

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

FILED

2010 MAR -5 AM 9:18

2010 Legislative Session,  
Legislative Day 1, 2010

CIRCUIT COURT  
DORCHESTER COUNTY

Introduced By: County Council

BILL NO. 2010 - 4

An Act of the County Council of Dorchester County, Maryland pursuant to the authority of Title 8, Subtitle 18, Section 8-1808 of the Annotated Code of Maryland by adding new Section 155-8(G) to Chapter 155, of the Dorchester County Code, entitled "Zoning" and by amending Section 155-21(B) of Chapter 155 of the Dorchester County Code entitled "Zoning" to provide that no permit, approval, variance or special exception for any property located within the CA Critical Area Protection District shall be issued unless the person seeking the permit, approval, variance, or special exception has fully paid all administrative, civil, and criminal penalties imposed for violations for the subject property within the CA - Critical Area Protection District, and has prepared a restoration or mitigation plan approved by the County to abate impacts to water quality or natural resources as a result of the violation; and has performed the abatement measures in the approved plan in accordance with the County's Critical Area Program.

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

Ordered publication for once a week for two (2) consecutive weeks, and public hearing scheduled on Tuesday, March 2, 2010, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 7:00 P.M.

By order: Jane Baynard  
Jane Baynard, County Manager

cd2:Jan.10  
155-8(G)Bill.Pub/bmk

**COUNTY COUNCIL  
OF  
DORCHESTER COUNTY, MARYLAND**

BILL NO. 2010 - 4

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF TITLE 8, SUBTITLE 18, SECTION 8-1808 OF THE ANNOTATED CODE OF MARYLAND BY ADDING NEW SECTION 155-8(G) TO CHAPTER 155 OF THE DORCHESTER COUNTY CODE, ENTITLED "ZONING" AND BY AMENDING SECTION 155-21(B) OF CHAPTER 155 OF THE DORCHESTER COUNTY CODE, ENTITLED "ZONING" TO PROVIDE THAT NO PERMIT, APPROVAL, VARIANCE OR SPECIAL EXCEPTION FOR ANY PROPERTY LOCATED WITHIN THE CA - CRITICAL AREA SHALL BE ISSUED UNLESS THE PERSON SEEKING THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION HAS FULLY PAID ALL ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES IMPOSED FOR VIOLATIONS FOR THE SUBJECT PROPERTY WITHIN THE CA - CRITICAL AREA, AND HAS PREPARED A RESTORATION OR MITIGATION PLAN APPROVED BY THE COUNTY TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND HAS PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THE COUNTY'S CRITICAL AREA PROGRAM.

**SECTION ONE:** Acting under the authority of Title 8, Subtitle 18, Section 8-1808 of the Annotated Code of Maryland, (The "Act") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that new Section 155-8(G) be added to Article 1 of Chapter 155 of the Dorchester County Code to read as follows:

ARTICLE I

GENERAL REGULATIONS

**§155-8. Building permits**

**G. Critical Area:**

No permit, approval, variance or special exception for any property located within the CA – Critical Area Protection District shall be issued, unless the person seeking the permit, approval, variance, or special exception has:

- (1) Fully paid all administrative, civil, and criminal penalties imposed by this Chapter for violation for the subject property within the CA - Critical Area Protection District; and
- (2) Prepared a restoration or mitigation plan, approved by the County to abate impacts to water quality or natural resources as a result of the violation for the subject property within the Critical Area; and
- (3) Performed the abatement measures in the approved plan in accordance with the County's Critical Area Program, for the subject property; and
- (4) Satisfaction of all conditions specified under this section shall be a condition precedent to the issuance of any permit, approval, variance, or special exception for the affected property; and
- (5) Unless an extension of time is appropriate because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

**SECTION TWO:** Acting under the authority of Title 8, Subtitle 18, Section 8-1808 of the Annotated Code of Maryland, (The "Act") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Article V, Section 155-21(B) of the Dorchester County Code be repealed and re-enacted to read as follows:

#### ARTICLE V

#### APPEALS AND APPLICATIONS

#### **§155-21**

**B. Appeals and applications.** Appeals and applications shall be on forms provided by the Director of Planning. Such appeals or applications shall be acted upon within a reasonable time, not to exceed 60 days from the date of the receipt of the application of such lesser period as may be provided by the rules of the Board. Appeals and applications, accompanied by the required fees as established by the County Council, shall be filed with the Director of Planning who shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Be it further provided that no permit, approval, variance or special exception for any property located within the CA – Critical Area Protection District shall be issued, unless the person seeking the permit, approval, variance, or special exception has:

- (1) Fully paid all administrative, civil, and criminal penalties imposed by this Chapter for violation for the subject property within the CA – Critical Area Protection District, and

- (2) Prepared a restoration or mitigation plan, approved by the County to abate impacts to water quality or natural resources as a result of the violation for the subject property within the CA – Critical Area Protection District; and
- (3) Performed the abatement measures in the approved plan in accordance with the County’s Critical Area Program, for the subject property; and
- (4) Satisfaction of all conditions specified under this section shall be a condition precedent to the issuance of any permit, approval, variance, or special exception for the affected property; and
- (5) Unless an extension of time is appropriate because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

**SECTION THREE:** BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND General Code Publishers is directed to codify new Section 155-8(G) and new Section 155-21(B) of Chapter 155 in the Dorchester County Code.

**SECTION FOUR:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2010- 4 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage, or upon the Critical Area Commission approval whichever is the later.

PASSED THIS 2nd DAY OF March, 2010.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

APPROVED THIS 2nd DAY OF March, 2010.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay D. Newcomb  
Jay D. Newcomb, President

NICHOLS - Aye

NEWCOMB - Aye

ELZEY - Absent

PRICE - Aye

TRAVERS - Aye

cd2:Jan.10  
155-8(G)Code.Bill/bmk