

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

2005 Legislative Session,
Legislative Day No. July 19, 2005

Introduced By: County Council

BILL NO. 2005- 11

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND
PURSUANT TO AMEND CHAPTER 155, SECTION 155-50.II OF THE
DORCHESTER COUNTY CODE TO REQUIRE A 25 FOOT SETBACK FROM SIDE
PROPERTY LINE AND ESTABLISH DIVISIONAL LINES FROM THE SHORELINE
INTO ANY BODY OF WATER IN AN EFFORT TO ADDRESS WATER RIGHT
ISSUES FOR WATERFRONT PROPERTY OWNERS

Introduced, read first time, ordered posted on official bulletin board of County,
County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two successive weeks, and public hearing
scheduled on Tuesday, August 16, 2005 Room 110, County Office Building, 501 Court
Lane, Cambridge, Maryland at 6:15 p.m.

By order: _____


Jane Baynard, County Manager

FILED
05 AUG 18 AM 11:17

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO AMEND CHAPTER 155, SECTION 155-50.II OF THE DORCHESTER COUNTY CODE TO REQUIRE A 25 FOOT SETBACK FROM SIDE PROPERTY LINE AND ESTABLISH DIVISIONAL LINES FROM THE SHORELINE INTO ANY BODY OF WATER IN AN EFFORT TO ADDRESS WATER RIGHT ISSUES FOR WATERFRONT PROPERTY OWNERS

SECTION ONE: Acting under Article 25A, Section 5(S) of The Annotated Code of Maryland (The "Acts") be it ENACTED AND ORDAINED by the County Council of Dorchester County, Maryland, in Legislative Session, that Chapter 155, Section 155-50.II of the Dorchester County Code be repealed and reenacted to read as follows:

Article IX, Supplementary Use Regulations

II. Waterfront structures

1. Purpose

In order to prevent the undue crowding and congestion of the county waterways, to maintain the safety of boaters, to control pollution and to maintain the beauty of the waterfront, the following restrictions shall be placed upon waterfront structures, such as docks, piers, slips, and shore erosion protection devices:

2. Size, setbacks, compensation

- a. Waterfront structures shall not extend into any body of water more than one-half the distance from the mean high water line to the center line of the body of water upon which the structure is situated. However, the Board of Appeals may approve a variance to allow a greater extension.
- b. Structures on piers are not permitted
- c. **No waterfront structure including mooring poles, shall occur closer than 25 feet to any side lot line or any divisional line extended into the water in accordance with the rules established herein. This setback may be reduced if a notarized letter of no objection is obtained from the adjacent property owner.**
- d. **It shall be permissible for two adjacent waterfront owners to build a single private and shared dock beginning at their joint property line, instead of individual private docks. The rights of access to such shared dock shall be spelled out in properly witnessed and recorded covenants.**
- e. **For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules:**
 - i. **With straight shorelines, the divisional lines are established by extending a line perpendicular to the shoreline. Where it is practical to do so, the property boundary line shall be extended as a straight line into the water.**
 - ii. **With irregularly shaped shorelines, the divisional lines are established using this formula: Draw a baseline between the two corners of each lot at mean low water line. Then, extend a line perpendicular to the baseline at each property corner out into the water at right angles to the baseline. If, because of the irregular shape of the shoreline, the extended lines are not parallel to each other, the area excluded shall be equally divided between the two adjoining property owners. An illustration of this methodology is shown on the attached "Waterfront Construction Diagrams".**
- f. It shall not be permitted for the owner or owners of a private dock or boathouse to receive compensation for use of their private dock or boathouse.

g. All waterfront structures are subject to appropriate state and federal permits.

3. Setback from naturally occurring or man-made ponds.

Structures shall be set back a minimum 60 feet from naturally occurring or man-made ponds, except that the Director of Planning, or the Planning Commission for a development that requires its approval, may permit a lesser setback if a reduction will be consistent with the purposes of this chapter.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Section 155-50.II of Chapter 155 in the Dorchester County Code accordingly.

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, that this bill shall be known as Bill Number 2005-11 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 16th day of August, 2005.

ATTEST:
BY: Jane Baynard
Jane Baynard, County Manager

COUNTY COUNCIL OF
DORCHESTER COUNTY:
Glenn L. Bramble
Glenn L. Bramble, President

APPROVED this 16th day of August, 2005.

ATTEST:
BY: Jane Baynard
Jane Baynard, County Manager

COUNTY COUNCIL OF DORCHESTER
COUNTY:
Glenn L. Bramble
Glenn L. Bramble, President

Bramble aye
Yockey aye
Elzey aye
Flowers -
Nichols aye