



Dorchester County Critical Area Buffer Exempt Area Application

The request is hereby made for development or redevelopment within the 100' Tidewater Buffer on property mapped as a Buffer Exempt Area pursuant to the provisions of Chapter 155-38.J.5

BEA Application Form

Name of Applicant: _____ Date _____

Briefly describe project;

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 AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION: Tax Map No. _____ Parcel _____ Block _____
Section _____ Lot _____ BEA ____ (y) ____ (n)
Tax ID No. _____ 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:

Applicant (if different from owner):

Printed Name: _____

Mailing Address: _____

Telephone Number: _____

Email Address _____

Attached:

Site Plan Disclosure Form

For Office Use Only: Date Received: _____

Comments: _____

§155-38.J.5 The following special provisions shall apply to development and redevelopment in mapped buffer exemption 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 buffer exemption areas (BEAs) under the provisions of this chapter while protecting water quality and wildlife habitat to the extent possible.

(b) Applicability. This section applied 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 buffer exemption areas as shown on the Critical Area Maps.

(c) Criteria.

[1] New development or redevelopment activities, including structures, roads, parking areas and other 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] 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 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.

[6] Any applicant eligible under THE provisions OF §155-38M may elect to request a variance from the Board of Appeals.