

COUNTY ORDINANCE NO. 98-05

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with Amendments of Sections 18-1-061, 18-1-062, 18-1-063 and 14-143 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

FOR the purpose of clarifying the regulation of private piers in Queen Anne's County and the construction of shared piers by adjacent property owners.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Sections 18-1-061, 18-1-062, 18-1-063 and 14-143 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition be and each is hereby repealed and reenacted to read as set forth on Exhibit A attached hereto.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: MIKE ZIMMER

Date: 2/17/98

Vote: 3 Yea 0 Nay

Hearing Date: March 31, 1998 - 10:30 a.m.

Effective Date: June 5, 1998

**Final Draft Format
(No strike and delete)**

14-143. Community marinas.

(a) In addition to the provisions of §14-142 of this subtitle, new or expanded community marinas and other non-commercial boat docking facilities may be permitted in the Buffer provided that:

(1) where a community pier is proposed for a subdivision finally approved after June 29, 1988, the number of slips shall be the lesser of:

(i) one slip for every 50 feet of shoreline in subdivisions in IDA and LDA development areas and one slip per 300 feet of shoreline in subdivisions in RCA development areas; or

(ii) a density of slips to platted lots or dwellings in the subdivision according to the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips
up to 15	1 for each lot
16 - 40	15 or 75%, whichever is greater
41 - 100	30 or 50%, whichever is greater
101 - 300	50 or 25%, whichever is greater
over 300	75 or 15%, whichever is greater

(2) The Board of Appeals may grant a variance from the provisions of this section in accordance with Part VII of this subtitle.

(b) Where a community pier is proposed for a subdivision finally approved after June 29, 1988, the following conditions and restrictions shall apply:

(1) no food, fuel, or other goods and services shall be offered for sale;

(2) sanitary facilities shall be provided that meet the requirements of the Department of the Environment as provided in COMAR 26.04.02;

(3) the community pier shall be for the benefit of the residents of a platted

and recorded subdivision only;

(4) disturbance to the Buffer is the minimum necessary to provide a single point of access to the community pier; and

(5) private piers and launching facilities in the new subdivision shall be prohibited.

**Final Draft Format
(No strike and delete)**

18-1-061. Pier--Generally.

A pier may not extend into any body of water a distance greater than 150 feet, as measured from the mean high water line, unless the Board allows a greater length as a conditional use. In no case may the length of a pier exceed $\frac{1}{2}$ of the distance from the mean high water line to the centerline of the body of water, the distance being hereby established as the tributary harbor line.

18-1-062. Private piers on residential lots.

(a) *In general.*

(1) Except as provided in subsection (b) of this section, a pier may not be:

(i) allowed as an accessory use or structure; or

(ii) constructed on a residential lot in a subdivision approved after June 29, 1988, that was approved on the basis of a plat that included a community pier.

(b) *When permitted.*

One pier is permitted as an accessory use or structure on a residential lot provided:

(1) the lot is within a subdivision that is not served by a community pier;
and

(2) the lot is located in a subdivision that was approved on the basis of a plat that did not include a community pier; and

(3) the lot has a least 50' of shoreline frontage in the Critical Area IDA and LDA or 150' of shoreline frontage in the Critical Area RCA.

(c) *Pier building restriction line.*

A private pier may not be constructed within six feet of any side or front lot lines.

(d) *Shared piers.*

A shared pier may be located at or near a common property line without regard to the building restriction line otherwise applicable to private piers, provided:

(1) the shared pier serves no more than two (2) adjacent lots; and

(2) the two adjacent lots to be served by the shared pier have a combined shoreline frontage of at least 50' in the Critical Area IDA and LDA or a combined shoreline frontage of at least 150' in the Critical Area RCA; and

(3) the owners of the lots to be served by the shared pier execute an instrument, in recordable form, that runs with and binds the lots to be so served, that addresses the common use of, access to, and maintenance of the shared pier that is in a form acceptable to the Zoning Administrator.

(4) the shared pier, or any part thereof, may not be leased to any person who is not either a record owner of one of the lots to be served by the shared pier or a bona fide resident, occupant, or lessee of a dwelling located on one of the two lots served by the shared pier.

18-1-063. Community piers.

Community piers are permitted as accessory uses to residential developments provided that:

(1) the community pier facility is located within the residential development which it is to serve;

(2) the number of slips is equal to or less than the number of lots in the development but, in any event, not in excess of the number of slips permitted under Section 14-143 of this Code.

(3) overnight occupancy is not allowed on any boat docked at the community pier.

(4) the community pier complies with all use limitations and conditions and restrictions set forth in Section 14-143 of this Code.