

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

2019 Legislative Session,  
Legislative Day No. 1

Introduced By: County Council

BILL NO. 2019- 1

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO REPEAL AND REENACT SECTION 68.7(c)(10)(g) AND SECTION 68.7(c)(11), TO RENUMBER SECTIONS 68.7(c)(11), 68.7(c)(12) AND 68.7(c)(13) AND TO REPEAL SECTION 68.7(c)(10)(h) AND TO REPEAL SECTION 68.7(c)(10)(i) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA".

Introduced, read first time, ordered posted on the 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, March 5, 2019, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:05 p.m.

By order: William V. Nichols  
William V. Nichols  
President of the County Council

Jan.19  
Repeal-ReenactChap68.Pub/mlh

OF  
DORCHESTER COUNTY, MARYLAND

BILL NO. 2019 - 1

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO REPEAL AND REENACT SECTION 68.7(c)(10)(g) AND SECTION 68.7(c)(11), TO RENUMBER SECTIONS 68.7(c)(11), 68.7(c)(12) AND 68.7(c)(13) AND TO REPEAL SECTION 68.7(c)(10)(h) AND TO REPEAL SECTION 68.7(c)(10)(i) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA".

SECTION ONE: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that Section 68.7(c)(10)(g) of Chapter 68 of the Dorchester County Code be repealed and reenacted to read as follows:

- (g) A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for the purposes of lot coverage requirements. For the purpose of increasing lot coverage on these parcels, the lot coverage limitations may not be construed to apply to a development activity for which a building permit was issued before July 1, 2008 and construction was initiated and an inspection was performed before July 1, 2009.

SECTION TWO: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that Section 68.7(c)(11) of Chapter 68 of the Dorchester County Code be repealed and reenacted to read as follows:

- (11)
  - (a) A lot coverage exchange may be conducted on a lot that exceeds the lot coverage limits of 68-7.C.10(e). A property owner may remove existing lot coverage in exchange for new lot coverage under the following circumstances:

- (i) The existing lot coverage on site shall be legally grandfathered or permitted by the Planning and Zoning office;
  - (ii) No more than 500 square feet of lot coverage will be exchanged;
  - (iii) There will be no net increase in lot coverage on site;
  - (iv) The removal of lot coverage outside of the buffer will not be used to accommodate new lot coverage in the buffer;
  - (v) In no case shall redevelopment increase any nonconformity on site.
  - (vi) Mitigation is required at a ratio of 1:1 for the square footage of exchanged lot coverage.
- (b) In the instance where a lot exceeds its lot coverage limit, a property owner may remove existing lot coverage in the Buffer in exchange for new lot coverage in the Buffer under the following circumstances:
- (i) The applicant receives a variance in accordance with §68-16.
  - (ii) The existing lot coverage on site shall be legally grandfathered or permitted by the Planning and Zoning office;
  - (iii) No more than 500 square feet of existing lot coverage in the Buffer or expanded Buffer shall be exchanged for new lot coverage in the Buffer or expanded Buffer;
  - (iv) Lot coverage in the expanded Buffer may not be exchanged for new lot coverage in the 100-foot Buffer.
  - (v) There will be no net increase of lot coverage on site;
  - (vi) There will be no net increase of lot coverage within the Buffer or expanded Buffer;
  - (vii) Mitigation shall be provided for disturbance in the Buffer as required under the Variance provisions in §68-16.

- (c) A fee in lieu shall be provided to the County if the area of the site precludes the implementation of on-site mitigation. The amount of the fee shall be determined by the Director or his designated representative. All moneys collected will be retained in the Critical Area Forest Replacement Fund.

SECTION THREE: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that the following Sections of Chapter 68 of the Dorchester County Code be renumbered as follows:

- a. Section 68.7(c)(11) is renumbered as Section 68.7(c)(12)
- b. Section 68.7(c)(12) is renumbered as Section 68.7(c)(13)
- c. Section 68.7(c)(13) is renumbered as Section 68.7(c)(14)

SECTION FOUR: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that Section 68.7(c)(10)(h) of Chapter 68 of the Dorchester County Code be repealed.

SECTION FIVE: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that Section 68.7(c)(10)(i) of Chapter 68 of the Dorchester County Code be repealed.

SECTION SIX: Be it further ENACTED and ORDAINED, by the County Council of Dorchester County, Maryland, that that this Bill is subject to the approval of the Critical Area Commission.

SECTION SEVEN: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that upon approval of the Critical Area Commission, General Code Publishers is directed to codify the amendments herein enacted to Chapter 68 of the Dorchester County Code entitled "Chesapeake Bay Critical Area".

SECTION EIGHT: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that this Bill shall be known as Bill No. 2019- 1 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 NINE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that the disapproval or invalidity by Critical Area Commission or its Chairman of any provisions of this Bill shall not affect the validity or enforceability of any other provisions of this Bill, which shall remain in full force and effect. Only those portions of this Bill approved by the Critical Area Commission shall be codified in the Dorchester County Code.

SECTION TEN: Be it further ENACTED, pursuant to Section 308 of the Charter of Dorchester County, Maryland, that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

PASSED this 5th day of March, 2019.

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY:   
Donna Lane  
Acting County Manager

BY:   
William V. Nichols  
President

APPROVED this 5th day of March, 2019.

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY:   
Donna Lane  
Acting County Manager

BY:   
William V. Nichols  
President

Travers – aye  
Pfeffer – aye  
Nichols – aye  
Nagel – aye  
Newcomb – aye

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