

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

2004 Legislative Session,
Legislative Day No. Feb. 1, 2005

Introduced By: County Council

BILL NO. 2005- 4

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND,
TO AMEND CHAPTER 140, SECTION 140-4.A 1-3 OF THE DORCHESTER
COUNTY CODE TO PROVIDE CLARIFICATION AND MORE RESTRICTIVE
LANGUAGE ON EXCHANGES OF LAND THAT ARE EXEMPT FROM REVIEW
BY THE PLANNING AND ZONING OFFICE AND PLANNING COMMISSION AND
STIPULATE THAT DEVELOPMENT RIGHTS DO NOT CONVEY UNLESS
SPECIFIED ON THE PLAT.

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, March 15, 2005, Room 110, County Office Building, 501
Court Lane, Cambridge, Maryland at 6:45.

By order: _____

Jane Baynard

Jane Baynard, County Manager

FILED

05 MAR 18 AM 9:12

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND, TO AMEND CHAPTER 140, SECTION 140-4.A 1-3 OF THE DORCHESTER COUNTY CODE TO PROVIDE CLARIFICATION AND MORE RESTRICTIVE LANGUAGE ON EXCHANGES OF LAND THAT ARE EXEMPT FROM REVIEW BY THE PLANNING AND ZONING OFFICE AND PLANNING COMMISSION AND STIPULATE THAT DEVELOPMENT RIGHTS DO NOT CONVEY UNLESS SPECIFIED ON THE PLAT.

SECTION ONE: Acting under Article 25A, Section 5(x) of the Annotated Code of Maryland (the "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 140, Section 140-4.A.103 of the Dorchester County Code be repealed and reenacted to read as follows:

§140-4. Applicability of provisions; exemptions; greater restrictions to prevail.

A. Application

These regulations shall apply to all land located within the unincorporated area of Dorchester County, Maryland. The following transfers shall be exempt from strict application of these regulations, provided they do not involve any land which was part of a recorded subdivision plat recorded after March 14, 1972:

1. Adjoining of Parcels.

- a. The adjoining of parcels, provided that if the parcels jointly are needed to meet the minimum provisions of the Dorchester County Zoning Ordinance, that the deed **AND PLAT** transferring such land shall **CONSPICUOUSLY** contain the following ~~wording~~ **PARAGRAPH OR NOTE IN CAPS AND BOLD PRINT:**
 "The parcel(s) being ~~transferred~~ **ADJOINED** is exempt from the Dorchester County Subdivision Regulations under §140-4A (21). **THIS COMBINED PARCEL (IDENTIFY INDIVIDUAL PARCELS) and is no longer intended or allowed as a separate lot for development and shall, hereinafter, be construed as a portion of the SINGLE parcel described (deed reference or legal description) until and unless it is subsequently transferred SUBDIVIDED** in accordance with the Dorchester County Subdivision Regulations.
- b. **THE GRANTEE OF THE PARCELS INTENDED TO BE JOINED SHALL AMEND OR CONFIRM ANY LIEN INSTRUMENT TO INCLUDE THE SAID LAND.**

2. Exchanges of Land.

The exchange of land between adjoining property owners provided that:

- a. The portion being transferred is not needed to meet the requirements of the Dorchester County Zoning Ordinance.
- b. The portion being transferred is not to be used as a separate lot ~~for development purposes~~ **AND THE GRANTEE OF THE PARCEL TO BE TRANSFERRED SHALL AMEND OR CONFIRM ANY LIEN INSTRUMENT TO INCLUDE THE SAID LAND.**
- c. The deed ~~AND/OR~~ **PLAT** transferring such land conspicuously contains, in the body or foot, **IMMEDIATELY AFTER THE DESCRIPTION OF THE LAND IN THE DEED AND ON THE PLAT**, the following paragraph **OR NOTE IN CAPS AND BOLD PRINT:** "The parcel(s) being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with §140-4A (32). This parcel ~~is not approved~~ **CANNOT BE SOLD OR TRANSFERRED as a separate lot for development purposes** and shall, hereinafter, be construed as a portion of the parcel described (deed reference or legal description) until and unless it is subsequently transferred in accordance with the Dorchester County Subdivision Regulations."

- D. DEVELOPMENT RIGHTS DO NOT CONVEY UNLESS SPECIFIED ON THE PLAT. STATEMENT SHALL BE PRINTED ACROSS THE PORTION OF THE PARCEL SUBJECT TO THE EXCHANGE, CLEARLY STATING "NOT A SEPARATE BUILDING LOT".**
- E. GRANTEE AND GRANTOR MUST CERTIFY THAT HE/SHE/THEY ADOPT THE PLAN AND SAID PLAT MUST BE RECORDED.**

3. Division of land for agricultural purposes.

The division of land for agricultural purposes, including marshland and woodlands, provided that:

- a. The tracts shall be ~~three (3)~~ **FIVE (5)** acres or more **AND THE REMAINDER PARCEL SHALL BE AT LEAST FIVE (5) ACRES.**
- b. The parcel being transferred is not intended for nonagricultural development purposes.
- c. The parcel being transferred is not improved with a dwelling, well, or any other use or structure other than usual agricultural structures.
- d. The deed **AND PLAT** transferring such land conspicuously contains the following paragraph **OR NOT IN CAPS AND BOLD PRINT**: "The parcel(s) being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with §140-4A (4). This parcel is not approved as a lot for nonagricultural development purposes until or unless a plat drawn to scale showing the proposed development is approved by the Dorchester County Planning Commission, Dorchester County Health Department, Dorchester County Highway Department and/or had it originally been established for development purposes."
- E. DEVELOPMENT RIGHTS DO NOT CONVEY UNLESS SPECIFIED ON THE PLAT. STATEMENT SHALL BE PRINTED ACROSS THE PORTION OF THE PARCEL SUBJECT TO THE TRANSFER STATING "NOT AN APPROVED BUILDING LOT". HOWEVER, IF DEVELOPMENT RIGHTS ARE BEING TRASNFERRED THE NUMBER OF DEVELOPMENT RIGHTS CONVEYED SHLAL BE INDICATED IN A PROMINENT LOCATION ON THE PLAT.**
- F. THE PROPERTY DOES NOT HAVE A BUSINESS OR INDUSTRIAL ZONING DESIGNATION.**
- G. GRANTEE AND GRANTOR MUST CERTIFY THAT HE/SHE/THEY ADOPT THE PLAN AND SAID PLAT MUST BE RECORDED.**
- H. PLAT MUST BE REVIEWED AND APPROVED (SIGNED) BY THE DIRECTOR OF PLANNING OR HIS DESIGNEE FOR CONFORMITY WITH ZONING REGULATIONS.**

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 140-3.A.1-3 of Chapter 140 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- 4 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 15th day of March, 2005.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY:

Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

APPROVED this 15th day of March, 2005.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY:

BY: Jane Baynard
Jane Baynard, County Manager

Glenn L. Bramble
Glenn L. Bramble, President

Bramble aye
Yockey abstain
Elzey aye
Flowers aye
Nichols aye

FILED
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