

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

FILED

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CIRCUIT COURT
DORCHESTER COUNTY

2014 Legislative Session,
Legislative Day No. 11, 2014

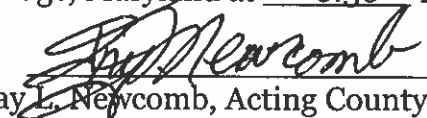
Introduced By: County Council

BILL NO. 2014-11

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-38, CA CRITICAL AREA PROTECTION DISTRICT, OF THE DORCHESTER COUNTY CODE. AMEND SECTION 155-38.J.5.C OF THE DORCHESTER COUNTY CODE TO PROVIDE SPECIAL PROVISIONS THAT APPLY TO DEVELOPMENT AND REDEVELOPMENT IN MAPPED BUFFER EXEMPTION AREAS (BEAs) IN THE INTENSELY DEVELOPED AREA (IDA), LIMITED DEVELOPMENT AREA (LDA), AND RESOURCE CONSERVATION AREA (RCA) CRITICAL AREA CLASSIFICATIONS, AND INCLUDES THE ESTABLISHMENT OF A BUFFER EXEMPTION AREA FOR TIDELAND PARK COOPERATIVE CAMPGROUND.

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 (2) successive weeks, and public hearing scheduled on Tuesday, August 19, 2014 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:30 PM.

By order: 
Jay L. Newcomb, Acting County Manager

BILL NO. 2014-11

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-38, CA CRITICAL AREA PROTECTION DISTRICT, OF THE DORCHESTER COUNTY CODE. AMEND SECTION 155-38.J.5.C OF THE DORCHESTER COUNTY CODE TO PROVIDE SPECIAL PROVISIONS THAT APPLY TO DEVELOPMENT AND REDEVELOPMENT IN MAPPED BUFFER EXEMPTION AREAS (BEAs) IN THE INTENSELY DEVELOPED AREA (IDA), LIMITED DEVELOPMENT AREA (LDA), AND RESOURCE CONSERVATION AREA (RCA) CRITICAL AREA CLASSIFICATIONS, AND INCLUDES THE ESTABLISHMENT OF A BUFFER EXEMPTION AREA FOR TIDELAND PARK COOPERATIVE CAMPGROUND.

SECTION ONE: Acting under Chapter 155, entitled “Zoning Ordinance”, Section 155-38, CA Critical Area Protection District, of The Dorchester County Code (The “Act”), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 155, Section 155-38.J.5, regarding Critical Area Buffer Exemption Areas, be repealed and reenacted to read as follows:

155-38. CA Critical Area Protection District.

§ 155-38.J.5

- (5) The following special provisions shall apply to development and redevelopment in mapped buffer exempt areas (BEAs) in the IDA, LDA, and RCA.
 - (a) Intent. The following provisions are intended to accommodate limited use of shoreline areas that have been mapped as BEAs under the provisions of this chapter while protecting water quality and wildlife habitat to the extent possible.
 - (b) Applicability. This section applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands, and tributary streams on lots of record as of December 1, 1985, and located in mapped BEAs as shown on the Critical Area Maps.
 - (c) Criteria.
 - [1] **EXCEPT AS SPECIFIED UNDER §155-38.J.(5)(C)[7] OF THIS CHAPTER**, new development or redevelopment activities, including structures or roads, parking areas, and other **LOT COVERAGE** impervious surfaces will not be permitted in a BEA unless the applicant can demonstrate and the Planning Commission finds that there is no feasible alternative. Such findings shall document that the intrusion is the least necessary. A copy of the Planning Commission’s findings in this regard shall be available to the Critical Area Commission upon request.

- [2] **EXCEPT AS SPECIFIED UNDER §155-38.J.(5)(C)[7] OF THIS CHAPTER**, new development or redevelopment shall minimize the shoreward extent of intrusion into a BEA and shall not exceed the shoreward extent of existing structures located on the property. In no case shall the intrusion into a BEA encroach into a required yard setback unless a variance thereto has been first granted.
- [3] Development or redevelopment may not impact any habitat protection area (HPA) as defined in COMAR 27.01.01.01, except the buffer.
- [4] No natural vegetation may be removed in the buffer except that required by the proposed construction and any other natural vegetation in the buffer shall be maintained.
- [5] Any development or redevelopment in a BEA approved under the provisions of this subsection shall be mitigated as follows:
- [a] Natural vegetation of an area twice the extent of new lot coverage approved by the Planning Commission **OR PERMITTED UNDER [7] BELOW** must be established in the BEA; and
 - [b] Such mitigation shall be planted shoreward of existing structures, to the extent possible, in accordance with a buffer management plan approved by the Dorchester County Planning and Zoning Office; **AND**
 - [c] **BUFFER MITIGATION FEE-IN-LIEU MAY BE APPLICABLE IN ACCORDANCE WITH 155.38.J.20.**
- [6] Any applicant eligible under the provisions of § 155-38M may elect to request a variance from the Board of Appeals.
- [7] **NEW DEVELOPMENT OR REDEVELOPMENT IS PERMITTED LANDWARD OF A MAPPED MINIMUM [BEA] BUFFER THAT, HAS BEEN APPROVED BY THE COUNTY COUNCIL AND CRITICAL AREA COMMISSION, PROVIDED THAT THE REQUIREMENTS OF [3] THROUGH [5] HAVE BEEN SATISFIED. IN NO CASE SHALL THE INTRUSION INTO A BEA ENCROACH INTO A REQUIRED YARD SETACK UNLESS A**

VARIANCE THERETO HAS BEEN FIRST GRANTED.

Explanation: **BOLD CAPITALS** indicate language added to existing law.
~~Strikethrough~~ indicates language deleted from existing law.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, that this Bill is subject to the approval of the Critical Area Commission.

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, that upon approval of the Critical Area Commission, General Code Publishers is directed to codify amended Section 155-38, as approved by the Critical Area Commission, in the Dorchester County Code accordingly.

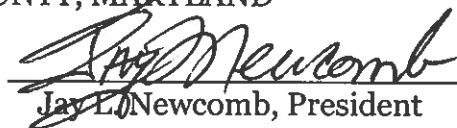
SECTION FOUR: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, that this Bill shall be known as Bill No. 2014-11 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage or upon Critical Area Commission approval whichever is later.

SECTION FIVE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, that this Bill shall also include the adoption of the Buffer Exemption Area Map prepared by Fink, Whitten & Associates, LLC and titled: Proposed Buffer Exemption Areas for Tideland Park Cooperative Campground.

PASSED this 19th day of August, 2014

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

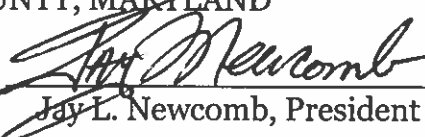


BY: 
Jay L. Newcomb, President

APPROVED this 19th day of August, 2014

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND



BY: 
Jay L. Newcomb, President

COUNTY COUNCIL OF DORCHESTER COUNTY

- Newcomb - *absent*
- Nichols - *aye*
- Travers - *aye*
- Price - *aye*
- Bradshaw - *aye*