

COUNTY ORDINANCE NO. 04-27

A BILL ENTITLED

AN ACT CONCERNING the Correction of Typographical and Numbering Errors in the Queen Anne's County Zoning Ordinance and Subdivision Regulations, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of correcting a typographical error in Section 18-1-95(e) in Title 18 of the Code, correcting a numbering sequence in Section 18-1-205(d) of Title 18 of the Code and correcting the Short Title of Subtitle 1 contained in Section 18-1-223 of Title 18 of the Code.

BY AMENDING Sections 18-1-95(e), 18-1-205(d), (e) and (f) and 18-1-223 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-95(e)(2) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-95 Additional Standards for Specified Conditional Uses.

(e) Major extraction, Major and minor dredge disposal, and organic fertilizer storage and transfer operations.

(2) All applications for a zoning permit for all industrial or agricultural support proposals requiring conditional use approval shall, in addition to what is otherwise required for a conditional use permit, be presented to the Planning Commission during a public hearing. The Planning Commission shall forward its report and recommendations to the Board of Appeals within sixty (60) days of the Planning Commission's review. The Board of Appeals shall not render its decision until the Planning Commission recommendations have been received and reviewed.

SECTION II

BE IT FURTHER ENACTED that Section 18-1-205(d) and (e) of Title 18 of the Code be repealed and that new Sections 18-1-205 (d), (e) and (f) be enacted to read as follows:

§18-1-205 Same - Contents of Instruments

(d) Description of restrictions.

The instrument shall contain covenants that fully define the manner and rights of use of any land that is made subject to a covenant.

(e) Nature and scope of covenants.

The instrument shall contain express provisions that:

- (1) Each covenantor has been fully compensated for any restrictions or other covenants that restrict or otherwise affect any land to which a covenant relates;
- (2) All covenants are made by the covenantor for the covenantor and the covenantor's heirs, successors, personal representatives, and assigns.
- (3) All covenants are binding upon each covenantor and the covenantor's heirs, successors, personal representatives, and assigns;
- (4) All covenants run with and bind all land within the subject area;
- (5) All covenants are enforceable by the county commissioners or any department, agency, or other public body empowered by law or ordinance to enforce the zoning laws of Queen Anne's County;
- (6) A covenant may not be amended or changed in any manner without prior written approval of the planning commission or other agency or person duly authorized by the county to approve the change or amendment; and
- (7) Any open space restrictions established by the instrument shall be null and void and of no force and effect following:
 - (i) annexation of the open space by a municipal corporation within Queen Anne's County; and
 - (ii) final approval by the municipal corporation of a subdivision or site plan that would permit uses other than those uses authorized in the instrument; and

(iii) the execution of a release in recordable form by the County Commissioners releasing the land from the force and effect of the instrument. The execution of such release shall be in the sole and exclusive discretion of the County Commissioners.

(f) Additional provisions.

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SECTION III

BE IT FURTHER ENACTED that Section 18-1-223 be repealed and reenacted to read as follows:

§18-1-223 Short Title

This Subtitle shall be known as and may be referred to as the 2004 Queen Anne's County Zoning Ordinance and Subdivisions Regulations.

SECTION IV

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Ransom

DATE: 6-15-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-7-04