

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2024-002

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: JANUARY 16, 2024

ATTEST:



J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: January 23, 2024, BEGINNING AT 9 A.M.
COURTHOUSE, 109 MARKET STREET, ROOM 106
DENTON, MARYLAND

THIRD READING: 02/13/2024

ENACTED: 02/13/2024

EFFECTIVE: 03/29/2024

**Chapter 175 – Zoning – Subsection A. of
Section 175-40 Streams and Stream Buffers – Repeal and Reenactment**

AN Act to repeal Subsection A. of Section 175-40, Streams and Stream Buffers, of Chapter 175 – Zoning, of the Code of Public Local Laws of Caroline County, Maryland, and reenact the same with amendments changing the text of Subsection A. to make the stream buffer requirements for perennial and intermittent streams the same distance;

FOR the purpose of revising the stream buffer requirements for both perennial and intermittent streams to fifty (50) feet.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, pursuant to Section 197.B of Chapter 175, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding changes to perennial and intermittent stream buffer requirements proposed in this Bill, which will have the effect of changing stream buffer requirements in all zoning Districts; and

WHEREAS, this Bill may also be known by its short title “Chapter 175 – Zoning - Subsection A. of Section 140 Streams and Stream Buffers - Repeal and Reenactment”.

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. SUBSECTION A. OF SECTION 175-40, STREAMS AND STREAM BUFFERS, OF CHAPTER 175 ZONING of the Code of Public Local Laws of Caroline County, Maryland be, and it is hereby **REPEALED**.

SECTION 2. A NEW SUBSECTION A. OF SECTION 175-40 is hereby enacted in lieu thereof, to read as follows:

A. For perennial streams and intermittent streams there shall be fifty (50) - foot buffers required measured landward from the edge of each side of the stream.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the “Code”), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with


no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311(i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

SECTION 7. This Bill shall take effect on March 29, 2024.

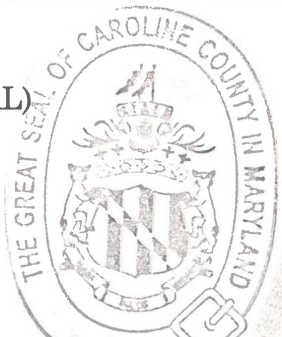
Enacted this 13 day of February, 2024.

ATTEST:



Jennifer Reibly
Public Information Officer

(SEAL)




**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**




Stewart Barroll
County Attorney

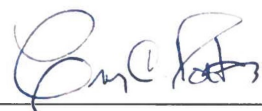
**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**



J. Travis Breeding, President



Larry C. Porter, Vice-President



N. Franklin Bartz, III., Commissioner