

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

2021 Legislative Session,
Legislative Day No. 13

Introduced By: County Council

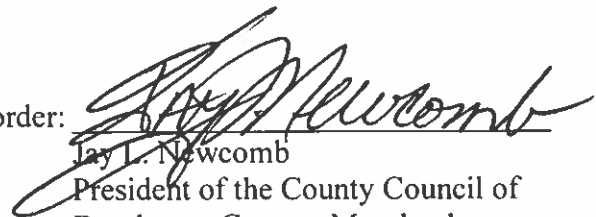
BILL NO. 2021-14

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 AMEND SECTION 68-1(B) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA", PROVIDING FOR A DEFINITION OF THE TERM NONWATER-DEPENDENT PROJECT AND TO ADD NEW SECTION 68-25(N) TO CHAPTER 68 OF THE DORCHESTER COUNTY CODE PROVIDING FOR THE PERMITTING OF NONWATER-DEPENDENT PROJECTS ON STATE OR PRIVATE WETLANDS WITHIN THE 100 FOOT AND EXPANDED BUFFER OF THE 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, August 3, 2021, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:02 p.m.

By order:


Jay L. Newcomb
President of the County Council of
Dorchester County, Maryland

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COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

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SECTION ONE: Be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that Section 68-1(B) of Chapter 68 of the Dorchester County Code entitled "Chesapeake Bay Critical Area" be amended to provide for the following definition of the term "Nonwater-Dependent Project":

Chapter 68

CHESAPEAKE BAY CRITICAL AREA

§ 68-1. Definitions.

B. Terms defined.

NONWATER-DEPENDENT PROJECT

A temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands. "Nonwater-dependent project" includes:

1. A dwelling unit on a pier;
2. A restaurant, a shop, an office, or any other commercial building or use on a pier;
3. A temporary or permanent roof or covering on a pier;
4. A pier used to support a nonwater-dependent use; and

5. A small-scale renewable energy system on a pier, including:
 - A. A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;
 - B. A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and
 - C. A wind energy system and its wind turbine, tower, base, or other necessary equipment.

“Nonwater-dependent project” does not include:

1. A fuel pump or other fuel-dispensing equipment on a pier;
2. A sanitary sewage pump or other wastewater removal equipment on a pier; or
3. An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.

SECTION TWO: Be it ENACTED and ORDAINED, by the County Council of Dorchester County, Maryland, that new Section 68-25(N) be added to Chapter 68 of the Dorchester County Code to read as follows:

§ 68-25 100-foot and expanded buffers.

N. Nonwater-dependent projects located on state or private wetlands within the Critical Area.

- (1) A nonwater-dependent project located on state or private wetland within the Critical Area may be permitted if the project:
 - (a) Involves a commercial activity that is permitted as a secondary or accessory use to a permitted principal commercial use, or represents an expansion of the principal use;
 - (b) Is not located on a pier attached to a residentially, institutionally, or industrially used property;
 - (c) Is located in:
 - [1] An Intensely Developed Area; or
 - [2] An area excluded from the Critical Area;
 - (d) Obtains all applicable state and local permits;
 - (e) Allows or enhances public access to state wetlands, if applicable;
 - (f) Does not expand beyond the length, width, or channel-ward encroachment of the pier on which the project is constructed;
 - (g) Has a height of up to 18 feet unless the project is located at a marina; and
 - (h) Is up to 1,000 square feet in total area or:
 - [1] Is located on a pier that was in existence on or before December 31, 2012;
 - [2] Satisfies all of the requirements of Subsection N(1)(a) through (g) above; and
 - [3] If applicable, has a temporary or permanent roof or covering that is up to 1,000 square feet in total area.

SECTION THREE: 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 FOUR: 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 FIVE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, that this Bill shall be known as Bill No. 2021-14 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 SIX: 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.

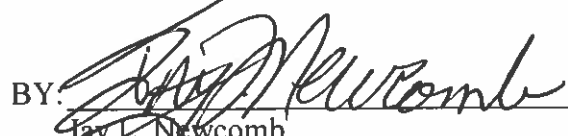
SECTION SEVEN: Be it further ENACTED, pursuant to Section 308 of the Charter of Dorchester County, Maryland, that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

PASSED this 3rd day of August, 2021.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: 
Donna F. Lane
Acting County Manager


BY: 
Jay L. Newcomb
President

APPROVED this 3rd day of August, 2021.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: 
Donna F. Lane
Acting County Manager

BY: 
Jay L. Newcomb
President

Travers - *aye*
Pfeffer - *aye*
Newcomb - *abstained*
Nagel - *aye*
Nichols - *aye*

Jun.21
CriticalAreaTextAmend.Bill/bmk