

COUNTY ORDINANCE NO. 13-24

AN EMERGENCY BILL ENTITLED

AN ACT CONCERNING the Use and Merger of Certain Substandard Lots in the Neighborhood Conservation (NC) District;

FOR THE PURPOSE of requiring that certain contiguous, substandard lots in the NC District be merged to comply with current Zoning Regulations and land use policies; and for the purpose of requiring such merger without interfering with rights guaranteed by the United States and Maryland Constitutions as interpreted by Federal and State Courts; and for the express purpose and intent of giving this Bill retroactive application by imposing such merger requirements based on lot ownership as of November 12, 2013, the date of introduction of this Bill to prevent individuals from defeating or undermining the purposes of this Bill by altering the ownership of properties between the date of introduction of this Bill and the Bill's effective date;

BY ADDING a new Subsection 18:1-19G. to Section 18:1-19 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 18:1 (Zoning and Subdivision Regulations) of the Code of Public Local Laws be amended by adding the following Subsection 18:1-19G. to Section 18:1-19.

*Chapter 18:1  
Zoning and Subdivision Regulations*

...

§ 18:1-19. *Neighborhood Conservation (NC District).*

...

**G. Use and merger of lots of substandard area or dimensions in Neighborhood Conservation (NC) District in areas designated S-2 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 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.

(3) A dwelling may not be constructed on an unimproved lot that does not comply with the minimum area or dimensional requirements of the zoning district in which the lot is located if the unimproved lot is contiguous with an improved lot under the same ownership on November 12, 2013. An unimproved lot 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 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 an administrative subdivision 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 an administrative subdivision, the Director of Planning and Zoning shall do so promptly.

(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 an administrative subdivision as a condition precedent to receiving a building permit for the dwelling.

(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 shall also be contained in all contracts of sale, deeds or similar documents relating to the sale and shall cite this subsection G. and be displayed prominently with the heading "Notice of Required Lot Merger."

## SECTION II

BE IT FURTHER ENACTED that it is the County Commissioners' express purpose and intent that the provisions of this Bill be given retroactive application to the extent that the provisions impose merger requirements based on lot ownership as of November 12, 2013.

## SECTION III

BE IT FURTHER ENACTED that the provisions of this Act shall be severable and a determination that one or more provision is invalid shall not affect the validity of the remaining provisions.

## SECTION IV

BE IT FURTHER ENACTED that this shall be declared an emergency bill affecting the public health, safety and welfare of the County and upon the affirmative vote of at least four-fifths of the total membership of the Board of County Commissioners shall take effect immediately, otherwise the same shall not be deemed an emergency bill and shall take effect on the forty-sixth (46<sup>th</sup>) day following its passage.

INTRODUCED BY: Commissioner Dunmyer

DATE: November 12, 2013

PUBLIC HEARING HELD:

VOTE:

DATE OF ADOPTION:

EFFECTIVE DATE: