

COMMISSIONERS OF OXFORD

Ordinance No. 1801

INTRODUCED BY: _____

DATE: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED "HARBOR MANAGEMENT ORDINANCE", SECTION 11.12 TO CLARIFY THE STANDARDS FOR DETERMINING USABLE WATERWAY AREA FOR CONSTRUCTION OF WATERFRONT STRUCTURES

Introduced, read first time, ordered posted, and public hearing scheduled on _____ at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order _____
Town Clerk

I hereby certify that the foregoing Ordinance Number 1801 of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2018.

Attest: _____
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

COMMISSIONERS OF OXFORD
ORDINANCE NUMBER 1801

INTRODUCED BY: _____

DATE OF INTRODUCTION: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED “HARBOR MANAGEMENT ORDINANCE”, SECTION 11.12 TO CLARIFY THE STANDARDS FOR DETERMINING USABLE WATERWAY AREA FOR CONSTRUCTION OF WATERFRONT STRUCTURES

WHEREAS, Maryland Code Ann. Article Local Government Article § 5-208 authorizes the Commissioners of Oxford to create, appoint, and establish a board of port wardens to exercise jurisdiction within the limits of the municipal corporation, to regulate the placement, erection and construction of structures, wharves, piers, moorings, buoys, piles or pilings, or other barriers or obstructions within or on the waters of the Town of Oxford; and

WHEREAS, on October 24, 1979, by Ordinance No. 165, pursuant to the authority granted by the Legislature of the State of Maryland, the Commissioners of Oxford established the Board of Port Wardens of the Town of Oxford to regulate the placement of structures, moorings, buoys, anchors, floating wharves and related waterfront structures; and

WHEREAS, Ordinance No. 173, on May 11, 1982, the Commissioners of Oxford adopted a Harbor Management Ordinance, including certain regulations governing the placement of structures within the waters of the municipality, as well as permitting requirements for the same, which has subsequently been codified in the Town Code adopted on April 23, 2013, as amended from time to time; and

WHEREAS, the Oxford Board of Port Wardens has recommended that Section 11.12 of the Oxford Harbor Management Ordinance be updated to reflect the standards used for determining usable waterway area in connection with the approval of waterfront structures; and

WHEREAS, the Commissioners have determined that it is desirable and in the public interest to amend Chapter 11 of the Oxford Town Code, titled “Harbor Management Ordinance”, Section 11.12 to reflect the recommendations of the Oxford Board of Port Wardens.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. The Oxford Town Code, Chapter 11.12 is hereby amended as follows:

Section 11.12 Waterfront Development Requirements.

The following regulations apply to waterfront development structures. The Board of Port Wardens shall have the authority to issue a municipal permit for waterfront development structures based upon, but not limited to, the following criteria. The Port Wardens shall have the authority to allow for a variation of the provisions of this Section 11.12 upon a finding that the application has been *or will be* approved by any applicable state and/or federal jurisdiction having authority over the same, and that the alteration does not have an adverse impact upon surrounding properties or riparian rights of others, or navigable waterways.

A. Useable Waterway Areas. The useable waterway area is the area enclosed by the harbor line, shoreline and ~~lateral lot~~ lines *extended as determined by the Port Wardens based on its impact on the use and enjoyment of adjacent waterfront lots.*

1. Harbor line and Shorelines. The harbor line and shoreline are the lines labeled as such on the Oxford Harbor Line Map, as amended.

2. *Lot Lines Extended shall be determined by one of the following methods:*

- a. *from the side lot line at a 90-degree angle to the shoreline;*
- b. *from the extension of the last course of the lot line into the water;*
- c. *from the side lines to the center of the cove; or*
- d. *from the side lot lines generally parallel with the existing piers located on adjacent lots.*

~~2. Lateral Lines. The lateral lines are imaginary lines separating adjacent usable waterway areas, and are determined graphically as follows:~~

- ~~a. The applicant shall prepare a scale drawing showing the applicant's property and all adjacent waterfront properties within a 200' radius of the shoreline owned by the applicant (see Figure 1A).~~

- b. ~~On a scale drawing, add the shorelines and harbor lines as shown on the Oxford Harbor Line Map.~~
- e. ~~Intersect all property lines with the shoreline (Points A, B, C, D, E, and F on Figure 1A).~~
- d. ~~From the applicant's property line-shoreline intersections (Point D, E, on Figure 1A) intersect a 200' radius with the shoreline (Point 1,2 on Figure 1A).~~
- e. ~~From the applicant's property, connect all property line-shoreline points, ending at points 1 and 2 with straight lines (D to C, C to B, B to 1, E to 2 on Figure 1A).~~
- f. ~~Bisect the angled formed by these straight lines and extend the lines bisecting the angle from the shoreline to the harbor line. These are the lateral lines (B-G, C-H, D-I, E-J on Figure 1A).~~

3. ~~**Determination of Usable Waterway Area.** The usable waterway shall be determined for all properties having a pair of lateral lines as shown on the applicant's drawing. For an acceptable usable waterway area, the following conditions should be met:~~

- a. ~~If a pair of lateral lines extended to the harbor line result in a distance of 25' or more on the harbor line (lines G-H, H-I, I-J), the lateral lines (D-I, E-J) are satisfactory and these lines and the harbor and shorelines define the usable waterway area for the applicant.~~
- b. ~~If any pair of lateral lines extended to the harbor line results in a harbor line segment (G-H, H-I, I-J, Figure 1A) of less than 25', the lateral lines are unacceptable and shall be modified in accordance with subsection B herein.~~
- c. ~~If any pair of lateral lines extended intersect before reaching the harbor line, the lateral lines are unacceptable and shall be modified in accordance with subsection B herein.~~

B. ~~Amendments to Lateral Line.~~

~~1. Where a conflict occurs as outlined in subsection A.2. above, the lateral lines will be modified as shown on Figure 1B. An imaginary line shall be moved toward the shoreline and parallel to line D-E. (See Figure 1B) until a 25' clearance is obtained (see Line N, Figure 1B).~~

~~2. Two additional lateral lines (N-P and O-Q) will be drawn perpendicular to line N from points N and O to the Harbor line. The lines D-N-P, E-O-Q are the new lateral lines for the applicant's parcel and adjoining properties.~~

~~3. For all amended lateral lines, construction will be limited to the area enclosed by the shoreline, the lateral lines (D-N, O-E) and the imaginary clearance line N-O (see Figure 1B). This procedure will ensure adequate clearance for adjacent piers.~~

~~These new lateral lines, the harbor lines and shoreline will define the usable waterway area for the applicant.~~

C. Setbacks.

1. Harbor Line Setbacks. Any piers, "T" heads, "L" heads, mooring piles, moorings and/or anchorages must be set back from the harbor line an appropriate distance to assure that no moored vessel or permanent or temporary structure extends beyond the harbor line.

2. *Lot Line Extended Setbacks. Any piers, "T" heads, "L" heads shall be setback from the determined lot line extended based on the applicable setbacks for the individual property established by the Oxford Zoning Ordinance.*

~~3.~~ 23. Adjacent Property Owners Agreement. The ~~lateral line~~ *lot line extended* setback may be reduced if a letter of no objection is obtained from the adjacent property owner and a recorded covenant running with the properties is filed with the Town. The mutual use of piers and/or mooring piles by adjacent property owners is encouraged and recommended whenever possible.

~~4.3.~~ Fuel Dock Setback. A 50-foot setback from the harbor line is required for all docks having fuel facilities.

5. *Length of private piers. Unless already defined by the Harbor Line, new private piers, or any portion thereof, including outboard pilings, finger piers, catwalks, boat or personal watercraft lifts, platform areas or floating docks shall extend 150 feet or less in length measured from the mean high-water line.*

D. Pre-existing Uses. Any marine facility lawfully existing as of the date of the adoption of this ordinance may continue to be used even though such marine facility or use does not conform to the use or dimensional regulations set forth herein. Any alteration of an existing non-conforming marine facility or use is subject to the provisions of this Ordinance.

E. Construction Details.

1. All waterfront structures for use in in any zoning district within the Town shall have plans and details of proposed construction for Port Wardens' review and approval. The Board of Port Wardens may require that drawings be prepared by a licensed engineer.

2. Piers shall be limited to seven feet of width with all "T" or "L" head sections not to exceed one-third of total length of structure, unless the Board of Port Wardens determines any additional proposed width will not interfere with or have an adverse impact upon the surrounding navigable waterways or adjacent riparian owners.

3. Bulkheading may not be constructed in the waterway beyond the shoreline except as approved by the Board of Port Wardens for the purposes of straightening minor shoreline irregularities or efficient bulkhead construction.

F. Other Permits and Approvals. State and federal permits and approvals applicable to construction, modifications, enlargement, reconstruction, repair, etc. of marine facilities shall be obtained and submitted to the Board of Port Wardens prior to starting any construction under a permit granted by the Port Wardens.

G. Harbor Management Plan. In approving any permit under this Chapter, the Board of Port Wardens may rely upon any other regulations or guidelines set forth in the Oxford Harbor Management Plan, which was prepared in 1983, or any subsequent amendments thereof, a copy of which is maintained in the Town Office.

H. Grading and Buffer Management Permits Required. Prior to being issued a permit from the Board of Port Wardens, the applicant shall obtain a grading permit from the Town Office and shall comply with the applicable provisions of Chapter 16 of the Town Code titled "Erosion and Sediment Control" for any dredging, filling or other activity which would result in a waterway bottom or shoreline modification, or any other disturbance for which a grading permit is required pursuant to Chapter 16. In addition, the applicant shall comply with any buffer management regulations or other critical area

disturbance provisions set forth in the Oxford Zoning Ordinance when undertaking work or disturbance in the Critical Area Buffer.

Section 2. Figures 1 A and 1B are hereby stricken from Section 11.12.

Section 3. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2018.

COMMISSIONERS OF OXFORD:

Gordon Graves, President

Gordon Fronk, Commissioner

John Pepe, Commissioner

Additions reflected in italicized and bold font

Deletions reflected in ~~stricken text~~