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By: Senator Dyson (Chairman, Joint Committee on the Chesapeake and

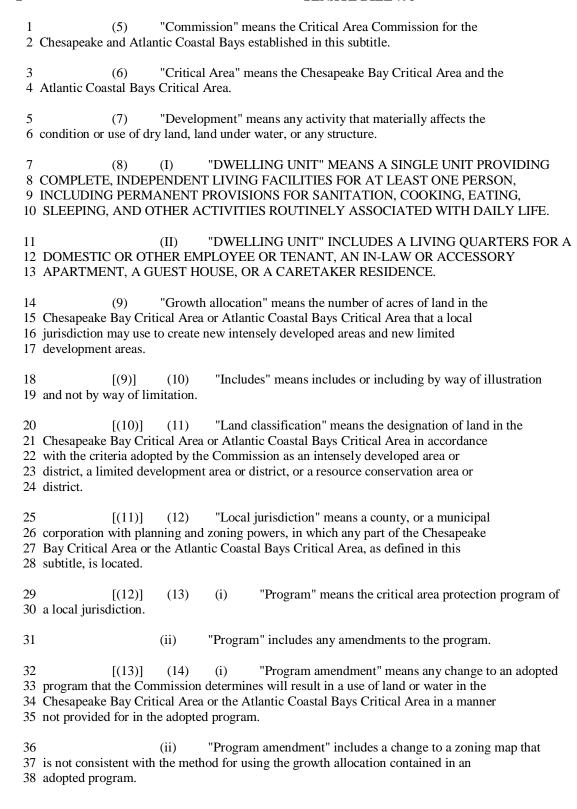
Atlantic Coastal Bays Critical Area)
Introduced and read first time: February 16, 2004

Assigned to: Rules

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	A BILL ENTITLED					
1	AN ACT concerning					
2 3	Chesapeake and Atlantic Coastal Bays Critical Area Protection Program - Dwelling Units					
4 5 6 7 8 9	Atlantic Coastal Bays Critical Area Protection Program; defining the term "dwelling unit" as it applies to the critical area program; providing for the application of this Act; and generally relating to dwelling units in the					
10 11 12 13 14	Section 8-1802(a) and 8-1808.1(e) Annotated Code of Maryland					
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
17	Article - Natural Resources					
18	8-1802.					
19	(a) (1) In this subtitle the following words have the meanings indicated.					
20 21	(2) "Atlantic Coastal Bays" means the Assawoman, Isle of Wight, Sinepuxent, Newport, and Chincoteague Bays.					
22 23	(3) "Atlantic Coastal Bays Critical Area" means the initial planning area identified under § 8-1807 of this subtitle.					
24 25	(4) "Chesapeake Bay Critical Area" means the initial planning area identified under § 8-1807 of this subtitle.					

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3		ical Area	or the At	"Program refinement" means any change to an adopted es will result in a use of land or water in the lantic Coastal Bays Critical Area in a manner		
5		(ii)	"Prograi	m refinement" includes:		
6 7	development area des	signation	1. of an ado	A change to a zoning map that is consistent with the pted program; and		
8 9	adopted program.		2.	The use of the growth allocation in accordance with an		
12	[(15)] (16) (i) "Project approval" means the approval of development, other than development by a State or local government agency, in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area by the appropriate local approval authority.					
14		(ii)	"Project	approval" includes:		
15			1.	Approval of subdivision plats and site plans;		
16			2.	Inclusion of areas within floating zones;		
17 18	use permits; and		3.	Issuance of variances, special exceptions, and conditional		
19			4.	Approval of rezoning.		
20		(iii)	"Project	approval" does not include building permits.		
21	8-1808.1.					
22 23	(e) In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the resource conservation area, a local jurisdiction [may]:					
	(1) SHALL COUNT EACH DWELLING UNIT, REGARDLESS OF THE SIZE OF THE DWELLING UNIT, ITS LOCATION OR CONFIGURATION, OR ANY RESTRICTIONS ON ITS OCCUPANCY; AND					
27 28	(2) MAY permit the area of any private wetlands located on the property to be included, under the following conditions:					
29 30	[(1)] parcel may not exceed	(I) ed 1 dwel		nsity of development on the upland portion of the per 8 acres; and		
31 32	[(2)] of vegetative inform	(II) ation as d		ea of private wetlands shall be estimated on the basis I on the State wetlands maps.		
33 34	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have					

- 1 any effect on or application to any dwelling unit in existence or for which all necessary
   2 permits for construction had been issued before the effective date of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 4 effect June 1, 2004.