accordance with Part VII of this subtitle.

## 14-139. Development standards in Resource Conservation Areas.

(a) *Permitted uses.*

Except as provided herein, uses permitted within RCA development areas shall be those permitted in the applicable underlying base zoning district. For a specific determination of permitted uses refer to the Queen Anne's County Code. All permitted uses shall be subject to the following development standards and/or conditions in addition to those established in other sections of this Ordinance.

(b) *Uses not permitted or strictly limited.*

(1) The following uses are prohibited in RCAs due to their adverse impact on habitats and water quality:

(i) transportation facilities, and utility transmission facilities (except those serving permitted uses or where regional or interstate facilities must cross tidal waters);

(ii) Sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities; and

(iii) non-maritime heavy industry;

(iv) Waste disposal uses as defined in the Queen Anne's County Code;

and

(v) The land application of sludge.

~~(2) The following uses are prohibited unless it is determined by the Board of Appeals that no environmentally acceptable alternative exists outside the Critical Area, and that these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem:~~

~~(i) Solid or hazardous waste collection or disposal facilities;~~

~~(ii) Sanitary landfills; and~~

~~(iii) The land application of sludge.~~

## 14-153. Special provisions for buffer exempted areas.

(a) *Scope.*

The following special provisions shall apply to development and redevelopment in

mapped Buffer Exemption Areas (BEAs) in the IDA, LDA, and RCA.

(b) *Intent.*

The following provisions are intended to accommodate limited use of shoreline areas that have been mapped as Buffer Exemption Areas (BEAs) under the provisions of this Ordinance while protecting water quality and wildlife habitat to the extent possible.

(c) *Applicability.*

This section applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands and tributary streams on lots of record as of December 1, 1985 and located in mapped Buffer Exemption Areas as shown on the Critical Area Maps.

(d) *Criteria*

(1) New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems will not be permitted in the Buffer Exemption Area unless the applicant can demonstrate and the Planning Director finds that there is no feasible alternative. Such findings shall document that the intrusion is the least necessary. A copy of the Planning Director's findings in this regard shall be available to the Critical Area Commission upon request.

(2) New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer Exemption Area and shall not exceed the shoreward extent of existing structures located on the property. In no case shall the intrusion into the Buffer Exemption Area encroach into a required yard under the terms of the underlying zone unless a variance thereto has been first granted.

(3) Development may not impact any Habitat Protection Area (HPA) as defined in Section V of the Queen Anne's County Critical Area Program, except the Buffer.

(4) No natural vegetation may be removed in the Buffer except that required by the proposed construction and any other natural vegetation in the Buffer shall be maintained.

(5) Impervious surfaces shall be limited to 15 percent of the gross site area proposed for development except as follows:

(i) If a parcel or lot one-half ( $\frac{1}{2}$ ) acre or less in size was ~~in residential use or zoned for residential purposes~~ a lot of record on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25 percent of the parcel or lot.

(ii) If a parcel or lot one-fourth ( $\frac{1}{4}$ ) acre or less in size was in nonresidential use on or before December 1, 1985, then man-made impervious surfaces associated with that development are limited to ~~25 percent of the parcel or lot~~. If a parcel or lot

8,000 square feet or less in size was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 25 percent of the parcel or lot plus 500 square feet, provided:

1. New impervious surfaces on the parcel or lot have been minimized;
2. Stormwater quality impacts have been minimized through site design and/or use of best management practices agreed on by the County and the Critical Area Commission; and
3. On-site mitigation is performed or payment of a fee-in-lieu is made to offset adverse water quality impacts.

(iii) If a parcel or lot greater than 8,000 square feet but less than or equal to 21,780 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 31.25 percent of the parcel or lot provided §§14-138(d)(8), i, ii, and iii, are met.

(iv) If a parcel or lot greater than 21,780 square feet but less than or equal to 36,300 square feet was a lot of record on or before December 1, 1985, then manmade impervious surfaces on the lot are limited to 5,445 square feet provided §§14-138(d)(8), i, ii, and iii, are met.

(iii) (v) If an individual lot one (1) acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed 25 percent of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15 percent.

(iv) (vi) These provisions do not apply to a legally existing manufactured home park that was in residential use on or before December 1, 1985.

(v) (vii) The Board of Appeals may grant a variance from the provisions of this subsection in accordance with Part VII of this subtitle.

(e) **Buffer mitigation.**

(1) Any development in the Buffer Exemption Area approved under the provisions of this subsection shall be mitigated as follows:

(i) The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and

(ii) Natural vegetation of an area twice the extent of the impervious surface must be created on the property or other similar location approved by the Planning Director.

(2) Any required reforestation, mitigation or offset areas shall be designated under a development agreement or other instrument and recorded among the land records of Queen Anne's County.

(3) If a person demonstrates to the satisfaction of the Planning and Zoning Office that mitigation requirements, on-site or off-site, cannot be reasonably accomplished, the person shall contribute money (a fee-in-lieu), at a rate to equal the total cost of creating forest land.

(4) The fees-in-lieu collected may only be used for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement, or environmental education. These site will be planted with more than one native species and will remain in a forest management plan held with the Maryland Forest Service.

(a) *Intent.*

The purpose of the subsection is to authorize delegation of Board of Appeals authority as specified in Section 7000 to the Planning Director to apply the standards for variance as specified Section 7005 herein for certain proposed construction activities.

(b) *Applicability.*

This section applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands and tributary streams on single family lots of record as of June 29, 1988.

(c) *Criteria.*

(1) New development or redevelopment shall minimize the disturbance in the Buffer to the least intrusion necessary.

(2) Development may not impact any Habitat Protection Area (HPA) as defined in Section VI of the Queen Anne's County Critical Area Program, except the Buffer.

(3) Any development in the Buffer approved under the provisions of this subsection shall be mitigated as follows:

(i) The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and

(ii) Natural vegetation of an areas twice the extent of the impervious surface must be created on the property or other similar location approved by the Planning Director.

(4) If a person demonstrates to the satisfaction of the Planning Director that mitigation requirements, on-site or off-site, cannot be reasonably accomplished, the person shall pay a fee-in-lieu equal to the total value of the required plantings. Such fee will be dedicated to County tree replanting programs within the Critical Area.

(5) Any required reforestation or mitigation or offset areas shall be designated under a development agreement or other instrument and recorded among the land records of Queen Anne's County.

(6) Applications for Administrative Variance shall be forwarded to the Critical Area Commission for review.

(7) The Critical Area Commission shall be notified of an administrative action by the Planning Director within ten (10) days of the action.

(d) Fee requirement.

The application shall be accompanied by a non-refundable fee in an amount prescribed by the County Commissioners.

14-177. Amendment procedures.

(a) Initiation of text or map amendments.

Text or map amendments may be initiated by resolution of the Planning Commission, County Commissioners or by a petition of the property owner filed with the County Commissioners. All petitions filed by property owners for map amendments shall be accompanied by the information required in Section 9911 of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(b) Planning Commission investigation.

All proposed amendments shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on property(s) for which amendments are requested and to the extent possible based on the best available information, notify all property owners immediately contiguous to the applicant of the hearing date, time and place.

(c) Planning Commission recommendation.

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) Consideration. County Commissioner conceptual approval.

At their regularly scheduled meeting the County Commissioners shall evaluate the proposed amendment on the basis of the report and recommendations of the Planning Commission at its regular meeting and either conceptually approve or disapprove the Growth Allocation application proposed amendment.

(e) Critical Area Commission Approval.

All amendment applications that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the proposed amendment is approved by the Critical Area Commission, it shall proceed to the

County Commissioners for final approval.

~~(f) Final Approval by the Critical Area Commission~~

~~(1) If the proposed amendment is approved by the Chesapeake Bay Critical Area Commission, the submittal shall proceed through normal approval channels as outlined in this Ordinance, the Critical Area Program and the Queen Anne's County Code and for final subdivision plat or site plan approval~~

~~(2) Successful projects granted Growth Allocation will be submitted for final site plan or final subdivision approval as per requirements of the Zoning Ordinance and Subdivision Regulations~~

~~(3) The Official Critical Area Map(s) will be amended to reflect the new Growth Allocation and new development area designation when Final Approval is received.~~

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the proposed amendments which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

~~1.(2)~~ In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:

- (i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and this Ordinance;
- (ii) The recommendations of the Planning Commission; and
- (iii) The relation of the proposed amendment to the Queen Anne's County Critical Area Program and the Comprehensive Plan; and
- (iv) The testimony and other evidence presented at the public hearing.

~~(2)-(3)~~ If the Planning Commission has recommended the adoption of an amendment and the County Commissioners propose to adopt an amendment which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the



Critical Area Commission for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

~~(3)~~ (4) If the County Commissioners propose to adopt an amendment which is substantially different from both the proposed amendment and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amendment as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).

~~(4)~~ (5) An amendment shall not be effective until after it is approved by the Critical Area Commission and not until at least ten (10) days after the date of the public hearing required for its adoption 45 days after approval by the County Commissioners.

(g) Map Amendment.

The Official Critical Area Map(s) will be amended to reflect the map amendment and new development area designation when the amendment becomes effective.

~~(h) Time Limitations.~~

~~If one-third of a project's building permits for construction have not been obtained within two (2) years of a project final approval, the Growth Allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one (1) year at any one time.~~

(h) Use of approved growth allocation.

(1) Successful projects granted Growth Allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code:

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the County has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one (1) year at any one time.

TER

Joins map 16

430,000 FT

39°00'00"

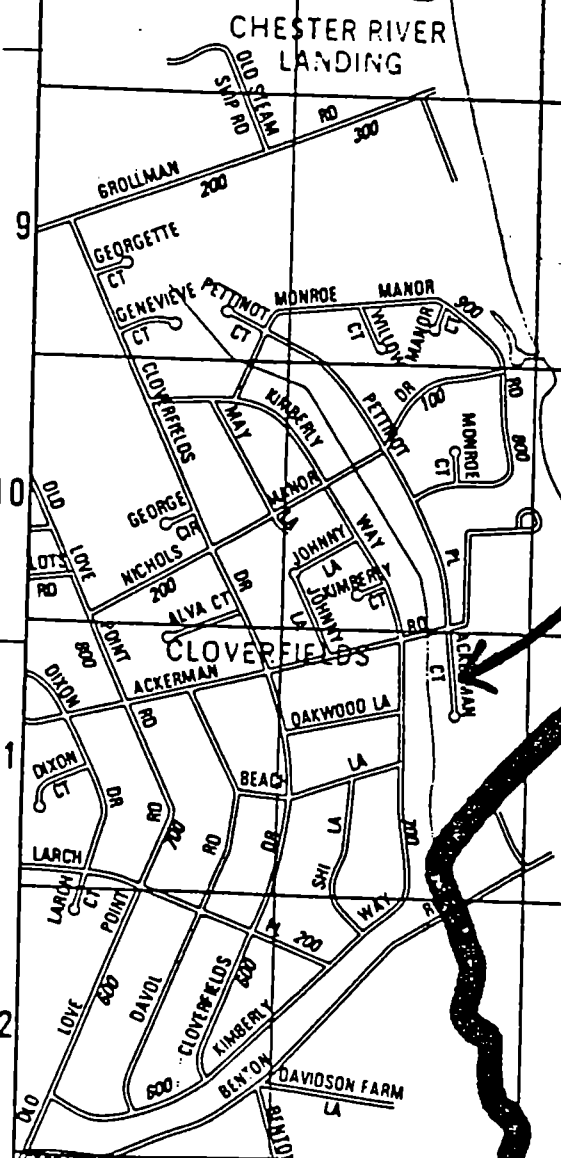
MD G. 420,000 FT

# 21666

# Cloverfields Proposed Buffer Exemption Area

CHESTER RIVER  
LANDING

CHESTER RIVER



# 21619

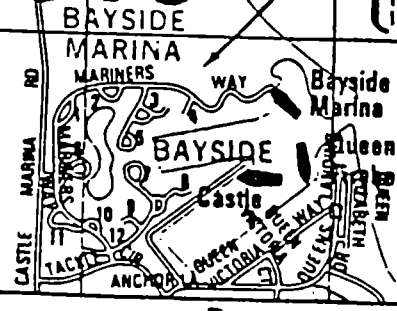
SEE GRID D13

- 1 MEREANSER CT
- 2 GOLDENEYE CT
- 3 WIDGEON WAY
- 4 VREG PL
- 5 BLENDY LA
- 6 TEAL CT
- 7 SCHOONER WAY
- 8 BOOYS NECK RD
- 9 DRAXE TAIL PL
- 10 RING NECK CT
- 11 BUFFLEHEAD CT
- 12 HARBOR SOUND DR

Old Love  
Point  
Park

Bayside  
ES 4-21400

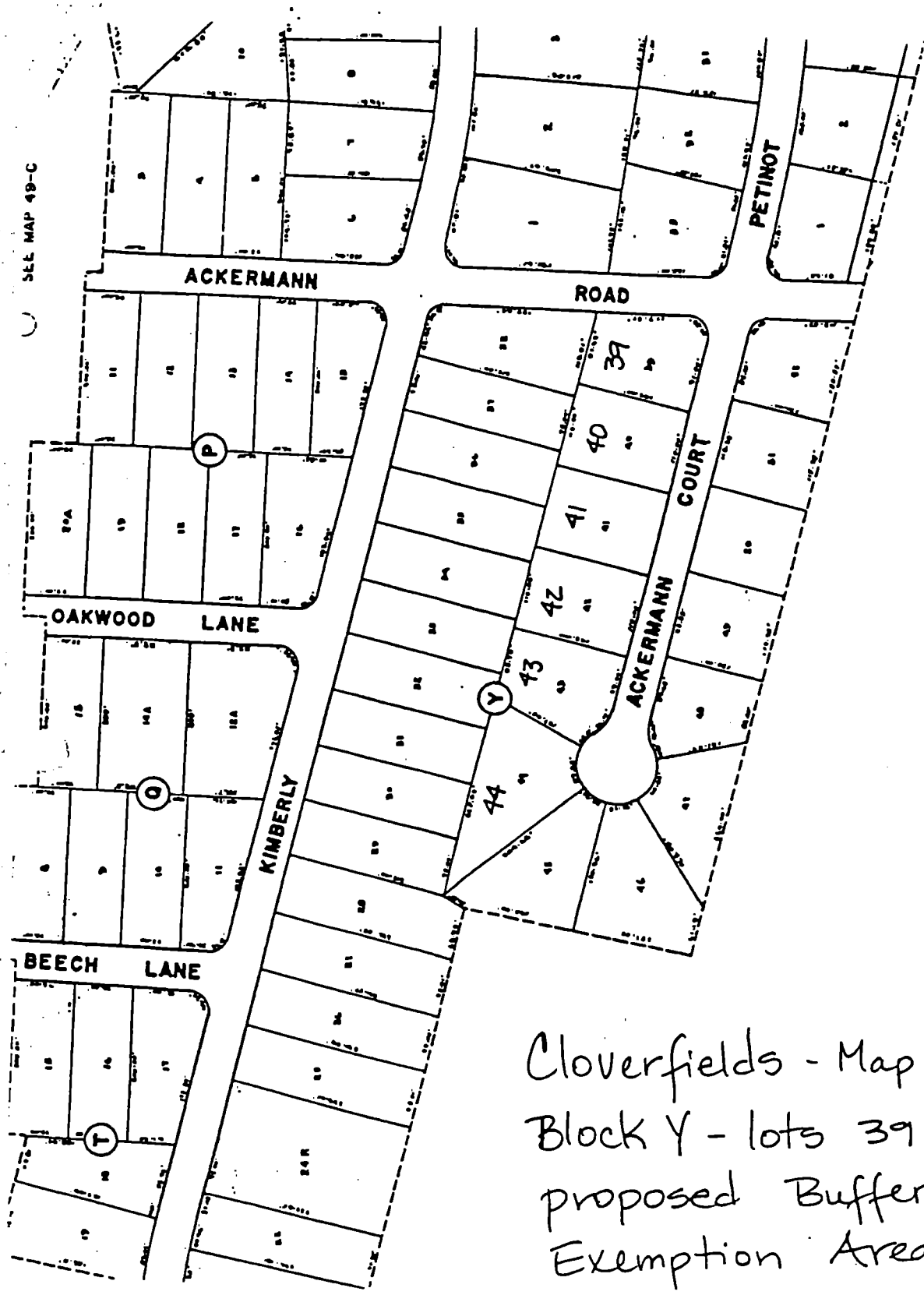
Castle  
Marina  
Landing  
Strip



Queen Annes Co  
Boat No 10

QUEEN'S  
LANDING

SEE MAP 49-C



Clverfields - Map 49  
Block Y - lots 39-44  
proposed Buffer  
Exemption Area

COUNTY ORDINANCE NO. 97-08

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Re-Adoption with Amendments of the Code of Public Local Laws of Queen Anne's County, Maryland, 1996 Edition, Title 18, Land Use and Development, Zoning Map 45.

FOR THE PURPOSE of amending part of parcel 25A located on Queen Anne's County Zoning Map 45 to a Suburban Industrial (SI) District.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Code of Public Local Laws of Queen Anne's County, 1996, Edition, Title 18, Land Use and Development, Zoning Map 45 is hereby repealed and new Zoning Map 45 be and is hereby adopted designating Parcel 25A thereon as Suburban Industrial (SI) District.

SECTION II

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

Introduced By: Commissioner Zimmer  
Date of Introduction: July 15, 1997  
Hearing Scheduled: Aug. 19, 1997 . . 9:00 am p.m.  
Action: 2 Yea 1 Nay  
Date: October 21, 1997

Effective date: Dec. 5, 1997

RECEIVED  
CLERK, CIRCUIT COURT  
98 JAN 14 PM 12: 30  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 97-09

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with Amendments of Section 18-1-147 of the Public Local Laws of Queen Anne's County, 1996 Edition,

FOR THE PURPOSE of permitting open space uses enumerated in Section 18-1-026 of the Code of Public Local Laws on Transferor parcels following the transfer of development rights therefrom.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Section 18-1-147 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, be and is hereby repealed and reenacted to read as follows:

18-1-147. Effect of Transfer.

After development rights have been transferred by an original instrument of transfer:

(1) the transferor parcel:

(i) may not be subdivided or reconfigured;

(ii) shall be used only for uses permitted in open space areas as set forth in Section 18-1-026 of this Title;

(iii) may not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the number of development rights involved in the transfer; and

(2) all development rights that are the subject of the transfer, and the value of such rights, shall be deemed for all other purposes, including assessment and taxation, to be appurtenant to the transferor parcel, until such rights have been finally approved for use on a specific receiving parcel and transferred to the County Commissioners.

RECEIVED  
CLERK, CIRCUIT COURT  
98 JAN 14 PM 12:30  
QUEEN ANNE'S COUNTY

## SECTION II

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

INTRODUCED BY: Michael F. Zimmer, JR

DATED: 9/16/97

PUBLIC HEARING HELD: October 21, 1997  
10:30 a.m.

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

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

AN ACT AMENDING PROPOSED COUNTY  
ORDINANCE NO. 97-09

FOR THE PURPOSE of amending pending County Ordinance No. 97-09 to delete provisions permitting open space uses on transferor parcels under Title 18 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition and to permit publicly owned recreational facilities and uses thereon.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that SECTION I of pending County Ordinance 97-09 be amended to read as follows:

18-1-147. Effect of Transfer.

After development rights have been transferred by an original instrument of transfer:

- (1) the transferor parcel:
  - (i) may not be subdivided or reconfigured;
  - (ii) shall be used only for agricultural uses, but not including farm residences, and for publicly owned recreational facilities and uses;
  - (iii) may not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the number of development rights involved in the transfer; and
- (2) all development rights that are the subject of the transfer, and the value of such rights, shall be deemed for all other purposes, including assessment and taxation, to be appurtenant to the transferor parcel, until such rights have been finally approved for use on a specific receiving parcel and transferred to the County Commissioners.

SECTION II

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

Introduced By: Comm. Zimmer  
Date: November 4, 1997  
Vote: 3 Yea 0 Nay

Dsl

COUNTY ORDINANCE NO. 97-10

## A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of official Zoning Map Number 10 of Queen Anne's County Code, Title 18, *Land Use and Development*, formerly known as the Queen Anne's County Zoning Ordinance and Subdivision Regulations 1994 Update.

FOR THE PURPOSE OF re-classifying and redesignating part of parcel 2 and Lot 45, Zoning Map (tax map) 10 in Queen Anne's County, Maryland, containing 2.226 acres more or less, from Agricultural (A) to Suburban Commercial (SC) as established in the Queen Anne's County Code, Title 18, *Land Use and Development*.

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Queen Anne's County Code, Title 18, *Land Use and Development*, Zoning Map Number 10 dated November 1, 1994, as amended, be and is hereby repealed and the attached Map Number 10 be and is hereby adopted as Zoning Map Number 10 for Queen Anne's County, Maryland.

## SECTION II

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

INTRODUCED BY: Michael J. Zimmer, Sr.

DATED: 9/16/97

PUBLIC HEARING HELD: October 21, 1997  
11:00 a.m.

VOTE: 3 YEA 0 NAY

DATE: 11/4/97

Effective date: Dec. 19, 1997

RECEIVED  
CLERK, CIRCUIT COURT

98 JAN 14 PM 12:30

QUEEN ANNE'S COUNTY



COUNTY ORDINANCE NO. 98-13

A BILL ENTITLED

AN ACT concerning the Repeal and Re-enactment with amendments of certain sections to Title 18, *LAND USE AND DEVELOPMENT*, Code of Public Local Laws of Queen Anne's County (1996 Edition), and the Official Zoning Maps of Queen Anne's County, and enacting Subtitles 7 and 8 of Title 18.

FOR THE PURPOSE OF repealing and re-enacting with amendments Sections 18-1-013, 18-1-020, 18-1-084 and 18-1-146 and Queen Anne's County Official Zoning Maps 48, 49, 56, 57, 58, 58A, and 65 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, and enacting a new Subtitle 7 and Subtitle 8 of Article 18, implementing the recommendations of the proposed Stevensville Community Plan and Grasonville Community Plan including land use, development, environmental, and design standards for development to occur in the proposed zoning districts (Stevensville Master-Planned Development District and Grasonville Planned Residential Neighborhood District).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Code of Public Local Laws of Queen Anne's County, Title 18 *LAND USE AND DEVELOPMENT*, (1996 Edition) be and is hereby amended to add to Sections 18-1-013, 18-1-020, 18-1-084 and 18-1-146 and re-enacted as set forth on the attached; and the Queen Anne's County Official Zoning Maps 48, 49, 56, 58, <sup>57</sup> and <sup>48-65</sup> 58A be and is hereby amended by the repeal of and the re-enactment thereof with the changes set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that the Code of Public Local Laws of Queen Anne's County, Title 18 *LAND USE AND DEVELOPMENT*, (1996 Edition) be and is hereby amended by the enactment of Subtitle 7 and Subtitle 8 to read as set forth on the attached.

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

INTRODUCED BY: MH  
DATED: 10/20/98  
PUBLIC HEARING HELD: 11/10/98 10:30 A.M.  
VOTE: 2 YEA - NAY 1 abstention  
DATE: 11/17/98

Effective Date: January 1, 1999

RECEIVED  
CLERK, CIRCUIT COURT  
99 JAN - 6 PM 2:47  
QUEEN ANNE'S COUNTY

**A BILL ENTITLED**

AN ACT CONCERNING the Repeal and Re-Adoption with Amendments of Section 18-406 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR THE PURPOSE of removing "sliding scale subdivisions" from the list of permitted uses in the Waterfront Village Center District and adding "planned development" as a permitted use in such district.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Section 18-406 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, be and is hereby repealed and reenacted to read as set forth on Exhibit A attached hereto.

**SECTION II**

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

Introduced By: MZ1  
Date: 10/20/98  
Public Hearing Held: 11/10/98 10:45 AM 11:00  
Vote: 3 Yea - Nay  
Date: 11/17/98

Effective Date: January 1, 1999

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CLERK, CIRCUIT COURT  
99 JAN -6 PM 3:49  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 98-15

**A BILL ENTITLED**

AN ACT CONCERNING the Repeal and Re-Adoption with Amendments of Sections 18-1-031 and 18-1-032 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR THE PURPOSE of replacing the term "mini warehouse" with the term "self storage facility" in the Queen Anne's County Zoning Ordinance and to change the land use classification in which such use is permitted from medium commercial to light industrial.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Sections 18-1-031 and 18-1-032 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, be and are hereby repealed and reenacted to read as set forth on Exhibit A attached hereto.

**SECTION II**

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage:

INTRODUCED BY: MBJ  
DATE: 10/20/98  
PUBLIC HEARING SCHEDULED: 11/10/98 11:00 ~~11:00~~ 11:15  
BILL POSTED: \_\_\_\_\_  
VOTE: 3 YEA — NAY  
DATE: 11/17/98

Effective Date: January 1, 1999

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CLERK-CIRCUIT COURT  
99 JAN -6 PH 3:49  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 98-16

## A BILL ENTITLED

AN ACT CONCERNING the Repeal and Re-Adoption with Amendments of Section 18-1-~~235~~<sup>233</sup> of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR THE PURPOSE of allowing minor subdivisions with private roads to be reviewed and approved administratively.

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Section 18-1-~~235~~<sup>233</sup> of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, be and is hereby repealed and reenacted to read as set forth on Exhibit A attached hereto.

## SECTION II

BE IF FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage:

INTRODUCED BY: MZJDATE: 10/20/98PUBLIC HEARING SCHEDULED: 11/10/98 4:30-11:50

BILL POSTED: \_\_\_\_\_

VOTE: 3 YEA — NAYDATE: 11/17/98Effective Date: January 1, 1999RECEIVED  
CLERK, CIRCUIT COURT

99 JAN -6 PM 3:49

QUEEN ANNE'S COUNTY

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CLERK, CIRCUIT COURT

COUNTY ORDINANCE NO. 98-17

99 JAN -6 PM 3:49

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the Repeal of the Queen Anne's County Personnel Ordinance and Associated Rules and Regulations and Adoption of a new Title 26 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR THE PURPOSE of establishing a centralized human resource system of equitable and uniform personnel administrative practices throughout Queen Anne's County; defining certain terms; providing for the organization of a Human Resource System in Queen Anne's County; providing for the Exempt, Classified and Professional and Executive Service in Queen Anne's County; providing for and regulating the recruitment and selection of employees; establishing conditions of employment; regulating holidays and leave, benefits and discipline procedures including appeal procedures; establishing an Employee Recognition program; establishing and empowering a Personnel Board and setting rules of procedure therefore; regulating personnel records; regulating contractual employees; establishing a Code of Ethics; and generally establishing and adopting a new Title 26 entitled "Human Resources" to 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 that the existing County Personnel Ordinance and related Rules and Regulations be and are hereby repealed.

SECTION II

BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that the attached Exhibit A be and is hereby adopted as Title 26 of the Code of Public Local Laws of Queen Anne's County.

SECTION III

BE IF FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage:

INTRODUCED BY: MB

DATE: 10/20/98

PUBLIC HEARING SCHEDULED: 11/10/98 ~~12:05~~ 7:00 pm

BILL POSTED: 10-21-98

VOTE: 3 YEA 1 NAY

DATE: 11/17/98

Effective Date: January 1, 1999

AN ACT AMENDING

COUNTY ORDINANCE NO. 98-17-A

AN ACT concerning the amendment of proposed County Ordinance No. 98-17.

FOR THE PURPOSE OF providing that County Ordinance No. 98-17 shall enact a new Title 27 to the Code of Public Local Laws of Queen Anne's County rather than Title 26 and making various corrections and revisions to pending County Ordinance No. 98-17.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that proposed County Ordinance No. 98-17 be amended to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that the Amendment shall take effect immediately.

INTRODUCED BY: Mike Zimmer  
DATED: November 17, 1998  
VOTE: 3 YEA — NAY

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CLERK, CIRCUIT COURT  
99 JAN -6 PM 3:49  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 99-01

**A BILL ENTITLED**

AN ACT concerning the Repeal and Re-adoption with Amendments of Sections 27-1006, 27-1006(d), 27-801(d), 27-404, 27-201(d), 27-504, ;27-509, 27-508, 27-503(b) and the Repeal of Sections 27-201(e) and 27-1304(e)(4) of the Code of Public Local Laws of Queen Anne's County (1996 Edition);

FOR THE PURPOSE of revising the Queen Anne's County Human Resources Ordinance, Title 27 of the Code of Public Local Laws of Queen Anne's County; revising the death benefits payable to employees who die while in active service; revising the benefits to Sheriff's Department and Correctional employees who work on County Holidays; adding positions to the County Classification Plan; correcting provisions relating to development and implementation of operational policies and procedures by department directors; eliminating the position of Chief, Advanced Life Support Services from the Professional and Executive Service; modifying the qualifications for County Administrator; revising the restrictions on members of the Personnel Board; and generally making revisions and clarifications to the Queen Anne's County Human Resource Ordinance.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 27-201(e) and Section 27-1301(e)(4) of the Code of Public Local Laws of Queen Anne's County (1996 Edition) be and are hereby repealed.

**SECTION II**

BE IT FURTHER ENACTED that the following Sections of Title 27 of the Code of Public Local Laws of Queen Anne's County be and are repealed and reenacted to read as set forth below:

27-201. Statement of Purpose and Policy.

...

(d) This Personnel Ordinance is not intended to preclude the development and implementation of operational policies and procedures by department directors. Such policies and procedures shall be developed and implemented;

- (1) When reasonably necessary to effectuate effectiveness and efficiency of County operations;
- (2) In a job-related context; and
- (3) With the approval of the County Administrator who shall ensure that such policies and procedures are applied to as many departments and

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99 FEB -5 PM 4:01  
QUEEN ANNE'S COUNTY

units of County government as shall be appropriate and, where necessary, extended to the entire County work force.

27-404. Classification Plan.

(a) Allocation of Positions; Classified Service.

Positions within the Classified Service are allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Clerk Typist I	1
Custodian	1
Clerk Typist II	2
Human Service Associate I	2
4-H Program Assistant	3
Clerk I	3
Clerk Typist III	3
Highway Worker	3
Maintenance Worker I	3
Clerk II	4
Corrections Cook	4
Human Service Associate II	4
Maintenance Worker II	4
Mechanic Helper	4
Senior Center Manager	4
Clerk III	5
Custodial Supervisor	5
Equipment Operator I	5
Liquor Inspector	5
Maintenance Worker III	5
Mechanic I	5
Public Safety Dispatcher I	5
Recreation Program Coordinator	5
Secretary I	5
Senior Programs Planner	5
Transportation Dispatcher	5
Weed Control Technician	5
Benefits Counselor	6
Clerk IV	6



Equipment Operator II	6
Maintenance Technician	6
Public Safety Dispatcher II	6
Secretary II	6
Utility Worker	6
Zoning Inspector	6
Administrative Assistant	7
Animal Control Officer	7
Computer Technician I	7
Equipment Operator III	7
GIS Program Specialist	7
Legal Secretary	7
Maintenance Craftsman	7
Mechanic II	7
Office Supervisor	7
Utilities Technician I	7
Waste Water Operator I	7
Water Operator I	7
Computer Technician II	8
Construction Inspector I	8
Housing Program Coordinator	8
Maintenance Supervisor	8
Chief of Recreation Programs	9
Correctional Officer	9
Construction Inspector II	9
Deputy Sheriff	9
Deputy Sheriff First Class	9
Economic Development Specialist	9
Foreman	9
Health Care Specialist	9
Prosecution Coordinator	9
Senior Care Specialist	9
Utilities Technician II	9
Wastewater Operator II	9
Water Operator II	9
Controlled Substance Testing Coordinator	10
Corporal (Corrections)	10
Corporal (Sheriff's Office)	10
Golf Course Manager	10
Housing Program Manager	10
Land Use Planner I	10

Public Landings Supervisor	10
Roads Supervisor	10
Utilities Technician III	10
Wastewater Operator III	10
Water Operator III	10
Accountant	11
Civil Engineer I	11
Construction Supervisor	11
Laboratory Technician	11
Landscape Architect I	11
Nutrition Program Coordinator	11
Parks Supervisor	11
Sergeant (Corrections)	11
Sergeant (Sheriff's Office)	11
Social Worker I	11
Solid Waste Supervisor	11
Utilities Shift Supervisor	11
Vehicle Service Supervisor	11
Assistant Director, Human Resources	12
Laboratory Technician	12
Land Use Planner II	12
Lieutenant (Corrections)	12
Lieutenant (Sheriff's Office)	12
Parks Superintendent	12
Roads Superintendent	12
Captain (Corrections)	13
Facilities Project Manager	13
Landscape Architect II	13
Paramedic	13
Treasury Manager	13
Chief Wastewater Operator	14
Chief Water Operator	14
Civil Engineer II	14
Supervisor, ALS	14
Utilities Collection Supervisor	14
Utility Construction Supervisor	14
Utilities System Maintenance Supervisor	14
Zoning Administrator	14
Airport Manager	15
Land Use Planner III	15

27-503. Appointing Authorities and Qualifications.

...

(b) County Administrator.

- (1) Appointment. The County Administrator shall be appointed by the County Commissioners.
- (2) Minimum Qualifications. This section sets forth the minimum qualifications for any person appointed to the position of County Administrator. These qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.
  - (i) Education - An undergraduate degree in public or business administration, engineering, or planning; and a masters degree in public or business administration, engineering, or planning or a law degree;
  - (ii) Experience - Five (5) or more years experience in public sector agency management; or
  - (iii) An equivalent combination of education and experience in the discretion of the County Commissioners.
- (3) Employment Agreement.

...

27-504. Allocation of Positions; Professional and Executive Service. The County's Professional and Executive Service shall consist of the following positions, allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Captain, Sheriff's Office	PE1
Clerk to County Commissioners	PE1
Director, Animal Control	PE1
Accounting Manager	PE2
Civil Engineer III	PE2
Director, Housing and Community Services	PE2
Director, Public Safety Communications	PE2
Director, Economic Development	PE2

Director, Tourism	PE2
Principal Land Use Planner	PE2
Chief of Engineering	PE3
Chief Roads Engineer	PE3
Chief Sanitary Engineer	PE3
Director, Human Resources	PE3
Utility Manager	PE3
Director, Aging	PE4
Director, Correctional Services	PE4
Director, Parks and Recreation	PE4
Director, Finance	PE5
Director, Planning and Zoning	PE5
Director, Public Works	PE5

27-508. Annual Performance Review. The job performance of all Professional and Executive Service employees shall be reviewed annually on or before July 1 of each year through use of objective, job-related methods approved by the Director of Human Resources.

27-509. Performance Salary Advance Within the Grades.

- (a) Annual Salary Increase. Employees may receive an annual salary increase on July 1 of each year provided their performance is evaluated as satisfactory or better.
- (b) Purpose of Annual Pay Increase. These increases are intended to recognize increases in productivity and effectiveness as employees gain experience in their positions.
- (c) Determination of Amount of Annual Pay Increase.
  - (1) Any increase in annual salary which may occur shall result in a rate of pay which falls within the range of pay set forth in the Professional/Executive Service Salary Schedule and shall be determined in accordance with the provisions of this section.
  - (2) Professional and Executive Service employees shall receive an annual performance evaluation conducted by their appointing authority on or before July 1 of each year.

...

Subtitle VIII. HOLIDAYS AND LEAVE.

27-801. Paid Holidays Observed.

...

- (d) Payment of Employees Required to Work on a Holiday. An employee who works all or any part of the designated holidays shall receive, at his or her option, in addition to one day of holiday pay, either;
- (1) At the employee's option, compensatory leave at the rate of one and one-half (1 ½) hours of such leave for every hour actually worked, or pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked, if the department to which the employee is assigned has elected to use compensatory leave; or
  - (2) Pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked.
  - (3) Notwithstanding the foregoing, and in lieu thereof, employees of the Sheriff's Department and Corrections Department whose normal shift falls on a designated holiday shall receive additional leave at the rate of one hour for every hour actually worked.

27-1006. Death Benefit. If an employee dies while still in active service, the employee's designated beneficiary(ies) will receive a lump sum payment of life insurance equal to the following schedule, rounded to the next highest thousand dollars, at the time of death:

- |  |                         |
|--|-------------------------|
| (a) Less than five years of County service-  | Amount of annual salary |
| (b) Five years but less than ten years of County service-  | 125% of annual salary   |
| (c) Ten years but less than twenty years of County service-  | 150% of annual salary   |
| (d) Twenty or more years of County service-  | 175% of annual salary   |
| (e) In no event shall the death benefit hereunder exceed the higher of \$100,000.00 or the amount of coverage provided by the County insurance plan in effect on the date of the employee's death. |                         |

SECTION III

BE IT FURTHER ENACTED that this Act shall be an emergency bill, is determined to affect the public health, safety and welfare and will take effect immediately upon its adoption.

Introduced By: George O'Donnell  
Date of Introduction: 1-19-99  
Public Hearing Held: 2-2-99 10:00 AM  
Vote: 3 YEA                      NAY  
Date: adopt 2-2-99  
Effective 2-2-99

BILL NO. 98-18  
A BILL ENTITLED  
"PUBLIC FACILITIES AND REFUNDING  
BOND AUTHORIZATION OF 1999"

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, FROM TIME TO TIME, TO BORROW NOT MORE THAN TWENTY-FIVE MILLION DOLLARS (\$25,000,000) FOR THE PUBLIC PURPOSE OF FINANCING CERTAIN PUBLIC FACILITIES AND REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE COUNTY, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (1998 REPLACEMENT VOLUME AND 1998 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE ANNOTATED CODE OF MARYLAND (1997 REPLACEMENT VOLUME AND 1998 SUPPLEMENT); AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

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QUEEN ANNE'S COUNTY

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## RECITALS

Pursuant to the authority granted by Sections 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (the "Enabling Act") and in accordance with a public local law (Bill No. 92-05) enacted by the Board on March 17, 1992 and a resolution adopted by the Board on April 21, 1992, the County has heretofore issued its Queen Anne's County Public Facilities and Refunding Bonds of 1992, dated May 1, 1992 (the "1992 Bonds") and pursuant to the authority granted by the Enabling Act and in accordance with a public local law (Bill No. 94-05) enacted by the Board on March 1, 1994 and a resolution adopted by the Board on April 26, 1994, the County has heretofore issued its Queen Anne's County Public Facilities Bonds of 1994, dated May 1, 1994 (the "1994 Bonds").

The Enabling Act authorizes the County to issue bonds for any proper public purpose. In addition, Section 24 of Article 31 of the Annotated Code of Maryland (1998 Replacement Volume and 1998 Supplement) authorizes the County to issue refunding bonds for the purpose, among others, of realizing savings to the County in the aggregate cost of debt service on either a direct comparison or present value basis.

The Board has determined that the County may be able to realize savings in its aggregate cost of debt service through the issuance and sale of a series of its general obligation refunding bonds, the net proceeds of sale thereof to be applied, as specified in a resolution of the Board adopted pursuant hereto, to the refunding of (i) all or a portion of the callable maturities of the 1992 Bonds, or (ii) all or a portion of the callable maturities of the 1994 Bonds, or (iii) all or portions of the callable maturities of both the 1992 Bonds and the 1994 Bonds. In addition, the Board has determined to authorize the issuance of general obligation bonds of the County for the public purpose of financing the public facilities described in Section 2(b) of this public local law.

NOW, THEREFORE, BE IT ENACTED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:



Section 1. County Commissioners of Queen Anne's County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not exceeding TWENTY FIVE MILLION DOLLARS (\$25,000,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for the following public purposes:

(a) purchasing, or depositing with an escrow deposit agent to purchase, direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America in such amounts and maturing at stated fixed prices as to principal and interest at such times as will be sufficient without reinvestment to effect the refunding of all or a portion of the callable maturities of the 1992 Bonds (i.e., the 1992 Bonds stated to mature on and after May 1, 2003) or all or a portion of the callable maturities of the 1994 Bonds (i.e., the 1994 Bonds stated to mature on and after November 1, 2005), or some combination of all or portions of the callable maturities of both the 1992 Bonds and the 1994 Bonds, as the Board by a resolution adopted pursuant hereto may determine and specify; and

(b) financing or refinancing, in whole or in part, the following projects (which may represent the County's share or contribution to the financing or refinancing of such projects), together with any related architectural, financial, fiscal, legal, design, planning and engineering expenses:

(i) construction, furnishing, and equipping of renovations to the Sudlersville Elementary School;

(ii) acquisition of a radio and dispatch system;

(iii) construction, furnishing, and equipping of a new emergency operations center including the acquisition of land and property rights and planning (including architectural and site design services);

(iv) construction, furnishing, and equipping of renovations to the Kennard Elementary School;

(v) construction, furnishing, and equipping of renovations to the Queen Anne's County High School;

(vi) acquisition of Conquest Farm park land; and

(vi) construction, furnishing, and equipping of airport hangars.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (1998 Replacement Volume and 1998 Supplement). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year

may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 1998 Supplement).

Section 6. This public local law shall take effect forty-five days after it is enacted.

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY, MARYLAND

*Ray M. O'Rourke*  
President

*Maureen A. Quinn*  
Vice President

*John T. McCune, Jr.*  
Commissioner

Enacted on \_\_\_\_\_, 199\_

Hearing 1-12-99 10:45 AM  
Adopted 1-19-99  
Effective Date 3-5-99

COUNTY ORDINANCE NO. 98-19

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 Critical Area Overlay Map Number 57.

FOR THE PURPOSE OF amending parcel 502 located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 57 to designate approximately 2.34 acres of land from Limited Development Area (LDA) to Intensely Developed Area (IDA).

## 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 Critical Area Overlay Map Number 57 is hereby repealed and the attached Map Number 57 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 57 for Queen Anne's County, Maryland.

## SECTION II

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

INTRODUCED BY: Markene F Davis

DATED: 12-15-98

PUBLIC HEARING HELD: 1-12-989 10:15 am

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

DATE: 1/19/99

Effective Date - March 5, 1999

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(Gateway Self-Storage)  
99 MAR 23 AM 8:55  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 98-20

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 Critical Area Overlay Map Number 57.

FOR THE PURPOSE OF amending parcel 489 located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 57 to designate approximately 1.953 acres of land from Limited Development Area (LDA) to Intensely Developed Area (IDA).

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 Critical Area Overlay Map Number 57 is hereby repealed and the attached Map Number 57 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 57 for Queen Anne's County, Maryland.

SECTION II

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

INTRODUCED BY: Marlene F. Davis

DATED: 12-15-98

PUBLIC HEARING HELD: 1-12-98 10:30am

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

DATE: 1-19-99

Effective - March 5, 1999

(Friendly Food Store)  
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QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 98-21

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 Critical Area Overlay Map Number 58.

FOR THE PURPOSE OF amending part of parcels 432, 73, 41 and <sup>716</sup>~~76~~ located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 58 to designate said parcels from Intensely Developed Area (IDA) to Resource Conservation Area (RCA) and for the purpose of amending part of parcels 70, 71, 72, 73, 74, 75, 76, 77, 776, 653 and 626 on said 1996 Official Chesapeake Bay Critical Area Overlay Map 58 to designate said parcels from Resource Conservation Area (RCA) to Intensely Developed Area (IDA).

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 Critical Area Overlay Map Number 58 is hereby repealed and the attached Map Number 58 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 58 for Queen Anne's County, Maryland.

SECTION II

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

INTRODUCED BY: Marlene F. Davis

DATED: 12-15-98

PUBLIC HEARING HELD: 2-2-99 9:45am

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

DATE: adopted 2-2-99

Effective March 19<sup>th</sup>, 1999

(GIS Mistake)

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QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 99-01

**A BILL ENTITLED**

AN ACT concerning the Repeal and Re-adoption with Amendments of Sections 27-1006, 27-1006(d), 27-801(d), 27-404, 27-201(d), 27-504, ;27-509, 27-508, 27-503(b) and the Repeal of Sections 27-201(e) and 27-1304(e)(4) of the Code of Public Local Laws of Queen Anne's County (1996 Edition);

FOR THE PURPOSE of revising the Queen Anne's County Human Resources Ordinance, Title 27 of the Code of Public Local Laws of Queen Anne's County; revising the death benefits payable to employees who die while in active service; revising the benefits to Sheriff's Department and Correctional employees who work on County Holidays; adding positions to the County Classification Plan; correcting provisions relating to development and implementation of operational policies and procedures by department directors; eliminating the position of Chief, Advanced Life Support Services from the Professional and Executive Service; modifying the qualifications for County Administrator; revising the restrictions on members of the Personnel Board; and generally making revisions and clarifications to the Queen Anne's County Human Resource Ordinance.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 27-201(e) and Section 27-1301(e)(4) of the Code of Public Local Laws of Queen Anne's County (1996 Edition) be and are hereby repealed.

**SECTION II**

BE IT FURTHER ENACTED that the following Sections of Title 27 of the Code of Public Local Laws of Queen Anne's County be and are repealed and reenacted to read as set forth below:

27-201. Statement of Purpose and Policy.

- ...
- (d) This Personnel Ordinance is not intended to preclude the development and implementation of operational policies and procedures by department directors. Such policies and procedures shall be developed and implemented;
  - (1) When reasonably necessary to effectuate effectiveness and efficiency of County operations;
  - (2) In a job-related context; and
  - (3) With the approval of the County Administrator who shall ensure that such policies and procedures are applied to as many departments and

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QUEEN ANNE'S COUNTY

units of County government as shall be appropriate and, where necessary, extended to the entire County work force.

27-404. Classification Plan.

(a) Allocation of Positions; Classified Service.

Positions within the Classified Service are allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Clerk Typist I	1
Custodian	1
Clerk Typist II	2
Human Service Associate I	2
4-H Program Assistant	3
Clerk I	3
Clerk Typist III	3
Highway Worker	3
Maintenance Worker I	3
Clerk II	4
Corrections Cook	4
Human Service Associate II	4
Maintenance Worker II	4
Mechanic Helper	4
Senior Center Manager	4
Clerk III	5
Custodial Supervisor	5
Equipment Operator I	5
Liquor Inspector	5
Maintenance Worker III	5
Mechanic I	5
Public Safety Dispatcher I	5
Recreation Program Coordinator	5
Secretary I	5
Senior Programs Planner	5
Transportation Dispatcher	5
Weed Control Technician	5
Benefits Counselor	6
Clerk IV	6



Equipment Operator II	6
Maintenance Technician	6
Public Safety Dispatcher II	6
Secretary II	6
Utility Worker	6
Zoning Inspector	6
Administrative Assistant	7
Animal Control Officer	7
Computer Technician I	7
Equipment Operator III	7
GIS Program Specialist	7
Legal Secretary	7
Maintenance Craftsman	7
Mechanic II	7
Office Supervisor	7
Utilities Technician I	7
Waste Water Operator I	7
Water Operator I	7
Computer Technician II	8
Construction Inspector I	8
Housing Program Coordinator	8
Maintenance Supervisor	8
Chief of Recreation Programs	9
Correctional Officer	9
Construction Inspector II	9
Deputy Sheriff	9
Deputy Sheriff First Class	9
Economic Development Specialist	9
Foreman	9
Health Care Specialist	9
Prosecution Coordinator	9
Senior Care Specialist	9
Utilities Technician II	9
Wastewater Operator II	9
Water Operator II	9
Controlled Substance Testing Coordinator	10
Corporal (Corrections)	10
Corporal (Sheriff's Office)	10
Golf Course Manager	10
Housing Program Manager	10
Land Use Planner I	10

Public Landings Supervisor	10
Roads Supervisor	10
Utilities Technician III	10
Wastewater Operator III	10
Water Operator III	10
Accountant	11
Civil Engineer I	11
Construction Supervisor	11
Laboratory Technician	11
Landscape Architect I	11
Nutrition Program Coordinator	11
Parks Supervisor	11
Sergeant (Corrections)	11
Sergeant (Sheriff's Office)	11
Social Worker I	11
Solid Waste Supervisor	11
Utilities Shift Supervisor	11
Vehicle Service Supervisor	11
Assistant Director, Human Resources	12
Laboratory Technician	12
Land Use Planner II	12
Lieutenant (Corrections)	12
Lieutenant (Sheriff's Office)	12
Parks Superintendent	12
Roads Superintendent	12
Captain (Corrections)	13
Facilities Project Manager	13
Landscape Architect II	13
Paramedic	13
Treasury Manager	13
Chief Wastewater Operator	14
Chief Water Operator	14
Civil Engineer II	14
Supervisor, ALS	14
Utilities Collection Supervisor	14
Utility Construction Supervisor	14
Utilities System Maintenance Supervisor	14
Zoning Administrator	14
Airport Manager	15
Land Use Planner III	15

27-503. Appointing Authorities and Qualifications.

...

(b) County Administrator.

- (1) Appointment. The County Administrator shall be appointed by the County Commissioners.
- (2) Minimum Qualifications. This section sets forth the minimum qualifications for any person appointed to the position of County Administrator. These qualifications may be supplemented with other, job-related qualifications by the Board of County Commissioners of Queen Anne's County.
  - (i) Education - An undergraduate degree in public or business administration, engineering, or planning; and a masters degree in public or business administration, engineering, or planning or a law degree;
  - (ii) Experience - Five (5) or more years experience in public sector agency management; or
  - (iii) An equivalent combination of education and experience in the discretion of the County Commissioners.
- (3) Employment Agreement.

...

27-504. Allocation of Positions; Professional and Executive Service. The County's Professional and Executive Service shall consist of the following positions, allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Captain, Sheriff's Office	PE1
Clerk to County Commissioners	PE1
Director, Animal Control	PE1
Accounting Manager	PE2
Civil Engineer III	PE2
Director, Housing and Community Services	PE2
Director, Public Safety Communications	PE2
Director, Economic Development	PE2

Director, Tourism	PE2
Principal Land Use Planner	PE2
Chief of Engineering	PE3
Chief Roads Engineer	PE3
Chief Sanitary Engineer	PE3
Director, Human Resources	PE3
Utility Manager	PE3
Director, Aging	PE4
Director, Correctional Services	PE4
Director, Parks and Recreation	PE4
Director, Finance	PE5
Director, Planning and Zoning	PE5
Director, Public Works	PE5

- 27-508. Annual Performance Review. The job performance of all Professional and Executive Service employees shall be reviewed annually on or before July 1 of each year through use of objective, job-related methods approved by the Director of Human Resources.
- 27-509. Performance Salary Advance Within the Grades.
- (a) Annual Salary Increase. Employees may receive an annual salary increase on July 1 of each year provided their performance is evaluated as satisfactory or better.
  - (b) Purpose of Annual Pay Increase. These increases are intended to recognize increases in productivity and effectiveness as employees gain experience in their positions.
  - (c) Determination of Amount of Annual Pay Increase.
    - (1) Any increase in annual salary which may occur shall result in a rate of pay which falls within the range of pay set forth in the Professional/Executive Service Salary Schedule and shall be determined in accordance with the provisions of this section.
    - (2) Professional and Executive Service employees shall receive an annual performance evaluation conducted by their appointing authority on or before July 1 of each year.

...

Subtitle VIII. HOLIDAYS AND LEAVE.

27-801. Paid Holidays Observed.

...

- (d) Payment of Employees Required to Work on a Holiday. An employee who works all or any part of the designated holidays shall receive, at his or her option, in addition to one day of holiday pay, either;
- (1) At the employee's option, compensatory leave at the rate of one and one-half (1 ½) hours of such leave for every hour actually worked, or pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked, if the department to which the employee is assigned has elected to use compensatory leave; or
  - (2) Pay at the rate of time and one-half the employee's normal rate of pay for every hour actually worked.
  - (3) Notwithstanding the foregoing, and in lieu thereof, employees of the Sheriff's Department and Corrections Department whose normal shift falls on a designated holiday shall receive additional leave at the rate of one hour for every hour actually worked.

27-1006. Death Benefit. If an employee dies while still in active service, the employee's designated beneficiary(ies) will receive a lump sum payment of life insurance equal to the following schedule, rounded to the next highest thousand dollars, at the time of death:

- |     |  |                         |
|-----|--|-------------------------|
| (a) | Less than five years of County service-  | Amount of annual salary |
| (b) | Five years but less than ten years of County service-  | 125% of annual salary   |
| (c) | Ten years but less than twenty years of County service-  | 150% of annual salary   |
| (d) | Twenty or more years of County service-  | 175% of annual salary   |
| (e) | In no event shall the death benefit hereunder exceed the higher of \$100,000.00 or the amount of coverage provided by the County insurance plan in effect on the date of the employee's death. |                         |

SECTION III

BE IT FURTHER ENACTED that this Act shall be an emergency bill, is determined to affect the public health, safety and welfare and will take effect immediately upon its adoption.

Introduced By: George O'Donnell  
Date of Introduction: 1-19-99  
Public Hearing Held: 2-2-99 10:00 AM  
Vote: 3 YEA \_\_\_\_\_ NAY \_\_\_\_\_  
Date: adopt 2-2-99

Effective 2-2-99

59 MAY 21 PM 4:04

COUNTY ORDINANCE NO. 99-04

QUEEN ANNE'S COUNTY CONCERNING

**PERFORMANCE STANDARDS FOR  
LANDFILLS, RUBBLE FILLS AND SLUDGE  
STORAGE AND DISPOSAL USES**

FOR THE PURPOSE of repealing prior enactments regarding performance standards for certain extraction and disposal uses under Title 18 of the Code of Public Local Laws of Queen Anne's County, adopting new performance standards for landfills, rubble fills and sludge storage and disposal uses under the Queen Anne's County Zoning Ordinance (Title 18 of the Public Local Laws of Queen Anne's County, 1996 Edition).

By repealing County Ordinance 96-13.

By repealing and reenacting, with amendments, Sections 18-1-032(d) and 18-1-132(d) of the Code of Public Local Laws of Queen Anne's County, 1996 Ed.

**SECTION 1**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that County Ordinance 96-13 be and is hereby repealed and that the provisions of the Queen Anne's County Zoning Ordinance read as set forth prior to the enactment of County Ordinance 96-13 subject to any subsequent amendments in this Ordinance.

**SECTION 2**

AND BE IT FURTHER ENACTED that the Code of Public Local Laws of Queen Anne's County read as set forth on the attached and specifically that Section 18-1-032(d) and Section 18-1-132(d) of such Code read as set forth on the attached.

**SECTION 3**

AND BE IT FURTHER ENACTED that this Ordinance is declared to be an emergency bill affecting the public health, safety and welfare of Queen Anne's County and shall take effect from the date of its passage and not less than ten (10) days after the date of public hearing as required by the provisions of Article 66B of the Annotated Code of Maryland.

Introduced By: Marlene Davis  
Date of Introduction: 4-6-99  
Public Hearing Held: 4-27-99 10:00am  
Vote: 3 YEA        NAY  
Date: 5-4-99

Effective: May 4, 1999

18-1-032. Industrial uses.

(d) *Extraction and disposal uses.*

- (1) Extraction and disposal uses include:
  - (i) junk, scrap, or salvage yards;
  - (ii) landfills (including rubble landfills);
  - (iii) sludge disposal or storage;
  - (iv) resource recovery facilities, trash compaction, waste or trash transfer stations, and any other form of waste management facilities;
  - (v) all extraction operations that disturb more than five acres;
  - (vi) dredge disposal uses that disturb more than ten acres of land; and
  - (vii) all nonlateral oil and gas drilling and extraction.
- (2) Extraction associated with aquacultural activities are exempt from this subsection.
- (3) Extraction and disposal uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated.
- (4) Extraction and disposal uses are not acceptable as a neighbor in a residential environment.



18-1-132. Additional standards for specified conditional uses.

(d) *Extraction and disposal.*

(1) Extraction and disposal includes sand, clay, shale, gravel, topsoil, or similar extractive operations including borrow pits (excavations for removing material for filling operations) and disposal operations such as landfills (including rubble landfills), trash transfer sites, incinerators, sludge or other land disposal or storage of septic tank wastes or sludges, trash, junk cars, recycling facilities, used auto parts, or junkyards.

(2) When applying for a zoning permit or change of zoning, the applicant shall provide, in addition to what is otherwise required for a conditional use permit:

(i) a plan of general area within a 1-mile radius of the site at a scale of 1,000 feet to the inch or less with a 10-foot contour interval or less that includes the information specified in paragraph (3) of this subsection;

(ii) a plan of the proposed site at a scale of 100 feet to the inch or less with a 2-foot contour interval or less that includes the information specified in paragraph (4) of this subsection;

(iii) a plan of operation that includes the information specified in paragraph (5) of this subsection; and

(iv) an end use plan for the rehabilitation of the site after the extraction or disposal operation is completed that includes the information specified in paragraph (6) of this subsection.

(3) The general plan shall show:

(i) existing data that includes:

1. the location of the proposed site;
2. the land use pattern including building locations and historical sites and buildings within a 1-mile radius of the proposed site; and
3. roads -- indicating major roads and showing width, weight loads, types of surfaces, and traffic data;

(ii) site and geological data that includes :

~~1. soil and geology, with soil borings on a 100-foot grid for disposal or storage facilities;~~

1. 2. surface drainage patterns;

~~3. groundwater movements and aquifer information;~~

~~4. aquifer recharge data;~~

2. 5. vegetation cover on the site and dominant species; and

direction; and

3. 6. annual precipitation and dominant seasonal wind

(iii) the proposed operation of the site that includes:

1. for extractive operations:

A. type of material to be removed;

B. annual removal rate;

C. methods of extraction, including types of equipment, use of conveyors, and use of blasting materials;

D. supplementary processes, drying, grading, mixing, or manufacturing;

E. estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes; and

F. approved sediment erosion control plan; and

2. for disposal facilities:

A. approximate number of cubic yards of waste to be accepted per day, or thousands of gallons;

B. a detailed description of the operation;

C. methods of protecting wastes from exposure to wind, rain, or biological influences;

~~D. types of liners or other barriers to prevent movement through the soils;~~

~~E. types of leachates generated and method of managing these materials;~~

D F. type and origin of the waste materials;

E G. the average number of vehicles entering the site and the routes taken to get there;

F H. the ability of roads and bridges to support such loadings;

G I. on-site management techniques used to protect against odor, dust, litter, and animal or insect vectors; and

H J. data on previous developments that have been approved by the County for building permits, zoning reviews, subdivisions, or land developments.

(4) A plan of the proposed site shall show:

(i) basic data that includes:

1. soils and geology as related to stormwater management;

~~2. groundwater data and water courses;~~

2 3. vegetation -- with dominant species; and

3 4. wind data -- directions and percentage of time; and

(ii) proposed usage that includes:

1. final grading by contours;

2. interior road patterns and the relation to operation yard and points of ingress and egress to State and County roads;

3. estimated amount and description of aggregate and overburden to be removed;

4. ultimate use and ownership of the site after completion of operation; and

5. source of water if the final plan shows use of water.

- (5) A plan of operation shall show:
- (i) proposed tree and berm screen locations;
  - (ii) soil embankments for noise, dust, and visual barriers, and heights of spoil mounds;
  - (iii) method of disposition of excess water during operation;
  - (iv) location and typical schedule of blasting;
  - (v) machines -- type and noise levels; and
  - (vi) safety measures -- monitoring of complaints.
- (6) (i) An end use plan shall show and provide for either a final end use or an open space use.
- (ii) If it is to be an open space use, the applicant shall:
- 1. provide documentation that shows who shall own and maintain the site or restrictive easements; and
  - 2. submit a final contour and site plan.
- (iii) If there is an end use other than open space, the applicant shall submit engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use.
- (iv) For all end uses, the applicant shall submit evidence of:
- 1. post operation maintenance and legal responsibility for any environmental pollution that occurs after the facility is closed; and
  - 2. financial ability to clean up the pollution that occurs after the facility is closed.
- (7) (i) Extraction and disposal activities shall comply with the performance standards specified in this paragraph.
- (ii) Extractive operations shall meet all development and performance standards set forth in of this subtitle and all applicable local, State, and federal regulations.

(iii) An excavation, quarry wall, or storage area in connection with an extraction operation may not be located within:

1. 50 feet of any lot line;
2. 125 feet from any street right-of-way; and
3. 200 feet of any residential or commercial district boundary line.

(iv) 1. All excavations shall be graded in such a way as to provide an area that is harmonious with the surrounding terrain and not dangerous to human or animal life.

2. Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc., or other materials, providing such materials are composed of nonnoxious, noncombustible solids.

3. Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or 33 degrees in angle, whichever is less. During grading and backfilling, the setback requirements in subparagraph (iii) of this paragraph may be reduced so that the top of the graded slope may not be closer than 25 feet to any lot line, 75 feet to any street line, and 100 feet to any nature reserve or residential district boundary line.

4. When excavations that provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of 7 feet horizontal to 1 foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of 5 feet.

5. Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect or permit stagnant water to remain.

(v) ~~A landfill or rubble fill may not be located within:~~

~~1. Five hundred feet from any parcel of land located in a region with a zoned classification of residential;~~

~~2. One thousand five hundred feet from any public or private school or hospital;~~

~~3. Five hundred feet from any church, public library, public parks or trails, or other public facility; and~~

4. One hundred feet from the boundaries of the property on which the landfill or rubble fill is located.

(vi) Any landfill or rubble fill shall also comply with the following performance standards:

1. Access: The landfill or rubble fill shall be surrounded by six-foot high fencing or other natural barriers to deter unauthorized entry. Lockable gates must be provided at each point of entry in order to limit access to the facility.

2. Screening: Landscaping or fencing shall be provided to screen the active portions of the landfill or rubble fill from surrounding lots. Open storage of equipment and materials shall be allowed only in areas screened from the view of surrounding lots.

3. Hours of Operation: The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 3:00 p.m. on Saturday.

4. Prevention of Nuisances and Unsanitary Conditions: The landfill or rubble fill shall be designed, operated, and maintained in a manner that prevents the creation of a nuisance or unsanitary condition such as litter, dust, odor, and vermin.

5. Roads: All forms of access to the property and the disposal site on the property shall be through the use of paved all-weather public roads.

6. Submittal Requirements: Submittals should demonstrate that the landfill or rubble fill will not adversely affect wetlands, floodplains, or other environmentally sensitive areas.

(vii) Any sludge storage or sludge disposal facility may not be located within:

1. Two hundred feet from any parcel of land zoned residential;

2. Two hundred feet from public or private school, church, hospital, or park;

(viii) (v) Truck access to any excavation or disposal activity shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

(ix) (vi) 1. When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover.

2. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

COUNTY ORDINANCE NO. 99-02

AN ACT Concerning the Repeal and Re-adoption with Amendments of the Public Local Laws of Queen Anne's County, 1996 Edition, Title 14, ENVIRONMENTAL PROTECTION, Sections 14-171, 14-172, 14-173, 14-174, 14-176 and 14-177.

FOR THE PURPOSE of revising the notice requirements for publication of the time and place of a public hearing in a newspaper of general circulation in Queen Anne's County from 15 days prior to the date of the public hearing to 14 days prior to the date of the public hearing and to make stylistic changes to the affected Sections of Title 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 14-171, 14-172, 14-173, 14-174, 14-176 and 14-177 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, be and are hereby repealed and re-adopted to read as set forth on the attached.

SECTION II

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

INTRODUCED BY: Marlene Davis  
DATED: 2-16-99  
PUBLIC HEARING HELD: 3-23-99 10:30am  
VOTE: 3 YEA 1 NAY  
DATE: 4-6-99

Effective Date: May 21, 1999

RECEIVED  
CLERK OF COURT  
99 MAY 21 PM 4:04  
QUEEN ANNE'S COUNTY



**Strike and Delete Format**

Please note:

Strikeout indicates language to be removed.

Highlight indicates language to be added.

Double underline indicates language which has been moved.

Plain text indicates language to remain the same.

P. 204

**Subpart 2. Special Provisions Relating to Development Area Classification and Other Amendments in the Critical Area District**

**14-171. Amendments to this subtitle, development area classifications, and the critical area boundary.**

(a) ***In general.***

The provisions of this subtitle, the boundaries of the Critical Area District, the development area classification, i.e., IDA, LDA or RCA, and the Buffer Exemption Area boundaries may be changed by amendment in accordance with the provisions of this subpart. All such amendments shall be approved by the Critical Area Commission.

(b) ***Change of development area classification - Mistake or growth allocation.***

The County Commissioners may from time to time change the development area classification of properties in the critical area where it is demonstrated that a mistake was made in the original designation or when growth allocation is used by the County. When proposing a change of development area classification, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA), other than by changing a classification through the growth allocation process, the County Commissioners shall not approve amendments unless it is found that there was a mistake in the original classification.

(c) ***Change of development area classification - Growth allocation.***

The County Commissioners may use a portion of the County's growth allocation to amend the development area classification of a property located in the Queen Anne's County critical area. Growth allocation may be used to change the land management classification from RCA to LDA or IDA, or from LDA to IDA without regard to the "mistake" standard established above.

(d) ***Amendment of critical area - Deletion of area.***

The County Commissioners may from time to time elect to amend the critical area boundary to delete areas of the County from the critical area when it can be demonstrated that the critical area, as mapped on the official area maps, is incorrectly drawn.

(e) ***Amendment of critical area - Addition of area.***

The County Commissioners may from time to time elect to amend the critical area to add areas to the critical area beyond that which is delineated on the official critical area maps.

(f) ***Addition of Buffer Exemption Areas.***

The County Commissioners may from time to time elect to amend the critical area maps to add Buffer Exemption Areas where it can be demonstrated that the pattern of residential, industrial, commercial or recreational development present as of December 1, 1985 prevents the Buffer from fulfilling its intended purposes.

*Drafter's Note: This section formerly was § 7008 of the County Critical Area Ordinance.*

*In subsection (a) of this section, the reference to "this subtitle" is substituted for the former reference to "this Ordinance" to reflect the recodification of the County Critical Area Ordinance as this subtitle.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111*

14-172. **Amendments to correct an error in the mapping of the critical area boundary.**

(a) ***Minimum area required.***

The critical area boundary as amended to correct a mistake in the official critical area maps shall, at a minimum, encompass all areas as set forth in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

(b) ***Required evidence.***

Evidence sufficient to warrant a determination of a mistakenly drawn critical area boundary shall be based on, and substantiated by:

- (1) the 1972 State Wetland Maps; or
- (2) newer State Wetland Maps prepared by the State.

(c) ***Approval of Critical Area Commission required.***

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7009 of the County Critical Area Ordinance.*

*The only changes are stylistic.*

*Defined terms: See § 14-111*

14-173. Amendments to add areas to the critical area.

(a) *Procedure.*

Addition of areas to the critical area shall be processed as amendments to the official critical area maps as set forth in ~~§ 14-177~~ §14-174 of this subtitle.

(b) *Approval of Critical Area Commission required.*

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7010 of the County Critical Area Ordinance. In subsection (a) of this section, the reference to "§ 14-177 of this subtitle" is substituted for the former reference to "Section 7012 to reflect the current location of that provision.*

~~14-174.~~ ~~Reserved.~~

~~14-177.~~ Amendment procedures.

(a) Initiation.

Text or map amendments may be initiated by resolution of the Planning Commission, County Commissioners, or by a petition of the property owner filed with the County Commissioners.

(1) All petitions filed by property owners for map amendments shall be accompanied by the information required in § 18-1-297 of the Land Use and Development Section of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(2) Any amendment to this Title, including an amendment to the Critical Area maps, that is proposed by a property owner or group of owners acting as a private citizens' group shall be filed with the office of the Clerk to the County Commissioners, for consideration by the County Commissioners, only during the first five business days in the month of February and the first five business days in the month of August of each calendar year. Map amendment and text amendments petitions will not be accepted by the Clerk to the County Commissioners at any other time during the year.

(i) Petitions for map amendments utilizing growth allocation are exempt from Section ~~14-177~~ 14-174(a)(2).

(b) Planning Commission – Referral, investigation and recommendation.

All proposed map and text amendments that are not initiated by the Planning Commission shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least ~~15~~ 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on the property (ies) for which the amendments

are requested and, to the extent possible, based on the best available information, notify all property owners immediately contiguous to the applicant property of the hearing date, time, and place.

(c) *Planning Commission recommendation.*

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioners conceptual approval.*

At their regularly scheduled meeting the County Commissioners shall evaluate the proposed amendment on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the proposed amendment.

(e) *Critical Area Commission Approval.*

All proposed amendments applications that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the proposed amendment is approved by the Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the proposed amendments which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. As least 15-14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan, and this Ordinance Act ;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the proposed amendment to the Queen Anne's County Critical Area Program, the Comprehensive Plan, the Growth Sub-Area Plans, and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended the adoption of an amendment and the County Commissioners propose to adopt an amendment which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to adopt an amendment which is substantially different from both the proposed amendment and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amendment as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).

(5) An amendment shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) Map Amendment.

The Official Critical Area Map(s) will be amended to reflect the map amendment and new development area designation when the amendment becomes effective.

*No other changes are made.*

*Defined terms: See § 14-111*

14-175. **Reserved**

### **Subpart 3. Growth Allocation**

14-176. **Growth allocation process.**

The County's growth allocation will be used to amend the development area classification on the official critical area maps on a project-by-project basis. The following procedures will be followed in determining if a site qualifies for growth allocation:

(1) Prior to submitting a petition to the County Commissioners for map amendments utilizing the growth allocation, applicants shall submit a sketch or concept plan to the Planning Commission together with a fee as prescribed by the Planning Commission. The Planning Commission will review the sketch or concept development plan for consistency with the County's Critical Area Program and will provide technical comments and recommendations. The applicant

shall incorporate the Planning Commission's technical comments and recommendation into the petition filed with the County Commissioners.

(2) 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 Queen Anne's County Zoning Ordinance in addition to any information required by § 14-177 (a) of this subtitle.

(3) In approving a map amendment utilizing the growth allocation, the County Commissioners may establish additional conditions of approval that are consistent with the intent of the Queen Anne's County Critical Area Program.

(4) Review Criteria: The following review criteria will guide the selection of projects that may be assigned growth allocation:

(i) 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 Sub-Area Plans.

(ii) Proposed development projects that implement specific development or redevelopment objectives of the Comprehensive Plan or a Growth Sub-Area Plan shall be given priority for growth allocation and growth allocation is set aside for implementation of these projects in the Growth Management Pool.

(iii) 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.

(iv) 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 Growth Management Pool.

(5) Minimum Mandatory Design Standards: Once the maximum permitted density of development has been determined, the proposed project must demonstrate that it will meet or exceed the following design standards in order to be approved.

(i) All applicable requirements of the Queen Anne's County Zoning Ordinance Code and the Subdivision Regulations and the Queen Anne's County Chesapeake Bay Critical Area Ordinance have been met.

(ii) A land management classification change has been approved by the County Commissioners and the Critical Area Commission.

(iii) The design of the development enhances the water quality and resource and habitat values of the area, e.g., results in additional planting of forest cover in the Buffer or implementation of best management practices on portions of the site to be retained in agriculture use.

(iv) The development incorporates the comments and recommendations of the County and the Maryland Fish, Heritage and Wildlife Administration in the project design.

(v) The developer executes restrictive covenants that guarantee maintenance of any required open space areas.

*Drafter's Note: This section formerly was § 7011 of the County Critical Area Ordinance.*

*In item (2) of this section, the reference to "§ 14-177(a) of this subtitle" is substituted for the former reference to "Section 7012A" to reflect the current location of that provision.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111*

**14-177. ~~Amendment Growth allocation petition~~ procedures.**

**(a) *Initiation.***

~~A request for growth allocation Text or map amendments may be initiated by resolution of the Planning Commission, County Commissioners, or by a petition of the property owner filed with the County Commissioners.~~

~~(1) All petitions filed by property owners for growth allocation map amendments shall be accompanied by the information required in § 18-1-297 of the Queen Anne's County Code Zoning Ordinance and a fee prescribed by the County Commissioners.~~

~~(2) Any amendment to this Title, including an amendment to the Critical Area maps, that is proposed by a property owner or group of owners acting as a private citizens' group shall be filed with the office of the Clerk to the County Commissioners, for consideration by the County Commissioners, only during the first five business days in the month of February and the first five business days in the month of August of each calendar year. Map amendment and text amendments petitions will not be accepted by the Clerk to the County Commissioners at any other time during the year.~~

**(b) *Planning Commission – Referral, investigation and recommendation.***

All ~~amendments~~ growth allocation petitions shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on property(ies) for which ~~amendments are~~ growth allocation is requested and, to the extent possible based on the best available information, notify all property owners immediately contiguous to the applicant property(ies) of the hearing date, time and place.

(c) *Report.*

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioners conceptual approval.*

At their regularly scheduled meeting the County Commissioners shall evaluate the ~~growth allocation petition proposed amendment~~ on the basis of the report and recommendations of the Planning Commission and either conceptually approved or disapprove the ~~growth allocation petition proposed amendment~~.

(e) *Critical Area Commission Approval.*

All ~~amendment applications~~ ~~growth allocation petitions~~ that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the ~~growth allocation petition proposed amendment~~ is approved by the Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that a ~~growth allocation petition the proposed amendment~~ has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the ~~growth allocation petition proposed amendments~~ which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. As least ~~15~~ 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the ~~growth allocation petition proposed amendment~~, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code ~~this Ordinance~~;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the ~~growth allocation petition proposed amendment~~



to the Queen Anne's County Critical Area Program, and the Comprehensive Plan; and

(iv) The testimony and other evidence presented at the public hearing.

(f) *Final approval by the Critical Area Commission.*

(+) If the ~~proposed amendment~~ growth allocation application is approved by the Chesapeake Bay Critical Area Commission, the County Commissioners shall hold a public hearing to consider final approval of the application, ~~the submittal shall proceed through normal approval channels as outlined in this subtitle, the Critical Area Program and the Queen Anne's County Zoning Ordinance and Subdivision Regulations for final subdivision plat or site plan approval.~~

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the proposed amendments which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. As least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and this Ordinance;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the proposed amendment to the Queen Anne's County Critical Area Program, ~~the Growth Sub-Area Plans~~, the Comprehensive Plan; and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended the approval of a growth allocation petition ~~adoption of an amendment~~ and the County Commissioners propose to approve a growth allocation petition ~~adopt an amendment~~ which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to approve a growth allocation petition ~~adopt an amendment~~ which is substantially different from both the proposed growth allocation petition ~~amendment~~ and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the ~~amended growth allocation petition amendment~~ as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).

(5) A ~~growth allocation petition~~ ~~An amendment~~ shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioner.

(g) *Map Amendment.*

The Official Critical Area Map(s) will be amended to reflect the map amendment and new development area designation when the ~~approved growth allocation petition amendment~~ becomes effective.

(h) *Use of approved growth allocation.*

(1) Successful projects granted Growth Allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code.

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the County has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one (1) year at any one time.

*Drafter's Note: This section formerly was §7012 of the County Critical Area Ordinance.*

*The only changes are stylistic.*

*Defined terms: See § 14-111*

14-178. Reserved.

14-179. Reserved.

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Final Draft Format

pp. 204 - 210

**Subpart 2. Special Provisions Relating to Development Area Classification and Other Amendments in the Critical Area District**

**14-171. Amendments to this subtitle, development area classifications, and the critical area boundary.**

(a) ***In general.***

The provisions of this subtitle, the boundaries of the Critical Area District, the development area classification, i.e., IDA, LDA or RCA, and the Buffer Exemption Area boundaries may be changed by amendment in accordance with the provisions of this subpart. All such amendments shall be approved by the Critical Area Commission.

(b) ***Change of development area classification - Mistake or growth allocation.***

The County Commissioners may from time to time change the development area classification of properties in the critical area where it is demonstrated that a mistake was made in the original designation or when growth allocation is used by the County. When proposing a change of development area classification, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA), other than by changing a classification through the growth allocation process, the County Commissioners shall not approve amendments unless it is found that there was a mistake in the original classification.

(c) ***Change of development area classification - Growth allocation.***

The County Commissioners may use a portion of the County's growth allocation to amend the development area classification of a property located in the Queen Anne's County critical area. Growth allocation may be used to change the land management classification from RCA to LDA or IDA, or from LDA to IDA without regard to the "mistake" standard established above.

(d) ***Amendment of critical area - Deletion of area.***

The County Commissioners may from time to time elect to amend the critical area boundary to delete areas of the County from the critical area when it can be demonstrated that the critical area, as mapped on the official area maps, is incorrectly drawn.

(e) ***Amendment of critical area - Addition of area.***

The County Commissioners may from time to time elect to amend the critical area to add areas to the critical area beyond that which is delineated on the official critical area maps.

(f) ***Addition of Buffer Exemption Areas.***

The County Commissioners may from time to time elect to amend the critical area maps to add Buffer Exemption Areas where it can be demonstrated that the pattern of residential, industrial, commercial or recreational development present as of December 1, 1985 prevents the Buffer from fulfilling its intended purposes.

*Drafter's Note: This section formerly was § 7008 of the County Critical Area Ordinance.*

*In subsection (a) of this section, the reference to "this subtitle" is substituted for the former reference to "this Ordinance" to reflect the recodification of the County Critical Area Ordinance as this subtitle.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111*

**14-172. Amendments to correct an error in the mapping of the critical area boundary.**

(a) ***Minimum area required.***

The critical area boundary as amended to correct a mistake in the official critical area maps shall, at a minimum, encompass all areas as set forth in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

(b) ***Required evidence.***

Evidence sufficient to warrant a determination of a mistakenly drawn critical area boundary shall be based on, and substantiated by:

- (1) the 1972 State Wetland Maps; or
- (2) newer State Wetland Maps prepared by the State.

(c) ***Approval of Critical Area Commission required.***

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7009 of the County Critical Area Ordinance.*

*The only changes are stylistic.*

*Defined terms: See § 14-111*

**14-173. Amendments to add areas to the critical area.**

(a) ***Procedure.***

Addition of areas to the critical area shall be processed as amendments to the official critical

area maps as set forth in §14-174 of this subtitle.

(b) *Approval of Critical Area Commission required.*

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7010 of the County Critical Area Ordinance. In subsection (a) of this section, the reference to "§ 14-177 of this subtitle" is substituted for the former reference to "Section 7012 to reflect the current location of that provision.*

**14-174. Amendment procedures.**

(a) *Initiation.*

Text or map amendments may be initiated by resolution of the Planning Commission, County Commissioners, or by a petition of the property owner filed with the County Commissioners.

(1) All petitions filed by property owners for map amendments shall be accompanied by the information required in § 18-1-297 of the Land Use and Development Section of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(2) Any amendment to this Title, including an amendment to the Critical Area maps, that is proposed by a property owner or group of owners acting as a private citizens' group shall be filed with the office of the Clerk to the County Commissioners, for consideration by the County Commissioners, only during the first five business days in the month of February and the first five business days in the month of August of each calendar year. Map amendment and text amendment petitions will not be accepted by the Clerk to the County Commissioners at any other time during the year.

(i) Petitions for map amendments utilizing growth allocation are exempt from Section 14-174(a)(2).

(b) *Planning Commission – Referral, investigation and recommendation.*

All proposed map and text amendments that are not initiated by the Planning Commission shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on the property(ies) for which the amendments are requested and, to the extent possible, based on the best available information, notify all property owners immediately contiguous to the property(ies) of the hearing date, time, and place.

(c) *Planning Commission report.*

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioner conceptual approval.*

At their regularly scheduled meeting the County Commissioners shall evaluate the proposed amendment on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the proposed amendment.

(e) *Critical Area Commission approval.*

All proposed amendments that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the proposed amendment is approved by the Chesapeake Bay Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the proposed amendments which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and this Act;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the proposed amendment to the Queen Anne's County Critical Area Program, the Comprehensive Plan, the Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended the adoption of an amendment and the County Commissioners propose to adopt an amendment which changes or departs from those

recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to adopt an amendment which is substantially different from both the proposed amendment and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amendment as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-174(f)(3).

(5) An amendment shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) ***Map Amendments.***

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the amendment becomes effective.

*No other changes are made.*

*Defined terms: See § 14-111*

**14-175. Reserved**

**Subpart 3. Growth Allocation**

**14-176. Growth allocation process.**

The County's growth allocation will be used to amend the development area classification on the official critical area maps on a project-by-project basis. The following procedures will be followed in determining if a site qualifies for growth allocation:

(1) Prior to submitting a petition to the County Commissioners for map amendments utilizing growth allocation, applicants shall submit a sketch or concept plan to the Planning Commission together with a fee as prescribed by the Planning Commission. The Planning Commission will review the sketch or concept development plan for consistency with the County's Critical Area Program and will provide **technical comments and recommendations**. The applicant shall incorporate the Planning Commission's technical comments and recommendations into the petition filed with the County Commissioners.

(2) 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 Queen Anne's County Code in addition to any information required by § 14-177 (a) of this subtitle.

(3) In approving a map amendment utilizing growth allocation, the County Commissioners may establish additional conditions of approval that are consistent with the intent of the Queen Anne's County Critical Area Program.

(4) Review Criteria: The following review criteria will guide the selection of projects that may be assigned growth allocation:

(i) Proposed development projects using growth allocation must be determined to be consistent with the Queen Anne's County Comprehensive Plan, the Queen Anne's County Critical Area Program, and the Growth Sub-Area Plans.

(ii) Proposed development projects that implement specific development or redevelopment objectives of the Comprehensive Plan or a Growth Sub-Area Plan shall be given priority for growth allocation and growth allocation is set aside for implementation of these projects in the Growth Management Pool.

(iii) 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.

(iv) 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) Minimum Mandatory Design Standards: Once the maximum permitted density of development has been determined, the proposed project must demonstrate that it will meet or exceed the following design standards in order to be approved.

(i) All applicable requirements of the Queen Anne's County Code, the Subdivision Regulations and the Queen Anne's County Chesapeake Bay Critical Area Program and Act have been met.

(ii) A land management classification change has been approved by the County Commissioners and the Critical Area Commission.

(iii) The design of the development enhances the water quality and resource and habitat values of the area, e.g., results in additional planting of forest cover in the Buffer or implementation of best management practices on portions of the site to be retained in agriculture use.



(iv) The development incorporates the comments and recommendations of the County and the Maryland Fish, Heritage and Wildlife Administration in the project design.

(v) The developer executes restrictive covenants that guarantee maintenance of any required open space areas.

*Drafter's Note: This section formerly was § 7011 of the County Critical Area Ordinance.*

*In item (2) of this section, the reference to "§ 14-177(a) of this subtitle" is substituted for the former reference to "Section 701.2A" to reflect the current location of that provision.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111*

**14-177. Growth allocation petition procedures.**

**(a) Initiation.**

A growth allocation petition may be initiated by resolution of the Planning Commission, the County Commissioners, or by a petition of the property owner filed with the County Commissioners. All petitions for growth allocation filed by property owners shall be accompanied by the information required in § 18-1-297 of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

**(b) Planning Commission - Referral, investigation and recommendation.**

All growth allocation petitions shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on the property(ies) for which growth allocation is requested and, to the extent possible based on the best available information, notify all property owners immediately contiguous to the property(ies) of the hearing date, time and place.

**(c) Planning Commission report.**

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

**(d) County Commissioners conceptual approval.**

At their regularly scheduled meeting the County Commissioners shall evaluate the growth allocation petition on the basis of the report and recommendations of the Planning Commission and

either conceptually approved or disapprove the growth allocation petition.

(e) *Critical Area Commission Approval.*

All growth allocation petitions that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the proposal for growth allocation is approved by the Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that a growth allocation petition the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the growth allocation petition which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. As least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, Comprehensive Plan, Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended approval of a growth allocation petition and the County Commissioners propose to approve a growth allocation petition which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commissioners for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to approve a growth allocation petition which is substantially different from the proposed growth allocation petition and the recommendations of the Planning Commission as described in the published notice, a new public

hearing shall be held. Notice of such hearing shall include notice of the amended growth allocation petition as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).

(5) A growth allocation petition shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) *Map amendment.*

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the approved growth allocation petition becomes effective.

(h) *Use of approved growth allocation.*

(1) Successful projects granted Growth Allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code.

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the County has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one (1) year at any one time.

14-178. *Reserved.*

14-179. *Reserved.*

J:\DATA\SUEANN\TEXTAMEN\AMEND1.2

RECEIVED  
CLERK, CIRCUIT COURTCOUNTY ORDINANCE NO. 99-15

00 JAN -7 PM 4:04

## A BILL ENTITLED

QUEEN ANNE'S COUNTY

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 Critical Area Overlay Map Number 56.

FOR THE PURPOSE OF amending part of parcel 251, located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 56 to designate approximately 7.5004 acres of said parcel from Limited Development Area (LDA) to Intense Development Area (IDA).

## 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 Critical Area 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 this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene DavisDATED: 8-17-99PUBLIC HEARING HELD: 9-7-99 10:30 AM

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

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

Effective Nov. 19<sup>th</sup>

IN THE MATTER OF THE \* BEFORE THE  
PETITION OF T.C. SHOPPING \* COUNTY COMMISSIONERS OF  
CENTER LIMITED PARTNERSHIP \* QUEEN ANNE'S COUNTY  
FOR A CHANGE IN DEVELOPMENT \*  
AREA CLASSIFICATION \* COUNTY ORDINANCE 99-15

FINDINGS OF FACT AND DECISION

A hearing was held on September 7, 1999 at 10:30 a.m. in the County Commissioners meeting room, Liberty Building, 107 N. Liberty Street, Centreville, Maryland 21617 on the Petition of T.C. Shopping Center Limited Partnership requesting that 7.5004 acres of land, a part of parcel 251 on Queen Anne's County Critical Areas Overlay Map No. 56 be redesignated from Limited Development Area (LDA) to Intensely Developed Area (IDA). The exact dimensions of the subject area is shown on Petitioner's Exhibit No. 14 entered into evidence at the hearing. Petitioner alleges that a mistake was made in originally designating the property as LDA.

After consideration of the Petition and Exhibits, the recommendations of the Queen Anne's County Planning Commission, the staff report of April 19, 1999 and comments, the recommendation of the Chesapeake Bay Critical Area Commission and

the testimony and exhibits presented, the purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan of Queen Anne's County, and Title 14, Subtitle 1 of the Code of Public Local Laws of Queen Anne's County it was unanimously RESOLVED as follows:

A. The factual findings made by the Queen Anne's County Planning Commission contained in the letter of June 3, 1999 and referenced therein as CA 04-99-01 are adopted by reference.

B. The matters set forth in the foregoing Paragraph A are strong evidence of a mistake in the original designation of the property as LDA.

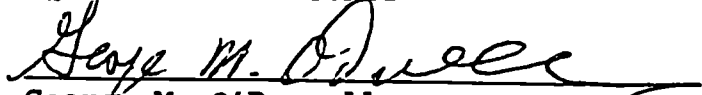
C. The subject property met the definition of Intensely Developed Area as set forth in COMAR 27.01.02.03 at the time of its original designation as LDA (December 1, 1995) and should have been mapped as an Intensely Developed Area.

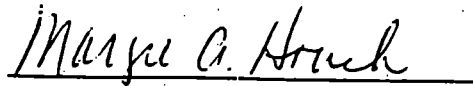
Based on the foregoing the County Commissioners of Queen Anne's County do determine that a mistake was made in the designation of the subject area as LDA and it therefore ORDAINED and ENACTED that the area in question, containing 7.5004 acres of

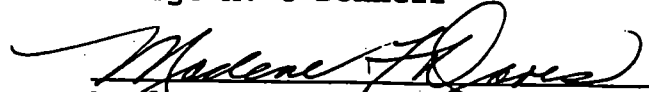
land be redesignated as Intensely Developed Area (IDA).

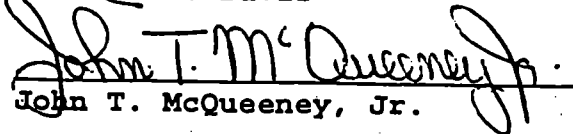
ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

  
George M. O'Donnell

  
Mary G. Houch

  
Marlene F. Davis

  
John T. McQueeney, Jr.

Dated: October 5, 1999

kjr-county-tcshopping

COUNTY ORDINANCE NO. 99-16

## 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 Critical Area Overlay Map Numbers 48, 49, 56 and 57.

FOR THE PURPOSE OF amending part of parcel 9, block 6 located on said 1996 Official Chesapeake Bay Critical Area Overlay Maps 48, 49, 56 and 57 to designate approximately 9.85 acres of said parcel from Resource Conservation Area (RCA) to Limited Development Area (LDA).

## 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 Critical Area Overlay Map Numbers 48, 49, 56 and 57 are hereby repealed and the attached Map Numbers 48, 49, 56 and 57 be and are hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Numbers 48, 49, 56 and 57 for Queen Anne's County, Maryland.

## SECTION II

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

INTRODUCED BY: Marlene Davis

DATED: 8-17-99

PUBLIC HEARING HELD: 9-7-99 11:00 AM

VOTE: 3 YEA          NAY (

DATE:                                 

Effective Nov. 19<sup>th</sup>





Area Commission.

- 4) the purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland.
- 5) the Queen Anne's County Critical Area Program.
- 6) the Comprehensive Plan of Queen Anne's County.
- 7) Title 14, Subtitle 1 of the Code of Public Local Laws of Queen Anne's County.
- 8) the relationship of the proposed amendment to the Queen Anne's County Critical Area Program and Comprehensive Plan.

Based on consideration of the foregoing it is unanimously RESOLVED by the County Commissioners as follows:

A. The critical area portion of the property is currently designated RCA and could support a single dwelling unit. Award of growth allocation to redesignate the area to LDA would allow a maximum density of 34 dwelling units based on the underlying Stevensville Master Planned Development (SMPD) zoning district. The applicant proposes 15 dwelling units on approximately 8,000 square foot lots and approximately 6.4 acres of open space.

B. The property is located in the Stevensville Growth area. It is consistent with the Queen Anne's County Comprehensive Plan and the objectives of the Stevensville Growth

Area Plan to focus new development and awards of growth allocation in designated growth areas.

C. The current zoning designation of SMPD is inconsistent with the density limitations inherent in a RCA critical area designation.

D. The area in question has been pre-mapped for growth allocation as part of the Stevensville Growth Area Plan, is adjacent to a major single family subdivision (Cloverfields), is designated as S-1/W-1 in the Master Water and Sewer Plan and has public water and sewer readily available.

E. The grant of growth allocation will have minimal impact on shore buffers, protected resources, habitat protection areas and existing waterfront characteristics. The closest lot will be approximately 600' from mean high water.

F. The conditions suggested by the Queen Anne's County Planning Commission are reasonable and necessary in light of the request for growth allocation.

Based on the foregoing the County Commissioners of Queen Anne's County do determine that the redesignation of the subject area as LDA be and is hereby ORDAINED and ENACTED subject to the conditions recommended by the Queen Anne's County Planning Commission and the provisions of Section 14-177(h) of the County

Code. Upon failure of the applicant, its successors or assigns to comply with any condition imposed within twelve months of the date hereof, the grant of growth allocation shall be null and void and all such growth allocation shall be immediately recaptured by Queen Anne's County.

ATTEST:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

George M. O'Donnell

George M. O'Donnell

Marge A. Houck

Marlene F. Davis

Marlene F. Davis

John T. McQueeney, Jr.

John T. McQueeney, Jr.

Dated: October 5, 1999

kjr-county-white pines

COUNTY ORDINANCE NO. 99-17

**A BILL ENTITLED**

AN ACT Concerning the Repeal and Readoption of Section 14-139 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of removing conditions limiting the use of private wetlands in residential density calculations for the subdivision of land in the Resource Conservation Area.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 14-139 of the Code of Public Local Laws of Queen Anne's County be repealed and reenacted to read as set forth on the attached.

**SECTION II**

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

Introduced By: Marlene Davis 8-17-99

Date: Sept 7, 1999 11:45 AM

Vote: 3 Yea \_\_\_\_\_ Nay on Oct 5th 1999

Effective  
Nov 19<sup>th</sup>

A:\BILLFORM.WPD

COUNTY ORDINANCE NO. 99-18

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption of the Critical Area Transfer Of Development Rights (TDR) Program provisions of the 1996 Chesapeake Bay Critical Area Program adopted on July 19, 1996 by Ordinance No. 96-04.

FOR THE PURPOSE of removing conditions limiting the use of private wetlands in residential density calculations for the subdivision of land in the Resource Conservation Area.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Critical Area Transfer Of Development Rights (TDR) Program provisions of the 1996 Chesapeake Bay Critical Area Program adopted on July 19, 1996; 1996 by Ordinance No. 96-04 be repealed and reenacted to read as set forth on the attached.

SECTION II

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

Introduced By: Marlene Davis 8-17-99

Date: Sept 7 11:30 AM

Vote: 3 Yea \_\_\_\_\_ Nay adopted 9-5-99

*eariy*

30

COUNTY ORDINANCE NO. 99-13

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Queen Anne's County Sectional Zoning Map No. 52.

FOR THE PURPOSE of rezoning a five acre portion of Parcel No. 4 on Queen Anne's County Sectional Zoning Map No. 52 from Agricultural (AG) Zoning District to Light Industrial Highway Service (LIHS) Zoning District and to rezone an equal amount of said Parcel No. 4 from LIHS to AG.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Queen Anne's County Sectional Zoning Map No. 52 be and is hereby repealed and readopted with changes to Parcel No. 4 thereon in conformity with the recommendation of the Queen Anne's County Planning Commission.

SECTION II

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

Introduced By: Marlene Davis

Date: ~~August 3, 1999~~ 10:45 a.m. Sept 7, 1999 10:00 am

Vote: 2 Yea                      Nay  
(John absent) 10-19-99

RECEIVED  
CLERK, CIRCUIT COURT  
00 JAN -7 PM 4:05  
QUEEN ANNE'S COUNTY

Effective Dec. 31st

IN THE MATTER OF THE	*	BEFORE THE
PETITION OF HENRY COVINGTON	*	COUNTY COMMISSIONERS
AND WIFE FOR REZONING OF PART	*	OF QUEEN ANNE'S COUNTY
OR PARCEL 4, TAX MAP 52	*	
THIRD ELECTION DISTRICT	*	COUNTY ORDINANCE 99-13
QUEEN ANNE'S COUNTY	*	

FINDINGS OF FACT AND DECISION

A hearing was held on September 7, 1999 at 10:00 a.m. in the County Commissioners meeting room, Liberty Building, 107 N. Liberty Street, Centreville, Maryland on the Petition and Amended Petition of Henry Covington and Kathryn Covington to rezone 5 acres of property from AG zoning district to LIHS zoning district and to simultaneously rezone 5 acres of property from LIHS zoning district to AG zoning district. The property in question is part of parcel 4 as shown on Queen Anne's County Sectional Zoning Map No. 52. The exact dimensions of the areas proposed to be rezoned are shown on Exhibit 1 filed with the Amended Petition of Henry and Kathryn R. Covington.

After consideration of the testimony and exhibits presented, the recommendations of the Queen Anne's County Planning Commission, the purposes set forth in Article 66B of the Annotated Code of Maryland and the Comprehensive Plan for Queen Anne's County, it was unanimously RESOLVED that the County Commissioners of Queen Anne's County make the following findings:



A. The 1994 Comprehensive Rezoning indicates the property is generally appropriate for a LIHS zoning district.

B. The existing configuration of the LIHS district failed to consider and provide for acceptable State Highway access to the property. There is, therefore, strong evidence of a mistake given the configuration of the existing zoning.

C. In accordance with Section 18-1-300 (c) of the Code, it is specifically found that no significant change in population, availability of public facilities or present and future public transportation patterns was demonstrated. It is, however, specifically determined that the proposed rezoning will significantly increase compatibility of future development of the area with the balance of the property in the area.

D. The findings of the Queen Anne's County Planning Commission are adopted by reference.

Based on the foregoing the County Commissioners do determine that a mistake was made in the existing zoning of the subject property and the requested rezoning is therefore **ORDAINED and ENACTED** as requested in the Amended Petition of Henry Covington and Kathryn Covington, his wife.

Attest:

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

*George M. O'Donnell*  
George M. O'Donnell, President

*Margie A. Houck*

*Marlene F. Davis*  
Marlene F. Davis

*Absent*  
John T. McQueeney, Jr.

Dated: October 19, 1999

kjr-county-covington

COUNTY ORDINANCE NO. 99-19

A BILL ENTITLED

AN ACT concerning the repeal and reenactment of Sections 18-1-001 and 18-1-072 of Title 18, Land Use and Development of the Code of Public Local Laws of Queen Anne's County (1996 Edition).

FOR THE PURPOSE OF amending Sections 18-1-001 and 18-1-072 of Title 18 to require the written consent of the Planning Commission Chairman or his designee prior to exemption of public services uses from the requirements of Title 14 and Title 18 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Edition); permitting such exemption in appropriate cases; and generally dealing with public service uses under the Queen Anne's County Zoning Ordinance.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Sections 18-1-001 and 18-1-072 of the Code of Public Local Laws of Queen Anne's County, Title 18, LAND USE AND DEVELOPMENT be and are hereby repealed and reenacted to read as set forth on the attached.

SECTION II

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

INTRODUCED BY: Marlene Davis  
DATED: 9-7-99  
PUBLIC HEARING HELD: Oct 5, 1999 11:00  
VOTE: 3 YEA                      NAY (John absent)  
DATE: 10-19-99

*Effective Dec 5<sup>th</sup>*

RECEIVED  
CLERK, CIRCUIT COURT  
00 JAN 2 4:06 PM 1999  
QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 99-20

## A BILL ENTITLED

AN ACT concerning the creation and adoption of a new Subtitle to Title 18, *LAND USE AND DEVELOPMENT*, Code of Public Local Laws of Queen Anne's County (1996 Edition), enacting Subtitle 13 of Title 18.

FOR THE PURPOSE OF enacting a new Subtitle 13 to Title 18, *LAND USE AND DEVELOPMENT* OF the Code of Public Local Laws of Queen Anne's County, (1996 Edition), to establish procedures and requirements for the consideration and execution of development agreements pursuant to the authority granted to Queen Anne's County by and through Section 13.01 of Article 66B, *Zoning and Planning*, Annotated Code of Maryland.

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Code of Public Local Laws of Queen Anne's County, Title 18 *LAND USE AND DEVELOPMENT*, (1996 Edition) be and is hereby amended by the enactment of Subtitle 13 to read as set forth on the attached.

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

INTRODUCED BY: Marlene Davis

DATED: 9-7-99

PUBLIC HEARING HELD: Oct 5, 1999 11:15

VOTE: 2 YEA            NAY (John absent)

DATE: 10-19-99

Effective Dec 3<sup>rd</sup>

RECEIVED  
CLERK. CIRCUIT COURT  
4:05  
00 JAN 12 PM  
QUEEN ANNE'S COUNTY

RECEIVED  
CLERK, CIRCUIT COURT

98-04

00 MAR 22 AM 9: 22 COUNTY ORDINANCE NO.

QUEEN ANNE'S COUNTY A BILL ENTITLED

**"BAY CITY ROAD CONSTRUCTION PROJECT"**

AN ORDINANCE, PURSUANT TO SECTION 23-124 OF THE QUEEN ANNE'S COUNTY CODE, LEVYING SPECIAL ASSESSMENT CHARGES UPON PROPERTY LOCATED IN THE BAY CITY SUBDIVISION, FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY FOR SPECIAL BENEFITS CONFERRED UPON THE PROPERTY BY THE CONSTRUCTION AND PAVING OF PUBLIC WAYS AND ROADS AND PROVIDING FOR THE PAYMENT OF PART OF THE COST OF SUCH PROJECTS OUT OF THE SPECIAL ASSESSMENT.

WHEREAS, Section 23-124 of the Queen Anne's County Code provides for the levying and collection of taxes in the form of Special Assessments upon property in a limited and determinable area for special benefits conferred upon the property by the construction and paving of public ways and roads and to provide for the payment of all or any part of the projects out of the proceeds of the special assessment;

AND WHEREAS, The County Commissioners of Queen Anne's County, in compliance with Section 23-124 of the Queen Anne's County Code, held public hearings after due notice was given stating the nature and extent of the proposed project, the kinds of materials to be used, the estimated cost of the project, portion of the cost to be assessed, the number of installments in which the assessments may be paid, the method used in apportioning the cost and the limits of the proposed area of the assessment, and further stating the time and place at which all persons interested might appear before the Commissioners and be heard concerning the proposed project and special assessment;

AND WHEREAS, notice of such special assessment was also given by sending a copy of notice by registered mail to the owner of record of each parcel of property proposed to be assessed for taxation and by publication of a copy of such notice in newspapers of general circulation in Queen Anne's County.

NOW THEREFORE, be it ORDAINED by the County Commissioners of Queen Anne's County, effective this \_\_\_\_\_ day of \_\_\_\_\_, 1998, that special assessment charges shall be levied against the properties abutting the roads or portions of roads listed on the "Location Description of Proposed Road

Improvement - Bay City Road Construction Project", attached hereto as "Exhibit A" as a part of this ordinance and be it further ORDAINED as follows:

A. The total special assessment charges levied against the aforesaid properties shall be 60% (sixty percent) of \$801,182.18 less a \$40,000 other public road restoration credit which sum total of \$440,709.31 represents the aforementioned property owners share of the actual construction cost of the project.

B. Each property owner shall be assessed on an equal per lot basis in the amount of \$1530.24.

C. Said special assessment shall be a lien against the property and the Queen Anne's County Finance Office shall keep a record of the names of the property owners and the amount of the benefit charges hereby levied.

D. The special assessment levied may be paid in FULL with a single installment of principal with no interest. The FULL payment installment option is due by April 1, 1998 and shall be collectable in the same manner as County Taxes.

OR

The special assessment levied may be paid in TEN (10) equal annual installments of principal and interest. Interest shall be calculated at the rate of 6½% (six and one-half percent) per annum on unpaid balance. The first installment will be due and payable on April 1, 1999, and annually on the same date thereafter and shall be collectable in the same manner as County Taxes.

OR

The special assessment levied may be paid in TWENTY (20) equal semi-annual installments of principal and interest. Interest shall be calculated at the rate of 6½% (six and one-half percent) per annum on unpaid balance. The first installment will be due and payable on October 1, 1998, and semi-annually thereafter and shall be collectable in the same manner as County Taxes.

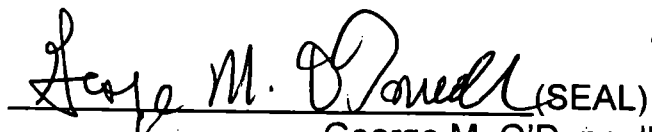
OR


The special assessment levied may be paid in FORTY (40) equal quarterly installments of principal and interest. Interest shall be calculated at the rate of 6½% (six and one-half percent) per annum on unpaid balance. The first installment will be due July 1, 1998, and quarterly thereafter and shall be collectable in the same manner as County Taxes.

E. No transfers of title of property assessed under this ordinance shall be permitted without payment in full of all special assessment charges, including interest to date of payment on the unpaid charges.

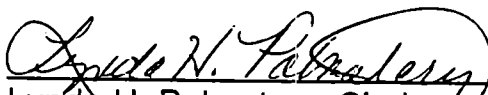
AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County, this 3rd day of February, 1998.

  
\_\_\_\_\_  
(SEAL)  
Ted Moeller

  
\_\_\_\_\_  
(SEAL)  
George M. O'Donnell

  
\_\_\_\_\_  
(SEAL)  
Michael F. Zimmer Jr.

ATTEST:

  
\_\_\_\_\_  
Lynda H. Palmatary, Clerk

Introduced By: Commissioner Zimmer  
Date of Introduction: January 20, 1998  
Hearing Scheduled: February 3, 1998 10:30 A.M.  
Action: 3 Yea 0 Nay  
Date: 2/3/98  
Effective: 3/20/98

"EXHIBIT A"  
Location Description of Proposed Road Improvement  
Bay City Road Construction Project  
Buckingham Drive. Zaidee Lane. McKay Road. P/O Chesapeake Drive.  
William Way. Paul Lane. P/O Salisbury Way. Charl Court.  
P/O Victoria Drive Calvert Road. Wallman Way

Block	Lot	Owner and Addresses	Total Cost
1	1 & 2	Harold & Rebecca Ringgold 721 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	3	George Sr. & Shirley Mueller 717 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	4	Michael & Bonita Timmons 715 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	5 & 6	Joseph & Deborah Muir 1518 Patapsco Street Baltimore. MD 21230	\$1,530.24
1	7	Timothy & Carol Morton 709 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	8	Kazimirez & Maria Stolarczyk 707 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	9	Clifford Miller Maureen Emerson 705 Victoria Drive Stevensville. MD 21666	\$1,530.24
1	10	Robert Snyder, Jr. Kara L. Snyder 203 Old Love Point Road Stevensville. MD 21666	\$1,530.24



1	11	David B. Albright P.O. Box 1503 Glen Burnie, MD 21060	\$1,530.24
2	14	Clarence Sr. & Delores Link 201 Bay City Road Stevensville, MD 21666	\$1,530.24
2	15 P/O 16	Daniel & Deborah Noone 702 Victoria Drive Stevensville, MD 21666	\$1,530.24
2	17 P/O 16	Andrew P. Grabus III 706 Victoria Drive Stevensville, MD 21666	\$1,530.24
2	18 P/O 19	Stephen & Jennifer Barnes 708 Victoria Drive Stevensville, MD 21666	\$1,530.24
2	20 P/O 19	Karen & Matthew Hranicka 712 Victoria Drive Stevensville, MD 21666	\$1,530.24
7	12	Joan B. Jarriel Trustee Et Al 900 Buckingham Drive Stevensville, MD 21666	\$1,530.24
7	13	Stanley Leek Trustee 902 Buckingham Drive Stevensville, MD 21666	\$1,530.24
7	14	Richard Coulbourne III 217 Wineland Way Stevensville, MD 21666	\$1,530.24
7	15 P/O 16	Elton Irwin 906 Buckingham Drive Stevensville, MD 21666	\$1,530.24
7	17 P/O 16	Rachelle Abdo Cory Zurowski 910 Buckingham Drive Stevensville, MD 21666	\$1,530.24

7	18	Robert Kahmer 912 Buckingham Drive Stevensville. MD 21666	\$1.530.24
7	19	Louis Dibitonto 302 Barksdale Road Joppatown. MD 21085	\$1.530.24
8	1	Patricia Baker P.O. Box 13 Stevensville. MD 21666	\$1.530.24
8	2	Robert Busey 909 Buckingham Drive Stevensville. MD 21666	\$1.530.24
8	3	Thomas Jr. & Barbara Pierce 907 Buckingham Drive Stevensville. MD 21666	\$1.530.24
8	4	Antoinette Hastings 905 Buckingham Drive Stevensville. MD 21666	\$1.530.24
8	5	GALC Inc. P.O. Box 291 Queenstown. MD 21658	\$1.530.24
8	6	David William & Kimberly Underwood 116 Charity Lane Queenstown. MD 21658	\$1.530.24
8	7	John Deboard 907 Salisbury Way Stevensville. MD 21666	\$1.530.24
8	8	Earl & Audra Bowers 905 Salisbury Way Stevensville. MD 21666	\$1.530.24
8	9	Gary & Genevieve Byrne 8850 Chesapeake Lighthouse Drive North Beach. MD 20714	\$1.530.24

8	10	Mary Roseberry 212 Shopping Center Road Stevensville, MD 21666	\$1,530.24
8	11	Mary & Lynda Justice 303 Charl Court Stevensville, MD 21666	\$1,530.24
8	12	Crawford & Elizabeth Garrett 900 Chesapeake Drive Stevensville, MD 21666	\$1,530.24
9	1	Frank Siejack Trustee for Shirley Siejack P.O. Box 88 Adamstown, MD 21710	\$1,530.24
9	2	Frank Siejack Trustee for Shirley Siejack P.O. Box 88 Adamstown, MD 21710	\$1,530.24
9	3	Hal & Charlotte Cessna 807 Salisbury Way Stevensville, MD 21666	\$1,530.24
9	4	Robert Steele 5040 Highview Place Greenwood, MN 55331	\$1,530.24
9	5	Bruce & Melanie Barney 803 Salisbury Way Stevensville, MD 21666	\$1,530.24
9	6	Harry Jr. & Clara Phelps 801 Salisbury Way Stevensville, MD 21666	\$1,530.24
9	13	Sydney McGuffin Mark Schilling 812 Chesapeake Drive Stevensville, MD 21666	\$1,530.24

10	1	John & Margaret Krauss 319 Bay City Road Stevensville. MD 21666	\$1,530.24
11	1	Jack Sr. & Drema Charron 815 Buckingham Drive Stevensville. MD 21666	\$1,530.24
11	2	Earl & Diane Stinchcomb 813 Buckingham Drive Stevensville. MD 21666	\$1,530.24
11	3	Thomas & Sandra Snook 811 Buckingham Drive Stevensville. MD 21666	\$1,530.24
11	4	Wayne & Diane Cox 704 Greenwood Creek Court Grasonville. MD 21638	\$1,530.24
11	5	James & Miriam Kasper 807 Buckingham Drive Stevensville, MD 21666	\$1,530.24
11	6	Eric J. Powell 15 Kline Blvd. Frederick. MD 21701	\$1,530.24
11	7	Beverly McKay Carolyn McKay 5534 Marline Street Rockville. MD 20853	\$1,530.24
11	8	James & Judith Hurd 801 Buckingham Drive Stevensville. MD 21666	\$1,530.24
11	9	Timothy & Caroline Aland 800 Salisbury Way Stevensville. MD 21666	\$1,530.24
11	10 & 11	Gary Rook 1638 Frenchs Avenue Baltimore. MD 21221	\$1,530.24

11	12 & 13	Richard & Marguerite Kellum Life Estates 808 Salisbury Way Stevensville, MD 21666	\$1,530.24
11	14	Lee Homens Mary Skop 900 Salisbury Way Stevensville, MD 21666	\$1,530.24
11	15	Charles & Kathleen Schindler 902 Salisbury Way Stevensville, MD 21666	\$1,530.24
12	10	Andre Gould 802 Buckingham Drive Stevensville, MD 21666	\$1,530.24
12	11	Weese Development 101 Olde Point Village Chester, MD 21619	\$1,530.24
12	12 & 13	Robert Sr. & Elizabeth Lowther 806 Buckingham Drive Stevensville, MD 21666	\$1,530.24
12	14 & 15	Daniel Gannon 812 Buckingham Drive Stevensville, MD 21666	\$1,530.24
12	16	Leroy & Kelly Helms 814 Buckingham Drive Stevensville, MD 21666	\$1,530.24
15	13	Warren Higby Jr. Et Al 401 Bay City Road Stevensville, MD 21666	\$1,530.24
15	14	Lee Piccione Rt 1 Box 1343 Schuylkill Haven, PA 17972	\$1,530.24

18	22	Margaret Saslaw Creel, Louise 203 McKay Road Stevensville, MD 21666	\$1,530.24
18	23	Scott & Andrea Besler P.O. Box 186 Clements, MD 20624	\$1,530.24
18	24	Joyce Hart Charles Jones 207 McKay Road Stevensville, MD 21666	\$1,530.24
18	25	Renaissance Enterprises, Inc. 348 Thompson Creek Mall, Suite 341 Stevensville, MD 21666	\$1,530.24
18	26	Michael Naumann Tina Neuman 12714 Lime Kiln Road Highland, MD 20777-9571	\$1,530.24
18	27	Countryside Builders 332 Poplar School Road Centreville, MD 21617	\$1,530.24
18	28	Nancy Horsefield 215 McKay Road Stevensville, MD 21666	\$1,530.24
18	29	Richard III & Patricia Colonell 4111 Ravenhurst Circle Glen Arm, MD 21057	\$1,530.24
18	30	GALC Inc. P.O. Box 291 Queenstown, MD 21658	\$1,530.24
18	31	Lloyd William Koch III Debra Koch 221 McKay Road Stevensville, MD 21666	\$1,530.24

18	32	Brian Gartelman Helen Walsh 223 McKay Road Stevensville, MD 21666	\$1,530.24
18	33	Meyer & Barbara Greenberg 4601 South Blue Marlin Way Nags Head, NC 27959	\$1,530.24
18	34	Robert & Linda Sell 5930 Keysville Road Keymar, MD 21757	\$1,530.24
18	35	Vincent McNeil Michele Edwards 229 McKay Road Stevensville, MD 21666	\$1,530.24
18	36	James Baxter, Jr. 114 State Street Stevensville, MD 21666	\$1,530.24
19	1	Carl & Beverly Paddy 627 Buckingham Drive Stevensville, MD 21666	\$1,530.24
19	11	David Knoppel Ingeburg Howell 300 Bay City Road Stevensville, MD 21666	\$1,530.24
19	12	Joseph & Katherine Ball 626 Chesapeake Drive Stevensville, MD 21666	\$1,530.24
19	13	Eric Padgett P.O. Box 541 Stevensville, MD 21666	\$1,530.24
19	14	John & Mary Beth Bailey 305 McKay Road Stevensville, MD 21666	\$1,530.24

19	15	James Schweitzer 307 Mckay Road Stevensville MD 21666	\$1,530.24
19	16	Tommie & Louise Delaney 309 McKay Road Stevensville. MD 21666	\$1,530.24
19	17	Martin & Patricia Clark 1303 Oakwood Road Glen Burnie. MD 21061	\$1,530.24
19	18	Henry & Glorious Heath P.O. Box 34 Stevensville. MD 21666	\$1,530.24
19	19	Virgil & Carol Buttrum 315 McKay Road Stevensville. MD 21666	\$1,530.24
19	20	Irvin & Margaret Todd 317 McKay Road Stevensville. MD 21666	\$1,530.24
19	21	Kathleen Wilson 319 McKay Road Stevensville, MD 21666	\$1,530.24
19	22	Norman Filbert Noreen Becker 125 Bay Drive Stevensville, MD 21666	\$1,530.24
19	23	Michael Whittaker 625 Buckingham Drive Stevensville. MD 21666	\$1,530.24
20	11	Adrian & Christella Wiseman 400 Bay City Road Stevensville, MD 21666	\$1,530.24
20	13 & 14	George & Mary Harris 625 Bayside Drive Stevensville. MD 21666	\$1,530.24



20	15	Dennis Krueger Deborah Collins-Krueger 415 McKay Road Stevensville, MD 21666	\$1,530.24
20	16 & 17	Doris Smith Life Estate Et Al 413 McKay Road Stevensville, MD 21666	\$1,530.24
20	18 & 19	Helen Branham 409 McKay Road Stevensville, MD 21666	\$1,530.24
20	20	Cindy Goldman 405 McKay Road Stevensville, MD 21666	\$1,530.24
20	21	Morgan Living Trust c/o Mr. & Mrs. William E. Morgan 403 McKay Road Stevensville, MD 21666	\$1,530.24
20	22	Michael & Brenda Simpson 129 Kirwin Landing Chester, MD 21619	\$1,530.24
21	13 & 14	Clayton Sutton 600 Zaidee Lane Stevensville, MD 21666	\$1,530.24
21	15 & 16	Joseph Conner 6435 Golden Oak Drive Linthicum Heights, MD 21090	\$1,530.24
21	17	Donn & Yasuko Chown 608 Zaidee Lane Stevensville, MD 21666	\$1,530.24
21	18	John & Gayle Lange 610 Zaidee Lane Stevensville, MD 21666	\$1,530.24

21	19	Andre Baldwin 612 Zaidee Lane Stevensville. MD 21666	\$1,530.24
21	20	Edward McCauley 614 Zaidee Lane Stevensville. MD 21666	\$1,530.24
21	21	Richard Seling 1310 Seling Avenue Baltimore. MD 21237	\$1,530.24
21	22	Charles & Alice Byrnes 5618 Winthrope Avenue Baltimore. MD 21214	\$1,530.24
21	23	Sebastian & Jane Cianciolo 620 Zaidee Lane Stevensville. MD 21666	\$1,530.24
21	24	Mary Boehm 412 McKay Road Stevensville, MD 21666	\$1,530.24
22	15	Terry & Brenda Chalfont Helen Clutz-Chalfont 504 Zaidee Lane Stevensville. MD 21666	\$1,530.24
22	16	Paul Jr. & Rhonda Harris 506 Zaidee Lane Stevensville. MD 21666	\$1,530.24
22	17	Vernon & Frances Johnson 508 Zaidee Lane Stevensville. MD 21666	\$1,530.24
22	18	John & Paula Grimes 510 Zaidee Lane Stevensville. MD 21666	\$1,530.24
22	19	Ronald & Christine Testerman 512 Zaidee Lane Stevensville. MD 21666	\$1,530.24

22	20	Wm Maurice Sanger 104 Cox Court Chester, MD 21619	\$1,530.24
22	21	Donald & Jody Pyle 516 Zaidee Lane Stevensville, MD 21666	\$1,530.24
22	22	Thomas & Patricia Boone 518 Zaidee Lane Stevensville, MD 21666	\$1,530.24
22	23	Mary Dohme 412 Chenoweth Drive Stevensville, MD 21666	\$1,530.24
25	1	Nicholas & Gisela Vawryk 621 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	2	Christopher & Janice Dean 619 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	3	Jeffrey & Terry Haynes 617 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	4	John & Susan Dickey 615 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	5 & 6	Michael Martin Nancy Butowski-Martin 613 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	7	Quentin & Margaret Cupp 609 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	8	Frederick Chew Jr. 221 Queen Anne Club Drive Stevensville, MD 21666	\$1,530.24

25	9 & 10	David III & Linda Hartlove 603 Zaidee Lane Stevensville, MD 21666	\$1,530.24
25	12	John Jr. & Mary Williams 1179 St George Drive Annapolis, MD 21401	\$1,530.24
25	13 & 14	Charles Vanskiver 24241 Marlyn Drive Preston, MD 21655	\$1,530.24
25	15	Warren & Paula Cross 606 Buckingham Drive Stevensville, MD 21666	\$1,530.24
25	16	Mallard Homes P.O. Box 142 Chester, MD 21619	\$1,530.24
25	17	Emil & Sherry Benson 610 Buckingham Drive Stevensville, MD 21666	\$1,530.24
25	18	Patricia Landon 612 Buckingham Drive Stevensville, MD 21666	\$1,530.24
25	19	Pennifer Erickson 1327 Deerfield Drive State College, PA 16803	\$1,530.24
25	20	Robert Jr. & Joyce Perkinson 111 Fox Run Lane Stevensville, MD 21666	\$1,530.24
25	21	James & Jane Clark 618 Buckingham Drive Stevensville, MD 21666	\$1,530.24
25	22	Timothy Miller 1904 Stevens Drive Chester, MD 21619	\$1,530.24

26	1 & 2	Thomas & Beatrice Elson 521 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	3	Johnson-Schulz 138 Kirwans Landing Lane Chester, MD 21619	\$1,530.24
26	4	Brian & Barbara Beckwith 515 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	5	Mark & Nancy Arnold-Glasser 155 Yacht Club Drive #401 North Palm Beach, FL 33408	\$1,530.24
26	6	Santiago & Maureen Acosta 511 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	7	Countryside Builders Inc. 332 Poplar School Road Centreville, MD 21617	\$1,530.24
26	8	Theresa Sarris 507 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	9	Susan Bunker 505 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	10	Mark & Theresa McComas 503 Zaidee Lane Stevensville, MD 21666	\$1,530.24
26	11	Kim Barnes P.O. Box 790 Stevensville, MD 21666	\$1,530.24
26	12	Terrence & Susan Matis 500 Buckingham Drive Stevensville, MD 21666	\$1,530.24

26	13 & 14	Weese Development 101 Olde Point Village Chester, MD 21619	\$1,530.24
26	15	William Robertson 1236 Taylor Avenue Arnold, MD 21012	\$1,530.24
26	16	Arthur Pearson 112 Charity Lane Queenstown, MD 21658	\$1,530.24
26	17	Christopher & Colleen Winn 510 Buckingham Drive Stevensville, MD 21666	\$1,530.24
26	18 & 19	John & Kathryn Norfolk 512 Buckingham Drive Stevensville, MD 21666	\$1,530.24
26	20	Ian & Barbara Hatch 516 Buckingham Drive Stevensville, MD 21666	\$1,530.24
26	21	Donald Testerman Jr. Jessica Brooks 518 Buckingham Drive Stevensville, MD 21666	\$1,530.24
27	1	Wm Maurice Sanger 104 Cox Court Chester, MD 21619	\$1,530.24
27	2	Steven & Keith Smelgus 320 McKay Road Stevensville, MD 21666	\$1,530.24
27	3	Stephen & Sandra Lukacs 2957 4-H Park Road Centreville, MD 21617	\$1,530.24
27	4	William & Sharon Clark 316 McKay Road Stevensville, MD 21666	\$1,530.24

27	5	Richard & Carrie Myers 314 McKay Road Stevensville, MD 21666	\$1,530.24
27	6	David Fike 312 McKay Road Stevensville, MD 21666	\$1,530.24
27	7	Bruce & Cheryl Aisquith 310 McKay Road Stevensville, MD 21666	\$1,530.24
27	8	John Cohee 308 McKay Road Stevensville, MD 21666	\$1,530.24
27	9	David & Pamela William 738 Darlow Drive Annapolis, MD 21401	\$1,530.24
27	10	Jeffrey & Cynthia Cowherd 304 McKay Road Stevensville, MD 21666	\$1,530.24
27	11	Thomas Goldberg Sr. 302 McKay Road Stevensville, MD 21666	\$1,530.24
27	12	Jaime & Brenda Fornos 612 Chesapeake Drive Stevensville, MD 21666	\$1,530.24
27	13	Lionel & Elaine Dube 301 William Way Stevensville, MD 21666	\$1,530.24
27	14	Hugh Windland 6941 Prout Road Friendship, MD 20758	\$1,530.24
27	15	Lori Powell 305 William Way Stevensville, MD 21666	\$1,530.24

27	16	Deborah & Gordon Weedon-Palmer 120 West Virginia Avenue Severn. MD 21144	\$1,530.24
27	17	Amy Roberts 309 William Way Stevensville. MD 21666	\$1,530.24
27	18	Glenn Summerlin 311 William Way Stevensville. MD 21666	\$1,530.24
27	19	Joseph & Barbara Herendeen 313 William Way Stevensville, MD 21666	\$1,530.24
27	20	Jerri Schuster Betty Williams 315 William Way Stevensville, MD 21666	\$1,530.24
27	21	Robert & Sherry Lusk 317 William Way Stevensville, MD 21666	\$1,530.24
27	22	Raymond & Connie Morris 319 William Way Stevensville, MD 21666	\$1,530.24
27	23	Lynn Grove 321 William Way Stevensville, MD 21666	\$1,530.24
27	24	Daniel & Tammy Smith 323 William Way Stevensville, MD 21666	\$1,530.24
28	1	Lester & Lisa Pullen 322 William Way Stevensville, MD 21666	\$1,530.24
28	2	Glenn Brooks Kathleen Lowman 320 William Way Stevensville. MD 21666	\$1,530.24



28	3	Scott & Colleen Supple 318 William Way Stevensville, MD 21666	\$1,530.24
28	4	Gerry & Mary Sommers 316 William Way Stevensville, MD 21666	\$1,530.24
28	5	Gregg & Gail Parent 314 William Way Stevensville, MD 21666	\$1,530.24
28	6	Edward & Kathy Weller 312 William Way Stevensville, MD 21666	\$1,530.24
28	7	Gregory Marconrak Jr. 310 William Way Stevensville, MD 21666	\$1,530.24
28	8	Mark & Cheryl Hurley 308 William Way Stevensville, MD 21666	\$1,530.24
28	9	Craig & Carrie Allston 306 William Way Stevensville, MD 21666	\$1,530.24
28	10 & 11	Richard & Sue Arcand 302 William Way Stevensville, MD 21666	\$1,530.24
28	12	William C. & William G. Robertson 1236 Taylor Avenue Arnold, MD 21012	\$1,530.24
28	13	Jeffrey Eckhardt Christine Dukes 498 Margaret Lane Arnold, MD 21012	\$1,530.24
28	26	Penelope Martin Constance Bauer 601 Buckingham Drive Stevensville, MD 21666	\$1,530.24

29	1	John & Judith Troffo 517 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	2	Norman & Christine Mushinsky 515 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	3	Robert Jr. & Lisa Hauser 513 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	4	James Jr. & Lynne Roy 511 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	5	Janet Van Horn 509 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	6,7,8,11 & 12	Betty A. Dorr Russell Lerner 507 Buckingham Drive Stevensville, MD 21666	\$1,530.24
29	10	Max & Janice Cohen 10505 Bit and Spur Lane Potomac, MD 20854	\$1,530.24
29	13	Janice Lenivy 506 Paul Lane Stevensville, MD 21666	\$1,530.24
29	14	Thomas & Anita Simpson 508 Paul Lane Stevensville, MD 21666	\$1,530.24
29	15	Deborah Morgan 510 Paul Lane P.O. Box 760 Stevensville, MD 21666	\$1,530.24
29	16	Peter & Astrida Turkopuls 8 Fisk Circle Annapolis, MD 21401	\$1,530.24

30	1	William Hyers Jr. 511 Paul Lane Stevensville, MD 21666	\$1,530.24
30	2	Michael & Beverly Tucker 6100 Bryan Lane Brentwood, TN 37027	\$1,530.24
30	3	Scott Stacey Jessee 507 Paul Lane Stevensville, MD 21666	\$1,530.24
30	4	Kevin & Deborah Clark 507 Paul Lane Stevensville, MD 21666	\$1,530.24
30	5	Gary & Marie Hofmann 503 Paul Lane Stevensville, MD 21666	\$1,530.24
31	1	Mario Persico Jr. 1008 Willowmere Lane Cambridge, MD 21613	\$1,530.24
31	2	Mario Persico Jr. 1008 Willowmere Lane Cambridge, MD 21613	\$1,530.24
31	3	Mario Persico Jr. 1008 Willowmere Lane Cambridge, MD 21613	\$1,530.24
31	4	GALC Inc. P.O. Box 291 Queenstown, MD 21658	\$1,530.24
31	5	Joseph Oriolo 611 Chesapeake Drive Stevensville, MD 21666	\$1,530.24
31	6	Anthony & Michelle Wobbe 609 Chesapeake Drive Stevensville, MD 21666	\$1,530.24

31	7	Eddie & Jerry Hanshew 607 Chesapeake Drive Stevensville, MD 21666	\$1,530.24
31	8	Charles & Gertrude Meehan 113 Chestnut Road Stevensville, MD 21666	\$1,530.24
31	9	Charles & Gertrude Meehan 113 Chestnut Road Stevensville, MD 21666	\$1,530.24
31	11	Mark & Margaret Donaldson 200 McKay Road Stevensville, MD 21666	\$1,530.24
31	12	Barton & Elizabeth Sheffey 202 McKay Road Stevensville, MD 21666	\$1,530.24
31	13	Bernard & Mary Murray P.O. Box 904 Stevensville, MD 21666	\$1,530.24
31	14	Charles & Norma Brown 206 McKay Road Stevensville, MD 21666	\$1,530.24
31	15	Brian & Christine Allen 208 McKay Road Stevensville, MD 21666	\$1,530.24
31	16	Thomas & Celena Connelly 210 McKay Road Stevensville, MD 21666	\$1,530.24
31	17,18 & 19	Robert & Mary Dicus 214 McKay Road Stevensville, MD 21666	\$1,530.24
34	1	Carol Schuster 425 Calvert Road Stevensville, MD 21666	\$1,530.24

34	2	Frank & Kimberli Cornell 423 Calvert Road Stevensville, MD 21666	\$1,530.24
34	3	William Jr. & Judith Ridgell 421 Calvert Road Stevensville, MD 21666	\$1,530.24
34	4	George Butz 12365 Mill Creek Lane Wye Mills, MD 21679	\$1,530.24
34	5	Butz, Inc. 12365 Mill Creek Lane Wye Mills, MD 21679	\$1,530.24
34	6 & 7	Casey & Lorrie Jones 8830 Hickman Road Denton, MD 21629	\$1,530.24
34	8	Countryside Builders 332 Poplar School Road Centreville, MD 21617	\$1,530.24
34	9	Stanley & Maryann Baker 409 Calvert Road Stevensville, MD 21666	\$1,530.24
34	10	Andrew & Roberta Stasny 407 Calvert Road Stevensville, MD 21666	\$1,530.24
34	11	Frank & Patricia Ibex 405 Calvert Road Stevensville, MD 21666	\$1,530.24
34	12A	GALC Inc. P.O. Box 291 Queenstown, MD 21658	\$1,530.24
34	12B	Brenda Pedrick Donald Cohee 401 Calvert Road Stevensville, MD 21666	\$1,530.24

35	1	Richard Ingrassia 422 Calvert Road Stevensville. MD 21666	\$1,530.24
35	2	Countryside Builders 332 Poplar School Road Centreville. MD 21617	\$1,530.24
35	3	Arthur & Robin Franke 418 Calvert Road Stevensville. MD 21666	\$1,530.24
35	4	Robert Jr. & Christine Coulson 416 Calvert Road Stevensville, MD 21666	\$1,530.24
35	5	David Fulton Annie Roman 414 Calvert Road Stevensville, MD 21666	\$1,530.24
35	6	Patrick Raymond 412 Calvert Road Stevensville, MD 21666	\$1,530.24
35	7	James & Mary Esposito 410 Calvert Road Stevensville, MD 21666	\$1,530.24
35	8 & 9	Rodger & Kelly McAlister 406 Calvert Road Stevensville. MD 21666	\$1,530.24
35	10	Jennifer Woodward 404 Calvert Road Stevensville, MD 21666	\$1,530.24
35	11	GALC Inc. P.O. Box 291 Queenstown, MD 21658	\$1,530.24
35	12	Donald Huber 400 Calvert Road Stevensville. MD 21666	\$1,530.24

35	13	Gary & Janice Roe 401 Victoria Way Stevensville, MD 21666	\$1,530.24
35	14	Wilhelm Burger Sr. Nancy Kutz 403 Victoria Way Stevensville, MD 21666	\$1,530.24
35	15	Harry Jr. & Sandra Early 405 Victoria Way Stevensville, MD 21666	\$1,530.24
35	16	Jas & Marie O'Reilly 407 Victoria Way Stevensville, MD 21666	\$1,530.24
35	17	Matthew & Willa Schuster 113 Emory Circle Stevensville, MD 21666	\$1,530.24
35	18	Paul & Anna Huck 8011 Corkberry Lane, Apt 719 Pasadena, MD 21122-7189	\$1,530.24
35	19	Carlos Cintron 413 Victoria Drive Stevensville, MD 21666	\$1,530.24
35	20	Nancy & Bruce Kane Et Al 21 Colonial Drive Linthicum, MD 21090	\$1,530.24
35	21	Ruby & Earl Jr. Quandt 1605 Riverside Drive Annapolis, MD 21401	\$1,530.24
35	22	Mareen & Marian Waterman 109 Country Day Road, Suite 1 Chester, MD 21619	\$1,530.24
35	23	Countryside Builders 332 Poplar School Road Centreville, MD 21617	\$1,530.24

35	24	Mary Mossman 301 Five Farms Drive Stevensville, MD 21617	\$1,530.24
36	7	William & Julie Schuman 300 Irene Way Stevensville, MD 21666	\$1,530.24
36	8	Tim Meyer 1101 Romancoke Road Stevensville, MD 21666	\$1,530.24
36	9	Tim Meyer 1101 Romancoke Road Stevensville, MD 21666	\$1,530.24
36	10	Tim Meyer 1101 Romancoke Road Stevensville, MD 21666	\$1,530.24
36	11	Tim Meyer 1101 Romancoke Road Stevensville, MD 21666	\$1,530.24
36	12 & 13	Daniel Dailey 301 Wallman Way Stevensville, MD 21666	\$1,530.24
36	14	Keith & Christina O'Donnell 408 Victoria Way Stevensville, MD 21666	\$1,530.24
36	15	William & Cynthia Turner 406 Victoria Way Stevensville, MD 21666	\$1,530.24
36	16	Christopher Hauge Cecilia Lavrin-Hauge 404 Victoria Way Stevensville, MD 21666	\$1,530.24



36	17 & 18	Joan Dailey DATT-TLO Box 33 American Embassy APO AP 96546	\$1,530.24
36	19	Barry White 1308 Midmeadow Road Baltimore, MD 21286	\$1,530.24
36	20	Eric & Cheryl Dudley 403 Wallman Way Stevensville, MD 21666	\$1,530.24
36	21	Ralph & Barbara Robinson P.O. Box 260 Chester, MD 21619	\$1,530.24
36	22	Van & Patricia Hanson 407 Wallman Way Stevensville, MD 21666	\$1,530.24
36	23	James & Janet Sizemore 409 Wallman Way Stevensville, MD 21666	\$1,530.24
36	24	John & Candice Mosscrop 411 Wallman Way Stevensville, MD 21666	\$1,530.24
37	1,2 & 3	John & Julia Dollard 202 Wallman Way Stevensville, MD 21666	\$1,530.24
37	4	Kermit Dowell Jr. 206 Wallman Way Stevensville, MD 21666	\$1,530.24
37	5	Timothy Herlihy 208 Wallman Way Stevensville, MD 21666	\$1,530.24
37	6	Joseph Wobbe 300 Wallman Way Stevensville, MD 21666	\$1,530.24

37	7.8 & 9	Wallace & Jacqueline Groome 302 Wallman Way Stevensville, MD 21666	\$1,530.24
37	10	Thomas & Cathy Bowen 4 Par Court Grasonville, MD 21638	\$1,530.24
37	11	Mallard Homes P.O. Box 142 Chester, MD 21619	\$1,530.24
37	12 & 13	James Parker 312 Wallman Way Stevensville, MD 21666	\$1,530.24
37	14	Alan & Carmella Ellzey 316 Wallman Way Stevensville, MD 21666	\$1,530.24
37	15	Louis & Deborah Hickman 400 Wallman Way Stevensville, MD 21666	\$1,530.24
37	16	Carlton & Ruth Foster 300 Country Lane Grasonville, MD 21638	\$1,530.24
37	17	Gregory & Marilyn Allen 680 Americana Drive, Apt. 31 Annapolis, MD 21403-3173	\$1,530.24
37	18	Ralph & Diane Shields 406 Wallman Way Stevensville, MD 21666	\$1,530.24
37	19	Salvatore & Patricia Vizzini 408 Wallman Way Stevensville, MD 21666	\$1,530.24
37	20	Diane Nemeth 2609 Love Point Road Stevensville, MD 21666	\$1,530.24

COUNTY ORDINANCE NO. 99-05

RECEIVED  
CLERK, CIRCUIT COURT  
00 MAR 22 AM 9:23

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT Concerning the Open Space and Other Requirements for the Use of Noncontiguous Development In Determining Residential Density by the Repeal and Readoption with Amendments of Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of amending the manner in which noncontiguous land can be used to increase residential density on a developed parcel by repealing and reenacting with amendments Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to provide for a minimum lot size of twenty acres or one-half the size of the lot of record, whichever is less and by providing that noncontiguous parcels shall be subject to the same restrictions as TDR selling parcels.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-139, 18-1-140, 18-1-141 and 18-1-142 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and the same be reenacted to read as set forth on Exhibit A attached hereto.

SECTION II

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

INTRODUCED BY: John McQueeney

DATE: 4-20-99

PUBLIC HEARING HELD: 10:00 am May 25, 1999

VOTE: 2 YEA \_\_\_\_\_ NAY - MR. McQUEENEY WAS ABSENT

DATE: 6-15-99

Effective: July 30, 1999

Due to a typo by news paper this bill will have a public hearing on June 8th 10:30

Please note:

Strikeout indicates language to be removed.

Highlight indicates language to be added.

Plain text indicates language to remain the same.

**Title 18, Land Use and Development  
Part VIII. Development Alternatives and Bonuses**

**Subpart 2. Noncontiguous Development**

Pages 526 - 528

**18-1-139. Definitions.**

(a) *In general.*

In this subpart the following words have the meanings indicated.

(b) *Developed parcel.*

"Developed parcel" means a lot on which residential density will be increased by deed restricting open space on a noncontiguous parcel.

(c) *Development plan.*

"Development plan" means a comprehensive development plan containing information pertaining to the developed parcel and its associated noncontiguous parcels.

(d) *Noncontiguous parcel.*

"Noncontiguous parcel" means a parcel included within a development plan that:

- (1) is not contiguous with the developed parcel; and
- (2) is to be designated for deed restricted open space; and
- (3) may be less than all of a lot of record. However, the area of the noncontiguous parcel used must be at least 40 acres in size or constitute at least one-half the total area of the lot of record, whichever is less.

*Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8100B.*

*The only changes are stylistic.*

**18-1-140. Scope of subpart.**

This subpart applies only within agricultural (AG) and noncritical area countryside (CS) districts.

*Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, §8100A.*

*The only changes are stylistic.*

*Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.*

**18-1-141. Application and standards.**

(a) *Development plan.*

A landowner or group of landowners whose lots are in the same zoning district, but are not contiguous, may file a development plan under Part IX of this subtitle in the same manner as the owner of a single lot.

(b) *Open space*

The open space requirements of the appropriate district, as contained in Part V of this subtitle, shall apply to all land within the overall development plan, rather than separately to the developed parcel and noncontiguous parcel.

(c) *Base site area.*

For the purpose of computing base site area, the area of the noncontiguous parcel and the developed parcel shall be combined.

(d) *Open space ratio.*

The developed parcel shall use:

- (1) an open space ratio of no less than 0.5; and
- (2) a net density of no more than:
  - (i) 0.9 dwelling units per acre where individual septic tanks are used;

used. (ii) 2.31 dwelling units per acre where community sewer systems are

(e) *Resource protection land.*

(1) Total resource protection land shall be calculated for the developed parcel and noncontiguous parcel, as if combined.

(2) Natural resources shall be protected at the required percentage on the developed parcel and noncontiguous parcels, as if combined.

(f) *Noncontiguous parcel*

(1) Upon approval of a development plan, the noncontiguous parcel:

- (i) may not be subdivided or reconfigured; and
- (ii) shall be used only for agricultural purposes, or for publicly owned recreational facilities and uses; and
- (iii) shall not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the amount of deed restricted open space required by the development plan.

*Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8101.*

*In subsection (d)(2)(ii) of this section, the word "sewer" is new language added for clarity.*

*The only other changes are stylistic.*

*Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.*

**18-1-142 Requirements for approval - Covenants.**

(a) *Duties of landowner.*

In addition to any other requirements of this subtitle, including those relating to required improvements, guarantees, and other covenants, a landowner involved in an application shall, prior to any approval of a development plan, provide covenants by which land required to remain in open space is restricted to the uses allowed in Part IV of this subtitle.

(b) *Covenants.*

The covenants shall conform to the requirements relating to covenants in Part IX, Subpart 5 of this subtitle.

*Drafter's Note: This section is derived from the 1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations, Art. VIII, § 8102.*

*The only changes are stylistic.*

*Defined terms: See §§ 2-101, 18-1-001, and 18-1-139.*

**18-1-143. Reserved.**

**18-1-144. Reserved.**

J:\DATA\SUEANN\TEXTAMEN\NC1.1

RECEIVED  
CLERK, CIRCUIT COURT COUNTY ORDINANCE NO. 99-06

00 MAR 22 AM 9:23

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT Concerning the Repeal and Readoption with Amendments of Sections 18-804(i), 18-1-112(b) and (c), 18-1-013, 18-1-020, 18-1-146, 18-1-047 and 18-1-049 and Adding New Subtitles 9, 10 and 11 to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and the Repeal and Readoption of Official Queen Anne's County Zoning Maps for the Grasonville and Stevensville Growth Areas.

FOR THE PURPOSE of correcting a typographical error in Section 18-804 of the Code; adding provisions for satellite parking in the County; establishing standards for the Stevensville Historic Village District, Grasonville Village Commercial District and Grasonville Neighborhood Commercial District; establishing design standards for the Urban Commercial District; establishing standards for the Airport Development District; and generally adopting amendments to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to effect Phase II of the Comprehensive Rezoning for the Grasonville and Stevensville growth sub-areas.

#### SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-804(i), 18-1-112(b) and (c), 18-1-013, 18-1-020, 18-1-146, 18-1-047 and 18-1-049 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted to read as set forth on the attached.

#### SECTION II

BE IT FURTHER ENACTED that new Subtitles 9, 10 and 11 to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be adopted to read as set forth on the attached.

#### SECTION III

BE IT FURTHER ENACTED that the zoning changes shown on the attached "Grasonville Community Plan, Proposed Zoning District Amendments, Phase II" and the attached "Stevensville Community Plan, Proposed Zoning District Amendments (Phase II) be and are hereby adopted and the official zoning maps of Queen Anne's



County be and are repealed and reenacted in conformity therewith.

SECTION IV

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

INTRODUCED BY: Marlene Davis

DATE: 4-20-99

PUBLIC HEARING HELD: 9:30 am May 25<sup>th</sup> 1999

VOTE: 3 YEA 6-1 NAY

DATE: 6-1-99 adopted

EFFECTIVE: JULY 10, 1999

Proposed Title 18 Amendments Related to Phase II Comprehensive Rezoning for Grasonville and Stevensville.

ADD TEXT

~~DELETE TEXT~~

1. Correct typographical error in Section 18-804(i). This section was recently created and adopted as part of the Phase I comprehensive rezoning for Grasonville. The section should read as follows:

(i) *Traffic circulation and pedestrian linkages.*

On-site and off-site streets, traffic circulation patterns and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Where practical, streets and pedestrian linkages shall be designed to connect with adjacent parcels where future development is anticipated. The scale of local access roads shall be minimized to slow traffic, provide for safe pedestrian movement and minimize grading and clearing. All roads and streets shall be closed section with sidewalks and adequate drainage/storm water management. Streets shall generally loop or interconnect -- dead ends and cul-de-sacs shall not be discouraged unless other preferred street design options are not practical.

2. Addition of provisions for joint use of required parking spaces and provisions for satellite parking. These provisions would apply county-wide and would benefit commercial development within the Grasonville and Stevensville growth areas. The amendment adds two new subsections to Section 18-1-112(b) and affects a cross reference in 18-1-112(c).

(b) *Application of section.*

(4) In some cases one parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(i) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the Planning Commission may allow for the same spaces to be credited to both uses, thereby reducing the overall parking space requirement. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. Or, if a church parking lot is generally occupied only 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.

(ii) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 18-1-112(b)(5) are also applicable.

(5) If the number of off-street parking spaces required by this title cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then the Planning Commission may allow spaces to be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(i) All such satellite parking spaces, except spaces intended for employee use, must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(ii) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the property owner of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his certificate of occupancy or zoning permit depends upon his continuing ability to provide the requisite number of parking spaces.

(iii) Existing parking spaces used for satellite parking shall satisfy the paving, maintenance, design and landscaping requirements of this title, insofar as practical.

(c) *In general - required number of parking spaces to be provided.*

Unless modified by the Planning Commission as described in Section 18-1-112, the following minimum number of parking spaces shall be required for the uses specified in subsections (d) through (n) of this section.

3. Establish standards for the Stevensville Historic Village Center (SHVC) District. Amend Sections 18-1-013 (Zoning districts), 18-1-020 (Purpose of Zoning District) and 18-1-146 (Right of transfer) and create a new Subtitle 9. Stevensville Historic Village Center (SHVC) District.

18-1-013. Zoning districts.

(18) Stevensville Historic Village Center (SHVC) District.

**18-1-020. Purpose of Zoning district.****(s) *Stevensville Historic Village Center (SHVC) District.***

This district is intended to preserve and reinforce the small town, historic and pedestrian-scale character of the mixed-use village center of Stevensville and provide for development of similar character in certain areas adjacent to the existing center.

**18-1-146. Right of transfer.****(b) *Limitations.***

~~(9)~~ (8) Transferrable development rights (TDRs) used on receiving parcels within the ~~Stevensville Master Planned Development (SMPD) District~~ Stevensville Growth Area must be derived from eligible transferor parcels located within the Fourth Election District of Queen Anne's County.

**Subtitle 9. Stevensville Historic Village Center (SHVC) District.****18-901. Definitions.**

~~Unless otherwise defined in this subtitle, the definitions provided in section 18-1-001 and other sections of this title shall apply.~~

**18-902. Location.**

~~The SHVC District is intended to have specific application to the Stevensville Growth Area for the purposes described in the Stevensville Community Plan and 18-1-020 of this title. As such the SHVC District may only be applied to lands in the Stevensville Growth Area.~~

**18-903. Uses.****(a) *Permitted Uses.***

The following uses are permitted within the SHVC District:

- (1) Non-commercial forestry
- (2) Private stables
- (3) Single-family residential
- (4) Minor cluster subdivision
- (5) Minor planned residential development
- (6) Commercial apartments
- (7) First floor commercial apartments

- (8) Institutional, outdoor recreation
- (9) Institutional, non-profit
- (10) Institutional, residential serving 5 or less residents
- (11) Public service
- (12) Day care, family
- (13) Retail sales or stores
- (14) General/convenience store, no gas sales
- (15) Garden center, garden supplies and greenhouses
- (16) Restaurants, no drive through
- (17) Business or professional offices
- (18) Medical offices and clinics
- (19) Veterinary offices
- (20) All other office uses
- (21) Barbershops and hairdressers
- (22) Ice cream stores and stands
- (23) Dry cleaners
- (24) Light mechanical repair store (watches, cameras, bikes, electronics)
- (25) Photography
- (26) Shoe repair
- (27) Tailoring
- (28) Upholstering and Upholstery store
- (29) Blueprint and photostat services
- (30) Drafting supplies
- (31) Banks and other financial facilities
- (32) Service businesses
- (33) Travel agencies
- (34) Hotel
- (35) Country Inn
- (36) Bed and breakfast
- (37) Antique, craft and art studios and shops
- (38) Home occupations
- (39) Funeral home
- (40) All temporary uses as permitted in 18-1-030 of this title
- (41) All accessory uses as permitted in Subtitle 1, Part V, Subpart 5 of this title

(b) *Conditional uses.*

The following uses are allowed as conditional uses:

- (1) Commercial forestry
- (2) Nurseries
- (3) Commercial stables
- (4) Major cluster subdivision

- (5) Major planned residential development
- (6) Institutional, for profit
- (7) Public utilities
- (8) Day care, group
- (9) Institutional, residential serving 6 or more residents
- (10) Package stores (sealed containers not for consumption on premises)
- (11) Taverns, bars and night clubs
- (12) Commercial or trade schools
- (13) Grocery stores and supermarkets
- (14) Theaters and auditoriums
- (15) Boat sales and repairs
- (16) Furniture sales
- (17) Lawn mower and garden equipment sales
- (18) Auto repair with no exterior storage or repair areas
- (19) Warehouses with no exterior storage
- (20) Fraternal organizations

#### **18-904. Development standards**

(a) ***In general.***

Applications for development in the SHVC District shall meet the following standards in addition to all other applicable requirements for this title which do not conflict with the standards contained in this section. In cases where other standards in this title may conflict with standards contained in this section, only the standards in this section shall apply.

(b) ***Residential development standards.***

Residential development in the SHVC District shall comply with all standards of this title that apply to residential development in the Village Center (VC) District, except that the minimum site area requirements for the VC District contained in Section 18-1-043 shall not apply to the SHVC District. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis to ensure consistency with SHVC District design guidelines.

(c) ***Non-residential development standards.***

Non-residential development in the SHVC District shall comply with all standards of this title that apply to non-residential development in the Village Center (VC) District except that the minimum landscape surface area ratio is decreased to .20 and the maximum floor area ratio is increased to .40. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis to ensure consistency with SHVC District design guidelines.

(d) *SHVC district design guidelines.*

All new development and redevelopment in the SHVC District is strongly encouraged to incorporate the following design guidelines intended to preserve and enhance the historic village character of the area. The Planning Director and/or Planning Commission shall consider these guidelines and the applicable design objectives of the Stevensville Community Plan when reviewing and approving development and redevelopment within the SHVC District. The Planning Director and/or Planning Commission may not approve applications that have not made a practical and good faith effort to comply with the following design guidelines.

(1) Demolition of historic buildings should be avoided whenever possible. Existing architectural and historic character should be reinforced. Renovations of existing historic buildings should generally follow the Secretary of the Interior's Standards for Rehabilitating Historic Buildings.

(2) New construction should be compatible with nearby buildings in terms of building height, width, proportion, bulk, setbacks, roof forms, window and door forms and spacings, etc. Use of common design motifs found in the area, such as cupolas, should be encouraged.

(3) Mechanical equipment and storage/service areas should be screened from public view.

(4) On-premise signage should be complimentary to the architecture of buildings on the site. Signage should be designed at a size and scale oriented towards pedestrian traffic versus automobile traffic.

(5) Front setbacks should be reduced to bring buildings and structures closer to the street and sidewalks in order to encourage pedestrian activity.

(6) To the extent practical, parking should be to the side and rear of buildings with allowances for shared and satellite parking. Connecting rear and side parking areas should be encouraged. Individual curb cuts should be reduced.

(7) Roadside curbs and sidewalks should be provided along with sidewalks linking to buildings.

(8) Attractive landscape transition to adjoining properties should be provided and existing mature landscaping and trees should be preserved. Landscape and screening treatments between potentially incompatible uses (i.e. commercial adjacent to residential) should be provided.

- (9) Parking areas and streetscape sidewalks should be enhanced with landscaping.
- (10) Exterior lighting should be restrained and compatible with the historic character of the area. Excessive brightness and glare to surrounding properties should be avoided.
- (11) Hedges, decorative fences and other forms of landscaping should be used to close gaps between buildings and better define the streetscape.
- (12) Pedestrian oriented open spaces should be created by groupings of buildings in relation to the street.
- (13) Multiple story buildings with commercial uses on ground floors and office or residential uses on upper floors should be encouraged.
- (14) Full architectural treatment should be provided on all facade elevations visible from a public way.

**18-905. Development review process.**

**(a) General procedures.**

In reviewing development proposals in the SHVC district the procedures prescribed in Subtitle 1, Part IX of this title shall apply, except as modified by subsection (b).

**(b) Specific procedures for the SHVC district.**

- (1) A pre-application conference between the applicant and the Department of Planning and Zoning is required for all SHVC district development requiring site plan and subdivision approval.
- (2) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. as necessary to determine compliance with the requirements of this subtitle.

4. Establish standards for the Grasonville Neighborhood Commercial (GNC) District. Amend Sections 18-1-013 (Zoning districts) and 18-020 (Purpose of zoning district) and create a new Subtitle 10. Grasonville Neighborhood Commercial (GNC) district.



18-1-013. Zoning districts.

- (19) Grasonville Neighborhood Commercial (GNC) District.

18-1-020. Purpose of Zoning district.

- (t) *Grasonville Neighborhood Commercial (GNC) District.*

This district is intended to foster residential and certain types of small-scale, neighborhood-compatible commercial development along sections of Main Street in Grasonville. Non-residential development in this district is intended to maintain the character and appearance of single-family residential development.

**Subtitle 10. Grasonville Neighborhood Commercial (GNC) District.**

**18-1001. Definitions.**

Unless otherwise defined in this subtitle, the definitions provided in section 18-1-001 and other sections of this title shall apply.

**18-1002. Location.**

The GNC District is intended to have specific application to the Grasonville Growth Area for the purposes described in the Grasonville Community Plan and 18-1-020 of this title. As such the GNC District may only be applied to lands in the Grasonville Growth Area.

**18-1003. Uses.**

- (a) Permitted uses.

The following uses are permitted within the GNC District:

- (1) Non-commercial forestry.
- (2) Nurseries.
- (3) Private stables.
- (3) Single-family residential
- (4) Minor cluster subdivision
- (5) Minor planned residential development, excluding town houses, weak-link townhouses, multiplexes, and apartments
- (6) Commercial apartments
- (7) Institutional, outdoor recreation
- (8) Institutional, non-profit
- (9) Institutional residential serving 5 or less residents

- (10) Public service
- (11) Day care, family
- (12) Bed and breakfast
- (13) Antique, craft and art studios and shops
- (14) Home occupations
- (15) All temporary uses as permitted in 18-1-030 of this title
- (16) All accessory uses as permitted in Subtitle 1, Part V, Subpart 5 of this title

(b) *Conditional uses.*

The following uses are allowed as conditional uses:

- (1) Commercial forestry
- (2) Commercial stables
- (3) Major cluster subdivision
- (4) Major planned residential development, excluding town houses, weak-link townhouses, multiplexes, and apartments
- (5) Institutional, for profit
- (6) Public utilities
- (7) Day care, group
- (8) Institutional residential serving 6 or more residents
- (9) Commercial or trade schools
- (10) Garden centers, garden supplies and greenhouses
- (11) Business or professional offices
- (12) Medical offices and clinics
- (13) Veterinary offices
- (14) All other office use
- (15) Barbershops and hairdressers
- (16) Ice cream stores and stands
- (17) Light mechanical repair stores (watch, camera, bike, tv)
- (18) Photography
- (19) Shoe repair
- (20) Tailoring
- (21) Upholstering and upholstery store
- (22) Blueprint and photostat services
- (23) Drafting supplies
- (24) Banks and other financial facilities
- (25) Service businesses
- (26) Travel agencies
- (27) Funeral homes

## 18-1004. Development standards

(a) *In general.*

Applications for development in the GNC District shall meet the following standards in addition to all other applicable requirements for this title which do not conflict with the standards contained in this section. In cases where other standards in this title may conflict with standards contained in this section, only the standards in this section shall apply.

(b) *Residential development standards.*

Residential development in the GNC District shall comply with all standards of this title that apply to residential development in the Village Center (VC) District, except that the minimum site area requirements for the VC District contained in Section 18-1-043 shall not apply to the GNC District. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements for planned residential development on a case-by-case basis to ensure consistency with GNC District design guidelines.

(c) *Non-residential development standards.*

Non-residential development in the GNC District shall comply with all standards of this title that apply to non-residential development in the Village Center (VC) District. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis to ensure consistency with GNC District design guidelines.

(d) *GNC district design guidelines.*

The Planning Director and Planning Commission shall consider the following guidelines and the applicable design objectives of the Grasonville Community Plan when reviewing and approving development and redevelopment in the GNC District. The Planning Director and/or Planning Commission may not approve applications that have not made a practical and good faith effort to comply with the following design guidelines.

(1) All new nonresidential and planned residential development and redevelopment in the GNC District is strongly encouraged to be designed to have the general appearance of a single-family detached home with customary residential accessory structures.

(2) A nonresidential or planned residential use which is located adjacent to a single-family residential use shall provide adequate landscape bufferyards and/or screening to minimize impacts on the adjacent single-family residential use.

**18-1005. Development review process.****(a) General procedures.**

In reviewing development proposals in the GNC district the procedures prescribed in Subtitle 1, Part IX of this title shall apply except as modified by subsection (b).

**(b) Specific procedures for the GNC district.**

(1) A pre-application conference between the applicant and the Department of Planning and Zoning is required for all GNC district development requiring site plan and subdivision approval.

(2) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. as necessary to determine compliance with the requirements of this subtitle.

5. Establish standards for the Grasonville Village Commercial (GVC) District. Amend Sections 18-1-013 (Zoning districts) and 18-020 (Purpose of zoning district) and create a new Subtitle 11. Grasonville Village Commercial (GVC) district.

**18-1-013. Zoning districts.****(20) Grasonville Village Commercial (GVC) District.****18-1-020. Purpose of Zoning district.****(u) Grasonville Village Commercial (GVC) District.**

This district is intended to foster development of a mixed use village core along the Main Street corridor in Grasonville. Most types of residential development are allowed along with institutional uses and certain low to medium scale commercial uses. Development within the district should be pedestrian-oriented and should build upon the existing character of the community.

**Subtitle 11. Grasonville Village Commercial (GVC) District****18-1101. Definitions.**

Unless otherwise defined in this subtitle, the definitions provided in section 18-1-001 and other sections of this title shall apply.

**18-1102. Location.**

The GVC District is intended to have specific application to the Grasonville Growth Area for the purposes described in the Grasonville Community Plan and 18-1-020 of this title. As such the GVC District may only be applied to lands in the Grasonville Growth Area.

**18-1103. Uses.**

(a) *Permitted Uses.*

The following uses are permitted within the GVC District:

- (1) Non-commercial forestry
- (2) Nurseries
- (3) Private stables
- (4) Single-family residential
- (5) Minor cluster subdivision
- (6) Minor planned residential development
- (7) Commercial apartments
- (8) First floor commercial apartments
- (9) Institutional, outdoor recreation
- (10) Institutional, non-profit
- (11) Institutional residential serving 5 or less residents
- (12) Public service
- (13) Day care, family
- (14) Retail sales or stores
- (15) General/convenience store, no gas sales
- (16) Garden center, garden supplies and greenhouses
- (17) Restaurants, no drive-through
- (18) Business or professional offices
- (19) Medical offices and clinics
- (20) Veterinary offices
- (21) All other office uses
- (22) Barbershops and hairdressers
- (23) Ice cream stores and stands
- (24) Dry cleaners
- (25) Light mechanical repair store (watches, cameras, bikes, electronics)
- (26) Photography
- (27) Shoe repair
- (28) Tailoring
- (29) Upholstering and Upholstery store
- (30) Blueprint and photostat services
- (31) Drafting supplies

- (32) Banks and other financial facilities
- (33) Service businesses
- (34) Travel agencies
- (35) Hotel
- (36) Country Inn
- (37) Bed and breakfast
- (38) Antique, craft and art studios and shops
- (39) Home occupations
- (40) Funeral home
- (41) All temporary uses as permitted in 18-1-030 of this title
- (42) All accessory uses as permitted in Subtitle 1, Part V, Subpart 5 of this title

(b) *Conditional uses.*

The following uses are allowed as conditional uses:

- (1) Commercial forestry
- (2) Commercial stables
- (3) Major cluster subdivision
- (4) Major planned residential development
- (5) Institutional, for profit
- (6) Public utilities
- (7) Day care, group
- (8) Institutional residential serving 6 or more residents
- (9) Package stores (sealed containers not for consumption on premises)
- (10) Taverns, bars and night clubs
- (11) Auto accessory stores
- (12) Commercial or trade schools
- (13) Grocery stores and supermarkets
- (14) Laundries
- (15) Theaters and auditoriums
- (16) Boat sales and repairs
- (17) Furniture sales
- (18) Lawn mower and garden equipment sales
- (19) Auto repair with no exterior storage or repair areas
- (20) Warehouses with no exterior storage
- (21) Fraternal organizations
- (22) Light Industry

18-1104. Development standards

(a) *In general.*

Applications for development in the GVC District shall meet the following standards in addition to all other applicable requirements for this title which do not conflict with the standards contained in this section. In cases where other standards in this title may conflict with standards contained in this section, only the standards in this section shall apply.

(b) *Residential development standards.*

Residential development in the GVC District shall comply with all standards of this title that apply to residential development in the Village Center (VC) District, except that the minimum site area requirements for the VC District contained in Section 18-1-043 shall not apply to the GVC District. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis to ensure consistency with GVC District design guidelines.

(c) *Non-residential development standards.*

Non-residential development in the GVC District shall comply with all standards of this title that apply to non-residential development in the Village Center (VC) District except that the minimum landscape surface area ratio is decreased to 20 and the maximum floor area ratio is increased to 50. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis to ensure consistency with GVC District design guidelines.

(d) *GVC district design guidelines.*

All new development and redevelopment in the GVC District is strongly encouraged to incorporate the following design guidelines. The Planning Director and/or Planning Commission shall consider these guidelines and the applicable design objectives of the Grasonville Community Plan when reviewing and approving development and redevelopment within the GVC District. The Planning Director and/or Planning Commission may not approve applications that have not made a practical and good faith effort to comply with the following design guidelines.

(1) Buildings and structures should be oriented towards Main Street as opposed to US 50/301 whenever practical.

(2) Front setbacks should be reduced to bring buildings and structures closer to the street and sidewalks in order to foster town-scale streetscape and encourage pedestrian activity.

- (3) Side setbacks and yards between buildings should be reduced to foster a village-scale streetscape and encourage pedestrian activities.
- (4) Roadside sidewalks should be provided when sites are developed or redeveloped. Sidewalks linking structures to roadside sidewalks should be provided wherever practical.
- (5) Parking should be to the side and rear of buildings with allowances for shared and off-site parking to the rear of buildings. Connecting rear parking lots should be encouraged to allow customers and residents to drive to shops within the corridor without entering public roads and interrupting traffic and pedestrian flows. Individual curb-cuts should be reduced. To the extent possible parking should be screened from public ways and should not be placed directly in front of the building facade containing the primary entrance to the structure.
- (6) Newly installed utility and service connections should be placed underground wherever possible.
- (7) Attractive landscape transition to adjoining properties should be provided and existing mature landscaping/trees on sites should be preserved. Landscape and screening treatments between potentially incompatible uses should be enhanced when necessary to lessen any negative impacts.
- (8) Parking areas and sidewalk areas should be enhanced with landscaping.
- (9) Exterior lighting should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained in design and excessive brightness or glare should be avoided. Lighting for pedestrian areas and walkways should be aesthetically pleasing and adequate for public safety.
- (10) Buildings should be in good scale and harmonious conformance with neighboring development.
- (11) Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from public view with materials harmonious with the building, or they should be located so as not to be visible from public ways. Outside storage areas and service equipment should also be screened from public view with materials harmonious to the building.
- (12) Hedges, decorative fences and other forms of landscaping should be used to close gaps between building and define the streetscape.
- (13) Street trees should be planted to help enclose and shade the street and pedestrian ways.



(14) Flat roofs and false mansard roofs should be discouraged and gabled roofs should be encouraged.

(15) Pedestrian oriented open spaces should be created by groupings of small-scale buildings in clusters and utilizing spaces between the buildings.

(16) Multiple story buildings with commercial uses on the ground floor and mixed office or residential uses on upper floors should be encouraged.

(17) Full facade treatment, foundation landscaping and lighting should be required on all building elevations which are visible from a public way.

(18) New construction should be designed and built to blend with historical Eastern Shore architectural forms (interpretations of Colonial and Victorian) in terms of formal characteristics such as shape, height, massing, roof shapes and door and window proportions.

**18-1105. Development review process.**

(a) ***General procedures.***

In reviewing development proposals in the GVC district the procedures prescribed in Subtitle 1, Part IX of this title shall apply except as modified by subsection (b).

(b) ***Specific procedures for the GVC district.***

(1) A pre-application conference between the applicant and the Department of Planning and Zoning is required for all GVC district development requiring site plan and subdivision approval.

(2) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. as necessary to determine compliance with the requirements of this subtitle.

6. Establish design standards for the Urban Commercial (UC) District. Amend Subpart 3. (Nonresidential Standards), Sections 18-1-047 (Nonresidential performance standards table) and 18-1-049 (Reserved).

**18-1-047. Nonresidential performance standards.**

Table of Nonresidential Performance Standards		
District and Use	Minimum LSR	Maximum FAR
<b>AGRICULTURAL (AG)</b>		
agriculture		
agricultural support	.20	.35
all other	.60	.12
rural country clubs	.85	.05
<b>COUNTRYSIDE (CS)</b>		
agriculture		
all other (Critical Area)	.85	.10
all other	.70	.10
rural country clubs	.85	.05
<b>ESTATE (E)</b>	.70	.10
<b>SUBURBAN ESTATE (SE)</b>	.70	.10
<b>SUBURBAN RESIDENTIAL (SR)</b>		
institutional	.60	.13
all other	.65	.11
<b>SUBURBAN COMMERCIAL (SC)</b>		
office	.55	.17
commercial	.55	.20
all other	.55	.17
<b>URBAN RESIDENTIAL (UR)</b>		
institutional	.50	.15
all other	.50	.15
<b>URBAN COMMERCIAL (UC)</b>		
office	<del>.40</del> .20	<del>.25</del> .40
commercial	<del>.40</del> .20	<del>.25</del> .40
other	<del>.40</del> .20	<del>.25</del> .40
<b>VILLAGE CENTER (VC)</b>		
office	.30	.30
commercial	.30	.30
all other	.30	.30
<b>SUBURBAN INDUSTRIAL (SI)</b>		
office	.35	.27
industrial	.35	.40
all other	.35	.27
<b>LIGHT INDUSTRIAL HIGHWAY SERVICES</b>	.35	.40
<b>NEIGHBORHOOD CONSERVATION (NC)</b>		
institutional/residential	.50	.30
all other	.60	.13

18-1-049. Reserved Urban Commercial District Design Standards.

(a) *Design guidelines.*

All new development and redevelopment in the UC District is strongly encouraged to incorporate the following design guidelines. The Planning Director and/or Planning Commission shall consider these guidelines in their review of all new development and redevelopment within the UC District. The Planning Director and/or Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines.

(1) The appearance of typical, monolithic strip commercial and "big box" retail centers should be discouraged. Instead, more modestly-scaled commercial structures grouped in clustered settings with pedestrian-oriented open spaces and plazas should be encouraged. Where the physical separation of structures is not practical or is cost prohibitive, variable facades and storefront setbacks can achieve a similar appearance.

(2) Pitched roofs and gables are encouraged. Where pitched roofs are not practical from an engineering basis or are not cost effective, false gables and mansards can achieve a similar appearance. Flat roofs with exposed mechanical fixtures should be avoided. For larger structures variations in roof lines should be required to reduce scale and add visual interest. Roofs for larger structures should have at least two of the following features; overhanging eaves, sloped roofs and three or more roof planes.

(3) Structures should have finished architectural facade treatment and detail on all elevations that are visible from public ways or adjoining properties. Facades greater than 100 feet in length should incorporate recesses and projections along at least 20 percent of the length of the facade. For larger buildings, windows, awnings and arcades should total at least 60 percent of the facade length visible from a public street. Greater architectural interest should be encouraged for larger structures by directing the use of a repeating pattern of change in color, texture and material modules at intervals of no more than 30 feet.

(4) UC developments should have primary access to major roadways or service roads and streets with immediate access to major roadways. Wherever practical, businesses should have customer entrances facing local streets and service roads rather than US 50/301. Where commercial development may be patronized by community residents, secondary traffic access and pedestrian connections to local streets may be desirable. Structures should have clearly defined and highly visible customer entrances with features such as canopies, porticos, arcades, arches, wingwalls and architecturally integrated planters.

(5) Parking areas should be located to the rear and sides of structures and should contain perimeter landscaping and landscape islands.

(6) Foundation landscaping and shade trees should be used to soften the appearance of buildings and add visual appeal to pedestrian plazas and sidewalks.

(7) Storm water management areas should be incorporated into the landscaping of the site and should have the appearance of a landscape amenity rather than a fenced utility area.

(8) Adequate landscape buffering and screening along site perimeters should be used to protect adjacent residential neighborhoods and residential and mixed use zoned properties. Landscape buffers between incompatible uses should be wide and dense enough to completely screen proposed development from adjoining properties. Landscape buffers should also be planted along the frontage of the US 50/301 corridor.

(9) Exterior lighting should be restrained in design in order to avoid excessive brightness and glare onto adjacent properties.

(10) Commercial signage should comply with current County regulations. Specifically, any existing billboards should be removed as a condition of development approval and all freestanding signs should have an architectural and/or landscaped base.

(11) Exterior mechanical, storage or service areas should be completely screened from view of any public way or adjoining property.

(12) Predominant exterior building materials should be of high quality. These include brick, wood or vinyl siding, stone and tinted/textured concrete masonry units. Smooth faced concrete block, tilt-up concrete panels, or prefabricated steel panels should not be used.

(13) Facade colors should be of low reflectance, subtle or neutral earth tone colors. The use of high intensity colors, metallic colors, black or florescent colors should be prohibited. Building trim may feature brighter colors but neon tubing should not be permitted.

7. Establish standards for the Airport Development (AD) District. Amend Sections 18-1-013 (Zoning districts), 18-1-020 (Purpose of Zoning District) and create a new Subtitle 12. Airport Development (AD) District.

18-1-013. Zoning districts.

(21) Airport Development (AD) District.

**18-1-020. Purpose of Zoning district.**

**(v) *Airport Development (AD) District.***

The purpose of this zone is to provide for future development of airport facilities.

**Subtitle 12. Airport Development (AD) District.**

**18-1201. All Title 18 regulations pertaining to the Suburban Industrial (SI) District shall apply in the Airport Development (AD) District.**

- (ii) create a detrimental impact on the environment; or
- (iii) create a situation where existing or planned public facilities including, but not limited to, roads and schools would not be adequate to serve the demands created by the development.

(g) *Open space.*

Common or public open space shall comprise at least twenty-five (25) percent of the total site area. A minimum of ten (10) percent of the required common or public open space shall be utilized and developed for active recreational activities as defined in 18-1-030(1)(I) of this title. If the open space is to be commonly owned, legal documentation ensuring its continuance and maintenance must be submitted to and approved by the Planning Commission.

(h) *Design standards.*

Building setbacks, lot sizes, impervious coverage, height, landscaping, bufferyard, lighting and road standards shall be determined by the Planning Commission for each individual development in the GPRN District. In determining these standards the Planning Commission shall consider the unique factors of each development such as the proposed density/intensity of the development, use mix, the layout of buildings and roads, environmental protection considerations and the compatibility of the proposed development with existing or anticipated development on surrounding lands. The purpose of these standards is to provide design flexibility, consistent with public health and safety objectives, for a unified and coherent plan of development that is best suited for each individual development site.

(i) *Traffic circulation and pedestrian linkages.*

On-site and off-site streets, traffic circulation patterns and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Where practical, streets and pedestrian linkages shall be designed to connect with adjacent parcels where future development is anticipated. The scale of local access roads shall be minimized to slow traffic, provide for safe pedestrian movement and minimize grading and clearing. All roads and streets shall be closed section with sidewalks and adequate drainage/storm water management. Streets shall generally loop or interconnect -- dead ends and cul-de-sacs shall not be discouraged unless other preferred street design options are not practical.

(j) *Development phasing.*

The development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of the sketch and/or concept plan approval. All development infrastructure and amenities must be phased and constructed at a rate commensurate with housing unit or floor area construction.

RECEIVED  
CLERK, CIRCUIT COURT COUNTY ORDINANCE NO. 99-07  
00 MAR 22 AM 9:23  
QUEEN ANNE'S COUNTY A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Sections 27-404, 27-422, 27-504, 27-703 and 27-803 of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of Making Certain Corrections to the Classification Plan of the County Human Resource Ordinance; Adding and Deleting certain Position Titles from said Classification Plan; Adding Restrictions Related to Call Out Pay; Subjecting Correctional Officers to Drug Testing; Clarifying the County Policy Regarding Donation of Sick Leave; and generally making corrections to the Queen Anne's County Human Resource Ordinance.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 27-404, 27-422, 27-504, 27-703 and 27-803 of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted to read as set forth on the attached.

SECTION II

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

INTRODUCED BY: Marlene Davis

DATE: 4-20-99

PUBLIC HEARING HELD: 10:30 A.M. May 25, 1999

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

DATE: 1-1-99 leg adopted

Effective: July 16, 1999

CHANGES TO TITLE 27  
OF  
THE LOCAL LAWS OF QUEEN ANNE'S COUNTY  
February 23, 1999

1. Section 27-404: Add the following positions to the Classification Plan:

<u>Position Title</u>	<u>Pay Grade</u>
Kennel Operator	1
Transportation Coordinator	9
Laboratory Technician	12
Construction Supervisor	12
Social Worker II	12
Utility Foreman	12
Public Information Specialist	13
Facilities Maintenance Manager	14

2. Section 27-404: Correct the following Position Title and Pay Grade to the Classification Plan:

<u>Position Title</u>	<u>Pay Grade</u>
Chief of Recreation	10

3. Section 27-404: Delete the following Position Title and Pay Grade to the Classification Plan:

<u>Position Title</u>	<u>Pay Grade</u>
Utilities Shift Supervisor	11

4. Section 27-422: Add the following to Call Out Pay:

Call Out Pay. An employee who is required to return to work after a regular tour of duty shall be paid the greater of three (3) hours of overtime pay or the number of hours actually worked rounded to the next highest fifteen (15) minutes to be computed between the time the employee leaves his or her home and returns home and aggregated for all call-outs during any consecutive twelve (12) hour time frame.



5. Section 27-504: Add the following Position Titles and Grades:

<u>Position Title</u>	<u>Pay Grade</u>
Director, Tourism	PE1
Coordinator, Local Management Board	PE2
Information Systems Manager	PE3

6. Section 27-703. Add the following:

(b) Sworn sheriff's personnel and correctional officers shall be subject to testing for the presence of the following drugs in their system in accordance with a policy Promulgated by the County Administrator;

7. Section 27-803. Forms of Leave. Change the following:

(11) Donation of Sick Leave. An employee may, with the permission of the County Administrator and Director of Human Resources, donate sick leave to another member of the Classified or Professional and Executive service. Any unused donated sick leave may be returned to the donor in accordance with policies and procedure adopted by the Department of Human Resources.

RECEIVED  
CLERK, CIRCUIT COURT

00 MAR 22 AM 9: 23

QUEEN ANNE'S COUNTY

CAPITALS indicate matter added  
STRIKE THRU indicate matter deleted

AMENDED  
COUNTY ORDINANCE NO. 99-08A

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Sections 27-404, 27-422, 27-504, 27-703, and 27-803 AND 27-1302 (C) (2) of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of Making Certain Corrections to the Classification Plan of the County Human Resource Ordinance; Adding and Deleting certain Position Titles from said Classification Plan; Adding Restrictions Related to Call Out Pay; Subjecting Correctional Officers to Drug Testing; Clarifying the County Policy Regarding Donation of Sick Leave; CLARIFYING THE JURISDICTION OF THE PERSONNEL BOARD; and generally making corrections to the Queen Anne's County Human Resource Ordinance.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 27-404, 27-422, 27-504, 27-703 and 27-803 AND 27-1302(C) (2) of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted to read as set forth on the attached BELOW:

TITLE 27. HUMAN RESOURCES

27-404. Classification Plan.

- (a) Allocation of Positions; Classified Service. Positions within the Classified Service are allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Clerk Typist I	1
Custodian	1

KENNEL OPERATOR	1
Clerk Typist II	2
Human Service Associate I	2
4-H Program Assistant	3
Clerk I	3
Clerk Typist III	3
Highway Worker	3
Maintenance Worker I	3
Clerk II	4
Corrections Cook	4
Human Service Associate II	4
Maintenance Worker II	4
Mechanic Helper	4
Senior Center Manager	4
Clerk III	5
Custodial Supervisor	5
Equipment Operator I	5
Liquor Inspector	5
Maintenance Worker III	5
Mechanic I	5
Public Safety Dispatcher I	5
Recreation Program Coordinator	5
Secretary I	5
Senior Programs Planner	5
Transportation Dispatcher	5
Weed Control Technician	5
Benefits Counselor	6
Clerk IV	6
Equipment Operator II	6
Maintenance Technician	6
Public Safety Dispatcher II	6
Secretary II	6
Utility Worker	6
Zoning Inspector	6
Administrative Assistant	7
Animal Control Officer	7
Computer Technician I	7
Equipment Operator III	7

GIS Program Specialist	7
Legal Secretary	7
Maintenance Craftsman	7
Mechanic II	7
Office Supervisor	7
Utilities Technician I	7
Waste Water Operator I	7
Water Operator I	7
Computer Technician II	8
Construction Inspector I	8
Housing Program Coordinator	8
Maintenance Supervisor	8
Correctional Officer	9
Construction Inspector II	9
Deputy Sheriff	9
Deputy Sheriff First Class	9
Economic Development Specialist	9
Foreman	9
Health Care Specialist	9
Prosecution Coordinator	9
Senior Care Specialist	9
TRANSPORTATION COORDINATOR	9
Utilities Technician II	9
Wastewater Operator II	9
Water Operator II	9
CHIEF OF RECREATION	10
Controlled Substance Testing Coordinator	10
Corporal (Corrections)	10
Corporal (Sheriff's Office)	10
Golf Course Manager	10
Housing Program Manager	10
Land Use Planner I	10
Public Landings Supervisor	10
Utilities Technician III	10
Wastewater Operator III	10
Water Operator III	10
Accountant	11
Civil Engineer I	11
Construction Supervisor	11

Landscape Architect I	11
Nutrition Program Coordinator	11
Parks Supervisor	11
Sergeant (Corrections)	11
Sergeant (Sheriff's Office)	11
Social Worker I	11
Solid Waste Supervisor	11
<del>Utilities Shift Supervisor</del>	11
Vehicle Service Supervisor	11
Assistant Director, Human Resources	12
CONSTRUCTION SUPERVISOR	12
Laboratory Technician	12
Land Use Planner II	12
Lieutenant (Corrections)	12
Lieutenant (Sheriff's Office)	12
Parks Superintendent	12
Roads Superintendent	12
SOCIAL WORKER II	12
UTILITY FOREMAN	12
Captain (Corrections)	13
Facilities Project Manager	13
Landscape Architect II	13
Paramedic	13
PUBLIC INFORMATION SPECIALIST	13
Treasury Manager	13
Chief Wastewater Operator	14
Chief Water Operator	14
Civil Engineer II	14
FACILITIES MAINTENANCE MANAGER	14
Supervisor, ALS	14
Utilities Collection Supervisor	14
Utility Construction Supervisor	14
Utilities System Maintenance Supervisor	14
Zoning Administrator	14
Airport Manager	15
Land Use Planner III	15

(b) Full Time and Part Time. Positions within the Classified Service shall consist of both full and

part time.

27-422. Call Out Pay. An employee who is required to return to work after a regular tour of duty shall be paid the greater of three (3) hours of overtime pay or the number of hours actually worked rounded to the next highest fifteen (15) minutes to be computed between the time the employee leaves his or her home and returns home AND AGGREGATED FOR ALL CALL-OUTS DURING ANY CONSECUTIVE TWELVE (12) HOUR TIME FRAME.

27-504. Allocation of Positions; Professional and Executive Service. The County's Professional and Executive Service shall consist of the following positions, allocated to the following pay grades:

<u>Position Title</u>	<u>Pay Grade</u>
Captain, Sheriff's Office	PE1
Chief, Advanced Life Support Services	PE1
Clerk to County Commissioners	PE1
Director, Animal Control	PE1
DIRECTOR, TOURISM	PE1
Accounting Manager	PE2
Civil Engineer III	PE2
COORDINATOR, LOCAL MANAGEMENT BOARD	PE2
Director, Housing and Community Services	PE2
Director, Public Safety Communications	PE2
Director, Economic Development	PE2
<del>Director, Tourism</del>	PE2
Principal Land Use Planner	PE2
Chief of Engineering	PE3
Chief Roads Engineer	PE3
Chief Sanitary Engineer	PE3
Director, Human Resources	PE3
INFORMATION SYSTEMS MANAGER	PE3
Utility Manager	PE3

Director, Aging	PE4
Director, Correctional Services	PE4
Director, Parks and Recreation	PE4
Director, Finance	PE5
Director, Planning and Zoning	PE5
Director, Public Works	PE5

27-703. Controlled Substance Testing.

- (a) Employees who occupy safety sensitive positions, other than sworn sheriff's personnel, shall be subject to testing for the presence of the following drugs in their system in accordance with a policy promulgated by the County Administrator;
- (1) Marijuana;
  - (2) Cocaine;
  - (3) Opiates;
  - (4) Phencyclidine (PCP); and
  - (5) Amphetamines.
- (b) Sworn sheriff's personnel AND CORRECTIONAL OFFICERS shall be subject to testing for the presence of the following drugs in their system in accordance with a policy promulgated by the County Administrator;
- (1) Marijuana;
  - (2) Cocaine;
  - (3) Opiates;
  - (4) Phencyclidine (PCP);
  - (5) Amphetamines;

- (6) Barbiturates;
- (7) Propoxyphene; and
- (8) Benzodiazepines.

27-803. Forms of Leave.

(a) Vacation Leave. In recognition of the fact that periods of time away from the work place enhances long term job performance, the County shall provide a paid vacation leave benefit to employees. Vacation leave may also be used for certain qualifying events or absences, but is primarily intended to provide employees with paid, non-duty time within which to pursue employee-selected recreational activities.

- (1) Full-time employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the first six (6) months of the probationary period unless the denial of such leave will create an undue hardship.
- (2) Each full-time employee shall earn vacation leave on a monthly basis in accordance with the following schedule of total service:
  - (i) Less than five (5) years: ninety six (96) hours per year. While employees shall accrue leave in accordance with this schedule from date of hire, they shall not be entitled to take any vacation leave during the first six (6) months of employment;
  - (ii) Five years but less than ten years: one hundred and twenty (120) hours per year;
  - (iii) Ten years but less than twenty years: one hundred and sixty (160) hours per year; and



- (iv) Twenty of more years: two hundred (200) hours per year.
- (3) No more than four hundred (400) hours of vacation leave may be carried forward from calendar year to calendar year by any member of the Classified or Professional and Executive services. At the end each calendar year, employees shall forfeit all vacation leave in excess of four hundred (400) hours of such leave.
- (4) Vacation leave shall only be taken with the prior, written approval of the employee's appointing authority.
- (5) An employee who is separated shall be paid for vacation leave accumulated to the date of separation, not to exceed a maximum of four hundred (400) hours. Any advanced vacation leave owed the County shall be deducted from the employee's final compensation.
- (6) The estate of an employee who dies while employed by the County shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account, not to exceed a maximum of four hundred (400) hours.
- (7) No employee shall take more than two (2) consecutive weeks of his or her vacation at any one time except by approval of his or her appointing authority.
- (b) Sick Leave. The County shall provide employees with a paid leave benefit to be used when sickness, other disabling conditions or medical treatment preclude an employee from reporting to work.
- (1) Rate of Accrual of Sick Leave. Sick leave shall be provided to all full-time employees

of the County at the rate of ten (10) hours of leave for each full calendar month of service. Part-time employees scheduled to work and actually working a minimum of 1,000 hours per year shall earn sick leave at a rate of five (5) hours per month.

- (2) Sick Leave Year. For the purpose of earning and accruing sick leave, the twelve (12) calendar month period between January 1 and December 31 is established as the leave year.
- (3) Qualifying Condition for Use of Sick Leave. Employees may be granted sick leave for absence due to the following:
  - (i) Sickness or bodily injury that prevents the employee from performing regular duties;
  - (ii) Employee's medical or dental appointments;
  - (iii) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom. A physician's certificate is required to verify the employee's period of temporary disability for these reasons;
  - (iv) Exposure to a contagious disease when continuing work might jeopardize the health of others; and
  - (v) Care of spouse, dependent child, or parent, not to exceed eighty (80) hours in a leave year.
- (4) Physician's certificate.
  - (i) Sick leave may be granted full-time and eligible part-time employees of the

County for three (3) consecutive days without a physician's certificate.

- (ii) Sick leave in excess of three (3) consecutive days shall require a physician's certificate. Refusal or failure to supply an adequate certificate shall result in the period of absence being charged against other available leave available to such employee or leave without pay in the discretion of the employee's appointing authority.
  - (iii) Upon return to work an employee who has been absent from work to care for a spouse, dependent child, or parent shall provide a physician's certificate. The certificate shall verify the actual period that the spouse, dependent child, or parent was under a physician's care. An employee who fails to provide a certificate from a physician shall not be granted sick leave. The employee may be allowed to use accrued vacation or leave without pay.
  - (iv) The department director shall have the right to request a physician's certificate after one (1) day of sick leave if this action shall serve the best interest of the County.
- (5) Payment for Unused Sick Leave at Separation from Service. An employee shall not be paid for unused sick leave in the event of termination of employment.
- (6) Notification of Supervisor. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled work day. The

department director may require notification earlier than two (2) hours after the beginning of a scheduled work day. Sick leave may only be taken with the approval of the immediate supervisor.

(7) Worker's Compensation Disqualification. A sick leave benefit shall not be received by an employee who is receiving Workers' Compensation disability payments.

(8) Advanced Sick Leave.

(i) Any full-time member of the Classified Service may, upon written request, be advanced sick leave within the discretion and upon the approval of the County Administrator;

(ii) The written request shall be supported by a physician's certificate indicating that the advanced sick leave is medically necessary for the employee or a member of his or her immediate family and that the employee shall be able to return to work at a reasonable future date;

(iii) If the County Administrator approves the request, the employee and the County shall enter into a legally binding Leave Repayment Agreement which shall provide;

(iv) The advanced sick leave is medically necessary for the employee or a member of his or her immediate family;

(v) That the employee shall be able to return to work at a reasonable future date;

a) Sick leave to be advanced may not exceed a period of more than

fifteen (15) work days;

b) With regard to repayment of advanced sick leave;

- 1) After the employee returns to work, advanced sick leave previously used shall be repaid by a deduction from earned salary or earned sick leave to the employee to the County at the rate of ten hours (10) hours per month until such time the advanced leave is repaid in full.
- 2) An employee who has received advanced sick leave and subsequently retires or terminates employment shall repay the County for the value of the balance of the advanced sick leave time, at the rate of salary earned by the employee at the date such leave was granted, from any salary the employee has accrued prior to the notice of termination.
- 3) If the employee gives no notice, or the accrued salary due the employee is insufficient to repay the County, and the employee has not paid the County the value of the outstanding advanced sick leave, the County Administrator may direct the Director of Human Resources to file obtain a judgment against the employee and pursue all legal remedies to recoup the

balance due.

- e) In the event of death, liability to the County will cease to exist.
- (vi) After an advancement is granted, the Director of Human Resources shall grant the sick leave in increments of five (5) work days and shall review the circumstances of the individual case prior to granting an additional five (5) days to determine what portion of the advanced sick leave time is actually needed.
- (9) Retirement Credit for Accrued Sick Leave. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the State Retirement and Pension System of Maryland.
- (10) Transfer of Sick Leave Credit. A full-time employee may transfer unused sick leave earned from another Maryland governmental agency and/or entity as follows:
  - (i) The total number of days accepted as transferred will be added to the record after completion of the one-year probationary period;
  - (ii) Verification of accumulated sick leave must be received in writing from the previous employer; and
  - (iii) The transfer must be completed within three (3) years from the employee's last work day with the previous employer.
- (11) Donation of Sick Leave. An employee may, with the permission of the Board of County Commissioners, donate sick leave to another member of the Classified or Professional and

Executive Service. ~~In the event of the death of the donee prior to the use of all donated sick leave, such leave shall be returned to the donors on a pro rata basis.~~ ANY UNUSED DONATED SICK LEAVE MAY BE RETURNED TO THE DONOR IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE DEPARTMENT OF HUMAN RESOURCES.

(12) Loss of Sick Leave Credit. Employees who retire or resign and are not reinstated with the County within a one (1) year period shall lose all sick leave credits.

(c) Bereavement Leave.

(1) Bereavement leave shall be granted for the death in an employee's immediate family not to exceed four (4) consecutive days; and.

(2) Additional leave time, under exceptional circumstances, may be authorized by the County Administrator.

(d) Military Leave.

(1) Application. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed up to three (3) calendar weeks paid military training leave annually.

(2) Retention of Employment Status. Employees who are guardsmen and reservists have all applicable job rights specified in the Veterans Readjustment Assistance Act.

(e) Civil Leave.

(1) Receipt of Subpoena or Summons to Testify. Any employee who receives a summons to jury duty or a subpoena from a state or federal

court to appear as a witness shall be entitled to leave with pay for such duty in addition to any fees received for such jury duty.

- (2) **Employee-Initiated Litigation.** Any employee who initiates court action, volunteers to appear as a witness, or is a defendant in a non-County-related case will be excused from work for necessary court appearances. The employee shall not be entitled to civil leave for such time, however, leave without pay or vacation leave may be granted for this purpose.
- (f) **Educational and Community Service Leave.** A leave of absence at full pay, partial pay, or without pay for a period not to exceed nine (9) months may be granted upon the recommendation of the appointing authority with the approval of the County Administrator. Such leave may only be used to take courses of study that will better equip the employee to perform duties for the County, or for special work which will permit the County to profit by the experience gained or the work performed. An employee on educational or community service leave with full pay shall continue to earn leave credits and any other benefits to which County employees are entitled.
- (g) **Maternity/Paternity Leave.**
- (1) Upon the recommendation of the appointing authority and with the approval of the County Administrator, an employee may be granted a leave of absence without pay for a period not to exceed six (6) months for reasons of maternity or paternity, and upon returning to duty after being on maternity or paternity leave, the employee shall be guaranteed a position of the same classification, seniority, and pay.



- (2) Failure to report for duty at the expiration of the maternity or paternity leave, unless an extension has been granted, shall be considered a resignation.
  - (3) Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery exists, employees will use accumulated sick leave.
- (h) Family and Medical Leave. Family and medical leave is unpaid leave during which all employee benefits continue to be awarded and accrue.
- (1) Eligibility for Leave. Employees must be employed at least one year and have worked at least 1,250 hours during the past twelve (12) months to be eligible for family and medical leave;
  - (2) Period of Leave. Family and medical leave shall be granted without pay for a period not to exceed twelve (12) work weeks during any twelve (12) month period:
    - (i) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
    - (ii) Because of the placement of a son or daughter with the employee for adoption or foster care;
    - (iii) In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; and
    - (iv) Because of a serious health condition that makes the employee unable to

perform the functions of the position of such employee.

- (3) Expiration of Entitlement. The entitlement to leave for birth or child placement expires one (1) year after the date of childbirth or placement;
- (4) Duration of Leave. Childbirth or placement leave is to be taken in one block of time up to twelve (12) weeks. Intermittent leave or a reduced leave (part-time) schedule is available if the department director and employee agree to such arrangement.
- (5) Notice of Leave. The employee shall give at least thirty (30) days notice of planned leave to the department director, whenever practical.
- (6) Physician's certificate. A physician's certification is required prior to the approval of family and medical leave due to a serious health condition of the employee, or his or her child, spouse, or parent. The County shall reserve the right to require a second opinion from an independent health care provider at County expense. If the second opinion differs from the first, the County can obtain a third opinion at its' expense. The third opinion will be binding.
- (7) Restoration of Employment. Once an employee's leave ends, the employee is entitled either to be restored to the position held prior to the leave or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Failure to report for duty at the expiration of the family and medical leave without pay period shall be considered a resignation.
  - (i) Leave Without Pay.

- (1) Authorization. Leave without pay may be granted to any employee upon application to the County administrator.
  - (2) Purpose. Leave without pay may be granted for any purpose.
  - (3) Accrual of Vacation and Sick Leave. Vacation and sick leave credits will not be accrued during leave without pay status which exceeds two consecutive weeks with the exception of military leave.
  - (4) Payment of Medical Insurance Premiums. Payment for the employee's portion of individual medical and dental/vision coverage and the full cost of dependent coverage shall be the responsibility of the employee while on leave without pay status for more than two consecutive calendar weeks.
  - (5) Cafeteria Benefits. Access to child care and medical care flexible spending accounts will continue while on leave without pay status.
  - (6) Cessation of Payroll Deductions. Optional payroll deductions shall cease during leave without pay status for more than two consecutive calendar weeks.
- (j) Personal Leave.
- (1) Employees shall be accrue forty (40) hours of Personal Leave annually. New employees shall accrue of personal leave in an amount which is prorated on the basis of the date of their employment.
  - (2) Personal leave usage shall be coordinated with an employee's supervisor and shall be used in segments of not less than four hours. In exigent circumstances, a supervisor may seek authority from the County Administrator

to deny an employee use of personal leave when such leave would expose another person to an unreasonable risk of harm, impose serious or costly hardships on the performance of a County activity or is being abused by such employee.

- (3) Personal Leave shall not be carried over from one calendar year to the next.

(k) Compensatory Leave.

- (1) Compensatory leave shall be available as a form of overtime compensation for those employees assigned to departments of County government which have developed and maintain a written policy authorizing the accumulation and use of such leave.

- (2) Accrued compensatory leave may be used by employees within the quarter in which it is earned or shall be converted to overtime pay and paid to employees at the end of such quarter.

- (1) Group Health, Vacation, and Sick Leave Benefits While on Leave.

- (1) Payment of an employee's group health benefits shall continue while an employee is on a paid leave status or as directed by the County Commissioners.

- (2) Retention of Leave Credit. An employee on educational and community service leave, military leave, maternity or leave without pay status shall retain all unused vacation and sick leave.

- (3) Accrual of Leave While On Leave Status. Vacation and sick leave credits will accrue during paid leave status only.

27-1302. Jurisdiction.

...

(c) Authorized Action. Based upon the decision of a majority of the Board, the personnel action appealed from shall be either;

- (1) Sustained; or
- (2) Overruled. The Personnel Board shall not be empowered to modify any disciplinary sanction applied IMPOSED by an appointing AUTHORITY.
- (3) As a result of a Personnel Board Hearing, the Board may require another employee to take or refrain from taking any action or engaging in any conduct.

SECTION II

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

INTRODUCED BY: Marlene Davis

DATE: 6-1-99

PUBLIC HEARING HELD: N/A

VOTE: 3 YEA        NAY

DATE: 6/1/99

Effective: July 14, 1999

RECEIVED  
CLERK, CIRCUIT COURTCOUNTY ORDINANCE NO. 99-08

00 MAR 22 AM 9: 23

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT Concerning the Right to Farm

FOR THE PURPOSE OF protecting the right to farm or engage in agriculture operations within Queen Anne's County and furthering the efficient regulation of land use in Queen Anne's County and the resolution of disputes between agriculture land owners and their neighbors by the establishment of a Board to resolve disputes concerning alleged agricultural nuisances, by adopting a new Subtitle 5 to Title 19 of the Code of Public Local Laws of Queen Anne's County, (1996 Edition).

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that the Code of Public Local Laws of Queen Anne's County read as follows:

## Title 19. Nuisance Regulations

...

## Subtitle 5. Right To Farm

## 19-501. Findings and Policy.

It is the declared policy of the County to preserve, protect, promote and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations can become the subject of lawsuits. As a result, agricultural operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose of this law to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass, or other interference with the reasonable use and enjoyment of land, including, but not limited to smoke, odors, flies, dust, noise, chemicals or vibration; provided that nothing in the law shall in any way restrict or impede the authority of the state and of the County to protect the public health, safety and welfare.

It is in the public interest to promote a clearer understanding between agricultural operations and nonagricultural neighbors concerning the normal inconveniences of agricultural operations which follow generally accepted agricultural practices and do not endanger public health or safety.

19-502. Limitation of Actions.

(a) A private action may not be sustained with respect to an agricultural operation conducted on agricultural land on the grounds that the agricultural operation interferes or has interfered with the use or enjoyment of property, whether public or private, if the agricultural operation was, at the time the interference is alleged to arise, conducted substantially in accordance with generally accepted agricultural practice.

(b) Notwithstanding any provision of this section, no action alleging that an agricultural operation has interfered with the reasonable use or enjoyment of real property or personal well-being shall be maintained if the plaintiff has not sought and obtained a final judgment of the Agricultural Reconciliation Committee as defined in Action 19-503 herein.

19-503. Creation of Queen Anne's County Agricultural Reconciliation Committee.

(a) There is hereby established the Queen Anne's County Agricultural Reconciliation Committee, which shall arbitrate and mediate disputes involving agricultural operations conducted on agricultural lands and issue opinions concerning whether or not such agricultural operations are conducted in a manner consistent with generally accepted agricultural practices.

(b) The Agricultural Reconciliation Committee shall be composed of five persons appointed by the Queen Anne's County Commissioners. The Committee shall be composed of:

- At least two members from the agricultural community;
- At least one member from a municipality;
- At least one member from a real estate interests;
- One other member from the community not actively engaged in agriculture.

A representative of the University of Maryland Cooperative Extension Service and a member of the Queen Anne's County Soil

Conservation District shall be appointed by the Commissioner to serve as ex-officio, non-voting members of the Committee. In any dispute, if requested by the Committee, or if in their own opinions their participation is helpful, they may present facts and educational information to the Committee and make recommendations. Their recommendations shall be considered by the Committee.

(c) The Committee members shall serve a four year term, however, the initial appointments shall be staggered.

(d) The Committee shall meet at least one time per year. Members shall serve as volunteers with no monetary compensation.

19-504. Resolution of Disputes and Procedure for Complaints. Investigation and Declaration.

(a) Nuisances which Affect Public Health.

(1) Complaints. A person may complain to the Queen Anne's County Health Department to declare that a nuisance exists which affects public health.

(2) Investigations. The County Health Officer or his agent or designee may investigate any complaint of nuisance received against an agricultural operation. When a previous complaint involving the same condition resulted in a determination by the health officer that a nuisance condition did not exist, the health officer may investigate the complaint but the health officer may also determine not to investigate such a complaint. The Queen Anne's County Health Department may initiate any investigation without a citizen complaint.

(3) Declaration of Nuisance. If the health officer determines that a nuisance exists, the health department may declare the existence of a nuisance. In determining whether a nuisance condition exists in connection with an agricultural operation the health officer shall apply the criteria provided in this ordinance. Further, the health officer may consider the professional opinion of the Queen Anne's County Cooperative Extension Service of the University of Maryland, or other qualified expert in the relevant field in determining whether the agricultural operation



being investigated is conducted in accordance with accepted agricultural practices.

(b) Resolution of Disputes Regarding Agricultural Operations.

(1) Should any controversy arise regarding an interference with the use or enjoyment of property from agricultural operations conducted on agricultural land, the parties to that controversy shall submit the controversy to the agricultural reconciliation committee.

(2) Any such controversy may be submitted in writing to the agricultural reconciliation committee within one (1) year of the alleged adverse impacts.

(3) The agricultural reconciliation committee will conduct its proceedings in an informal manner. The committee has the power but is not required hereunder to hold hearings, to compel testimony under oath and to compel the production of documents. In each case, the Agricultural Reconciliation Committee shall issue orders settling or otherwise resolving controversy arising out of agricultural operations, including but not limited to the invasion of property and personal rights by agricultural operations conducted on agricultural land.

(4) Orders of the Agricultural Reconciliation Committee shall be binding on the parties as a matter of law, but their enforcement shall be suspended by operation of law if, within thirty days of the date of the committee's judgment, a party appeals such order to the Circuit Court for Queen Anne's County.

INTRODUCED BY: Denge M O'Donnell

DATE: 6-1-99

PUBLIC HEARING HELD: June 29, 1999 - 9:30a.m.

VOTE: 3 YEA                      NAY

DATE: 7-6-99

Effective date - 8-20-99

15

RECEIVED  
CLERK, CIRCUIT COURT COUNTY ORDINANCE NO. 99-10

00 MAR 22 AM 9:23  
A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT Concerning the Repeal and Readoption of Sections 18-1-252(e)(5) and 18-1-219(e)(5) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.)

FOR THE PURPOSE of removing the requirement that the Queen Anne's County Planning Commission meet on the second Thursday of each month and permitting the Planning Commission to set a monthly meeting date other than the second Thursday of each month.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-252(c)(5) and 18-1-219(c)(5) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted as set forth on the attached.

SECTION II

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

Introduced By: Marlene Davis

Date: August 3, 1999 9:45 a.m.

Vote: 3 Yea \_\_\_\_\_ Nay

EFFECTIVE DATE - Oct 1, 99

**Proposed Amendment TA-99-06**

**To remove language requiring the Planning Commission to hold its regularly scheduled meeting on the "second Thursday of the month"**

**Sections Affected: 18-1-219(c)(5) and 18-1-252(c)(5)**  
**Lead Staff Person: Tanya Krista-Maenhardt**

**PLEASE NOTE: This proposed amendment was the subject of a Planning Commission Public Hearing held on May 11, 1999 at 05:00 p.m. in the County Commissioners Hearing Room-107 North Liberty Street, Centreville, MD. 21617**

**Strike and Delete Format****Please note:**

Strikeout indicates language to be removed.

Highlight indicates language to be added.

Plain text indicates language to remain the same.

**Pages 587-588****18-1-219. Administrative review of site plan:**

(c) *Same – Time frame.*

(5) The Planning Commission meeting is the regularly scheduled monthly date ~~(second Thursday of the month)~~ that the Planning Commission meets.

**Strike and Delete Format**

**Please note:**

Strikeout indicates language to be removed.

Highlight indicates language to be added.

Plain text indicates language to remain the same.

**Pages 619-621**

**18-1-252. Same -- Administrative review of subdivision plans.**

(c) *Same -- Time frames.*

(5) The Planning Commission meeting is the regularly scheduled monthly date (~~second Thursday of the month~~) that the Planning Commission meets.

Final Format  
Pages 587-588

18-1-219. Administrative review of site plan.

(c) *Same – Time frame.*

(5) The Planning Commission meeting is the regularly scheduled monthly date that the Planning Commission meets.

**Final Format**  
**Pages 619-621**

**18-1-252. Same -- Administrative review of subdivision plans.**

(c) *Same -- Time frames.*

(5) The Planning Commission meeting is the regularly scheduled monthly date that the Planning Commission meets.

CAPITALS INDICATE LANGUAGE ADDED

RECEIVED  
CLERK, CIRCUIT COURTCOUNTY ORDINANCE NO. 900

MAR 22 AM 9:24

QUEEN ANNE'S COUNTY

## A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Section 18-604(b) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.)

FOR THE PURPOSE of eliminating the two acre minimum site area requirement for cluster and planned development in the Town Center (TC) Zoning District in the Chester growth sub-area.

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-604(b) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and readopted to read as follows:

## 18-604. Development Standards

(b) Residential Development Standards.  
Residential development in the TC District shall comply with all standards of this Ordinance that apply to residential development in the Village Center (VC) excepting that THE MINIMUM SITE AREA REQUIREMENTS FOR THE VC DISTRICT CONTAINED IN SECTION 18-1-043 SHALL NOT APPLY TO THE TC DISTRICT. The Planning Commission may establish modified building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis in order to ensure consistency with the TC District design guidelines.

## SECTION II

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

Introduced By: Marlene DavisDate: August 3, 1999 10:00 a.m.Vote: 11 Yea          NayEFFECTIVE DATE - Oct 1, 99



15

COUNTY ORDINANCE NO. 99-14

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption of Sections 14-171, 14-172, 14-173, 14-174, 14-176 and 14-177 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of correcting drafting errors in the adoption of County Ordinance 99-02.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 14-171, 14-172, 14-173, 14-174, 14-176 and 14-177 of the Code of Public Local Laws of Queen Anne's County be repealed and reenacted to read as set forth on the attached.

SECTION II

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

Introduced By: Marlene Davis

Date: August 3, 1999 10:30 a.m.

Vote: 3 Yea          Nay

EFFECTIVE DATE - Oct 1, 99

RECEIVED  
CLERK, CIRCUIT COURT  
00 MAR 22 AM 9:24  
QUEEN ANNE'S COUNTY

**Final Draft Format**

pp. 204 - 210

**Subpart 2. Special Provisions Relating to Development Area Classification and Other Amendments in the Critical Area District****14-171. Amendments to this subtitle, development area classifications, and the critical area boundary.****(a) *In general.***

The provisions of this subtitle, the boundaries of the Critical Area District, the development area classification, i.e., IDA, LDA or RCA, and the Buffer Exemption Area boundaries may be changed by amendment in accordance with the provisions of this subpart. All such amendments shall be approved by the Critical Area Commission.

**(b) *Change of development area classification - Mistake or growth allocation.***

The County Commissioners may from time to time change the development area classification of properties in the critical area where it is demonstrated that a mistake was made in the original designation or when growth allocation is used by the County. When proposing a change of development area classification, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA), other than by changing a classification through the growth allocation process, the County Commissioners shall not approve amendments unless it is found that there was a mistake in the original classification.

**(c) *Change of development area classification - Growth allocation.***

The County Commissioners may use a portion of the County's growth allocation to amend the development area classification of a property located in the Queen Anne's County critical area. Growth allocation may be used to change the land management classification from RCA to LDA or IDA, or from LDA to IDA without regard to the "mistake" standard established above.

**(d) *Amendment of critical area - Deletion of area.***

The County Commissioners may from time to time elect to amend the critical area boundary to delete areas of the County from the critical area when it can be demonstrated that the critical area, as mapped on the official area maps, is incorrectly drawn.

**(e) *Amendment of critical area - Addition of area.***

The County Commissioners may from time to time elect to amend the critical area to add areas to the critical area beyond that which is delineated on the official critical area maps.

(f) ***Addition of Buffer Exemption Areas.***

The County Commissioners may from time to time elect to amend the critical area maps to add Buffer Exemption Areas where it can be demonstrated that the pattern of residential, industrial, commercial or recreational development present as of December 1, 1985 prevents the Buffer from fulfilling its intended purposes.

*Drafter's Note: This section formerly was § 7008 of the County Critical Area Ordinance.*

*In subsection (a) of this section, the reference to "this subtitle" is substituted for the former reference to "this Ordinance" to reflect the recodification of the County Critical Area Ordinance as this subtitle.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111*

**14-172. Amendments to correct an error in the mapping of the critical area boundary.**

(a) ***Minimum area required.***

The critical area boundary as amended to correct a mistake in the official critical area maps shall, at a minimum, encompass all areas as set forth in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

(b) ***Required evidence.***

Evidence sufficient to warrant a determination of a mistakenly drawn critical area boundary shall be based on, and substantiated by:

- (1) the 1972 State Wetland Maps; or
- (2) newer State Wetland Maps prepared by the State.

(c) ***Approval of Critical Area Commission required.***

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7009 of the County Critical Area Ordinance.*

*The only changes are stylistic.*

*Defined terms: See § 14-111*

**14-173. Amendments to add areas to the critical area.**

(a) ***Procedure.***

Addition of areas to the critical area shall be processed as amendments to the official critical area maps as set forth in § 14-174 of this subtitle.

(b) ***Approval of Critical Area Commission required.***

Such amendment shall be approved by the Critical Area Commission.

*Drafter's Note: This section formerly was § 7010 of the County Critical Area Ordinance. In subsection (a) of this section, the reference to "§ 14-177 of this subtitle" is substituted for the former reference to "Section 7012 to reflect the current location of that provision.*

**14-174. Amendment procedures.**

(a) ***Initiation.***

Text or map amendments may be initiated by resolution of the Planning Commission, County Commissioners, or by a petition of the property owner filed with the County Commissioners.

(1) All petitions filed by property owners for map amendments shall be accompanied by the information required in § 18-1-297 of the Land Use and Development Title of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(2) Any amendment to this Title, including an amendment to the Critical Area maps, that is proposed by a property owner or group of owners acting as a private citizens' group shall be filed with the office of the Clerk to the County Commissioners, for consideration by the County Commissioners, only during the first five business days in the month of February and the first five business days in the month of August of each calendar year. Map amendment and text amendment petitions will not be accepted by the Clerk to the County Commissioners at any other time during the year.

(i) Petitions for map amendments utilizing growth allocation are exempt from Section 14-174 (a)(2).

(b) ***Planning Commission – Referral, investigation and recommendation***

All proposed map and text amendments that are not initiated by the Planning Commission shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on the property for which the amendments are requested and, to the extent possible, based on the best available information, notify all property owners immediately contiguous to the property of the hearing date, time, and place.

(c) ***Planning Commission report and recommendations.***

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County

Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioner conceptual approval.*

At their regularly scheduled meeting the County Commissioners shall evaluate the proposed amendment on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the proposed amendment.

(e) *Critical Area Commission approval.*

All proposed amendments that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the proposed amendment is approved by the Chesapeake Bay Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that the proposed amendment has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the proposed amendment which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program the Comprehensive Plan and this Act;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the proposed amendment to the Queen Anne's County Critical Area Program, the Comprehensive Plan, the Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended the adoption of an amendment and the County Commissioners propose to adopt an amendment which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for

review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to adopt an amendment which is substantially different from both the proposed amendment and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amendment as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-174(f)(3).

(5) An amendment shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) **Map Amendments.**

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the amendment becomes effective.

*No other changes are made.*

*Defined terms: See § 14-111*

14-175. **Reserved**

**Subpart 3. Growth Allocation**

14-176. **Growth allocation process.**

The County's growth allocation will be used to amend the development area classification on the official critical area maps on a project-by-project basis. The following procedures will be followed in determining if a site qualifies for growth allocation:

(1) Prior to submitting a petition to the County Commissioners for map amendments utilizing growth allocation, applicants shall submit a sketch or concept plan to the Planning Commission together with a fee as prescribed by the Planning Commission. The Planning Commission will review the sketch or concept development plan for consistency with the County's Critical Area Program and will provide technical comments and recommendations. The applicant shall incorporate the Planning Commission's technical comments and recommendations into the petition filed with the County Commissioners.

(2) 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

Queen Anne's County Code in addition to any information required by § 14-177 (a) of this subtitle.

(3) In approving a map amendment utilizing growth allocation, the County Commissioners may establish additional conditions of approval that are consistent with the intent of the Queen Anne's County Critical Area Program.

(4) Review Criteria: The following review criteria will guide the selection of projects that may be assigned growth allocation:

(i) Proposed development projects using growth allocation must be determined to be consistent with the Queen Anne's County Comprehensive Plan, the Queen Anne's County Critical Area Program, and the Growth Sub-Area Plans.

(ii) Proposed development projects that implement specific development or redevelopment objectives of the Comprehensive Plan or a Growth Sub-Area Plan shall be given priority for growth allocation and growth allocation is set aside for implementation of these projects in the Growth Management Pool.

(iii) 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.

(iv) 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) Minimum Mandatory Design Standards: Once the maximum permitted density of development has been determined, the proposed project must demonstrate that it will meet or exceed the following design standards in order to be approved.

(i) All applicable requirements of the Queen Anne's County Code, the Subdivision Regulations and the Queen Anne's County Chesapeake Bay Critical Area Program and Act have been met.

(ii) A land management classification change has been approved by the County Commissioners and the Critical Area Commission.

(iii) The design of the development enhances the water quality and resource and habitat values of the area, e.g., results in additional planting of forest cover in the buffer or implementation of best management practices on portions of the site to be retained in agriculture use.

(iv) The development incorporates the comments and recommendations of the

County and the Maryland Fish, Heritage and Wildlife Administration in the project design.

(v) The developer executes restrictive covenants that guarantee maintenance of any required open space areas.

*Drafter's Note: This section formerly was § 7011 of the County Critical Area Ordinance.*

*In item (2) of this section, the reference to "§ 14-177(a) of this subtitle" is substituted for the former reference to "Section 7012A" to reflect the current location of that provision.*

*The only other changes are stylistic.*

*Defined terms: See § 14-111 .*

**14-177. Growth allocation petition procedures.**

**(a) Initiation.**

A request for growth allocation petition may be initiated by a petition of the property owner filed with the County Commissioners. All petitions for growth allocation filed by property owners shall be accompanied by the information required in § 18-1-297 of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

**(b) Planning Commission - Referral, investigation and recommendation.**

All growth allocation petitions shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. In addition, the Planning Commission shall post notice of their public hearing on the property for which growth allocation is requested and, to the extent possible based on the best available information, notify all property owners immediately contiguous to the property of the hearing date, time and place.

**(c) Planning Commission report and recommendations.**

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

**(d) County Commissioners conceptual approval.**

At their regularly scheduled meeting the County Commissioners shall evaluate the growth allocation petition on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the growth allocation petition.



(e) *Critical Area Commission Approval.*

All growth allocation petitions that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the growth allocation petition is approved by the Critical Area Commission, it shall proceed to the County Commissioners for final approval.

(f) *Final approval by the County Commissioners.*

(1) After receiving notification from the Critical Area Commission that a growth allocation petition has been approved pursuant to the provisions of Section 8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the growth allocation petition which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. As least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in Section 8-1800, et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, Comprehensive Plan, Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(3) If the Planning Commission has recommended approval of a growth allocation petition and the County Commissioners propose to approve a growth allocation petition which changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commissioners for review and approval. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and accepted by the Critical Area Commission, the Commissioners may proceed to take final action without such recommendations.

(4) If the County Commissioners propose to approve a growth allocation petition which is substantially different from the proposed growth allocation petition and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amended growth allocation petition as proposed by the County Commissioners and any recommendations of the Planning

Commission, including those made after any referral required by §14-177(f)(3).

(5) A growth allocation petition shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) *Map amendment.*

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the approved growth allocation petition becomes effective.

(h) *Use of approved growth allocation.*

(1) Successful projects granted Growth Allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code.

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the County has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the County unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one (1) year at any one time.

14-178. *Reserved.*

14-179. *Reserved.*

J:\DATA\SUEANN\TEXTAMEN\AMEND1.2

COUNTY ORDINANCE NO. 00-01

RECEIVED  
CLERK, CIRCUIT COURT

00 JUN -5 AM 10:35

QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Re-Adoption with Amendments of Sections 18-504 and 18-704 of Title 18, Land Use and Development, of the Code of Public Local Laws of Queen Anne's County (1996 Ed.)

For the purpose of allowing separate lots or parcels in the Stevensville Master-Planned Development District and the Chester Master-Planned Development District to be combined for purposes of calculating density in certain circumstances and to permit construction of the commercial component of a master planned development in those Districts only after completion of at least that portion of certain on-site infrastructure improvements necessary to service one-half of the residential component of such development and the purchase of at least one-half of the necessary sewer and water allocation for the residential development.

SECTION I. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-504 (d) and (j) of the Code of Public Local Laws of Queen Anne's County be and are hereby repealed and reenacted to read as follows:

Subtitle 5. Chester Master-Planned Development (CMPD) District.

18-504. Development Standards.

(d) Maximum density.

The maximum gross residential density for a CMPD District development shall be six dwelling units per acre for that portion of the development used for residential purposes and eight dwelling units per acre if Transferable Development Rights are used. If the unified development plan consists of more than one parcel or lot, the acreage of the parcels or lots may be combined to compute the allowable residential density. If the development plan combines parcels or lots to compute allowable residential density, the lots or parcels may not thereafter be considered separately in any subdivision, site plan or zoning certificate approvals.

(j) Development Phasing.

The development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of initial sketch and/or concept plan approval. Construction on the commercial component of a mixed-use project involving residential development shall not commence until at least 50 percent of the required sewer and water allocation for the residential development has been purchased and on-site sewer, water and road improvements and recreational amenities necessary to service 50 percent of the residential component have been completed, as provided for in the developer's agreement and approved by the Planning Commission.

SECTION 2. AND BE IT FURTHER ENACTED that Sections 18-704 (d) and (j) of the Code of Public Local Laws of Queen Anne's County be and are hereby repealed and reenacted to read as follows:

Subtitle 7. Stevensville Master-Planned Development (SMPD) District.

18-704. Development Standards.

(d) Density.

The maximum gross residential density for a SMPD District development shall be 3.5 dwelling units per acre for that portion of the development used for residential purposes and 4.375 dwelling units per acre if Transferable Development Rights are used. If the unified development plan consists of more than one parcel or lot, the acreage of the parcels or lots may be combined to compute the allowable residential density. If the development plan combines parcels or lots to compute allowable residential density, the lots or parcels may not thereafter be considered separately in any subdivision, site plan or zoning certificate approvals.

(j) Development Phasing.

The development shall be master-planned as an integrated project with well-designed and coordinated transitions between

various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of initial sketch and/or concept plan approval. Construction on the commercial component of a mixed-use project involving residential development shall not commence until at least 50 percent of the required sewer and water allocation for the residential development has been purchased and on-site sewer, water and road improvements and recreational amenities necessary to service 50 percent of the residential component have been completed, as provided for in the developer's agreement and approved by the Planning Commission.

SECTION 3. AND BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 3-7-00

Public Hearing Held: 4-11-00 at 10:30 pm

Vote: 3 Yea \_\_\_\_\_ Nay \_\_\_\_\_

Date: April 18, 2000

Effective  
June 2<sup>nd</sup>

COUNTY ORDINANCE NO. 00-02

00 JUN -5 AM 10:35

QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT CONCERNING VACANCIES IN THE OFFICE OF COUNTY  
COMMISSIONER

FOR the purpose of providing a method for filling a vacancy in the office of County Commissioner of Queen Anne's County by providing for a special election under certain circumstances, providing a procedure for nominees to such vacant office and providing for filling such vacancies through the procedure set forth in Article 25, Section 16 of the Annotated Code of Maryland in all other cases.

By adopting a new

## Title 4. Board of County Commissioners

Section 4-106. Vacancies  
Code of Public Local Laws of Queen Anne's County (1996 Ed.)

SECTION I. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the following section be added to the Public Local Laws of Queen Anne's County, Title 4 Board of County Commissioners:

## Subtitle 1. County Commissioners

...

## 4-106. Vacancy

## (a) In general

In the event any office of County Commissioner in Queen Anne's County shall become vacant by death, resignation or otherwise, such vacancy shall be filled as follows:

(1) If at the time of such vacancy there is left one year or more in the term of office of the County Commissioner so vacating, the same shall be filled by a special general election, the date and place of which shall be established by the remaining County Commissioners or County Commissioner. Three candidates for such office shall be nominated by the Central Committee of the party of the person whose office is to be filled.

(2) In all other cases, through the procedure set forth in Article 25 Section 16 of the Annotated Code of Maryland.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 3-7-00

Public Hearing Held: 4-11-00 at 11:00 AM

Vote: \_\_\_\_\_ Yea \_\_\_\_\_ Nay

Date: \_\_\_\_\_

RECEIVED  
CLERK, CIRCUIT COURT  
00 JUN -5 AM 10: 35  
QUEEN ANNE'S COUNTY

AN ACT AMENDING  
COUNTY ORDINANCE NO. 00-02A

A BILL ENTITLED

AN ACT AMENDING COUNTY ORDINANCE NO. 00-02A CONCERNING  
VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER.

FOR the purpose of providing time limits for filling of vacancies in the office of  
County Commissioners of Queen Anne's County under certain circumstances.

By Amending County Ordinance No. 00-02A to read as follows:

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY, MARYLAND, that the following section be added to the  
Public Local Laws of Queen Anne's County, Title 4 Board of County Commissioners:

Subtitle 1. County Commissioners

4-106. Vacancy

(a) In general

In the event any office of the County Commissioner in Queen Anne's County shall  
become vacant by death, resignation or otherwise, such vacancy shall be filled as follows:

- (1) If at the time of such vacancy there is left one year or more in the term of  
office of County Commissioner so vacating, the same shall be filled by a  
special general election, the date and place of which shall be established by  
the remaining County Commissioners or County Commissioner within one  
hundred twenty (120) days of the date of such vacancy. Within thirty (30)  
days of the date of such vacancy, three candidates for such office shall be  
nominated by the Central Committee of the party of the person whose office is  
to be filled.
- (2) In all other cases, through the procedure set forth in Article 25 Section 16 of  
the Annotated Code of Maryland.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the  
forty-sixth day following its passage.



Introduced By: Marlene F. Davis

Date: April 18, 2000

Public Hearing Held: April 18, 2000

Vote: \_\_\_\_\_ Yea \_\_\_\_\_ Nay

Date: Adopted April 18, 2000

**EFFECTIVE: June 2<sup>nd</sup>**

BILL NO. 00-03

RECEIVED  
CLERK, CIRCUIT COURT

00 JUN -5 AM 10: 36

QUEEN ANNE'S COUNTY

A BILL ENTITLED

"PUBLIC FACILITIES  
BOND AUTHORIZATION OF 2000"

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, FROM TIME TO TIME, TO BORROW NOT MORE THAN TEN MILLION DOLLARS (\$10,000,000) FOR THE PUBLIC PURPOSE OF FINANCING OR REFINANCING CERTAIN PUBLIC FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (1998 REPLACEMENT VOLUME AND 1999 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE ANNOTATED CODE OF MARYLAND (1997 REPLACEMENT VOLUME AND 1999 SUPPLEMENT); AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

RECITALS

Pursuant to Sections 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement) (the "Enabling Act"), the Board of County Commissioners of Queen Anne's County adopted Bill No. 98-18 on January 19, 1999, which authorized the issuance of an aggregate principal amount of general obligation bonds not to exceed \$25,000,000. The Board of County Commissioners has now determined to authorize the issuance of additional general obligation bonds in the maximum principal amount of \$10,000,000 for the public purpose of financing the public facilities described in Section 2 of this public local law.

NOW, THEREFORE, BE IT ENACTED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. County Commissioners of Queen Anne's County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not exceeding TEN MILLION DOLLARS (\$10,000,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for financing or refinancing, in whole or in part, the following projects (which shall include design, engineering, planning, fiscal, and legal expenses related thereto whether or not specifically stated, and which may represent the County's share or contribution to the financing or refinancing of such projects):

(i) construction, furnishing, and equipping of renovations to the Sudlersville Elementary School;

(ii) acquisition of a radio and dispatch system;

(iii) construction, furnishing, and equipping of a new emergency operations center including the acquisition of land and property rights and planning (including architectural and site design services);

(iv) construction, furnishing, and equipping of renovations to the Kennard Elementary School;

(v) construction, furnishing, and equipping of renovations to the Queen Anne's County High School;

(vi) acquisition of Conquest Farm park land;

(vii) construction, furnishing, and equipping of airport hangars; and

(viii) construction, furnishing, and equipping of improvements to the Chesapeake Community College.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Supplement).

Section 6. This public local law shall take effect forty-five days after it is enacted.

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY, MARYLAND

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Commissioner

Enacted on 4-18, 2000

*Introduced by Marlene Davis 3-21-00*  
*Hearing Sch. 4-18-00 10:45*

BILL NO. 00-03A

RECEIVED  
CLERK, CIRCUIT COURT  
00 JUN -5 AM 10:36  
QUEEN ANNE'S COUNTY

A BILL ENTITLED

"PUBLIC FACILITIES  
BOND AUTHORIZATION OF 2000"

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, FROM TIME TO TIME, TO BORROW NOT MORE THAN TEN MILLION DOLLARS (\$10,000,000) FOR THE PUBLIC PURPOSE OF FINANCING OR REFINANCING CERTAIN PUBLIC FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (1998 REPLACEMENT VOLUME AND 1999 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE ANNOTATED CODE OF MARYLAND (1997 REPLACEMENT VOLUME AND 1999 SUPPLEMENT); AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

## RECITALS

Pursuant to Sections 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement) (the "Enabling Act"), the Board of County Commissioners of Queen Anne's County adopted Bill No. 98-18 on January 19, 1999, which authorized the issuance of an aggregate principal amount of general obligation bonds not to exceed \$25,000,000. The Board of County Commissioners has now determined to authorize the issuance of additional general obligation bonds in the maximum principal amount of \$10,000,000 for the public purpose of financing the public facilities described in Section 2 of this public local law.

NOW, THEREFORE, BE IT ENACTED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. County Commissioners of Queen Anne's County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not exceeding TEN MILLION DOLLARS (\$10,000,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for financing or refinancing, in whole or in part, the following projects (which shall include design, engineering, planning, fiscal, and legal expenses related thereto whether or not specifically stated, and which may represent the County's share or contribution to the financing or refinancing of such projects):



- (i) construction, furnishing, and equipping of renovations to the Sudlersville Elementary School;
- (ii) acquisition of a radio and dispatch system;
- (iii) construction, furnishing, and equipping of a new emergency operations center including the acquisition of land and property rights and planning (including architectural and site design services);
- (iv) construction, furnishing, and equipping of renovations to the Kennard Elementary School;
- (v) construction, furnishing, and equipping of renovations to the Queen Anne's County High School;
- (vi) acquisition of Conquest Farm park land;
- (vii) construction, furnishing, and equipping of airport hangars;
- (viii) construction, furnishing, and equipping of improvements to the Chesapeake Community College; and
- (ix) construction, furnishing and equipping of an expansion to the Blue Heron golf course and related facilities.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not

become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 1999 Supplement).

Section 6. This public local law shall take effect forty-five days after it is enacted.

COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY, MARYLAND

*George M. Donnell*  
President

*Madeira Davis*  
Vice President

*John T. McQueeney Jr.*  
Commissioner

Enacted on 4-18-2000, 2000

introduced by Commissioner Davis 4-18-00

Effective June 2<sup>nd</sup>