

COUNTY ORDINANCE NO. 12-10

A BILL ENTITLED

AN ACT CONCERNING Minor Extraction and Aquaculture;

FOR THE PURPOSE of allowing Aquaculture as a conditional use in the Village Center (VC) zoning district; revising the performance standards for minor extraction where such use is a conditional use under the Queen Anne's County Zoning Ordinance (Chapter 18 of the Code of Public Local Laws); providing for a fifty (50) foot setback from private roads and a one hundred (100) foot setback from public street rights of way as respects such use;

BY AMENDING Sections 18:1-25 C. and 18:1-95 F. (9) of Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland.

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-25 C. and 18:1-95 F. (9) be and are hereby AMENDED to read as follows:

Chapter 18: 1
ZONING AND SUBDIVISION REGULATIONS

...

§ 18:1-25. Village Center (VC) District.

A. *Purpose. The Village Center (VC) District is intended to preserve the unique mixed-use character of existing crossroads and unincorporated communities throughout the County. Development densities and design standards vary depending upon the availability of public sewers. Most nonresidential uses must be considered on a case-by-case basis by the Board to ensure compatibility with existing community character within the village.*

...

C. *Conditional uses.*

(1) *Agricultural support.*

(2) **Aquaculture.**

~~(2)~~ (3) *Commercial forestry.*

~~(3)~~ (4) *Commercial stables.*

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

A. *In general. The additional standards set forth in this section must be met for the particular conditional uses.*

...

F. Minor extraction.

(1) Minor extraction includes sand, gravel, or similar extraction and clean fill storage operations.

. . .

(9) Performance standards.

(a) Extraction activities shall comply with the performance standards specified in this subsection.

(b) Extraction operations shall meet all development and performance standards of this Chapter 18:1 and all applicable local, state, and federal regulations.

(c) An excavation, quarry wall, or storage area may not be located within:

*[1] Fifty feet of any lot line **or Private Road**; and*

*[2] One hundred ~~twenty-five~~ feet from any **Public** street right-of-way.*

(d) Grading.

[1] 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.

[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 may not exceed normal angle of slippage of the material, or 33° in angle, whichever is less. During grading and backfilling, the setback requirements in Subsection F(9)(c) of this section 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 seven feet horizontal to one foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of five feet.

[5] Drainage shall be provided, either natural or artificial, so that disturbed areas may not collect or permit stagnant water to remain.

(e) Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

(f) Vegetative cover.

[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.

. . .

SECTION II

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

INTRODUCED BY: Commissioner Olds

DATE: May 8, 2012

PUBLIC HEARING HELD: June 26, 2012 @ 6:25 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: July 10, 2012

EFFECTIVE DATE: August 25, 2012