

AMENDMENT NO. 1 TO
COUNTY ORDINANCE NO. 08-20

AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING Major Extraction Operations;

FOR THE PURPOSE of incorporating some of the recommendations of the Queen Anne's County Planning Commission into pending County Ordinance 08-20 as regards duration of operations, renewal provisions, non-conforming operations, traffic and travel distances and grandfathering of approved applications; and adding a provision clarifying the applicability of the new standards to major extraction operations in existence on or before September 1, 2008;

BY AMENDING pending County Ordinance No. 08-20 to revise the proposed new Section 18:1-95 E. (9), (including the addition of a new subsection 18:1-95 E. (9)(e)) and to revise Section 18:1-130 D. 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 the proposed new Section 18:1-95 E. (a) be revised to read as follows:

Article XVII. Procedures and Standards

. . .

§18:1-95. *Additional standards for specified conditional uses.*

. . .

E. *Major extraction, major and minor dredge disposal and organic fertilizer storage and transfer operations.*

. . .

(9) Major Extraction Operations.

(a) Major extraction operations shall comply with the performance standards specified in this subsection.

(b) The maximum area disturbed by any major extraction operations shall not exceed twenty (20) acres at any time. A major extraction operation may only be expanded in increments up to twenty (20) acres by conditional use approval granted by the Board of Appeals, provided that the previously disturbed area is appropriately reclaimed.

(c) A major extraction operation may not exceed ~~seven (7)~~ five (5) years, but may be renewed in increments of five (5) years by conditional use approval granted by the Board of Appeals.

(d) ~~No major extraction operation shall be allowed where the actual travel distance to a major highway (a divided highway of 4 lanes or greater) exceeds one (1) ten (10) miles.~~

(e) ~~No more than one major extraction operation shall be permitted on any lot of record existing as of September 9, 2008.~~

(d) A proposal for a major extraction operation shall include a traffic study to determine impacts to the surrounding roads. The traffic study shall be conducted consistent with guidelines, standards, rates and methodologies established by the Institute of Transportation Engineers. In addition to considering the traffic generated by the major extraction operation, the study shall also demonstrate that the public roads are rated to withstand the weight of the trucks that will haul extracted material from the site. If the study identifies that the proposed major extraction operation will adversely impact the public roads, it shall be the responsibility of the applicant to make whatever physical improvements are necessary to keep the roads within the traffic study area at the existing level of service and existing pavement condition.

(e) The provisions of this subsection (9) shall apply only to applications for which conditional use approval is granted by the Board of Appeals after September 1, 2008 but shall not apply to any conditional use approval sought with respect to a renewal or expansion of a nonconforming extraction use which was legally in existence on or prior to September 1, 2008.

...

SECTION II

BE IT FURTHER ENACTED that pending County Ordinance 08-20 include the revision to §18:1-130 D. of the Code of Public Local Laws set forth below:

Part 7 Administration, Enforcement and Special Procedures ARTICLE XXIII Nonconforming Uses

...

§18:1-130. Termination of nonconforming uses.

. . .

D. *Extraction and disposal uses. Nonconforming ~~extraction or~~ disposal uses may not renew operations once the use is discontinued for six months or more. Notwithstanding the provisions of subsection E of this section, nonconforming extraction uses may renew operations at any time provided renewed operations comply with any conditional use approval granted by the Board of Appeals or conditional use approval as required by this Subtitle is obtained.*

E. *Lapse of use generally.*

(1) *Whenever a legal nonconforming use of any kind or character is discontinued, whether or not there is an intent to resume the use, for any reason for a continuous period of at least one year or is discontinued, whether or not there is an intent to resume the use, for any reason for more than nine months, whether or not continuous, in each year over a three-year period, the nonconforming use may not be renewed or reactivated, and the status of the use as legally nonconforming shall be terminated.*

(2) *The Planning Director shall rescind any status certificates for the use issued pursuant to § 18:1-125B of this Chapter 18:1 and shall remove the certificate from the register.*

(3) *After termination of a legal nonconforming use under this subsection, any sign, building or other improvement on the property shall be used only in strict conformity with the provisions of this Chapter 18:1.*

. . .

SECTION III

BE IT FURTHER ENACTED that this Amendment to CO 08-20 shall take effect immediately upon its adoption and upon such adoption shall be referred to the Queen Anne's County Planning Commission for its further recommendation.

AMENDMENT INTRODUCED BY: Commissioner Wargotz

DATE: January 27, 2009

VOTE ON AMENDMENT: 5 Yea 0 Nay

DATE OF VOTE: January 27, 2009