



The request is hereby made for development or redevelopment within the 100' Buffer on property mapped as a Modified Buffer Area pursuant to the provisions of Chapter 68.26

**Modified Buffer Area Application Form**

Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Briefly describe project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION:** MBA: \_\_\_\_ (y) \_\_\_\_ (n) Tax ID No: \_\_\_\_\_

Tax Map No: \_\_\_\_\_ Parcel: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_

Property Zoning Classification: \_\_\_\_\_ CA Classification: \_\_\_\_\_

Property Address: \_\_\_\_\_

**PROPERTY OWNER(S):**

Printed Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Owner's signature and date:  
\_\_\_\_\_

Co-owner's signature and date:  
\_\_\_\_\_

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE PLANNING DIRECTOR AND STAFF THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION.

**Agent** (if applicable):

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address \_\_\_\_\_

**Attached:**

Site Plan    Disclosure Form

*For Office Use Only:* Date Received: \_\_\_\_\_

Comments: \_\_\_\_\_

  

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## DORCHESTER COUNTY MODIFIED BUFFER AREA CRITERIA STATEMENTS

**Instructions:** Please fill in responses to the following MBA Criteria where applicable

§68.26.C - The following special provisions shall apply to development and redevelopment in mapped Modified Buffer Area (MBAs) in the IDA, LDA, and RCA.

New development or redevelopment activities, including structures, roads, parking areas and other lot coverage or septic systems will not be permitted in the Buffer unless the applicant can demonstrate that there is no feasible alternative, and the DP&Z finds that efforts have been made to minimize Buffer impacts. The development must comply with the following standards:

- (1) New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than the MBA setback. The MBA setback on a site is determined by the principal structure on that site, the principal structures on adjacent properties, or the setback for the zoning district. In no case shall new development or redevelopment be located less than 50 feet from the water (or the edge of tidal wetlands).

MBA setback determination used: \_\_\_\_\_

MBA setback distance: \_\_\_\_\_

- (2) Existing principal or accessory structures in the Buffer may be replaced in the same location. Any increase in impervious area or lot coverage within the Buffer shall comply fully with the requirements of this policy.
- (3) New accessory structures may be permitted in the Buffer in accordance with the following setback requirements:

- (a) New accessory structures may be located closer to the water or edge of tidal wetlands than the principal dwelling only if it has been determined by the DP&Z or their designee that there are no other locations for the accessory structures.

Principal dwelling setback: \_\_\_\_\_

Accessory structure setback: \_\_\_\_\_

- (b) The area of the accessory structures within the Buffer shall be minimized and the

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cumulative total area of all new and existing accessory structures on the property shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total.

Accessory structure square footage in the buffer: \_\_\_\_\_

- (c) In no case shall new accessory structures be located less than 25 feet from the water (or edge of tidal wetlands).
- (4) Variances to other local setback requirements shall have been considered before additional intrusion into the Buffer.  
\_\_\_\_\_
- (5) Development may not impact any HPAs other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.  
\_\_\_\_\_
- (6) No natural vegetation may be removed in the Buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the Buffer.  
\_\_\_\_\_
- (7) Modified Buffer Area designation shall not be used to facilitate the filling of nontidal wetlands that are contiguous to the Buffer to create additional buildable land for new development or redevelopment.  
\_\_\_\_\_
- (8) Mitigation for development or redevelopment in the Modified Buffer Areas approved under this Section shall be implemented as follows:
  - (a) Natural vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in the Buffer or other location as may be determined by the DP&Z. If it is not possible to carry out offsets or other mitigation within the Critical Area, any plantings or other habitat/water quality improvements should occur within the affected watershed.  
\_\_\_\_\_  
\_\_\_\_\_
  - (b) Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirements. Offsets may include the removal of an equivalent area of existing lot coverage within the Buffer, the construction of Best Management Practices for stormwater, wetland creation or restoration, or

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other measures that improve water quality or habitat.

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- (c) Applicants who cannot comply with either the planting or offset requirements in Paragraph (a) and (b) above shall pay into a fee-in-lieu program as follows:
  - (i) Applicants shall submit to the DP&Z one cost estimate from a qualified landscape business for planting the equivalent of an area twice the extent of the footprint of the development activity within the 100-foot Buffer. The estimate shall include the cost of stock, planting, staking, mulching and a two- year survival guarantee.  
  

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  - (ii) The DP&Z shall determine the amount of the fee-in-lieu based on one cost estimate.
- (d) Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes, or other instrument and recorded among the land records of Dorchester County.

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## Independent Procedures Disclosure and Acknowledgement Form

Proposed Project Name: \_\_\_\_\_

Physical Address of Property: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Applicant Agent: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Property Owner: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Applicant acknowledges and understands:

1. This Application may be subject to local, state and federal laws, Ordinances, rules, or regulations (hereafter "Laws") other than those that the Director of Planning or Board of Appeals reviews, administers, or applies in connection with this review.
2. Other agencies, including but not limited to the Dorchester County Health Department, Division of Environmental Health, Maryland Department of the Environment, U.S. Army Corps of Engineers, Maryland Department of Natural Resources, US Fish and Wildlife Service and others may also have review authority over the project or development proposed in the application.
3. Applicant remains solely responsible for compliance with all applicable laws, ordinances, rules, or regulations.
4. Applicant understands that review of this Application does not necessarily include review of any other applicable laws.
5. Applicant understands that neither the Office of Planning & Zoning nor any of its employees has authority to grant permission or approval of any project or proposed development that violates any applicable law, ordinance, rule, or regulation of Dorchester County, Maryland, and that any such approval issued in error has no enforceable legal effect.
6. Applicant understands that any decision issued by the Director of Planning or by the Board of Appeals does not necessarily guarantee or assure the applicant that this project or proposed development may proceed.

I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.

\_\_\_\_\_ (signature)

Applicant

\_\_\_\_\_ (signature)

Applicant/Agent

*For Office Use Only:* Date Received: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_