

County Ordinance # 13-24

§ 18: 1-19 G Use and merger of lots of substandard area or dimensions in Neighborhood Conservation (NC) District

Queen Anne's County Planning Commission

December 12, 2013

Kurt J. Fischer, Esquire; Venable LLP

J. Steven Cohoon, Planning Director

Todd Mohn, Director of Public Works

The Presentation

- Review the proposed ordinance
- Review proposed amendments for clarification
- Overview of the proposed Southern Kent Island Sanitary Project
- Overview of Nitrogen reduction for Watershed Implementation Plan as required by State
- Review of Merger Maps

Purpose of the Ordinance

- Implement the existing Neighborhood Conservation (NC) zoning in place since 1987 to the extent possible
- Reduce the number of substandard lots that can be built on when sewer service is extended
- Manage development arising from sewer extension to the SKI communities by requiring the merger of lots in common ownership
- Comply with the Legal guidance of the Attorneys General opinion

Applicability

- Lots in the NC – Zoning District not served by public sewer
 - *The NC Districts are intended to preserve the character, density, and scale of existing residential neighborhoods.*
 - *The NC Districts allow for in-fill development to be compatible with the surrounding area.*
 - *NC Districts are designated for existing residential developments*
- Applies to non-conforming lots
- Merger takes precedent over non-conforming regulations in the County code when pertinent

Main points of Ordinance

- Requires merger of lots in common ownership to meet current zoning requirements to the extent possible
- Applies to both vacant lots and improved properties
- May not leave nonconforming lots adjacent to lots in same ownership
- County could implement the merger requirements if necessary
- The administrative subdivision process is a simple process and not intended to add cost to property owners
- Requirement for disclosure of lots subject to merger
- Retroactive to date of introduction to limit potential to undermine the intent of the bill

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G. Use and merger of lots of substandard area or dimensions in Neighborhood Conservation (NC) District in areas designated [~~S-2~~] S-3 or higher in the Comprehensive Water and Sewerage Plan.

- (1) The provisions of this subsection shall apply in the NC District in areas designated [~~S-2,~~] S-3, S-4, S-5, and S-6 in the Comprehensive Water and Sewerage Plan **ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION G** and shall apply notwithstanding any other provision in this Article, including, without limitation, those relating to non-conforming uses or lots. The provisions of this subsection shall not be construed to affect the non-conforming use or lot status of lots in Zoning Districts or areas to which this subsection does not apply.
- (2) Except as provided in subsections (3) and (4) of this subsection, a dwelling may be constructed on a lot that does not comply with the minimum area or dimensional requirements of the zoning district in which the lot is located, provided that the lot complied with applicable minimum area and dimensional requirements, if any, at the time it was created.

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3) A dwelling may not be constructed on an unimproved lot OR LOTS that ~~[does]~~ **DO** not comply with the minimum area or dimensional requirements of the zoning district in which the lot ~~[is]~~ **OR LOTS ARE** located if the unimproved lot ~~[is]~~ **OR LOTS ARE** contiguous with an improved lot under the same ownership on November 12, 2013. An unimproved lot OR LOTS governed by this subsection shall be administratively merged with the contiguous improved lot under the same ownership as of November 12, 2013 prior to the extension of public sewer service to the improved lot. Further, an unimproved lot OR LOTS that must be merged with an improved lot under this subsection shall be merged with an additional contiguous unimproved lot or lots with the same ownership on November 12, 2013 that is or are necessary to prevent leaving an unimproved lot that does not satisfy the minimum area and dimensional requirements of the zoning district. The owner conducting a merger pursuant to this subsection must ~~[execute]~~ **APPLY AND RECEIVE APPROVAL OF** an administrative subdivision **PURSUANT TO § 18:1-171 OF THE PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY** prior to the extension of public sewer service to the improved lot. If the owner of a lot or lots required to be merged under this subsection G(3) fails to ~~[execute and record]~~ **APPLY FOR AND RECEIVE APPROVAL OF** an administrative subdivision, the PLANNING Director ~~[of Planning and Zoning]~~ shall ~~[do so promptly]~~ **PROCESS, CONSIDER AND APPROVE AN ADMINISTRATIVE SUBDIVISION EFFECTING THE MERGER PURSUANT TO § 18:1-171 OF THE PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY.**

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(4) Except as provided in subsection (5) of this subsection, an unimproved lot that does not comply with the minimum area or dimensional requirements of the NC District in effect at the time an application for a building permit is submitted may not be used for the construction of a dwelling if the lot was contiguous to and under the same ownership as one or more unimproved lots on November 12, 2013.

(5) A lot described in subsection (4) of this subsection may be used for the construction of a dwelling if the lot is merged with the contiguous, unimproved lot or lots in order to create a lot that (i) complies with, or comes as close as possible to complying with, the minimum area and dimensional requirements of the NC District, and (ii) does not leave a contiguous lot under the same ownership that does not comply with minimum area and dimensional requirements of the zoning district. The owner conducting a merger pursuant to this subsection must ~~[execute and record]~~ **APPLY FOR AND RECEIVE APPROVAL OF** an administrative subdivision **PURSUANT TO § 18:1-171 OF THE PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY** as a condition precedent to receiving a building permit for the dwelling.

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- (6) The seller of a lot subject to merger under this subsection G must disclose in writing to any buyer of the lot the fact that the lot is subject to merger with another lot or lots under subsection G. This disclosure also shall (i) be contained in all contracts of sale, deeds or similar documents relating to the sale, (ii) cite this subsection G, and (iii) be displayed prominently with the heading “Notice of Required Lot Merger.”

Staff Amendments for Clarification

1. Revise the ordinance to apply only to S-3 or higher Comprehensive Water and Sewerage Plan designations on or after the effective date of the subsection. Remove the S-2 designation from the applicability section of the ordinance. An S-2 property can administratively become S-1 and generally has a sewer line in close proximity and available to connect.
2. Clarify and confirm that the ordinance applies to a single lot or more than one lot if applicable.
3. Add a clarifying reference to section 18:1-171 relating to the administrative subdivision process.
4. Revise the terms “execute and record” to “apply and receive approval for” which is more consistent with the terms in our County Code.
5. Revise Director of Planning & Zoning with Planning Director which is a specific term of the County code.

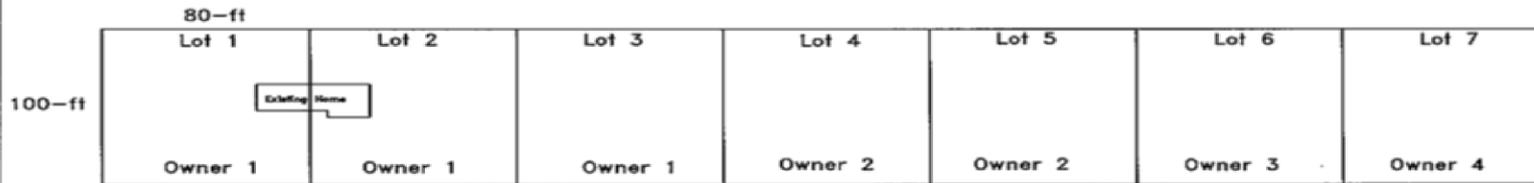
Zoning and Conforming Lot sizes for Southern Kent Island Subdivisions

Subdivision	Zoning	Conforming lot size	Lot area needed to have 2 lots	Average platted lot sizes	General lot Dimensions	C = Conforming N = Non-Conforming
Matapeake Estates	NC-20	20,000 Sq ft	40,000 sq. ft.	Various Size lots		C
Normans	NC-1 & NC - 20	1 Acre 20,000 sq ft	2 Acres 40,000 sq. ft.	Various size lots		N
Sunny Isle of Kent	NC - 20	20,000 sq ft	40,000 sq. ft.	9,000 sq ft	60' x 150'	N
Chesapeake Estates	NC - 20	20,000 sq ft	40,000 sq. ft.	14,500-15,000 Sq ft	85' x 175' 75' x 200'	N
Kentmorr	NC - 20	20,000 sq ft	40,000 sq. ft.	5,000 sq ft	50' x 100'	N
Queen Anne's Colony	NC-15	15,000 sq ft	30,000 sq. ft.	20,000 – 25,000 sq ft	100' x 200' 110' x 225'	C
Kent Island Estates	NC-20	20,000 sq ft	40,000 sq. ft.	10,000-12,000 sq ft	60' x 180' 60' x 200'	N
Romancoke on the Bay	NC-20	20,000 sq ft	40,000 sq. ft.	10,000 – 20,000 sq ft.	50' x 200' up to 100' x 200'	N
Tower Gardens	NC-1 NC-2 NC-20	1 Acre 2 Acre 20,000 sq ft	2 Acres 4 Acres 40,000 sq. ft.	15,000 sq ft – 1+ Acre		

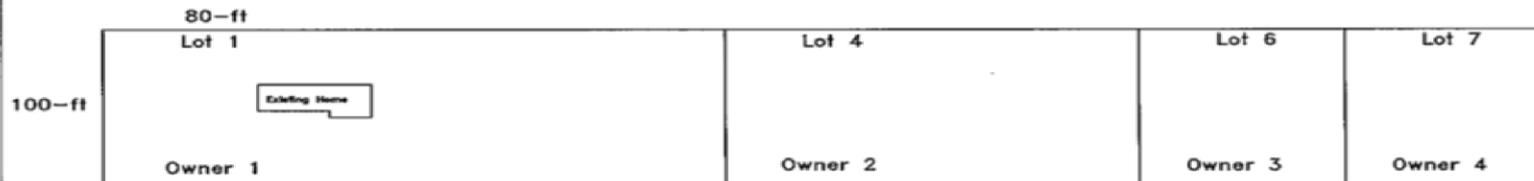
SKI Legislation Example

1. All lots are 8000-ft².
2. Zoning is NC-20 (20,000-ft² minimum).

Pre-Legislation



Post-Legislation



Owner 1 - In accordance with section 18:1-19 G (3), Lot 3 must be merged with Lots 1 & 2.

Owner 2 - In accordance with section 18:1-19 G (5), Lot 5 must be merged with Lot 4. Still non-conforming but buildable.

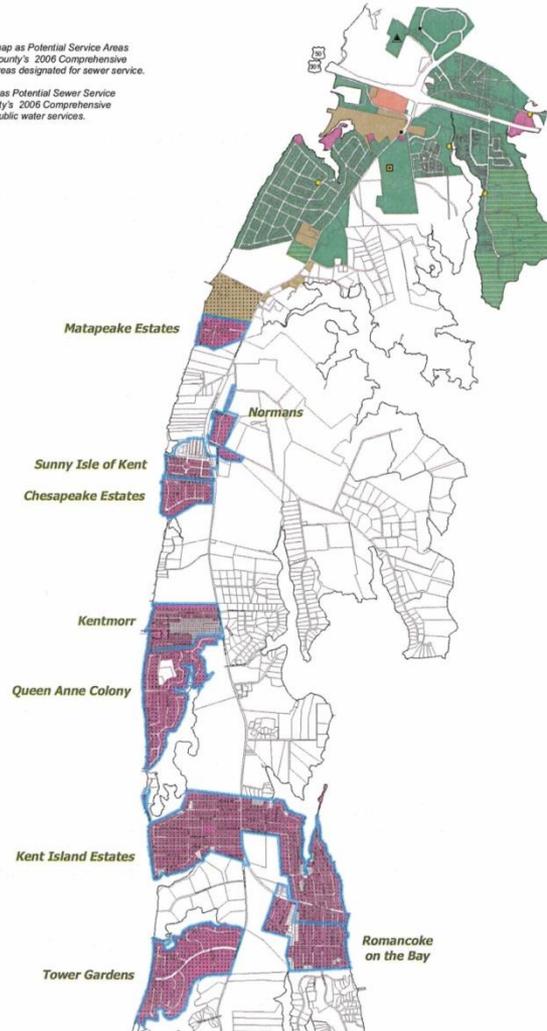
Owner 3 & 4 - In accordance with section 18:1-19 G (2), Lots 6 & 7 are buildable as is but still non-conforming.

Southern Kent Island Sanitary Project Overview

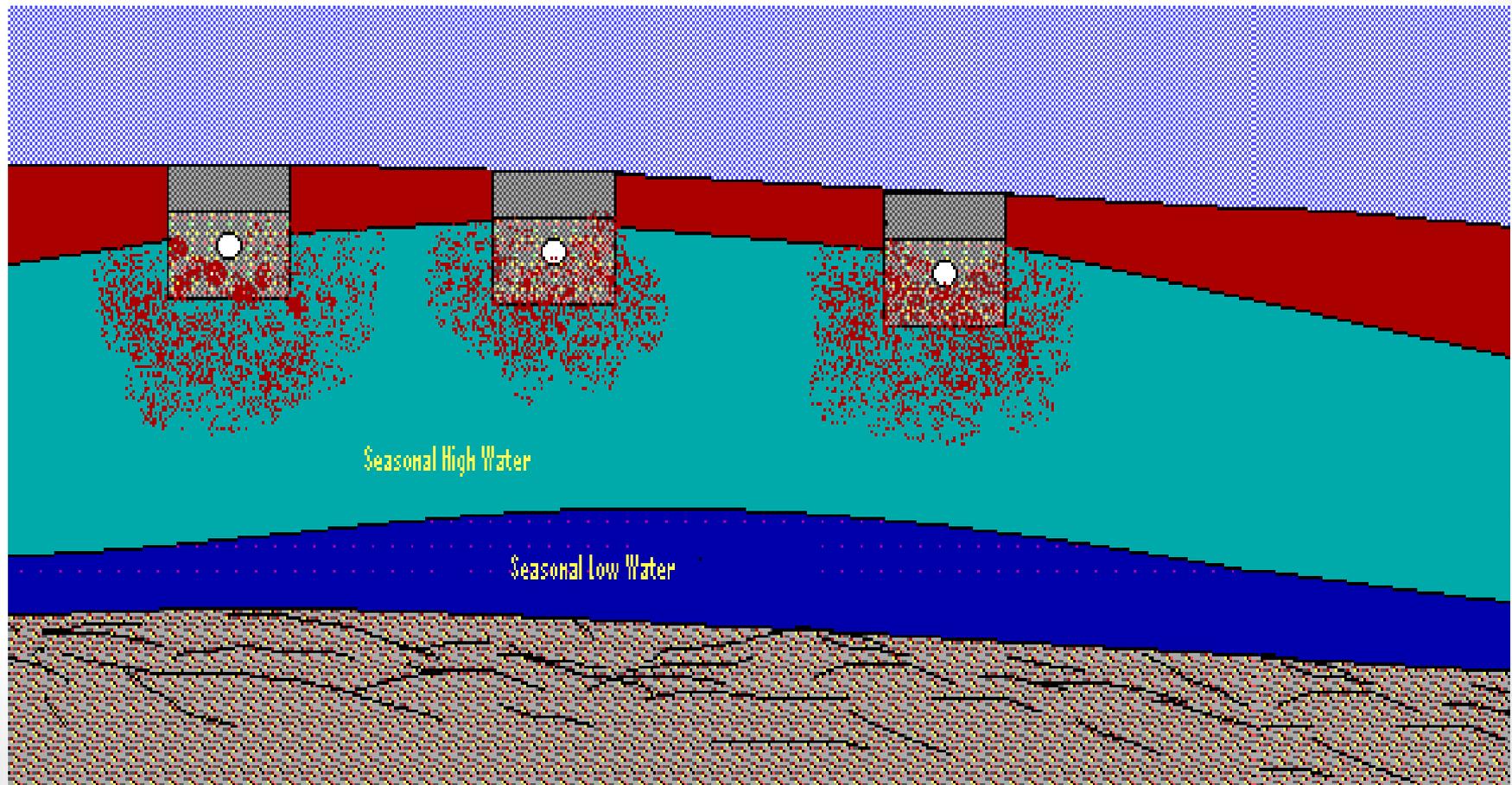
SEWER SERVICE AREA DESIGNATION & PUBLIC HEALTH CONCERNS

**Note: Areas identified on this map as Potential Service Areas include areas identified in the County's 2006 Comprehensive Water and Sewerage Plan as areas designated for sewer service.*

No areas identified on this map as Potential Sewer Service Areas are identified in the County's 2006 Comprehensive Water and Sewerage Plan for public water services.



Failing Septic System Groundwater Penetration



Watershed Implementation Plan

- In Queen Anne's County the Total County Government Goal for Nitrogen Reduction is 87,000 lbs.
- Of the 87,000 lbs. the Septic System Goal for Nitrogen Reduction is 53,000 lbs. to be met by 2025
- Removal of the existing 1,518 septic systems and connecting them to an ENR plant results in;
 - A Reduction of 21,903 lbs. of Nitrogen (according to MAST)
 - Meeting 41% of the County WIP Septic Goal
 - Meeting 25% of the Total County Government Goal
 - Removal of 1,104 septic systems in the Critical Area (73%) and 408 outside of the Critical Area (27%)

Merger Maps

- Posted on County Website -
<http://www.qactv.com/home/ski-sanitary-project/>
- Based on current ownership from Taxation and Assessment
- Created based on existing NC Zoning in place since 1987
- Sewer service area shown is based on 2006 Comprehensive Water and Sewerage Plan maps