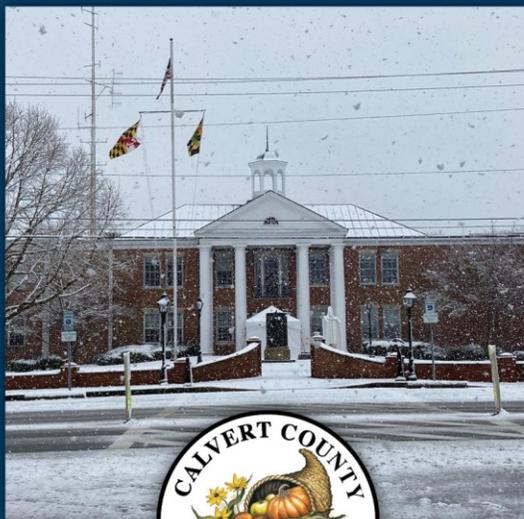


# CALVERT COUNTY

## Zoning Ordinance

March 1, 2025



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## **Article 1. Title, Purpose, and Applicability**

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### **1-1 TITLE AND STATUTORY AUTHORIZATION**

**A.** This Article, together with the Official Zoning Map adopted under it, is cited as the “Zoning Ordinance of Calvert County.” This Ordinance may be referred to as the “Zoning Ordinance” or the “Ordinance.”

**B.** The Maryland General Assembly, in the Land Use Article of the Maryland Annotated Code, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls are implemented by local government in order to, among other purposes, secure the public safety, health, and welfare, and promote the conservation of natural resources.

### **1-2 PURPOSE**

This Ordinance is intended to serve the following purposes:

- A.** To execute the powers authorized to Calvert County by Land Use Article of the Maryland Annotated Code.
- B.** To ensure that the vision set forth in Calvert County’s Comprehensive Plan is implemented by land use regulations consistent with the goals set forth.
- C.** To promote and protect public health, safety, and welfare for current and future generations.
- D.** To preserve and enhance neighborhoods.
- E.** To preserve, protect, and promote the County’s employment base.
- F.** To protect the County’s natural and cultural resources.
- G.** To provide oversight and planning to sustain the vibrancy of the County’s Town Centers.

### **1-3 APPLICABILITY/ RULES OF CONSTRUCTION**

#### **A. Territorial Application**

This Ordinance applies to all the lands, uses, and improvements within the territorial limits of Calvert County, except for the incorporated territory of any municipality in the County.

#### **B. General Application**

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### **C. Required Conformance**

Every part or whole of a structure shall be erected, constructed, reconstructed, moved, maintained, or enlarged in conformance with the requirements of this Ordinance. Every structure and all land shall be used and occupied in conformance with the requirements of this Ordinance.

#### **D. Determination of Rights Attendant to a Parcel**

For the purpose of determining rights attendant to a parcel of land by virtue of the property being a discrete parcel, any determination as to the description of the parcel shall go back no further than the parcel as it existed in a deed under which the grantee in the deed held title to real property as of June 29, 1967.

#### **E. Relation to Private Agreements**

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The County will not enforce any private agreement or covenant.

#### **F. Relation to Town Center Zoning Ordinances**

If a Town Center Zoning Ordinance does not address a requirement, condition, or issue which is addressed in the Zoning Ordinance of Calvert County, the Zoning Ordinance of Calvert County applies. The provisions of the Zoning Ordinance of Calvert County are subordinate to any applicable Town Center Zoning Ordinance.

#### **G. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Ordinance controls over less restrictive County or State statutes, ordinances, or regulations. More restrictive County or State statutes, ordinances, or regulations control over the provisions of this Ordinance. Unless specifically indicated, when this Ordinance refers to another statute, ordinance, or regulation it refers to the statute, ordinance, or regulation as updated or amended from time to time.

#### **H. Relation to Previously Recorded Plats**

Notwithstanding any provision of a recorded plat of subdivision, unless vested under Maryland law, the density of any residue shall conform to the provisions of this Ordinance. Further, as pertains to the development or redevelopment of any lot within a recorded subdivision, the annotations of a recorded plat of subdivision that are not necessary for the continuity of character of the neighborhood, as determined by the Calvert County Planning Commission, shall yield, and be subordinate to, every conflicting provision of this Ordinance.

#### **I. In the Case of Conflicting Regulations**

If a regulation in this Ordinance conflicts with another regulation in this Ordinance, the more restrictive regulation, as determined by the Zoning Officer shall apply.

#### **J. Rules of Ordinance Construction**

This Ordinance contains graphics in order to assist the user in understanding and applying the Ordinance. However, where there is any inconsistency between the text of this Ordinance and any such graphics, the text controls unless otherwise specifically stated.

#### **K. Scrivener's Errors**

The Zoning Officer may approve scrivener's errors to this Ordinance. Such corrections do not require a text amendment. A scrivener's error is a legal principle which permits a typographical error to be corrected administratively. If such correction is substantial and effects the application of this Ordinance and any property affected by it, then a text amendment is required. Scrivener's error shall be an error due to a minor mistake or inadvertence and not one that occurs from any zoning interpretation.

#### **L. Variances and Appeal Authority**

The Zoning Officer, or its designee, is granted authority to approve administrative variances from the strict application of sign height, setback, and parking requirements of this Ordinance, or from other requirements as stipulated in this Ordinance. The Board of Appeals has the authority to grant variances from the strict application of the lot area, lot width, setback, and height requirements of this Ordinance, or from other requirements as stipulated in this Ordinance. If this Ordinance does not specify an appeal authority from a final decision, they may be appealed by an aggrieved party to the Circuit Court of Calvert County as prescribed at Title 7, Subtitle 2 of the Maryland Rules.

#### **M. Violations and Enforcement**

A violation of any provision of this Ordinance, or a failure to comply with any requirement of this Ordinance by any person, corporation, association, partnership, legal entity, or the agent of any such person, may be processed as a zoning violation under this Ordinance. (See Article 33).

### **1-4 RULES OF INTERPRETATION**

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A.** The singular number includes the plural, and the plural the singular.
- B.** The present tense includes the past and future tenses, and the future tense includes the present.
- C.** The terms "must," "shall," and "will" are mandatory, while the word "may" is permissive.

- D. The terms “must not,” “will not,” “shall not,” “cannot,” and “may not” are prohibiting.
- E. Any gender includes all genders.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with its ordinary (dictionary) or natural meaning.
- G. Definitions of terms with Critical Area in parentheses following the term apply to Article 22 (Critical Area) and Article 23 (Marine and Water Dependent Facilities) of this Ordinance. Within Articles 22 and 23 these definitions supersede any conflicting definitions in Article 2.
- H. Definitions of terms with Floodplain in parentheses following the term apply to Article 24 (Floodplain) of this Ordinance. Within Article 24 these definitions supersede any conflicting definitions in Article 2.
- I. Definitions of terms with Forest Conservation in parentheses following the term apply to Article 20 (Forest Conservation) of this Ordinance. Within Article 20 these definitions supersede any conflicting definitions in Article 2.

## **1-5 TRANSITION RULES**

### **A. Existing Illegal Structures and Uses**

A structure or use that is illegal at the time of the adoption of this Ordinance remains illegal unless specifically made lawful by the Ordinance, and is subject to the enforcement provisions of this Ordinance (See Article 33).

### **B. Uses Rendered Nonconforming**

If a structure or land is legally used in a manner that was allowed prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer allows that use, that use is classified as a nonconforming use and is controlled by the provisions of Article 32 of this Ordinance.

### **C. Premises Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a legally conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is classified as a nonconforming structure and is controlled by the provisions of Article 32 of this Ordinance.

### **D. Site Characteristics Rendered Nonconforming**

If a site characteristic existing on the effective date of this Ordinance was legally conforming before the effective date of this Ordinance, or any subsequent amendment to this Ordinance, but such site characteristic does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site characteristic is classified as a nonconforming site characteristic and is controlled by the provisions of Article 32 of this Ordinance.

### **E. Previously Issued Building Permits**

If a building permit for a structure was issued prior to the effective date of this Ordinance, and remains valid, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended.

### **F. Previously Granted Variances**

All variance approvals granted prior to the effective date of this Ordinance remain in full force and effect, unless such variance is no longer needed after the effective date. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variance before all approvals expire, including any approved periods of extension, then the provisions of this Ordinance govern.

### **G. Previously Granted Special Exceptions and Conditional Uses**

1. All special exceptions and conditional uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the special exception and conditional use may proceed to use the property in accordance with the approved plans and all applicable conditions.

2. However, if a special exception or conditional use becomes a permitted use in the district as of the effective date, such approval is no longer needed.

3. If the recipient has failed to act on the special exception or conditional use before the approval expires, including any approved periods of extension, then the approval is null and void.

#### **H. Pending Applications**

1. A variance, special exception, or conditional use application that has been deemed complete and has been scheduled for a public hearing, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete by the Department of Planning & Zoning.

2. A building permit application that has been submitted and deemed complete is subject to the Ordinance requirements in effect on the date the application was deemed complete by the Department of Planning & Zoning.

#### **1-6 ADDITIONAL AUTHORITIES**

**A.** The Department of Planning & Zoning has the authority to create application forms and checklists in order to ensure compliance with this Ordinance and require that these be completed when appropriate.

**B.** The Department of Planning & Zoning has the authority to create and require compliance with rules of procedure and policy statements.

**C.** The Department of Planning & Zoning has the authority to create design manuals or design guidelines to ensure preferable site development and design.

**D.** The Board of County Commissioners shall establish a schedule of fees, charges, expenses, and procedures for zoning certificates, zoning occupancy certificates, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Department of Planning & Zoning and may be altered or amended as needed.

**E.** The Board of Appeals shall have the authority to hear and decide applications for variances, special exceptions, and other special requests as specified in this Ordinance.

#### **1-7 EXEMPTION**

Public utilities or companies regulated by the Maryland Public Service Commission (MPSC), Federal Energy Regulatory Commission (FERC) or U.S. Nuclear Regulatory Commission (NRC) are exempt from permit requirements for maintenance of utility lines and easement areas.

#### **1-8 SEPARABILITY**

If a court of competent jurisdiction declares any section, subsection, sentence, clause, or phrase of this Ordinance invalid or unconstitutional, such provision is deemed separate and such invalidity or unconstitutionality does not affect the validity of the Ordinance in its entirety or of the remaining sections or parts thereof.

## Article 2. Definitions

- 2-1 GENERAL ABBREVIATIONS
- 2-2 DEFINITIONS
- 2-3 MEASUREMENT STANDARDS

### 2-1 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. GFA is an abbreviation for “gross floor area.”
- B. ft is an abbreviation for “feet.”
- C. N/A is an abbreviation for “not applicable.”
- D. sf is an abbreviation for “square feet.”

### 2-2 DEFINITIONS

The following are definitions of terms used throughout this Ordinance.

#### 100-Year Floodplain.

1. An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.
2. Any area depicted as frequently flooded on the Calvert County Soil Survey Maps. It can be revised based on a hydrologic study or onsite soil survey with required State and local review and approval.

**100-Year Flood.** A flood which has a 1% chance of being equaled or exceeded in any given year.

**Abandon.** To cease from actively using land or any premises for its approved use.

**Abandoned Premises.** Any premises that is not occupied, used, or inhabited on a regular and continuing basis by some person with a valid claim of right to possession or a fee simple title. The intrusion of trespassers or squatters into such buildings on any basis does not render such building occupied or nonvacant.

**Abatement.** The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

**Abut.** To share a common wall, lot line, or property boundary without being separated by a street, alley, right-of-way, or easement.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair, or similar, access to a premises.

**Access.** A way or means of approach to provide physical entrance to a property.

**Accessory Structure.** A structure located on the same lot or parcel as the primary structure that is incidental to the use of the primary structure.

**Accessory Structure (Floodplain).** A building or structure on the same lot or parcel with, and of a nature customarily incidental and subordinate to, the primary structure. For the purposes of these regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.

**Accessory Use.** A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

**Adequate Public Facilities.** See the Calvert County Code, Chapter 3, Adequate Public Facilities Requirements, as amended from time to time.

**Administrative Decision.** Also known as a decision made administratively. A decision made by the Director of the Department of Planning & Zoning, or their designee.

**Administrative Plat.** A plat which shows changes to an existing recorded lot or parcel. Known as a replat under previous Ordinances.

**Adjacent Property.** Any property abutting the subject property.

**Affected Property Owner.** Owners of property that directly adjoin the subject property of the application and those directly across any public or private roads or rights-of-way. In the case of an administrative variance, affected property owners include all owners of all properties that abut the side or rear property line from which an administrative variance is sought; or in the case of an administrative variance request for a front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across any public or private roads or rights-of-way from the subject property; or in the case of administrative variances from sign height and forest conservation requirements, all owners of properties which abut the subject property shall be considered affected property owners; or in the case of an administrative variance if the use does not have direct access to a public road, affected property owners shall be all property owners who access or have right of access to the private road(s) connecting the use to the public road.

**Affordable Dwelling Unit.** A dwelling unit that is affordable to households earning 60% or less of the area median income.

**Affordable Housing.** Housing in which the occupant is paying no more than 30 percent of occupant's gross income for housing costs. Housing costs includes rent for a rental housing unit or mortgage principal and interest, real property taxes, and insurance for a housing unit that is for sale owner occupied.

**Affordable Housing Agency.** An agency organized for the purpose of developing residential housing for rental or ownership by residents having low and moderate incomes. Further, to qualify as an Affordable Housing Agency, the agency must be established as a not-for-profit organization and meet the requirements of end are approved by the IRS as tax-exempt by 26U.S.C.501(c)(3) or (4)..

**Afforestation.** The creation of a biological community dominated by trees and other woody plants in an area that is not presently and has not recently been in forest cover.

**A-Frame Sign.** A portable sign ordinarily in the shape of an "A" or some variation thereof, which is readily movable and is not permanently attached to the ground or any structure. This definition does not include T-frame sign.

**Affix.** Stick, attach, or fasten an object to something else.

**Agreement to Submit an Elevation Certificate.** A form on which the applicant for a permit to construct a building or structure, to construct certain horizontal additions, to place or replace a manufactured home, to substantially improve a building, structure, or manufactured home, agrees to have an Elevation Certificate prepared by a licensed professional engineer or licensed professional surveyor, as specified by the Floodplain Administrator, and to submit the certificate:

1. Upon placement of the lowest floor and prior to further vertical construction.
2. Prior to the final inspection and issuance of the Certificate of Occupancy.

**Agriculture.** An activity related to the production or management of livestock, crops, vegetation, or soil. This includes tillage, harvest, fertilization, pest management, cropping, pasturing, or production of an agricultural product, including livestock, poultry, plants, trees, sod, food, feed, and fiber; and an activity that directly contributes to the production, conversion, processing, storage, or sale of agricultural products generated onsite.

**Agricultural Activity or Use.** Farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

**Agricultural Advisory Board.** The Agricultural Advisory Board (APAB) promulgates the rules and regulations and has developed procedures for the formation of Agricultural Preservation Districts (APDs) and implementation of the county's Agricultural Preservation Program. The APAB has developed rules, regulations, and procedures for the creation and operation of the County's Purchase and Retirement Fund (PAR) for Development Rights. The APAB meets on a monthly basis to review program participant requests to ensure they are within compliance with the rules

and regulations, as well as to administer the County's PAR program. The APAB works with the Department of Planning & Zoning to review and recommend changes to the County's Agricultural Preservation Program as needed.

**Agricultural Best Management Practices (Critical Area).** An agronomic, conservation, or pollution control practice, installation, or structure that manages soil loss, nutrients, animal wastes, or agricultural chemicals so as to minimize their movement into State waters. Includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management, and stream protection practices such as fencing, stream crossings, and remote watering devices. It does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04

**Agricultural and Resource Areas (Forest Conservation).** Undeveloped areas zoned for densities of less than or equal to one dwelling unit per five acres.

**Agricultural Easement.** A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

**Agricultural Machinery, Service, or Supplies.** A facility designed for the maintenance and sale of goods related to farm machinery including tractors, plows, backhoes, balers, harrows, harvesters, manure spreaders, seeders, and similar machinery used directly in agricultural production.

**Agricultural Preservation Districts.** Agricultural Preservation Districts (APDs) are overlay districts created through the Agricultural Land Preservation Program. These areas of prime agricultural and forestry land are voluntarily placed in the Calvert County and/or Maryland State Agricultural Land Preservation Program, with the recommendation of the Calvert County Agricultural Preservation Advisory Board and the approval of the Board of County Commissioners. The purpose of this program is to offer an incentive for preservation of prime agricultural and forestry land, provide compensation to landowners who voluntarily agree to place agricultural and forestry use covenants on their land, offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers, guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical, and act as a source of Transferable Development Rights (TDRs).

**Agricultural Support Building.** A building, other than a human residence, necessary to sustain an agricultural activity.

**Air-Activated Sign.** A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. This definition does not include balloon sign.

**Aircraft.** A machine (as an airplane, glider, or helicopter) that can travel through the air and that is supported either by its own buoyancy or by the action of the air against its surfaces.

**Airport or Landing Field.** Land that is used for the landing or taking off of aircraft and which may or may not have facilities for the shelter, supply, or care of aircraft.

**All-Terrain Recreational Vehicle.** As defined by the Maryland Annotated Code, Transportation Article, as may be amended.

**Alley.** A public or private right-of-way that connects two or more streets and is intended to provide access to the rear or side of a building or lot. It is intended for local traffic only.

**Alteration of a Watercourse.** Includes, but is not limited to widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or relocated as part of such construction.

**Americans with Disabilities Act (ADA).** The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and public and private places that are open to the general public. The ADA includes the additional and further requirements and provisions adopted by the State of Maryland.

**Amusement Ride.** A mechanical device that carries passengers along, under, around, through, or over a fixed course, or within a limited area, for the amusement of the passengers, and includes, but is not limited to a merry-go-round or ferris wheel.

**Anadromous Fish.** Fish that travel upstream (from their primary habitat in the ocean) to freshwaters in order to spawn.

**Anadromous Fish Propagation Waters.** Streams that are a tributary to the Chesapeake and Atlantic Coastal Bays where the spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are designated by the Department of Natural Resources. For purposes of this definition, streams refer to designated anadromous fish propagation waters within the Critical Area.

**Ancillary Use or Structure.** In regard to principal uses and structures, a use or structure that provides support and is typically integral to or is functionally integrated into a principal structure or use.

**Animals - Dangerous, Wild, or Exotic.** Animals that, by their very nature, are wild and potentially dangerous and, as such, do not adjust well to a captive environment, including but not limited to those considered by the State of Maryland to be wild or dangerous, such as:

1. Fox, skunk, raccoon, or bear;
2. Alligator or crocodile;
3. Member of the cat family other than the domestic cat;
4. Any other mammalian wildlife species, or hybrids, for which there is no U.S.D.A. certified vaccine against rabies;
5. Any venomous snakes specifically in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae;
6. Any reptiles greater than six feet in length.

**Animation.** An applied art that makes still images appear to move.

**Applicant.** A person who is requesting formal approval as required by this Ordinance.

**Applicant, Forest Conservation Program.** Relative to the Forest Conservation Program, a person who is applying for subdivision approval, a grading or sediment control permit, or project plan approval if the applicant is a state or local agency or has received approval of a Forest Stand Delineation or Forest Conservation Plan.

**Approved Forest Management Plan.**

1. Approved by the Department of Natural Resources forester assigned to Calvert County.
2. Operates as a protective agreement for forest conservation as described in the Natural Resources Article, §§5-1607(e)—(f), Maryland Annotated Code.

**Aquaculture (Critical Area).** Aquaculture” has the meaning stated in Natural Resources Article, §4-11A-01(b), Maryland Annotated Code.

**Arbor.** A landscape structure of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

**Archaeological Interest.** Capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

**Archaeological Resource.** Material remains of human life or activities which are of archaeological interest. This includes all sites, objects, structures, artifacts, implements, and locations of prehistoric or historic archaeological interest whether previously recorded or not, including but not limited to those pertaining to Native American and historic burials, campsites, habitation sites, and the artifacts and objects associated with them. This also includes any material remains of human life or activities which are at least partially below the ground surface necessitating archaeological methods for study or recovery.

**Archaeological Significance.** The ability of a site to address questions that are important to the understanding of national, state, or local history.

**Archaeological Site.** A geographic locality within Calvert County that contains archaeological objects.

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Architectural Review.** The Department of Planning & Zoning review exterior design features of all structures as well as all signs within town centers in accordance with appearance standards and guidelines specified by the master plans and zoning ordinances for their respective town centers.

**Areal Cover.** Portion of defined area covered by vegetation or tree canopy.

**Area of Shallow Flooding.** A designated Zone AO on the Flood Insurance Rate Map with a 1% annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Arterial Road.** A road with controlled access, channelized intersections, restricted parking if any, and which collects and distributes traffic to and from collector roads.

**As-Built.** Set of plans submitted upon completion of a project. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed.

**Attached.** Physically joined together by a wall or covered breezeway; sharing a wall with another building; or not freestanding.

**Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**Awning Sign.** A sign painted on, printed on, or attached flat against the surface of an awning which is a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Balloon Sign.** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable or similar method. This definition does not include air-activated sign.

**Banner Sign.** Canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method. If such sign is supported by stakes in the ground, it is considered a yard sign.

**Barren Land.** Unmanaged land having sparse vegetation.

**Base Building.** The building to which an addition is being added. This term is used in provisions relating to additions in the 100-year floodplain.

**Base Density.** The permitted density in a zoning district not including bonus lots or transfer zone density. If the number of lots permitted following a base density calculation is not a whole number, the number of lots permitted is rounded down to the nearest whole number.

**Base Flood.** The flood having a 1% chance of being equaled or exceeded in any given year. The base flood also is referred to as the 1% annual chance (100-year) flood.

**Base Flood Elevation.** The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four feet if the depth number is not specified.

**Basement.** The floor of a building which is partly or entirely below ground level.

**Basement (Floodplain).** Any area of the building having its floor subgrade (below ground level) on all sides.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Berm.** A linear mound of earth.

**Best Management Practices (BMP).** Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment.

**Billboard.** A type of nonconforming sign that exceeds allowed sign area or height provisions, which existed prior to February 27, 1992; and has been inventoried by Calvert County.

**Blade Sign.** A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and that is supported by a single, rigid or semi-rigid vertical member mounted into the ground or on a portable structure.

**Block.** See Section 2-3.A of this Article.

**Blockface.** See Section 2-3.A of this Article.

**Board of Appeals.** The Board of Appeals of Calvert County.

**Board of Appeals Administrator.** An administrator, designated by the Director of Planning & Zoning, who is responsible for ensuring proper administration of the Board of Appeals process in accordance with these Rules of Procedure, COMAR, and the Calvert County Zoning Ordinance; administration of the Board of Appeals budget; and providing planning and zoning expertise to the Board, including interpretation of regulations, ordinances and plans, written reports on applications that are scheduled for Public Hearing before the Board, and assistance in any other matters related to cases scheduled before the Board.

**Boathouse.** A structure with a roof or cover, or similar device placed over open water to protect a boat or other vessel.

**Bona Fide Intrafamily Transfer.** A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

**Bonus Lots.** Lots which are permitted to be created under certain conditions specified in this Ordinance. Bonus lots are permitted in addition to base and transfer zone density. Examples of bonus lots include exception lots and family conveyance lots.

**Boundary Survey.** A process carried out to determine property lines and define true property corners of a parcel of land described in a deed, as well as any easements or encroachments.

**Breakwater.** An offshore structure designed to protect any landform or water, area behind them from direct assault of waves.

**Buffer (Critical Area).** The area that based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concerns as defined in Article 22 of this Ordinance.

**Buffer Management Plan.** A type of Habitat Protection Plan consisting of a narrative and graphic description of the Critical Area Buffer that is necessary when an applicant proposes a development activity that will affect a portion of the Critical Area Buffer, alter buffer vegetation, or when the buffer or a portion of the buffer is required to be established in vegetation. The plan should be designed to minimize negative impacts to the buffer or extended buffer, provide appropriate mitigation requirements for any anticipated impacts, and improve the habitat value for wildlife

whenever possible. A Buffer Management Plan includes a Major Buffer Management Plan, a Minor Buffer Management Plan, and a Simplified Buffer Management Plan.

**Buffer Yard.** An area at least 25-feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants used in Special Buffer Management Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

**Build-To Line.** See Section 2-3.C of this Article.

**Build-To Percentage.** See Section 2-3.C of this Article.

**Build-To Zone.** See Section 2-3.C of this Article.

**Buildable Area.** This is the area in which a principal building may be located on a property. The buildable area of a lot or parcel is exclusive of Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, septic recovery areas and reserve, required setbacks, and designated open space.

**Buildable Lot.** A lot or parcel approved by the Health Department and Planning Commission or its designee that meets the size, density, dimensions and other requirements of this Ordinance, and has, in addition to the required legal right-of-way, a completed road constructed to standards established in the Calvert County Road and Site Development Ordinance.

**Buildable Residue.** The portion of a parcel remaining as a result of the creation of one or more buildable lots by way of a subdivision plat approved by the Planning Commission and recorded among the land records of Calvert County, which meets Health Department requirements and meets the size, dimension, and other requirements of this Ordinance.

**Building Restriction Line (BRL).** The building restriction line is the delineation of setbacks which restrict where a principal building can be located on a plan or plat. This line establishes the location of the buildable area on a property.

**Building.** A structure, not including a tent or trailer, having a roof, and supported by permanent columns or walls on the ground and used for shelter or enclosure of persons, animals or property of any kind.

**Building Code.** The effective Maryland Building Performance Standards (COMAR 05.12.07), including the building code, residential code, and existing building code as well as any local amendments.

**Building Coverage.** See Section 2-3.B of this Article.

**Building Façade, Primary.** A primary building façade is any side of a building, which fronts directly onto a public or private right-of-way. If a building fronts directly onto one or more public or private rights-of-ways, each side with such frontage shall be considered a primary building façade.

**Building Footprint.** See Section 2-3.B of this Article.

**Building Height.** See Section 2-3.D of this Article.

**Building Permit.** An official document issued by the Division of Inspections and Permits which authorizes the construction of a new structure or repair, alteration, or addition to an existing structure.

**Building Signs.** Signs mounted directly on a building, or attached to the facade, roof or other elements of a building. Such signs include awning signs, canopy signs, wall signs, and projecting signs.

**Bulkhead.** A vertical structure composed of wood, metal, stone, concrete, plastic, or other similar material designed to retain land or to protect land from wave damage.

**Caliper.** The diameter of a tree measured at breast height.

**Canopy.** A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

**Canopy Sign.** A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, which is a permanent structure made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.).

**Canopy Tree.** A tree that, when mature, reaches a height of at least 35 feet.

**Champion Tree.** The largest tree of its species within the United States, the state, county, or municipality.

**Champion Tree of the State.** A tree which appears in the list of State Champion Trees.

**Chimney.** A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

**Classroom Relocatable.** A structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction, not constructed with a permanent foundation.

**Clearcutting.** The removal of an entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.

**Clearing.** The process of cutting or removing trees, ground cover, or stumps, with or without removal of the associated roots.

**Cliff.** A high steep face of ten feet or higher from the toe of the slope with a slope in excess of 50% either vegetated or non-vegetated adjacent to the Chesapeake Bay, Patuxent River, and their tidal tributaries within Calvert County.

**Climate Resiliency.** The capacity of a natural system to maintain function in the face of stresses imposed by climate change. Climate resiliency includes adapting a natural system to be better prepared for future climate impacts including sea level rise, saltwater intrusion, wetland migration, storm surge, precipitation induced flooding, and other extreme weather events.

**Club.** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, and may include the payment of fees and dues, regular meetings, and a constitution and by-laws.

**Cluster Box Unit (CBU).** A centralized unit of individually locked compartments for the delivery and collection of mail. Sometimes known as "community mailboxes".

**Cluster Development (Critical Area).** A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

**Cluster Subdivision.** Cluster subdivisions group residential lots closer together in order to preserve open space, natural resources, and agricultural lands.

**Coastal A Zone.** An area within a special flood hazard area, landward of a coastal high hazard area (V Zone) or landward of a shoreline without a mapped coastal high hazard area, in which the principal source(s) of flooding are astronomical tides and storm surges, and in which, during base flood conditions, the potential exists for breaking waves with heights greater than or equal to 1.5 feet. The inland limit of the Coastal A Zone may be delineated on FIRMs as the Limit of Moderate Wave Action.

**Coastal High Hazard Area.** An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms. Coastal high hazard areas also are referred to as V Zones and are designated on FIRMs as zones VE or V1-30.

**Co-Location.** Placing more than one antenna on the same physical structure (tower or building).

**Collector Road.** A road which allows for the collection and distribution of traffic to and from other roads with access as a secondary function. This includes Major Collector, Minor Collector, and Residential Collector roads as defined in the Road and Site Development Ordinance.

**COMAR.** The Code of Maryland Regulations, as amended from time to time, including any successor provisions.

**Commercial Districts.** Zoning districts that allow a variety of non-residential uses such as retail, restaurant, entertainment, service, and office, where such types of uses are the primary uses allowed.

**Commercial Harvesting.** Commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

**Commercial Logging or Timber Harvesting Operations.** The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

**Commercial Use.** A use for the purpose of monetary reward by means of sale, resale, loan, transfer, hire, or other form of commerce.

**Commission (Critical Area).** Refers to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

**Common Access Drive.** An access area created to provide access to lots. Commonly owned by adjoining lot owners but may also be owned individually.

**Common Area.** An area of land within a residential community that is reserved and designated for the use of the residents of the community.

**Communications Antenna.** A transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. This definition includes omnidirectional (whip) antennas and panel antennas, and camouflaged or concealed antennas that are integrated into the architectural features of a building, such as church steeples. This definition does not include satellite dish antennas.

**Communications Tower.** A structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar commercial or public communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, or camouflaged towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and the like.

**Communications Tower, Commercial or Governmental.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar commercial or public communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, or camouflaged towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. This definition includes, but is not limited to, the following specific types of towers: a. Camouflaged Tower. Man-made trees, flagpoles, clock towers, bell towers, light poles and similar alternative-design towers that camouflage or conceal the presence of antennas or the tower itself. b. Guyed Tower. A monopole or lattice tower that is supported by cables. c. Lattice Tower. A self-supporting tower with multiple legs and cross-bracing of structural steel. d. Monopole Tower. A tower that is self-supporting with a single shaft of wood, steel, concrete or other construction material and a platform for panel antennas.

**Communications Tower, Monopole.** A self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas for transmitting or receiving radio, mobile telephone communications or electromagnetic waves.

**Communications Tower, Private/Not-For-Profit.** Any structure whose primary purpose is to support one or more antennas or to serve as an antenna itself for transmitting or receiving radio or electromagnetic waves for private/not-for-profit use. This term includes lattice-type structures, either guyed or self-supporting, monopoles, and camouflaged towers.

**Community (Floodplain).** A political subdivision of the State of Maryland (county, city or town) that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

**Community Enhancement District (CED).** A planning tool for commercial, industrial, and mixed-use developments to provide flexibility of design elements. The CED is like other land development projects but requires Planning Commission and Board of County Commissioner approval to achieve substantially higher-quality development that provides a public benefit that would otherwise not be obtained.

**Community Pier.** A boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple-family dwelling units. A community pier does not include a private pier or a mooring.

**Community Sewer System.** A publicly or privately-owned sewerage system that serves at least two lots or parcels.

**Compatible Use.** A use that is of the same nature as surrounding uses, the characteristics of which allow it to be located near or adjacent to other uses in harmony and without adversely affecting surrounding uses.

**Comprehensive Plan.** A document prepared by the Planning Commission and approved by the Board of County Commissioners setting forth policies for the future of Calvert County. It is the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. It serves as a guide for many public decisions, especially land use changes and preparation of capital improvements programs, and the enactment of zoning and related growth management legislation.

**Comprehensive Rezoning.** A process that assigns a zoning category to every property in a defined area at the same time, as a result of adoption of a new Comprehensive Plan or amendment to an existing Comprehensive Plan.

**Concept Plan.** A general plan of a development proposal that shows existing site conditions (including topography, structures, surrounding land uses, etc.) and the proposed land use, size of the development, general layout of structures and streets, lots and utilities, and any other items that may be required for review

**Conforming (Critical Area).** A parcel or lot that meets all Critical Area requirements. Conforming does not include a parcel or lot for which a Critical Area variance is sought or has been issued; or that is located in the Resource Conservation Area and is less than twenty acres.

**Conservation Easement.** A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to preserve or manage natural resources.

**Consolidation (Critical Area).** A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. An application for consolidation may include a subdivision, lot line abandonment, boundary line adjustment, administrative plat request, or lot line adjustment.

**Conventional Density.** The permitted density in a zoning district, including base density and bonus lots, but not including transfer zone density.

**County.** Calvert County, Maryland.

**County Engineer.** The Director of the Department of Public Works or its designee.

**Cover Crop.** The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

**Critical and Essential Facilities.** Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow, or earthquakes. See Maryland Building Performance Standards, Sec. 1602 and Table 1604.5. Critical and essential facilities typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

**Critical Area.** All lands and waters defined in §8-1807 of the Natural Resources Article, Maryland Annotated Code. They include:

1. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide as indicated on State wetland maps;
2. All State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
3. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Maryland Annotated Code; and

4. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Maryland Annotated Code.

**Critical Area Buffer.** An existing naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.

**Critical Area Commission.** The Critical Area Commission (CAC) was created by the Critical Area Act of 1984 by the Maryland General Assembly to protect the Chesapeake Bay from the negative effects of development. The CAC is a body that oversees the development and implementation of land use programs in the Critical Area. Sometimes referred to formally as the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

**Critical Habitat Area (Forest Conservation).** A critical habitat for an endangered species and its surrounding protection area. A critical habitat area must:

1. Be likely to contribute to the long-term survival of the species.
2. Be likely to be occupied by the species for the foreseeable future.
3. Constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.

**Critical Habitat for Endangered Species (Forest Conservation).** A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland.

**Critical Area Program Amendment.** Any change or proposed change to the adopted Critical Area Program that is not determined by the Chairman of the Critical Area Commission to be a Program Refinement.

**Critical Area Program Refinement.** Any change or proposed change to the adopted Critical Area Program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted Critical Area Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include a change to the adopted Critical Area Program: that results from State law; that affects local processes and procedures; that clarifies an existing provision; and, that is a minor change that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

**Cultural Resources.** Physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object, or natural feature of significance to a group of people traditionally associated with it.

**Cutoff.** See Section 2-3.F of this Article.

**Cutoff, Full.** See Section 2-3.F of this Article.

**Days.** Calendar days unless otherwise specified.

**Day Care, Home.** A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for: 1) care children not related to the owner or operator of the facility; or 2) elderly or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility. A child day care home does not include a dwelling that receives children from a single household. For the purposes of applying district dimensional standards, home day cares are subject to the standards for the dwelling type.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Declaration of Intent (Forest Conservation).**

1. A signed and notarized statement by a landowner, or the landowner's agent, certifying that the activity on the landowner's property:

- a. Is for certain activities exempted under this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland,
  - b. Does not circumvent the requirements of this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and
  - c. Does not conflict with the purposes of any other declaration of intent; or
2. The document required under COMAR 08.19.01.05 or this Ordinance.

**Declaration of Land Restriction (Nonconversion Agreement).** A form signed by the owner to agree not to convert to a living space or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings, and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

**Deed.** A legal document conveying ownership of, or interest in, real property.

**Density.** The number of dwelling units permitted per the net acreage of a parcel. Where an overlay district is present the most restrictive density applies. Unless otherwise specifically stated, accessory dwelling units do not count towards the permitted density of a parcel.

**Department of Public Works.** The Calvert County Department of Public Works.

**Developed Woodland.** An area of trees and natural vegetation interspersed with residential, commercial, industrial, institutional, or recreational development.

**Developed Woodland Management Plan.** A plan associated with a development activity in the Critical Area that is designed to minimize negative impacts to developed woodlands, that provides appropriate mitigation requirements for any anticipated impacts, and improves the habitat value for wildlife whenever possible.

**Developer.** Any individual(s), partnership, firm, corporation, company, public housing authority, or agent therefore, that undertakes or participates in the establishment or development of a subdivision or parcel of land.

**Developer in the Critical Area.** A person who undertakes, in the Critical Area, development activity as defined in this Ordinance, or a person who undertakes development activity as defined in the criteria of the Critical Area Commission.

**Development.** Any activity, other than normal agricultural or forestry activity, which materially affects the existing condition or use of any land or structure including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials, which materially affects the existing condition or use of any land or structure.

**Development Activity.** Human activity that results in disturbance to land, natural vegetation, or a structure.

**Development Envelope (Critical Area).** An individually owned lot or parcel, the lot coverage on that individually owned lot or parcel, a road, a utility, a stormwater management measure, an onsite sewage disposal measure, any area subject to human use such as an active recreation area, any required buffers, and any additional acreage necessary to meet the requirements of this Ordinance.

**Development in the Floodplain.** Any manmade change in the floodplain to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

**Development of Local Significance in the Critical Area.** Any development in the Critical Area that does not meet the definition of Major Development in the Critical Area.

**Development Project (Forest Conservation).**

- 1. The grading or construction activities occurring on a premises that is 40,000 square feet or greater; or
- 2. Redevelopment of a premises.

**Development Project Completion (Forest Conservation).** For the purposes of afforestation, reforestation, or payment into a fund:

1. The release of the development bond, if required.
2. Acceptance of the project's streets, utilities, and public services by the Department of Planning & Zoning.
3. Designation by the Department of Planning & Zoning or State that a:
  - a. Development project has been completed, or
  - b. Particular stage of a staged development project, including a planned unit development, has been completed.

**Directional Sign.** A sign for public safety or which provides direction information for the control of vehicular or pedestrian traffic.

**Display.** Make a prominent exhibition in a place where it can easily be seen.

**Distillation of Alcohol as a Fuel.** The fermentation or other refinement of grains or other biomass for the production of liquid fuel. This does not include the capture/reclamation of methane from agricultural or commercial operations.

**Disturbance.** Any alteration or change to the land including any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn.

**Documented Breeding Bird Areas.** Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

**Drainage Divide.** An elevation on a topographic feature that separates watersheds.

**Drainage Easement.** An easement for the installation of stormwater sewers or drainage ditches, or for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**Drive-Through Sign.** Any signage located along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Driveway.** A private area providing access for vehicles to a parking space, dwelling, garage, or other structure.

**Driving Range.** An area of land for practicing long golf shots, especially drives, with clubs and balls available for rent from the management.

**Durable.** Able to withstand wear, pressure, or damage, or hard-wearing and not easily worn over a long duration.

**Dwelling Unit.** One or more rooms forming a single habitable unit with facilities for living, sleeping, cooking, sanitation, and other activities associated with daily life. Examples of dwelling units include but are not limited to accessory dwelling units such as a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

**Easement.** An agreement between parties, usually a property owner and another party, for access or use of land for a specific purpose.

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Ecosystem.** A more or less self-contained biological community, together with the physical environment in which the community's organisms occur.

**Ecotourism Use.** A commercial enterprise located in an agricultural or preservation area intended to attract tourists and provide supplemental income for the property owner. Eco-tourism uses include, but are not limited to nature trails, canoeing, fishing, wildlife observation, and birding.

**Effective Approval Date.** The date of approval for a permit, plan or other document based on a hearing or signature.

**Electronic Message Center (EMC).** A variable message sign that utilizes computer-generated messages or some other mechanical or electronic means of changing copy. These signs include displays using one or more lamps, light emitting diodes (LEDs), liquid-crystal display (LCDs) or a flipper matrix.

**Elevation Certificate.** FEMA Form 086-0-33, on which surveyed elevations and other data pertinent to a property and a building are identified and which must be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the Elevation Certificate must be completed in accordance with the instructions issued by FEMA.

**Employment Center District.** A zoning district intended to best utilize the County labor force by providing areas adjacent to the Town Centers where attractive and appropriately designed office parks, light manufacturing, educational facilities, research and development companies, and some commercial enterprises may develop.

**Enclosure Below the Lowest Floor.** An unfinished or flood-resistant enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations. Also see "Lowest Floor".

**Endangered Species.** Any species of fish, wildlife, or plants which have been designated as such by regulation by the Secretary of the Department of Natural Resources. This includes any species determined to be an endangered species pursuant to the federal Endangered Species Act.

**Energy Generating System (Critical Area).** Has the meaning stated in the Land Use Article, §4-211, Maryland Annotated Code.

**Environmental Planner.** A planner, designated by the Director of Planning & Zoning, that reviews plans to ensure environmental regulations are followed.

**Ephemeral Stream.** A stream that has periodic flow but requires a storm event to have flow. There is no connection to groundwater.

**Erect.** Construct or installing a building, wall or other structure.

**Erosive Conditions.** An annual rate of erosion of two feet or greater.

**Establishment.** Relative to the Critical Area, the creation of native vegetated cover throughout the buffer.

**Exception Lot.** A bonus density lot enabled by zoning ordinances on or before October 21, 1974 which may affect the permitted density of a property.

**Excess Stormwater Run-Off.** All increases in stormwater resulting from one or more of the following:

1. An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;
2. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
3. Alteration of drainageways, or regrading of slopes;
4. Destruction of forest; or
5. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

**Extenuating Circumstances.** Conditions requiring extension of a set time limit to process an application, render a decision, or conduct a public hearing.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

**Fall Zone.** The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**Family Conveyance Easement or Right-Of-Way (Private).** A private easement or right-of-way, for the purpose of providing access to a family conveyance subdivision.

**Family Conveyance Subdivision.** A single-family residential development within which one bonus lot is designated to be conveyed only to family members of the grantor being spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling. Under the specific circumstances outlined in this Ordinance, where a parcel is undeveloped, the grantor may be considered his/her own family member for the purpose of creating a family conveyance lot for oneself, provided all other requirements are met.

**Family Conveyance Lot.** A bonus lot created through a family conveyance subdivision.

**Farm and Forest District.** A zoning district which allows limited development and encompasses existing agriculture and forested areas (See Section 4-1 of this Ordinance for further description).

**Federal Emergency Management Agency (FEMA).** The federal agency with the overall responsibility for administering the National Flood Insurance Program.

**Field Crops.** Agricultural plant commodities traditionally grown and harvested in open land including, but not limited to, grains, vineyards, orchards, vegetables, legumes, and tobacco.

**Fill.** Any materials placed in an area which change the elevation of the preexisting surface or ground water level, or the soil surface.

**Final Subdivision Plat.** A drawing of all or any portion of the subdivision, prepared by a licensed professional in accordance with the approved Preliminary Subdivision Plan, which is to be recorded in the official Plat or Land Records of Calvert County after approval by the Planning Commission of its designee.

**Financial Assurance.** A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to a local jurisdiction.

**Fire Escape.** A fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to assist in emergency escape from a building in case of fire or another calamity.

**Fisheries Activities.** Commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

**Flag.** A sign made of nonrigid material such as canvas or vinyl and having no enclosing or supporting framework. A flag is usually rectangular or triangular in shape and is attached at one end to a pole.

**Flashing Light or Sign.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

**Float.** Any floating structure normally used as a point of transfer for passengers and goods from boats or for mooring purposes.

**Flood or Flooding (Floodplain).** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Damage-Resistant Materials.** Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as Digital FIRMs (DFIRM).

**Flood Insurance Study (FIS).** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

**Flood Opening.** A flood opening (non-engineered) is an opening that is used to meet the prescriptive requirement of 1 square inch of net open area for every square foot of enclosed area. An engineered flood opening is an opening that is designed and certified by a licensed professional engineer or licensed architect as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters; this certification requirement may be satisfied by an individual certification for a specific structure or issuance of an Evaluation Report by the ICC Evaluation Service, Inc.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Protection Elevation.** The base flood elevation plus four feet of freeboard, except for Solomons Town Center where the Flood Protection Elevation is 10' NAVD 88. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

**Flood Protection Setback.** A distance measured perpendicular to the top of bank of a watercourse that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the State, the flood protection setback is:

1. 100 feet, if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or
2. 50 feet, if the watercourse does not have special flood hazard areas shown on the FIRM.

**Flood Zone.** A designation for areas that are shown on Flood Insurance Rate Maps:

1. Zone A: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood; base flood elevations are not determined.
2. Zone AE and Zone A1-30: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood; base flood elevations are determined; floodways may or may not be determined. In areas subject to tidal flooding, the Limit of Moderate Wave Action may or may not be delineated.
3. Zone AH and Zone AO: Areas of shallow flooding, with flood depths of one to three feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated flood depths.
4. Zone B and Zone X (shaded): Areas subject to inundation by the 0.2% annual chance (500-year) flood; areas subject to the 1% annual chance (100-year) flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected from the base flood by levees.
5. Zone C and Zone X (unshaded): Areas outside of Zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded).
6. Zone VE and Zone V1-30: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood and subject to high velocity wave action (also see coastal high hazard area).

**Floodplain.** Any land area susceptible to being inundated by water from any source.

**Floodproofing Certificate.** FEMA Form 0-86-34 that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of these regulations.

**Floodproofing or Floodproofed.** Any combination of structural and nonstructural additions, changes, or adjustments to buildings or structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents, such that the buildings or structures are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. When shown on a FIRM, the floodway is referred to as the designated floodway.

**Floor Area.** See Section 2-3.E of this Article.

**Floor Area Ratio.** See Section 2-3.E of this Article.

**Footcandle.** See Section 2-3.F of this Article.

**Forest (Critical Area).** Has the meaning stated in Natural Resources Article, §5-1601, Annotated Code of Maryland.

**Forest (Forest Conservation).** A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 live trees per acre with at least 50% of those trees having a two-inch or greater diameter at 4.5 feet above the ground and larger, and areas that have been cut but not cleared. Forest does not include orchards.

**Forest Conservancy District Board.** The forestry board created for each State forest conservancy district under Natural Resources Article, §§5-601—5-610, Annotated Code of Maryland.

**Forest Conservation.** The retention of existing forest or the creation of new forest at the levels set by the State or Department of Planning & Zoning.

**Forest Conservation and Management Agreement.** An agreement as stated in Tax-Property Article, §8-211, Annotated Code of Maryland.

**Forest Conservation Plan.** A plan approved pursuant to Natural Resources Article, §§5-1606 and 5-1607, Annotated Code of Maryland.

**Forest Cover.** The area of a site meeting the definition of forest.

**Forest Interior Dwelling Birds (FIDS).** Species of birds which require forest interior habitat in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

**Forest Interior Habitat.** Forests of at least 50 acres in size with 10 or more acres of “forest interior habitat” (i.e., forest greater than 300 feet from the nearest forest edge). The majority of the forest tract should be dominated by pole-sized timber (5 inches in diameter or more at breast height (DBH)) or have a closed canopy; or B. Riparian forests of at least 50 acres in size with an average total width of at least 300 feet. The stream within the riparian forest should be perennial. The majority of the forest tract should be dominated by pole-sized or larger trees or have a closed canopy; or C. Any forested habitat until documented otherwise as required by “A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area” June 2000.

**Forest Management Plan.** A plan establishing best conservation and recommended management practices for a landowner based on the landowner’s objectives and an assessment of the resources of the forested property.

**Forest Mitigation Bank.** An area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.

**Forest Mitigation Bank Agreement.** An agreement entered into by an individual owning a forest mitigation bank and the County or local government which commits the banker to certain procedures and requirements when creating and operating the forest mitigation bank.

**Forest Mitigation Bank Plan.** A plan submitted for approval of a forest mitigation bank to the County, or a local government with an approved local program, by an individual proposing to establish a forest mitigation bank.

**Forest Preservation Area.** Forest area in the Critical Area to remain as forest in perpetuity for water quality protection and wildlife habitat unless appropriate permits or approval are obtained.

**Forest Retention Area.** Forest area outside of the Critical Area to remain as forest in perpetuity for water quality protection and wildlife habitat unless appropriate permits or approval are obtained.

**Forest Stand Delineation.** The methodology for evaluating the existing vegetation on a site proposed for development.

**Forestry.** The science of planting and caring for forests and the management of growing timber.

**Freeboard.** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

**Free-Of-Obstruction.** A term that describes open foundations (pilings, columns, or piers) without attached elements or foundation components that would obstruct the free passage of floodwaters and waves beneath structures that are elevated on such foundations.

**Freestanding Sign.** Any sign supported upon the ground by a monument, pedestal, pole, bracing or other permanent measure and not attached to any building.

**Front Roadway Buffer.** A designated area within a subdivision or site along an existing public road that has existing vegetation which qualifies as a forest to remain, or to be planted if the area is not vegetated, or as otherwise permitted by this Ordinance. It is designed to afford the least visibility of the development from the road and to provide a visual and sound buffer for the residents of a subdivision.

**Fully Established (Critical Area).** The buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

**Functionally Dependent Use (Floodplain).** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Garage.** A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

**Gazebo.** A freestanding outdoor accessory structure with a roof and open sides designed for recreational use and not for habitation.

**Glare.** The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye. Glare is subjective and cannot be measured with a meter.

**Governmental Agency:** A permanent or semi-permanent organization that is created by the government to carry out specific tasks or provide services to the public. Any federal, state, local, foreign or other governmental agency, instrumentality, commission, authority, board or body.

**Grading.** Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

**Grandfathered Lot or Parcel (Critical Area).** A single lot or parcel of land that was created or a lot created through the subdivision process and recorded as a legally buildable lot prior to December 13, 1988.

**Grandfathered Site Plan.** A conceptual or detailed site development plan application that has been permitted or approved by prior legislation to proceed under regulations that have been superseded.

**Grantee.** A person to whom property is conveyed.

**Grantor.** A person who conveys property to another.

**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Groin.** A shore protection structure built perpendicular to the shore to trap sand and retard shoreline erosion.

**Gross Floor Area.** See Section 2-3.E of this Article.

**Gross Tract Acreage.** The total tract area determined by survey. If a survey does not exist, the total tract area as determined by deed. Sometimes referred to as gross acreage.

**Groundcover.** Small plants, such as salal, ivy, ferns, mosses, or other types of vegetation, designed to grow low to the ground (generally one foot or less) that normally cover the ground and intended to stabilize soils and protect against erosion.

**Growing Season.** The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a)—(f).

**Growth Allocation (Critical Area).** The number of acres of land in the Critical Area that the County use, or allocate to municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is 5% of the total Resource Conservation Area acreage in the County at the time the Critical Area Commission approved the County's original Critical Area Program, not including tidal wetlands or land owned by the federal government.

**Growth Allocation Envelope (Critical Area).** All of the proposed components of a growth allocation that are necessary to serve the proposed development, including an individually owned lot, lot coverage, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, an active recreation area, and additional acreage needed to meet the development requirements of the Critical Area criteria.

**Habitable Attic.** An attic containing space for human occupancy or use.

**Habitat Protection Area.** An area where plant communities and physiographic features provide food, water cover, nesting, foraging or feeding conditions necessary to maintain populations of rare, threatened, or endangered species; or colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest or other areas identified to be of local, state or federal significance for existing plant and wildlife habitat areas, including the Critical Area Buffer and anadromous fish propagation waters.

**Habitat Protection Plan (HPA).** A plan that provides for the protection and conservation of the species and habitats identified as HPAs in the Critical Area. The HPA shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the HPA, an applicant shall coordinate with the Department of Natural Resources to ensure that the HPA is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

**Harbor Line.** The line as shown on the applicable Zoning Map for Harbor Lines defining the channelward limits of marine construction for a given waterway.

**Hazardous Tree.** A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion; or based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion. Hazardous tree does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished with routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning; or by relocation of property that is likely to be damaged.

**Heavy Industrial District.** A zoning district intended to provide for a variety of energy production and associated uses as well as light manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in this district may result in external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

**Heliport.** A permanent facility designed to accommodate the operation and routine servicing and maintenance of helicopters.

**High Density Residential Areas (Forest Conservation).** Areas zoned for densities greater than one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

**Highly Erodible Soils.** Those soils with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%.

**Historic District.** An overlay district intended to preserve areas and structures which reflect significant cultural, social, economic, political, or architectural history; promote the use and preservation of historic areas and structures for the education, welfare, and pleasure of the residents of the County; foster civic beauty; stabilize and improve property values in the area of Historic Districts and strengthen the local economy; develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; enable the County government to identify and officially designate landscapes, structures, and sites of historical and cultural importance in order to make such structures and sites eligible for specific benefits conferred by this and other County ordinances and policies both current and adopted in the future.

**Historic Site.** A historic structure or archaeological site.

**Historic Structure.** Any structure that is:

1. Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Maryland Inventory of Historic Properties; or
4. Individually recognized as a Calvert County Historic District.

**Historic Waterfowl Staging and Concentration Area.** An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

**Home Improvement.** The addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building, or an improvement to land adjacent to the building. This includes construction, improvement, or replacement, on land adjacent to the building or on the same or contiguous parcels or lots, of a driveway, fall-out shelter, fence, garage, landscaping, deck, pier, porch, swimming pool, or a shore erosion control project, as defined under § 8-1001 of the Natural Resources Article, for a residential property, and as further defined under Section 8-101 of the Business Regulation Article of the Maryland Annotated Code.

**Home Studio.** A commercial studio, performance arts studio, or personal/physical training studio as a home occupation. A home studio is only permitted to have two clients or fewer on premise at a time.

**Hunting Reserve.** Any tract or parcel of land that is used for the purpose of releasing game species for commercial hunting.

**Hydrologic and Hydraulic Engineering Analyses.** Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Maryland Department of the Environment (Nontidal Wetlands & Waterways) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Hydric Soils.** Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

**Hydrophytic Vegetation.** Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

**Illuminance.** The intensity of incident light at a point, measured with a light meter in footcandles or lux.

**Immediate Family.** Person within two degrees of consanguinity, including a father, mother, children, grandfather, grandmother, grandson, or granddaughter. Children include all children by blood, marriage (step-children), foster children, and legal guardianship.

**Improvement Plan.** A plan which shows improvements and amenities to be located within a subdivision or residential development, either proposed by the developer or required by county or state regulations.

**In-Kind Replacement.** The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, length, and height.

**Industrial Use.** Uses relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

**Institutional Development Area.** Relative to the Forest Conservation Program, includes schools, colleges, universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries.

**Institutions.** Any building or open area used only by an educational, religious, or medical, non-profit organization, either public or private.

**Institutional Use.** A public, nonprofit, or quasi-public use such as places of worship, educational facilities, cultural facilities, hospitals, parks, and government facilities.

**Intensely Developed Area (IDA) (Critical Area).** Those areas within the Critical Area where residential, commercial, institutional, or industrial development land uses predominate, and where little natural habitat occurs. These areas are designated on the Critical Area Map as IDA.

**Interested Person.** Someone who has a stake in a matter or transaction and could be affected by the outcome.

**Intermittent Stream.** A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification.

**Intrafamily Transfer.** A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

**Intrafamily Transfer Lot.** A lot created by a family conveyance subdivision in the Critical Area, which in addition to meeting all the requirements of a family conveyance subdivision must also meet the requirements of Article 22 of this Ordinance.

**Invasive Species.** A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

**Jurisdictional Determination of Wetlands.** The identification and location of jurisdictional Waters of the United States (which includes wetlands) regulated by the U.S. Army Corps of Engineers (COE) under Section 404 of the Clean Water Act of 1977, is physically determined through a process known as a jurisdictional determination (JD).

**K Value.** The soil erodibility factor in the Universal Soil Loss Equation. Also known as K-factor.

**Kitchen.** A room or area where food is prepared and cooked including a sink with plumbing.

**Land-Based Aquaculture.** The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

**Landscaping Plan (Forest Conservation).**

1. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size.
2. Using native or indigenous plants when appropriate.
3. Which is made part of an approved forest conservation plan.

**Landward Edge.** The limit of a site feature that is furthest away from a tidal water, tidal wetland, or tributary stream.

**Large Shrub.** A shrub that, when mature, reaches a height of at least six feet.

**Lateral Line.** A line projecting from the shoreline to the harbor line separating useable waterway areas and determined by bisecting the angles formed by determined points on the shoreline, and at the property corners.

**Legally Developed (Critical Area).** All physical improvements to a property that existed before Critical Area Commission approval of a local program or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.

**Letter of Map Change (LOMC).** An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
3. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision Based on Fill (CLAMOR) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision and may be issued by FEMA, to revise the effective FIRM.

**Licensed.** As used in these regulations, licensed refers to professionals who are authorized to practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, or the Maryland Real Estate Appraisers and Home Inspectors Commission.

**Light Industrial and Mixed-Use District.** A zoning district intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses as well as compatible commercial uses such as recreation, entertainment, and retail establishments in part to promote the reuse of older, industrial structures that may no longer be suitable for their original limited purposes. Light industrial uses are low-intensity uses with minimal, if any, outside impacts.

**Light Trespass.** Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

**Limited Development Area (LDA) (Critical Area).** An area: with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definition in this Ordinance.

**Limit of Disturbance.** The outermost area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

**Limit of Moderate Wave Action (LiMWA).** Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

**Linear Project (Forest Conservation).** A project which:

1. Is elongated with nearly parallel sides.
2. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles.
3. May traverse fee simple properties through defined boundaries, or established easement rights.

**Livestock.** Generally accepted outdoor farm animals (i.e., horses, cows, sheep, swine, goats, llamas, alpacas, etc.) not to include cats, dogs, and other household pets. For the purposes of this definition livestock does not include chickens.

**Living Shoreline.** A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

**Loading Area.** An off-street space or berth used for the loading or unloading of vehicles.

**Local Road.** A low-volume road providing access to abutting properties with limited through traffic. These roads convey traffic to a higher functional type road.

**Local Significance (Critical Area).** Development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the County; and is not considered to be major development as defined in this chapter.

**Lodger.** A non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

**Lot.** A unit of land created through the subdivision process and recorded on a subdivision plat for building or development purposes.

**Lot (Forest Conservation).** A unit of land, the boundaries of which have been established by subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, §5-1601, Annotated Code of Maryland, and this Ordinance without an approved forest stand delineation and forest conservation plan.

**Lot Area.** See Section 2-3.G of this Article.

**Lot Consolidation.** A combination of any legal parcels or lots of land into fewer parcels or lots.

**Lot Coverage.** See Section 2-3.G of this Article.

**Lot, Corner.** See Section 2-3.H of this Article.

**Lot, Flag.** See Section 2-3.H of this Article.

**Lot Frontage.** See Section 2-3.H of this Article.

**Lot, Interior.** See Section 2-3.H of this Article.

**Lot Line.** See Section 2-3.H of this Article.

**Lot Line, Rear.** See Section 2-3.H of this Article.

**Lot Line, Side.** See Section 2-3.H of this Article.

**Lot Line, Street.** See Section 2-3.H of this Article.

**Lot, Multiple Frontage.** See Section 2-3.H of this Article.

**Lot Stem.** The narrow portion of a flag lot through which the lot is accessed. Also known as a pole or pipestem.

**Lot, Through.** See Section 2-3.H of this Article

**Lot Width.** See Section 2-3.G of this Article.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement) of a building or structure. The floor of an enclosure below the lowest floor is not the lowest floor provided the enclosure is constructed in accordance with these regulations. The lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

**Lumen.** A unit of luminous flux, used to measure the amount of light emitted by lamps.

**Luminaire.** The complete lighting assembly including the lamp, housing, reflectors, lenses, and shields, less the support assembly, including the pole or mounting bracket; a light fixture. For the purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard is considered as a single unit.

**Lux.** A unit of illuminance stated in lumens per square meter.

**Maintenance Agreement (Forest Conservation).** The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland, and this Ordinance.

**Major Buffer Management Plan (MaBMP).** A landscape plan and supporting documentation required under this Ordinance to mitigate for disturbances in the Critical Area Buffer.

**Major Development in the Critical Area.** Development of a scale that may cause state-wide, regional or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This type of development includes, but is not limited to, airports, power plants, major solar energy generating systems, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities, and any development or project authorized by the Public Service Commission under a certificate of Public Convenience and Necessity.

**Major Subdivision.**

1. When the total number of new residential lots or other divisions of land are derived from a parcel of record as of October 1, 2012 is eight or more;
2. Any division of non-residential land for development purposes or the creation of any new public rights-of-way; or
3. The creation of any new public rights-of-way.

**Manufactured Home.** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contain therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United State Code.

**Manufactured Home (Floodplain).** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

**Manufactured Home for Resident Watchman/Caretaker.** A manufactured home located on the same site as a business that functions as a complete independent living facility with provisions for cooking, eating, sanitation, and sleeping for an on-site watchman or caretaker.

**Map Amendment.** A non-comprehensive rezoning or adjustment to district boundaries.

**Marine Commercial District.** A zoning district intended for commercial development in locations adjoining waterways and outside of Town Centers that supplies and caters to marine activities and needs. These include but are not limited to services and facilities such as boat service and repair facilities, boat docks, marine equipment stores, wholesale and retail fish and shellfish sales, hotels, motels, restaurants, and cocktail lounges.

**Marine Facility.** Any facility affecting the use and operations of any vessels on any waterway under the jurisdiction of the County, such as moorings, docks, etc.

**Market Value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. For the purposes of these regulations, the market value of a building is determined by a licensed real estate appraiser or the most recent, full phased-in assessment value of the building (improvement) determined by the Maryland Department of Assessments and Taxation.

**Maryland Department of the Environment (MDE).** A principal department of the State of Maryland that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration of regulatory programs for development and construction that occur within the waters of the State, including nontidal wetlands, nontidal waters and floodplains, and State and private tidal wetlands (Tidal Wetlands). Unless otherwise specified, "MDE" refers to the Department's Wetlands and Waterways Program.

**Master Sign Plan.** A comprehensive plan that provides for variation in the amount, location or features of permanent signage that shows the general locations of all signs.

**Maximum Density.** The cumulative total density permitted through conventional density and transfer zone density.

**Mean High Water Line (MHWL).** The average level of high tides at a given location.

**Medium Density Residential Areas (Forest Conservation).** Areas zoned for densities greater than one dwelling unit per five acres and less than or equal to one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

**Microwave Antenna.** A physical device that transmits and receives microwave signals between two or more locations.

**Minipark.** A small park or outdoor area which at a minimum includes two permanently installed benches and trees that will provide shading for the benches.

**Minor Buffer Management Plan (MiBMP).** A landscape plan and supporting documentation required under this Ordinance when Critical Area buffer establishment or required mitigation is less than 5,000 square feet.

**Minor Development Project (Forest Conservation).** A project:

1. On less than five acres of land containing not more than four lots per acre; or
2. Substantively similar as defined by the Department of Planning & Zoning and approved by the State.

**Minor Solar Energy Generating System (Critical Area).** An energy generating system that derives energy from the sun to produce two megawatts or less of electricity, based upon nameplate capacity. Does not include a small residential accessory solar energy generating system.

**Minor Subdivision.**

1. When the total number of residential lots or other divisions of land are derived from a parcel of record as of October 1, 2012 is seven or less; or

2. Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane and family conveyance easement or right-of-way.

**Mitigation.** An action taken to compensate for an adverse impact to the environment resulting from a development activity or a change in land use or intensity.

**Mixed Residential Development.** A mix of housing types that includes single-family detached dwellings along with townhomes, attached dwellings, or multi-family.

**Mixed-Use Building.** A single building, or attached buildings, containing one or more residential dwelling units and one or more non-residential uses which are permitted in the zoning district or sub-area and regulated by the Ordinance. For the purposes of this Ordinance, a residential dwelling unit in a mixed-use building is not considered a single-family dwelling.

**Mixed-Use Development.** A mixed-use building, or a group of buildings, on a single buildable lot or site plan, that contain both residential dwelling units and non-residential land uses which are permitted in the zoning district or sub-area and regulated by the Ordinance.

**Mixed Use Structure (Floodplain).** Any structure that is used or intended for use for a mixture of non-residential and residential uses in the same structure.

**Modular Dwelling.** A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals. For the purpose of this Ordinance, a modular dwelling is considered a single-family detached dwelling.

**Monument Tree.** Defined as one of the following:

1. A national, state or local champion tree;
2. A tree having a diameter of at least 24 inches, measured at 4.5 feet above the ground;
3. A tree having a diameter that is at least 75% of the diameter of the current state champion of that species, measured at 4.5 feet above the ground.

**Mooring.** A place where buoyant vessels are secured other than a pier.

**Mooring Pile.** A heavy beam of timber, concrete, or steel, driven into the bottom of a waterway and used to secure boats.

**Motor Vehicle.** Any device that is self-propelled or propelled by electric power by which any individual or property is or might be transported or towed. This definition includes, but is not limited to, automobiles, motorcycles, trucks, etc.

**Movie Theater.** A theater where movies are shown for public entertainment.

**Multi-Faced Sign.** A sign having at least two display faces, where the sign faces are not mounted back-to-back and where the faces are such that the interior angle of the faces is greater than 91 degrees and not being a three-way dimensional sign.

**Multi-Service Non-Residential Development.** A mixed-use building, or a group of buildings, on a single buildable lot that contain multiple non-residential land uses which are permitted in the zoning district or sub-area and regulated by the Ordinance.

**Multi-Use Path.** A traveled way constructed for both pedestrian and bicycle use.

**Mural.** An image that is primarily artistic in nature with no promotional graphics or promotional text typically applied to a wall, ceiling, or room of a building. A mural is not considered a sign.

**National Flood Insurance Program (NFIP).** The program authorized by the U.S. Congress in 42 U.S.C. §§ 4001 - 4128. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for development in areas prone to flooding. (See definition of "Special Flood Hazard Area.")

**Native Plant.** A plant species that is indigenous to the physiographic area in Maryland where the planting is proposed.

**Native Shrub.** A shrub listed in the Calvert County Native Plants Guide, prepared and provided by Calvert County Department of Planning & Zoning.

**Native Tree.** A tree listed in the Calvert County Native Plants Guide, prepared and provided by the Calvert County Department of Planning & Zoning.

**Native Vegetation.** Vegetation that grows naturally in the area and is included in the Calvert County Native Plant List, prepared and provided by the Calvert County Department of Planning & Zoning.

**Natural Disaster.** Any event caused by natural forces, rather than by human action, such as but not limited to, earthquake, flood, hurricane, lightning, or tornado.

**Natural Features.** Components and processes present in or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

**Natural Forest Vegetation.** Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this ordinance shall resemble the structure and species composition of natural forests.

**Natural Heritage Area.** Any communities of plants or animals which are considered to be among the best Statewide examples of their kind and are designated by regulation by the Secretary of the Department of Natural Resources.

**Natural Regeneration.** As defined in COMAR 08.19.03.01 if different from, the natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

**Natural Vegetation.** Vegetative cover that exists prior to any disturbance or development activity or those plant communities that develop in the absence of human activities. This definition does not include lawns.

**Nature-Dominated.** A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

**Net Acreage.** The number of acres of a parcel remaining after tidal wetlands, non-tidal wetlands and State wetlands are deducted from the gross acreage.

**Net Floor Area.** See Section 2-3.E of this Article.

**Net Tract Area (Forest Conservation).**

1. Except in agriculture and resource areas, the total area of a site, including both forested and non-forested areas, to the nearest 1/10 acre, reduced by that area where forest clearing is restricted by another local ordinance or program.
2. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by that area where forest clearing is restricted by another local ordinance or program.
3. For a linear project:
  - a. The area of a right-of-way width, new access roads, and storage.
  - b. The limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

**New Construction.** For floodplain regulations, structures, including additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after the initial effective date of the Calvert County Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

**New Development (Critical Area).** For purposes of implementing specific provisions of this Ordinance, new developments (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15% as of December 1, 1985.

**NFIP State Coordinator.** See Maryland Department of the Environment.

**Nonconforming Structure.** A principal or accessory structure that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance no longer conforms to applicable regulations.

**Nonconforming Use.** The use of a structure or land that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance, no longer conforms to applicable regulations.

**Non-Profit Organization.** A nonprofit organization (NPO), also known as a non-business entity, not-for-profit organization, or nonprofit institution, is a legal entity organized and operated for a collective, public, or social benefit, in contrast with an entity that operates as a business aiming to generate a profit for its owners.

**Non-residential Districts.** Zoning districts that allow a variety of non-residential uses such as retail, restaurant, service, and office, where such types of uses are the primary uses allowed, or where a wide range of commercial uses are allowed with residential uses to create mixed-use development.

**Non-residential Use.** A structure or land used or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other non-residential uses. Structures with multi-family dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance.

**Non-Structural Shoreline Stabilization Measures.** A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal processes, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters or other natural components.

**Nontidal Waters of the State.** As used in these regulations, "Nontidal Waters of the State" refers to any stream or body of water within the state that is subject to state regulation, including the 100-year frequency floodplain of free-flowing waters. COMAR 26.17.04 states that "the landward boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article, § 16-301, Maryland Annotated Code.

**Nontidal Wetlands.** An area that is:

1. Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; or
2. Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.

Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Maryland Annotated Code.

**Noxious Weed.** An invasive species of plant that has been designated by the Maryland Department of Agriculture to be harmful or injurious and is regulated under the Maryland Weed Control Law, Maryland Annotated Code, Agriculture Article Title 9, Subtitle 4.

**Off-Premise Sign.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Off-Street Parking Space.** A space for parking a vehicle anywhere but on the street. These are usually parking facilities like garages and lots. Off-street parking can be either indoors or outdoors. Off-street parking also includes private lots, garages, and driveways.

**Offsets.** Structures or actions that compensate for undesirable impacts.

**Offsite (Forest Conservation).** Outside of the limits of the area encompassed by the tract.

**On-Premise Sign.** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same lot, parcel, site or property where the sign is located.

**Onsite (Forest Conservation).** Within the limits of the area encompassed by the tract, including an area classified as a 100-year floodplain.

**Opaque.** Material through which light cannot pass; not transparent.

**Open Space.** Any piece of land or water which is designated as open space in accordance with the provisions of Article 25 of this Ordinance. Designated open space has development restrictions and serves one or more of the following objectives; the conservation of natural resources, agricultural resources, or historic resources or for providing recreational opportunities.

**Outdoor Light Fixture.** An exterior illuminating device, lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement.

**Outlot.** An outlot is a unit of land designated on a plat that does not meet the subdivision requirements as a buildable lot due to size, access, topography, or other restraints but may be used for public and community facilities (e.g., public utility lines and accessory structures, stormwater management facilities, wastewater and water supply treatment facilities, etc.)

**Overburdened Community.** Has the meaning stated in MD Environment Code § 1-701, as updated or amended from time to time.

**Overlay District.** A district established in the Ordinance that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

**Owner.** An individual, firm, association, syndicate, partnership, or corporation that owns something.

**Palustrine.** All non-tidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

**Parapet.** The extension of a false front or wall above a roof-line.

**Parapet, Corniced.** A horizontal molded projection coupled with a low wall on the edge of a roof designed to screen the roof or equipment that may be on the roof.

**Parcel.** A measured portion or area of land usually defined by a metes and bounds description within a deed. A unit of land identified as a separate entity for description purposes with a designated parcel number assigned by the Maryland Department of Assessments and Taxation. May include an aggregation of lots, blocks, sections, or phases. The assigned parcel number may include multiple tracts of land or lots.

**Parcel Line.** A line of record bounding a parcel which divides one parcel from another parcel, lot, or from a public or private street. The front parcel line is the parcel line separating a parcel from a road right-of-way. The rear parcel line is the parcel line opposite and most distant from the front parcel line. A side parcel line is any parcel line other than a front or rear parcel line.

**Parent Tract.** The parcel of record as of June 29, 1967.

**Park-and-Sell Lot.** An outdoor or indoor space where owners of motor vehicles or watercraft display their motor vehicles or watercraft for sale or trade.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.

**Patron Area.** An indoor or outdoor area of an eating establishment, or similar use, including but not limited to, a tavern, nightclub, lounge, or bar designated for use by customers or the general public for eating, drinking, congregating, or waiting for service.

**Pedestrian Circulation Route.** A route intended and suitable for pedestrian use. May include sidewalks, multi-use paths, or crosswalks.

**Pennants.** A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Perennial Stream.** A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

**Permeable Pavements.** An alternative that may be used to reduce imperviousness. While there are many different materials commercially available, permeable pavements may be divided into three basic types: porous bituminous asphalt, pervious concrete, and permeable interlocking concrete pavements. Permeable pavements typically consist of a porous surface course and open graded stone base/subbase or sand drainage system, and infiltrates into the surrounding soils. Permeable pavements significantly reduce the amount of impervious cover, provide water quality and groundwater recharge benefits, and may help mitigate temperature increases. Perviousness ranges from 10 to 50%, depending on the product.

**Permeable Pavers.** Permeable surfaces that can replace asphalt and concrete and can be used for driveways, parking lots and walkways. The two broad categories of alternative pavers are paving blocks and other surfaces including gravel, cobbles, wood, mulch, brick, and natural stone. Perviousness ranges from 10 to 50%, depending on the product.

**Pergola.** A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Permanent Disturbance (Critical Area).** A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. Permanent disturbance includes:

1. Construction or installation of any material that will result in lot coverage;
2. Construction of a deck;
3. Grading or clearing (except where it meets the definition of temporary disturbance); and
4. The installation of a septic system, in a forest or developed woodland on a grandfathered lot, if clearing is required.

Permanent disturbance does not include installation of a septic system on a grandfathered lot if located in existing grass or clearing is not required.

**Permanent Sign.** A sign permitted by this Ordinance to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

**Person.** An individual or group of individuals, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity, including state and local governments and agencies.

**Pets, Dangerous or Wild Animals.** Dangerous or Wild Animals - Animals that, by their very nature, are wild and potentially dangerous and, as such, do not adjust well to a captive environment, including but not limited to those considered by the State of Maryland to be wild or dangerous, such as: (i) fox, skunk, raccoon, or bear; (ii) Alligator or crocodile; (iii) Member of the cat family other than the domestic cat; or (iv) Any other mammalian wildlife species, or hybrids, for which there is no U.S.D.A. certified vaccine against rabies. (iv) Any poisonous snakes specifically in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae. Furthermore, reptiles greater than 6 feet in length shall be considered dangerous or wild animals.

**Phased Development.** Industrial, commercial or residential project that is developed in stages and not at the same time. A plan to show the sequence and phases of the development is approved by the necessary reviewing agencies.

**Pier.** Any marine structure generally referred to as a pier, dock, or wharf, walkway, breakwater, including pilings and other such facilities, used for the wet storage of watercraft. It does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

**Plat.** A drawing prepared at an appropriate scale to show the results of the findings and conclusions of a survey or a legal description. A plat may also show lots, streets easements, and other features as part of development review and approval.

**Planning Commission Administrator.** The Planning Commission Administrator for Calvert County. The Planning Commission Administrator also serves as the Secretary to the Planning Commission.

**Plant Habitat.** A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

**Planting Plan (Critical Area).** A narrative, graphic description, or plan of an area when planting is required for mitigation, on-site or off-site plantings, or under solar panels.

**Plot Plan.** A drawing to scale based upon an accurate instrument survey, defining and showing the design of the proposed actions, the existing physical condition of the land, including but not limited to parcel boundaries, easements, roads, topography, natural and man-made features, trees, and structures. A plot plan is submitted with a grading or building permit.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

**Port.** A facility or area established or designated by the State or a jurisdiction for the purpose of waterborne commerce.

**Portable Sign.** A sign that is capable of being transported because of being lighter and smaller in size, such as A-Frame and T-Frame signs.

**Power Generating System, Accessory.** A system designed and constructed on the same property with an individual residence, business, or public building for the purpose of generating power for use in that residence, business or public building. Types of power generating systems include but are not limited to petroleum, methane, ethanol, thermal, and hydroelectric. Wind and solar energy generating systems are not included with this definition.

**Preliminary Approval.** The conditional approval of a minor or major subdivision by the Planning Commission or its designee. Preliminary approval is required prior to final approval.

**Preliminary Subdivision Plan.** A drawing prepared for the overall planning of a proposed subdivision with the proposed layout of lots, roads, easements, existing features and requirements as outlined in this ordinance for review by county, state or federal agencies.

**Premise.** A house, building, or structure and the land on which it is located.

**Primary Structure.** A non-accessory structure in which a principal use of the lot or parcel on which it is located is conducted. Also known as a Principal Building.

**Principal Structure (Critical Area).** The primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

**Principal Building.** A non-accessory structure in which a principal use of the lot or parcel on which it is located is conducted. Also known as a primary structure.

**Principal Use.** The primary use of land or structures as distinguished from an accessory use.

**Priority Funding Area.** A designation created by the State of Maryland in the 1997 Priority Funding Areas Act (Smart Growth Act); geographic growth areas defined under state law (§ 5-7B-02 and § 5-7B-03 of the State Finance and

Procurement Article of the Annotated Code of Maryland) and designated by the local jurisdiction for targeting state investment in infrastructure such as roads, water and sewer facilities, and economic development.

**Priority Preservation Area.** An area designated as a priority preservation area under the Agriculture Article, §2-518, Annotated Code of Maryland. An area designated by the county and certified jointly by the Maryland Department of Planning and Department of Agriculture that contains agricultural or forest or is capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking.

**Private Harvesting.** The cutting and removal of trees for personal use.

**Private Lane.** A private right-of-way, for the purpose of providing access to no less than three single-family residential lots and no more than seven single-family residential lots.

**Private Wetlands (Critical Area).** Not considered State tidal wetlands but are regulated as described under the “Tidal Wetlands” definition. Private wetlands are irregularly inundated with extremely high tides and storm tides. Private wetlands support aquatic vegetation and extend landward beyond the Mean High Tide.

**Produce.** Agricultural products such as vegetables and fruits. For purposes of this Ordinance, produce includes flowers, vegetable seedlings, potted plants, and eggs.

**Program Amendment (Critical Area).** Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a Program refinement.

**Program Refinement (Critical Area).** Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

1. A change to an adopted Program that results from State law;
2. A change to an adopted Program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; or
4. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

**Prohibit.** To forbid by law or other authority.

**Project Approvals.** Relative to the Critical Area, the approval of development, other than development by a state or local government agency, by the appropriate local approval authority. The term includes approval of preliminary and final subdivision plats and site plans, inclusion of areas within floating zones, issuance of variances, special exceptions, and conditional use permits, and issuance of zoning permits. The term does not include building permits.

**Project Area.** The total area within the limits of disturbance inside the Critical Area of a solar energy generating system. Includes a parcel or portions of parcels within the limits of disturbance inside the Critical Area, whether or not those parcels are contiguous; the components of solar generating system; and any required roads, internal access ways, transmission ways, transmission infrastructure, fencing, or improvements accessory to the solar generating system.

**Project Plan (Forest Conservation).** A construction, grading, or sediment control activity on an area of 40,000 square feet or greater.

**Project Road.** Any non-dedicated right-of-way used within an apartment, commercial, industrial, trailer, or manufactured home rental community along which house numbers are assigned.

**Projecting Sign.** A sign that is affixed to a building or wall and extends more than 18 inches beyond the face of such building or wall. A projecting sign also includes a sign hung under an arcade.

**Property.** A building, structure, or parcel of land or the combination thereof.

**Pruning.** The horticultural practice of selectively removing certain parts of a tree using proper cuts to produce strong, healthy, attractive trees. Improper pruning, such as topping, is prohibited.

**Property Owner.** A person holding title to a property or two or more persons holding title to a property under any form of joint ownership or legally recognized entity.

**Property Lines.** The lot lines or parcel lines which define the boundary of a property.

**Public Sewer.** A community, shared, or multi-use sewerage system owned and operated by the County or state, or a state or local government agency.

**Public Utility.** A public service company that provides goods or services to the general public, such as electricity, gas, water, heat, or television cable systems. The State of Maryland regulates public utilities in place of competition because they are monopolies in the areas they serve.

**Public Water-Oriented Recreation.** Shore-dependent recreation facilities or activities provided by public agencies which are open to the public with or without an entrance fee.

**Qualified Professional (Forest Conservation).** An individual is considered a qualified professional to prepare a forest stand delineation or a forest conservation plan, if the individual:

1. Is a licensed forester.
2. Is a licensed landscape architect.
3. Is approved by a local program for work in that jurisdiction and the program has:
  - a. Received final approval by the Department of Planning & Zoning.
  - b. Criteria for a qualified professional consistent with the requirements of the Department of Planning & Zoning.

**Quasi-Government.** Agencies substantially supported by the government.

**Raceway.** An elongated metal enclosure used to mount individual channel lettering or to conceal related transformers and wiring for wall-mounted signs.

**Reader Board.** A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.

**Reclamation.** The rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

**Reconfiguration.** A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. "Reconfiguration" includes a lot line adjustment, a boundary line adjustment, and an administrative plat.

**Record Plat.** The final plat of a subdivision that is recorded in the Land Records of Calvert County.

**Recorded Archaeological Site.** An archaeological site that has been included in the Maryland Archeological Site Survey maintained by the Maryland Historical Trust.

**Recreation Facility, Indoor Commercial: Arcade.** An indoor area containing video games.

**Recreation Facility, Indoor Commercial: Bingo Hall.** Premises used for the purposes of playing a game of chance in which players place markers on a pattern of numbered cards according to numbers drawn, announced or displayed either electronically or by a caller, in which money or prizes are wagered. This definition does not include player-operated video lottery terminals or slot machines.

**Recreation Facility, Indoor Commercial: Bowling Alley.** A building containing long narrow tracks used in bowling games.

**Recreation Facility, Indoor Commercial: Fitness Center.** An establishment offering or providing facilities in controlled exercise, weightlifting, calisthenics, aerobics, and general physical fitness.

**Recreation Facility, Indoor Commercial: Movie Theater.** A facility having seating for an audience and a large screen for showing movies.

**Recreation Facility, Indoor Commercial: Pool Hall.** An establishment where pool or billiard games are played.

**Recreation Facility, Indoor Commercial: Skating Rink.** An expanse of ice artificially made for skating, or a floor used for roller skating.

**Recreation Facility, Indoor Commercial: Studio.** Premises used principally for the production of arts and craft products using paint, clay, fabric, metal or other medium and may include accessory sales, display and exhibition of arts and craft products.

**Recreation Facility, Indoor Commercial: Studio, Performing Arts.** A facility, catering to more than three students at a time, that contains specialized equipment and other support services for the study and training of performing arts, including but not limited to dance, voice, theatre or music, and may include accessory sales, displays and exhibits.

**Recreation Facility, Indoor Commercial: Theater.** A facility, in which plays and other dramatic performances are given.

**Recreational Vehicle.** A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. These vehicles include but are not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Redevelopment.** The process of developing land which is or has been previously developed.

**Redevelopment (Critical Area).** The process of developing land which is or has been developed. For purposes of implementing specific provisions of this Ordinance, redevelopment (as opposed to a new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15% or greater.

#### **Reforestation.**

1. Reforestation or reforested means the:
  - a. Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years; or
  - b. Establishment of a forest according to procedures set forth in the County Forest Conservation Technical Manual.
2. Reforestation or reforested includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.
3. Reforestation or reforested for a linear project involving overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

**Refuse and Recycling Containers.** In multi-family residences, commercial, industrial, and other non-residential developments, the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

**Regulated Activity (Forest Conservation).** Any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater: subdivision; grading; activity that requires a sediment control permit; or project plan of a local agency.

**Reservation of Resource Conservation Area Density Rights.** Withholding by recorded agreement a certain number of density rights that are attributable to a lot or parcel that prevents them from being used for development for a specified period of time.

**Reservation of Resource Conservation Area Density Rights Agreement.** A legal instrument recorded among the land records and approved by the local jurisdiction, restricting land development within a defined area in the resource conservation area and for a specified period of time.

**Residential District.** A zoning district intended to provide for residential development in proximity to the Town Centers of Prince Frederick, Solomons, Lusby, North Beach, and Chesapeake Beach (see Section 6-1 for further description).

**Residential Use.** A structure designed and used, or intended to be used, for residential occupancy by one or more households, such as single-family, two-family, townhouse, and multi-family dwellings. Multi-family dwellings with ground floor non-residential uses are considered mixed-use development and are considered a non-residential use for the purposes of this Ordinance.

**Residential Care Facility.** A licensed group care facility that provides medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, senior housing, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facilities must meet all district design and dimensional standards for multi-family dwellings unless specific standards are cited for such housing. When a district permits dwellings above the ground floor, residential care facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

**Residential Property.** A parcel of record that is improved by a single or two-family structure occupied as a residence. Residential property does not include a farm.

**Residue.** The portion of a parcel remaining as a result of the creation of one or more lots by way of a subdivision plat approved by the Planning Commission and recorded among the land records of Calvert County.

**Resource Conservation Area (RCA).** An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource Conservation Areas include areas with a housing density of less than one dwelling per five acres.

**Resubdivision.** When an existing lot created through subdivision is further divided for development purposes through the subdivision process.

**Restoration (Critical Area).** The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

**Restrictive Covenant.** A restriction on the use of land, usually set forth in the deed, recorded in land records.

**Retail Commercial Building with Drive-Through Facility.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.

**Retaining Wall.** A wall 36 inches in height or greater (measured from the lowest adjacent grade to the top of the wall) designed to contain and support soil, fill or loose material which prevents the movement of soil, fill or loose material in order to allow ground levels of different elevations to exist adjacent to one another.

**Retention (Forest Conservation).** The deliberate holding and protecting of existing trees, shrubs, or plants on the site according to established standards as provided in the County Forest Conservation Technical Manual.

**Retreat, Day.** A facility designed with the specific intent of facilitating spiritual or educational enrichment needs, and that may include supporting dining and recreational facilities as ancillary uses.

**Revetment.** An assemblage of stones or concrete, commonly known as riprap, placed to prevent shore erosion, fortify a bulkhead, or stabilize an embankment.

**Rezone.** To change the zoning district classification of particular lots or parcels of land.

**Right-Of-Way.**

1. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or currently occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses;

2. Generally, the right of one to pass over the property of another.

**Right-Of-Way, Public.** Any street, avenue, boulevard, highway, alley, or similar place that is owned or controlled by a governmental entity.

**Riparian Habitat.** A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

**Riparian Land.** Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.

**Riparian Owner.** One who owns riparian land.

**Road.** A vehicular way constructed within a public or private right-of-way (a.k.a. avenue, drive, circle, street, highway, thoroughfare or other similar terms, but not driveways, lanes, or alleys).

**Road Direction.** Relative to the premise addressing system, the direction any road travels the longest in the distance.

**Road and Site Development Ordinance.** The Calvert County Road and Site Development Ordinance as amended from time to time and currently in effect.

**Road in the Critical Area.** A public thoroughfare under the jurisdiction of the State, a County, a municipal corporation or any other public body. Road does not include a drive aisle or driveway.

**Roof Pitch.** The ratio of rise to run of roof slope.

**Roof, Green.** A roof that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Rural Commercial District.** A zoning district intended to support existing commercial enterprises located outside Town Centers. (See Section 7-1 for further description).

**Rural Community District.** A zoning district intended to maintain a mix of farms, forests, and residential uses, retain historic and scenic areas, and protect watersheds, fish, and wildlife. (See Section 5-1 of this Ordinance for further description).

**Rural Neighborhood District.** A zoning district is intended to accommodate residential development as well as agricultural uses in proximity to the Town Centers of Dunkirk, Owings, Huntingtown, and St. Leonard (See Section 5-1 for further description).

**Rubble.** Demolition debris associated with the razing of buildings, roads, bridges and other structures including structural steel, concrete, bricks, lumber, plaster and plasterboard, sheet rock, insulation material, cement, shingles and roofing materials, floor and wall tile, asphalt, pipes and wires, and other items physically attached to structures, including appliances.

**Scenic Landscape.** A geographic area with landscape patterns and features, including but not limited to properties such as landform, land cover, slope and land use, arising from natural or cultural processes, which are visually or aesthetically pleasing or unique, and contribute affirmatively to the definition of a distinct community or region within the County.

**Seasonal Use.** A use carried on for only a part of the year such as the sale of vegetables during the summer months.

**Seating Capacity.** The number of devices for seating individual persons or the number of spaces allocated for seating individuals (but not less than 24 linear inches) in multi-person seating units (i.e., benches, pews, etc.).

**Sediment Control Permit.** The authorization of an activity regulated under a sediment control plan as provided in Environment Article, Title 4, Maryland Annotated.

**Seedling.** An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at two inches above the root collar.

**Selection.** The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

**Selective Clearing.** The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

**Service Building.** A structure that contains toilets and hand sinks. It may also include bathing facilities, laundry facilities, a vending area, or other service type facilities for public use.

**Service Road.** A road paralleling and contiguous to a major thoroughfare designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares.

**Setback.** See Section 2-3.I of this Article.

**Setback, Front.** See Section 2-3.I of this Article.

**Setback, Side.** See Section 2-3.I of this Article.

**Setback, Rear.** See Section 2-3.I of this Article.

**Severely Eroding Areas.** Areas that erode two feet or more per year.

**Shopping Center.** A group of commercial buildings planned, constructed and managed as a total entity with customer and employee parking provided on-site.

**Shore Erosion Protection Works.** Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

**Shoreline.** For the purposes of determining lateral lines, the line as shown on the applicable Harbor Line Map defining the landward limit of the waterway. For all other purposes, the shoreline is determined by the mean high water line.

**Sidewalk.** A traveled way constructed for the use of pedestrians.

**Sight Distance.** A line of unobstructed vision at a road or driveway intersection defined by a continuous line of sight between points.

**Sign.** Any object, device, vehicle, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means; which may include words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area.** See Section 2-3.J.

**Sign Height.** See Section 2-3.J.

**Sign Structure.** Any structure designed for the support of a sign.

**Simplified Buffer Management Plan (SBMP).** A landscape plan required for an application under this Ordinance for disturbance in the Critical Area buffer for water access, invasive vegetation removal or cutting a hazardous tree(s).

**Site.** Any plot or parcel of land or combination of contiguous lots or parcels of land.

**Site Plan.** The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot or parcel including: topography, vegetation, drainage, floodplains, marshes and waterways; open

spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**Slip.** Berthing arrangement for a single vessel.

**Slope.** The deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Slope Stabilization Activities.** The prevention of soil movement by any of the various vegetative or structural means. Stabilization can include minimal grading; retaining walls; erosion control mats, blankets and fiber logs; or, other environmentally sensitive practices. It shall not include the use of accessory structures including but not limited to patios, terraces or gazebos.

**Small Shrub.** A shrub that, when mature, reaches a height no greater than six feet.

**Small Residential Accessory Solar Energy Generating System (Critical Area).** An energy generating system that derives energy from the sun to produce electricity to support the principal use on a residential property on the same lot or parcel as the principal use. Includes an energy generating system that delivers electricity to a power grid and complies with the laws of the State of Maryland.

**Soil Conservation and Water Quality Plan.** Means an agricultural plan approved by a local soil conservation district to minimize soil erosion and the movement of sediment, animal waste, nutrients or agricultural chemicals into waters of the State.

**Solar Energy Generating System (Critical Area).** A land use that uses solar collectors, panels, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment to produce electricity; and any term used for a solar application that proposes to construct a solar energy generating system such as a solar energy system utility scale, solar energy system utility scale on farms, utility scale solar array, solar power plant, solar energy system large scale, solar energy system medium scale, solar array, power generating facilities, solar facilities, solar energy system grid connected, and solar energy generating facility commercial. Does not include an energy storage device or facility where the device or facility operates independently of, is separate from, and the primary purpose of which does not include supporting the solar energy generating system within the Critical Area.

**Solid Waste.** Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

**Special Buffer Management Area (SBMA) (Critical Area).** An area officially mapped by the County and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific SBMA provisions can be permitted in the Buffer without a variance.

**Special Event.** Any pre-planned entertainment, sporting, cultural, business, or other type of unique activity (including parades, festivals, races, etc.) presented to a live audience that is to be held in whole or in part upon owned or managed County property, or may impact the ordinary and normal use by the general public, public safety services of owned or managed County property, or public right-of-way within the vicinity of the event. Any activity that substantially inhibits the usual flow of pedestrian or vehicular travel, or which occupies any public/private place or building that preempts normal use of space by the general public, or which deviates from the established use of space or building. Activities that are part of a regular series or subscription are not deemed Special Events unless they are an atypical activity outside the ordinary (e.g. regular scheduled baseball game is not a special event, but a tournament is a special event).

**Special Exception.** The granting of a specific use that would not be appropriate generally or without restriction. Any use that requires special consideration of its location, design and methods of operation before it can be deemed appropriate and compatible with its surroundings.

**Special Flood Hazard Area (SFHA).** The land in the floodplain subject to a 1% or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes areas shown on other flood maps that are specifically listed or otherwise described in this Ordinance.

**Species in Need of Conservation.** Those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

**Specimen Trees.** Trees having a diameter, measured at 4.5 feet above the ground, of 30 inches or more, or trees having 75% or more of the diameter of the current state champion tree for that species.

**Square.** A square is an area designated for public use, including parking, which is bordered on all sides by public or private rights-of-way.

**Stacking Space.** Spaces specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business or automobile filling station.

**Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Static/Instant Message Change.** On electronic message centers, a static or instant message change is when one message changes to another message instantly without rotating, scrolling, fading, dissolving, blinking, audio, pyrotechnic or flashing elements or other movement of the message.

**Steep Slopes.** Within the Critical Area: Slopes 15% or greater. Outside the Critical Area: 25% or greater slopes. Slopes greater than 50% are defined as cliffs.

**Stoop.** An exterior floor typically, constructed of stone, concrete, or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings but cannot be enclosed.

**Stop Work Order.** A notice issued by the Zoning Officer, or other designated official, that directs the owner to cease work that was undertaken without proper permits or approval.

#### **Stormwater Management.**

1. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
2. For qualitative control, a system of vegetative, structural, and other measures that reduces or eliminates pollutants that might otherwise be carried by surface runoff.

**Stream Buffer Outside the Critical Area.** All lands and vegetation lying within at least 50 feet of a perennial or intermittent stream.

**Stream Restoration Project.** An activity that:

1. Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream, waterway, or floodplain;
2. Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;
3. May be performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the State or local government to achieve or maintain water quality standards; and

4. Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity.

**Structure.** A combination of building materials that are purposely joined together on, above or below the surface of the land or water including those that do not result in lot coverage, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Structure (Critical Area).** Building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water. Includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, and shelter for the purpose of marina access, navigation, working, eating, sleeping, or recreating.

**Structural Alteration.** Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

**Studio.** A room or area where an artist, photographer, sculptor works. A place for instruction or experimentation in one of the performing arts.

**Subdivision.** A division of a unit of land into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

**Subdivision Entrance.** As defined in the Calvert County Road Ordinance.

**Subdivision Evaluation Group (SEG).** State and local agencies that review subdivisions to ensure that proposed and existing development complies with all County ordinances and State regulations. SEG members review and provide comments on proposed subdivisions or amendments to existing subdivisions.

**Subdivision Sign.** A sign placed at the entrance of subdivisions from state or county highways.

**Substantial Alteration.** A repair, reconstruction, replacement, or improvement of a principal structure, with a proposed total footprint that is at least 50% greater than that of the existing principal structure.

**Substantial Construction.** A building is considered to have substantial construction if over 50% of the square footage is under roof and enclosed.

**Substantial Damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. Also used as "substantially damaged" structures.

**Substantial Improvement.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a ten year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. The Floodplain Administrator may require documentation of a structure's continued eligibility and designation as a historic structure.

**Supplemental Planting Plan (Critical Area).** A description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.

**Surety.** A surety includes, but is not limited to, a Certificate of Guarantee as defined in Section 1-203 of the Insurance Article of the Maryland Annotated.

**Surface Mining.** The breaking of surface soil to extract or remove minerals; any activity or process constituting all or part of the process for the extraction or removal of minerals from their original location; the extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities; any operations engaged in processing of materials at the site of extraction; removal of overburden and excavation of any material for the purpose of prospecting and, to the extent necessary, to determine the location, quantity or quality of a natural deposit; or, any activities thereof, if the affected land exceeds one acre or more in area.

**T-Frame Sign.** A portable sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable and is not permanently attached to the ground or any structure. This definition does not include A-frame sign.

**Technical Evaluation Group (TEG).** State and local agencies which review site plans to ensure that proposed and existing development complies with all County ordinances and State regulations. TEG members review and provide comments on proposed site plans and revisions to site plans.

**Temporary Cell on Wheels (COW).** Cell on wheels (COW) is a portable, mobile cell site that provides temporary network and wireless coverage to locations where additional cellular coverage is required due to a temporary increase in user volume at such location or states of emergency.

**Temporary Disturbance (Critical Area).** A short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance includes: storage of materials that are necessary for the completion of the development or redevelopment activity; construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and locating a septic system on a lot or parcel created before local program approval if the septic system is located in existing grass or clearing is not required. Temporary disturbance does not include a "Violation".

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for. This also includes the use of cargo containers as temporary storage.

**Temporary Sign.** Any sign which is movable, not permanently attached to the ground, a structure or other sign, designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes, intended for a limited period of display or constructed out of cloth, canvas, plastic sheet, cardboard or other like materials.

**Temporary Structure (Floodplain).** A structure installed, used, or erected for a period of less than 180 days.

**Tenant.** An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner.

**Theater.** A building or outdoor area in which plays and other dramatic performances are given.

**Thinning.** A forest practice used to accelerate tree growth of quality trees in the shortest interval time by reducing stem counts.

**Threatened Species.** Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, with the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the federal Endangered Species Act, 16 U.S.C. 153 et seq., as amended.

**Tidal Wetlands.** Estuarine wetlands flooded with salt or brackish water and affected by the regular rise and fall of the tide. Tidal wetlands are found along the shores of the Bay and the tidal portions of streams, creek and rivers. The Critical Area Buffer is measured from the edge of tidal wetlands, regardless of whether the wetlands are private or State.

**Timber Harvesting.** A tree-cutting operation affecting one or more acres of forest or developed woodland within a one-year interval that disturbs 5,000 square feet or more of forest floor. Timber harvesting does not include grubbing and clearing of root mass.

**Topography.** The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

**Topping.** The removal of large portions of the crown of the tree and is an inappropriate pruning method

**Town Centers.** Town Centers are located as delineated on the Zoning Map and are regulated by their particular Town Center Zoning Ordinance as well as the Calvert County Zoning Ordinance in accordance with Section 1-3.F (Relation to Town Center Zoning Ordinances).

**Tract.** A specified parcel of land with defined boundaries generally created by a deed. A deed may describe one or more tracts.

**Tract (Forest Conservation).** Property or a unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this law.

**Tract for Planned Unit Development (Forest Conservation).** The entire premises subject to a planned unit development.

**Trailer.** A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office (does not include manufactured homes).

**Transfer Zone.** An area in Calvert County where Transferable Development Rights (TDRs) may be used to increase the residential density.

**Transfer Zone Density.** The permitted density in a transfer zone and zoning district that is allowed through the purchase and transfer of Transferable Development Rights (TDRs). Does not include bonus lots.

**Transferable Development Right (TDR).** The right a landowner in an Agricultural Preservation District conveys to a person which permits that person to increase the density of residential use of land.

**Transportation Facilities.** Anything that is built, installed, or established to provide a means of transport from one place to another.

**Transitional Habitat.** A plant community and physiographic features whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

**Travel Way.** The public or private right of way used for vehicular travel, including areas used for vehicular circulation within parking facilities.

**Tree.** A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

**Tree Canopy.** The aerial branches of terrestrial plants, together with their complement of leaves or needles.

**Tree Canopy Coverage.** The area beneath the aerial extent of the tree canopy.

**Tree Cover.** The combined area, in square feet, of the crowns of all trees on a tract.

**Tree Diameter.** The diameter of a tree trunk measured at 4.5 feet above the ground.

**Tree Drip Line.** An imaginary line projected to the ground delineating the outermost extent of tree foliage in all directions.

**Tributary Stream.** Perennial or intermittent streams within the Critical Area that have been identified by site inspection or in accordance with County program procedures approved by the Critical Area Commission.

**Truck, Bus and Diesel Service and Repair Shop.** An establishment that repairs heavy equipment such as trucks, construction equipment, diesel engines, and similar heavy equipment. Typical uses include truck and bus repair garages, excavation implement service, diesel engine repair, and shops related to the machining of related parts, but specifically excluding the dismantling or salvaging of vehicles.

**Underserved Community.** Has the meaning stated in MD Environment Code § 1-701, as updated or amended from time to time.

**Understory.** The layer of forest vegetation typically located underneath the forest canopy.

**Understory Tree.** A tree that, when mature, reaches a height of 12 to 35 feet.

**Universally Accessible.** A site, building, or facility that can be approached, entered, and used by individuals with disabilities and is ADA compliant.

**Universally Adaptable.** A site, building, or facility that includes, at a minimum:

1. Door widths of all interior and exterior doors measuring 36 inches;
2. No more than one step from outside to inside; and
3. Reinforced walls for installation of handrails in bathrooms and hallways.

**Unwarranted Hardship.** That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

**Upland Boundary.** The landward edge of a tidal wetland or a nontidal wetland.

**Use and Occupancy Permit.** A document issued by the proper authorities allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes, ordinances and regulations.

**Use.** The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

**Useable Waterway Area.** The area of a waterway enclosed by the harbor line, lateral lines and shoreline.

**Utility.** Underground gas mains and pipes and underground and overhead electrical and communications wires, cables, pipes, conduits, and their supporting poles, towers or repeaters, boosters, anodes, regulating and measuring devices, and the minor buildings or structures in which they may be housed, including but not limited to substations for transforming, boosting, switching or pumping purposes, where such facilities are constructed on the ground. This definition does not include other uses defined separately by this Ordinance.

**Utility Transmission Facilities.** Fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

**Variance.** A grant of relief from the strict application of one or more requirements of these regulations. The purpose of a variance is to afford an applicant relief from the requirements of the letter of the Zoning Ordinance only when unnecessary hardship or practical difficulty exists.

**Value-Added Agricultural Products.** Goods produced on Calvert County farms that have been increased in value or price at the post-harvest stage of production through alterations in size, shape, appearance, or convenience.

**Vehicle Display Area.** The area where vehicles for sale are parked inside of a building, on any exterior designated area for display or an area designated adjacent to the right-of-way.

**Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer. Signs attached to a motor vehicle or trailer include, without limitation, any signage painted on, physically applied to, or otherwise affixed to the vehicle.

**Vested Right.** A right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after conceptual or final approval as the case may be.

**Violation.** Any use of property which is not in compliance with this Ordinance, or any other decision issued pursuant to this Ordinance.

**Violation (Floodplain).** Any construction or development in a special flood hazard area that is being performed without an issued permit. The failure of a building, structure, or other development for which a permit is issued to be fully compliant with these regulations and the conditions of the issued permit. A building, structure, or other development without the required design certifications, the Elevation Certificate, or other evidence of compliance required is presumed to be a violation until such time as the required documentation is provided

**Waiting Area.** An area inside an establishment dedicated to the reception and waiting of clients of the establishment and visitors.

**Wall Sign.** A sign attached directly to an exterior wall of a building and which does not extend more than 18 inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.

**Water and Sewer Service Areas.** Areas of the County designated by the Water and Sewerage Plan as potential areas for service by a community or public water or sewer system.

**Watercourse.** The channel, including channel banks and bed, of nontidal waters of the state.

**Watercraft.** Any vehicle designed for travel across or through water bodies, such as a boat, ship, hovercraft, submersible or submarine.

**Watercraft Dealership.** The use of any building, land area, or other premise for the sale, exchange, rental, or lease with option to purchase, of more than two new or used watercraft per year.

**Watercraft Launch Ramp.** An inclined surface or roadway connecting the shore to an adjacent waterway.

**Watercraft Service or Repair.** A facility designed for the maintenance of watercraft and watercraft-related accessories including engines, hulls, masts, trailers, and sails.

**Watercraft Storage, Commercial.** A facility designed for the keeping of watercraft and associated trailers for a fee.

**Water Dependent Facility or Activity.** A structure or activity that, by reason of its intrinsic nature or operation or because of its association with an industrial, maritime, recreational, educational, aquaculture, or fishery activity, is dependent on the water and requires location at or near the shoreline or in the buffer. Water-dependent facility or activity includes a port; an intake or outfall structure, marina, another boat-docking facility; or a structure or activity that is essential to the operation of the water-dependent facility, structure, or activity; a fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier, and an office on a pier for managing marina operations, such as monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations; a public beach and any other public water-oriented recreation area; and any other water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.

**Water Frontage.** The point at which land abuts a body of water.

**Waterfront Community District.** A zoning district intended to recognize existing, long-established residential waterfront communities along the Patuxent River, the Chesapeake Bay, and their tributaries (See Section 5-1 of this Ordinance for further description).

**Waterfowl.** Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

**Watershed.** All land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

**Watershed, MD DNR Eight-Digit.** This delineation breaks the state up into 138 watersheds whose boundaries generally represent drainage divides between 3rd order rivers or streams. These watersheds are identified via an 8-digit numeric code. The 8-digit scale is the most common management scale for watersheds across the state and therefore is the scale at which most of Maryland's local TMDLs are developed. There are three MD DNR Eight-Digit Watersheds located in Calvert County; 02131101 (Patuxent River lower), 02131005 (West Chesapeake Bay), and 02131102 (Patuxent River middle).

**Waters of the State.** See Environment Article, Title 5, Subtitle 1, Maryland Annotated. Waters of the State include:

1. Both surface and underground waters within the boundaries of the state subject to its jurisdiction;
2. That portion of the Atlantic Ocean within the boundaries of the state;
3. The Chesapeake Bay and its tributaries; and
4. All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey, or dispose of sanitary sewage.
5. The floodplain of free-flowing waters determined by MDE on the basis of the 100-year flood frequency.

**Waterway.** Any water area providing access from one place to another, principally a water area providing a regular route for water traffic, that is owned, managed or controlled by the State or under the jurisdiction of the County either in incorporated or unincorporated territory.

**Wetland Migration Area.** An area that will likely be suitable for future wetland establishment in response to a change in sea level.

**Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Man-made stormwater management devices and sediment control devices are not included under this definition.

**Wetlands Buffer.** A naturally vegetated area or vegetated area established or managed to protect wetlands from man-made disturbances.

**Wetlands Overlay.** Those lands both within and outside the Critical Area which exhibit hydrologic, soil, and vegetation characteristics sufficient to qualify as jurisdictional wetlands according to State or Federal requirements.

**Whip (Forest Conservation).** An unbranched woody plant greater than 24 inches in height and having a diameter of less than one inch measured at two inches above the root collar.

**Wildlife Corridor.** A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

**Wildlife Habitat.** Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area.

**Wind Energy System.** A wind-powered electric system designed and constructed for the production of power for sale.

**Wind Turbine.** The part of a wind energy system that includes the blades, generator and tail.

**Window Sign.** Any sign viewable through or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior including, but not limited to, window paintings and signs located inside a building but visible primarily from the outside of the building. This does not include merchandise and other displays located in a window, or print intended to be viewable from the interior of a building.

**Woody Vegetation.** Vegetation containing wood or wood fibers.

**Workforce Housing.** Housing that is affordable (no more than 30% of median income) to households of moderate income that is up to 80% of the median income level for Calvert County as determined by Department of Housing and Urban Development (HUD) statistics.

**Yard.** See Section 2-3.I of this Article.

**Yard, Rear.** See Section 2-3.I of this Article.

**Yard, Side.** See Section 2-3.I of this Article.

**Yard, Street.** See Section 2-3.I of this Article.

**Yard Sign.** Any temporary sign placed on the ground or attached to a supporting structure, posts or poles, that is not attached to any building.

**Zero-Grid.** The horizontal and vertical lines specified on a map, which are used as starting points for determining premise addresses.

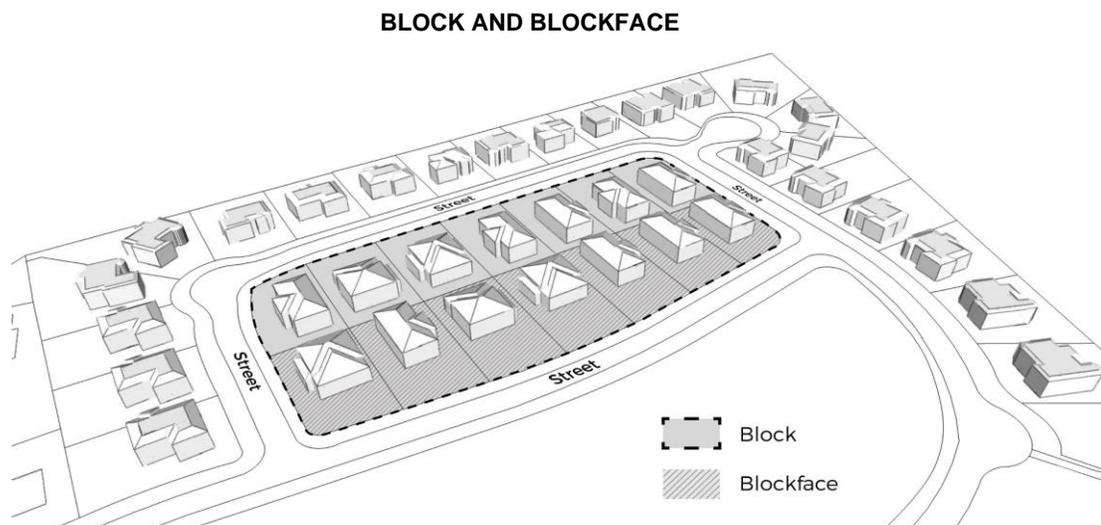
**Zoning Map.** The official Zoning Maps of Calvert County adopted by the Board of County Commissioners, together with all amendments thereto.

**Zoning Officer.** The administrative officer, or his/her designee, authorized to administer the Ordinance, give zoning approval for permits, grant administrative variances, and clarify the intent of the Ordinance. The Zoning Officer may delegate the authority to grant administrative variances to the Planning Commission Administrator if a request for an administrative variance is submitted with the review and approval of a site plan, subdivision, or administrative plat.

## 2-3 MEASUREMENT STANDARDS

### A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way, municipal boundary lines, waterways, or any other barrier to the continuity of development.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets or a street and a railroad right-of-way or waterway.



### B. Building Coverage and Building Footprint

#### 1. Building Coverage

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal buildings and accessory structures on a lot or parcel.

#### 2. Building Footprint

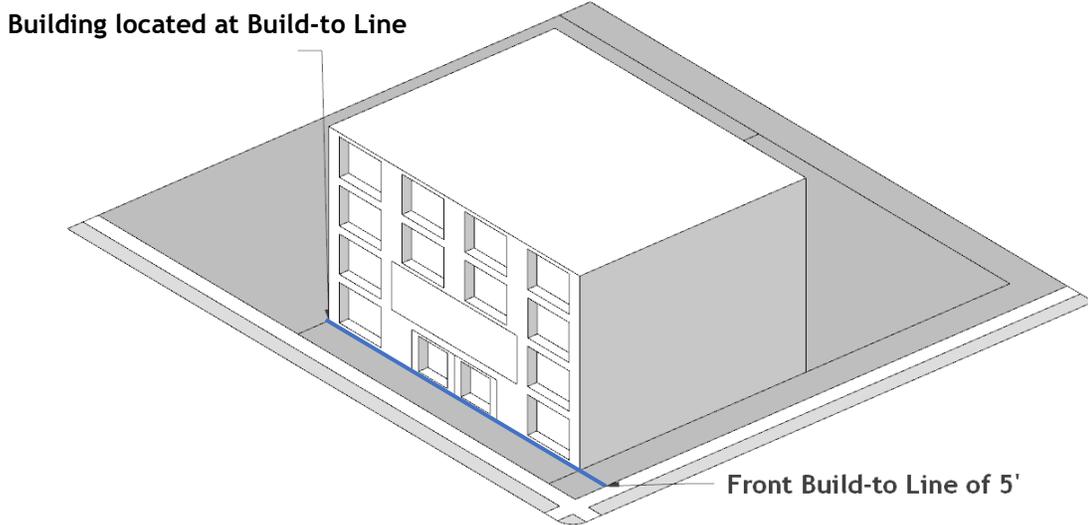
That portion of the ground covered by a building or structure at the surface level, measured on the horizontal plane.

### C. Build-To Dimensions

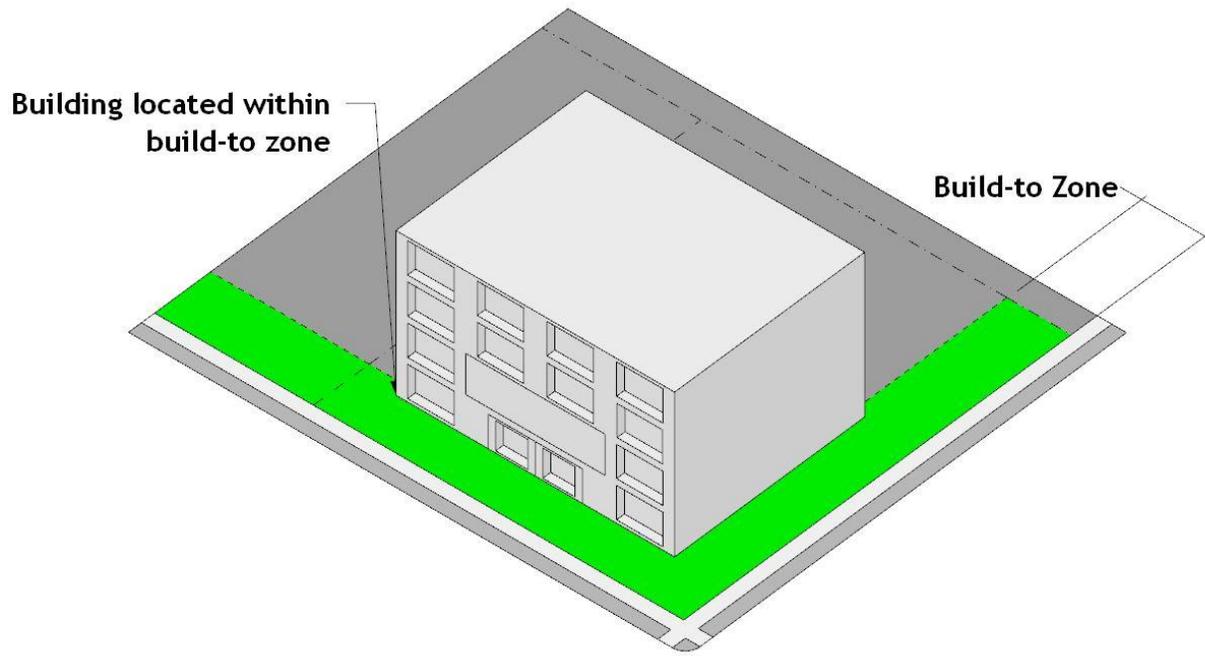
Certain dimensional requirements within the district may require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot or parcel line, where a structure must be placed. This Ordinance includes three types of build-to dimensions:

1. A build-to line (BTL) is a set line on a lot or parcel, measured perpendicular from the applicable lot line or parcel line, where a building must be located. Facade articulation, such as window or wall recesses and projections are not counted as part of the building, which begins at the applicable building wall.
2. A build-to zone (BTZ) is the area on a lot or parcel, measured perpendicular from the applicable lot line or parcel line, where the building must locate within the minimum and maximum range provided. Facade articulation, such as window or wall recesses and projections are not counted as part of the building, which begins at the applicable building wall.
3. A build-to percentage specifies the percentage of the building or applicable building wall that must be located within a build-to line or build-to zone. (Build-to percentage is measured as a percentage of the total building or building wall, not lot width).

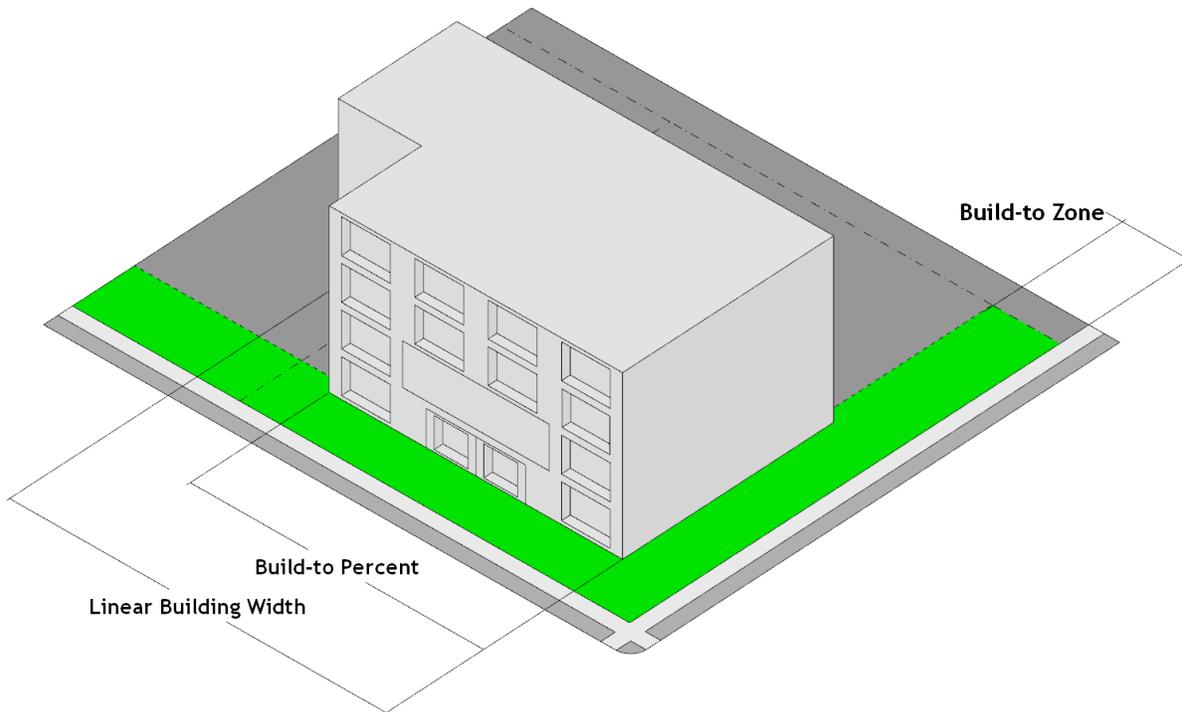
### BUILD-TO LINE



**BUILD-TO-ZONE**



**BUILD-TO PERCENTAGE**



**D. Building Height**

The maximum height of a building or structure is measured from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof. For structures with the lowest floor support beams raised to or above the flood protection elevation, the maximum height of a building or structure shall be measured from the flood protection elevation to the highest point of the roof.

**BUILDING HEIGHT**



## **E. Floor Area**

### **1. Gross Floor Area (GFA)**

The sum of the gross horizontal areas of the floor or floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading and unloading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

### **2. Net Floor Area (NFA)**

The net floor area of a building is calculated as 85% of the gross floor area.

### **3. Floor Area Ratio (FAR)**

The ratio of a building's gross floor area to the net developable acres upon which it is built. The FAR calculation includes the gross area on all floors of all buildings on a lot or parcel. When used in a zoning district which does not encompass the entire lot or parcel, only the portion of the lot or parcel in the zoning district is used for the calculation.

## **F. Lighting**

### **1. Footcandle**

A unit of illuminance stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

### **2. Cutoff**

A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5%) at an angle 90° above nadir, and 100 (10%) at a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.

### **3. Full Cutoff**

A luminaire light distribution where zero candela intensity occurs at an angle of 90° above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.

## **G. Lot Area, Lot Width, and Lot Coverage**

### **1. Lot Area**

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. When applicable, lot area shall be calculated above the mean high water line.

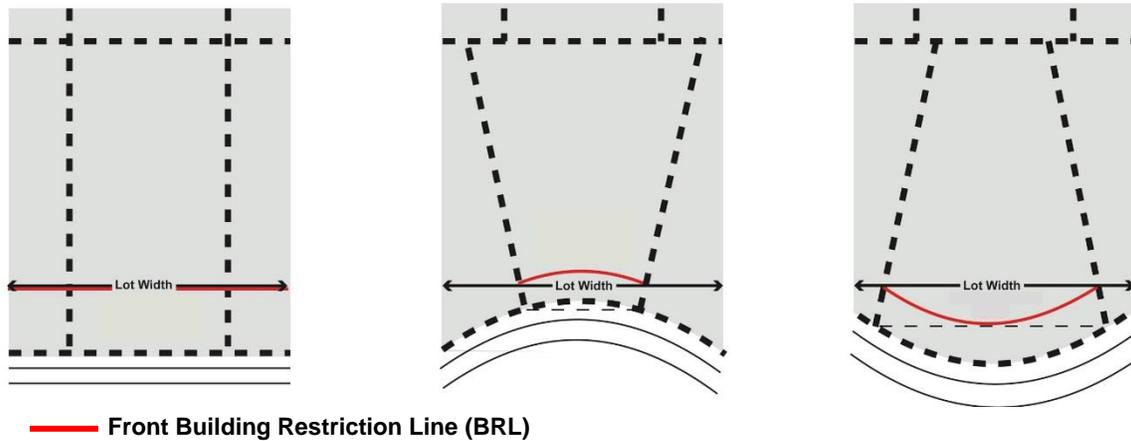
### **2. Lot Width**

The distance between side lot lines measured at the front building restriction line.

**a.** For cul-de-sac lots or lots with a curved front lot line, lot width is measured at the points where the front building restriction line intersects with the side lot lines from point to point.

**b.** For corner lots, lot width is the distance between the non-adjacent lot lines closest to each other measured at the building restriction line.

## LOT WIDTH



### 3. Lot Coverage

The percentage of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway, roadway, areas covered with gravel, stone, shell, decking, a paver, permeable pavement, or any manmade material.

- a. This does not include:
  - i. A fence or wall that is less than one foot in width that has not been constructed with a solid footer;
  - ii. A walkway in the Critical Area Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier;
  - iii. A wood mulch pathway;
  - iv. A deck with gaps to allow water to pass freely (permeable deck);
  - v. Gravel or stone under a pervious deck not used for vehicular parking or storage; or
  - vi. Stormwater management and erosion control measures when specifically designed and installed to perform stormwater management or erosion control functions.

## H. Lot Types and Lot Lines

### 1. Lot Types

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:

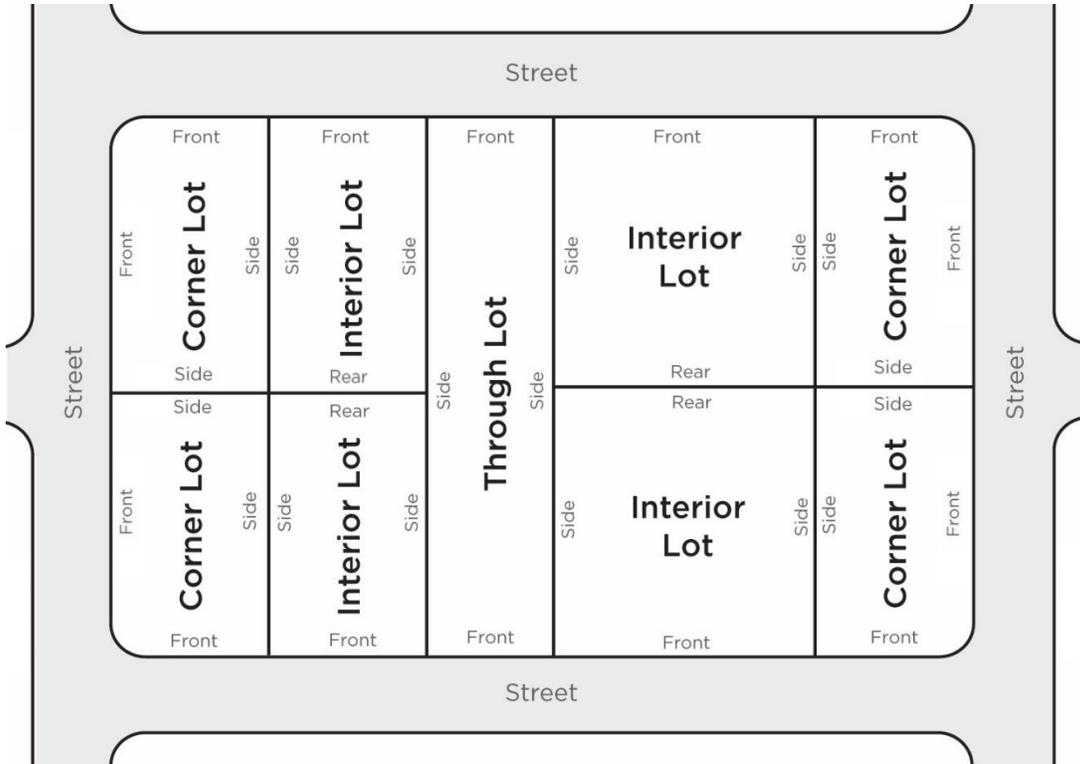
- a. **Interior Lot**  
An interior lot is a lot other than a corner or through lot, bounded by two side lot lines and a rear lot line.
- b. **Multiple Frontage Lot**  
A multiple frontage lot is a lot having frontage on two or more roads (excluding alleys) or non-intersecting portions of the same road.
- c. **Corner Lot**  
A corner lot is a type of multiple frontage lot situated at the junction of, and abutting on, two or more intersecting streets with two or more front lot lines. There is no rear lot line on corner lots.
- d. **Through Lot**

A through lot (also called a double-frontage lot), with frontage on two non-intersecting roads, is a type of multiple frontage lot.

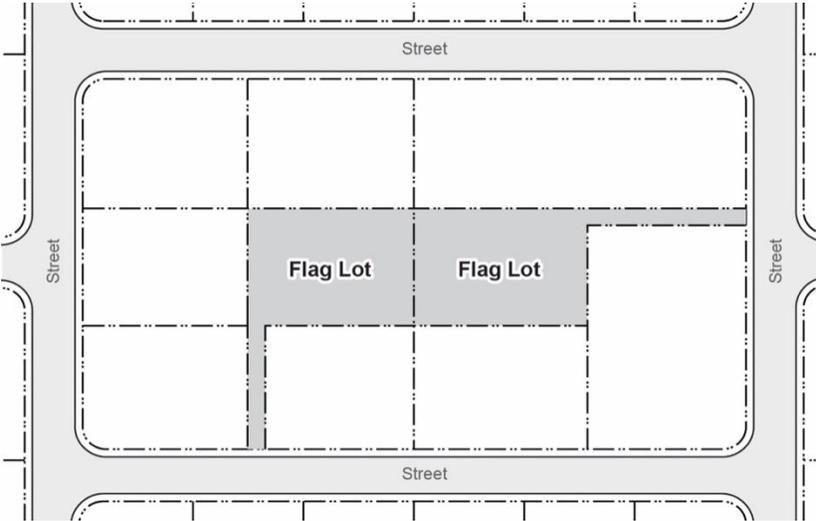
**e. Flag Lot**

A flag lot is platted so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street. A flag lot may also be called a “pipestem lot.”

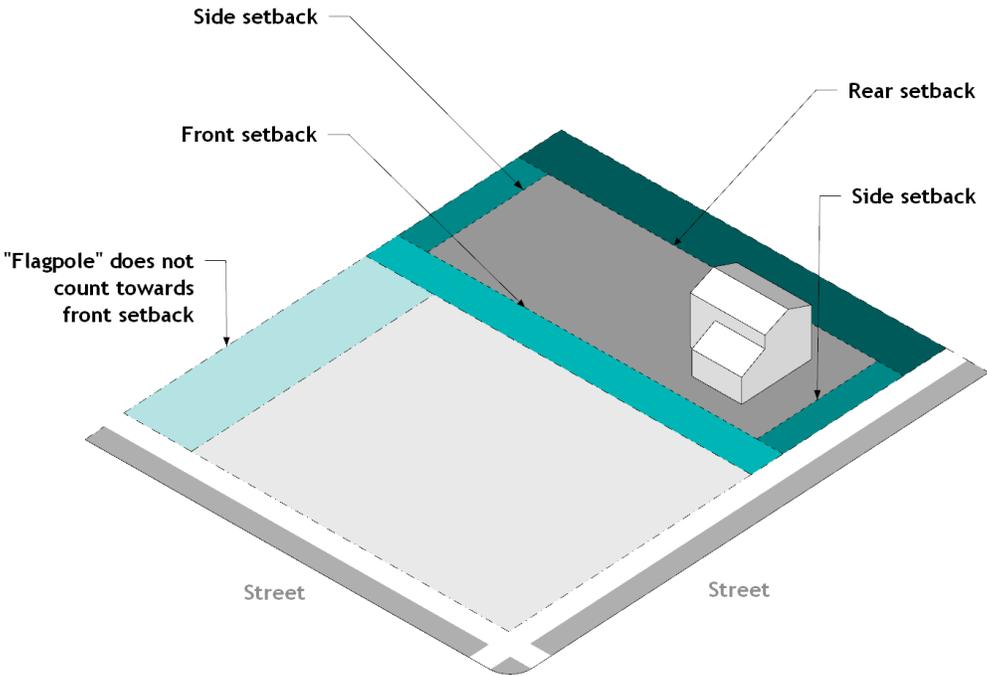
**LOT TYPES**



**LOT TYPES - FLAG LOT**



**FLAG LOT**



**2. Lot Lines**

A line of record bounding a lot which divides one lot from another lot or parcel or from a public or private street.

**a. Front Lot Line**

The lot line separating a lot from a road right-of-way. For flag lots, if there is a lot line at the bottom of the “flag” portion of the lot parallel or close to parallel to the road right-of-way which provides access to the lot, that lot line shall function as the front lot line provided that the minimum lot width is met.

**b. Side Lot Line**

Any lot line other than a front or rear lot line.

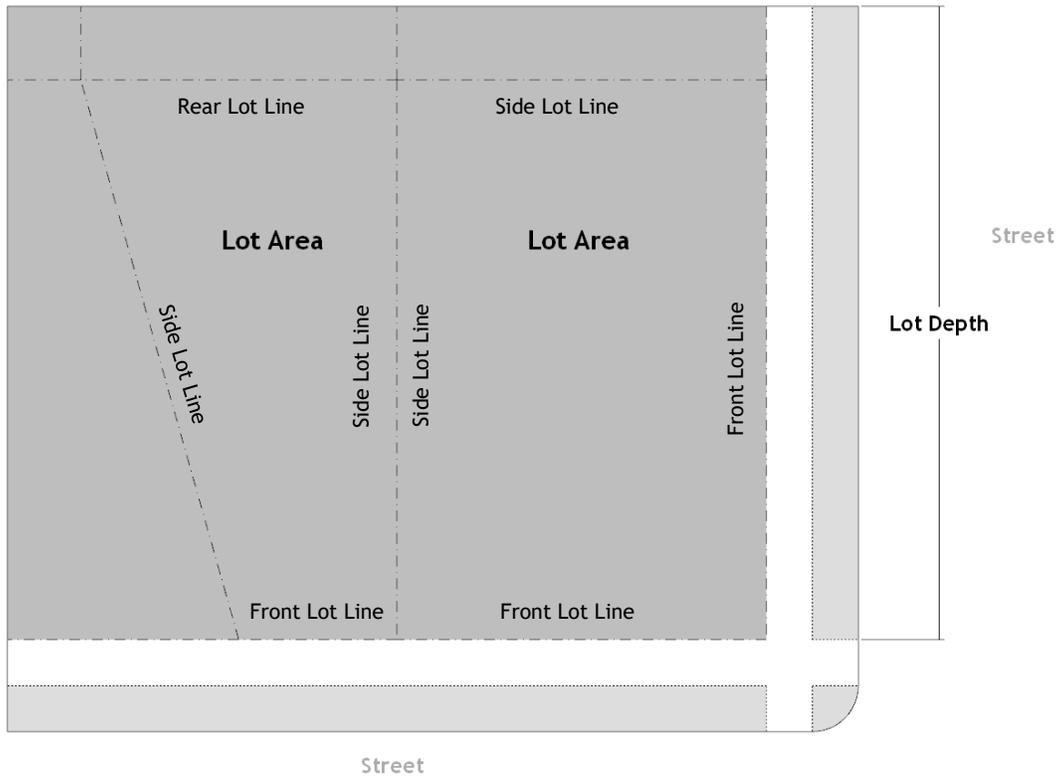
**c. Rear Lot Line**

The lot line opposite and most distant from the front lot line on an interior lot.

**3. Lot Frontage**

The length of the front lot line.

**LOT LINES**



**I. Yards and Setbacks**

**1. General Definitions**

**a. Setback**

A required setback is the minimum distance a building, structure, or use shall be located from a lot line, parcel line, property boundary, right-of-way, zoning district boundary, natural resource protection area, forest retention area, or other specified infrastructure or feature, which is unoccupied and unobstructed by any portion of or projections from a building, structure, or use unless otherwise permitted by this Ordinance.

**b. Yard**

A yard is the open area between the principal building and the lot lines or parcel lines of a property.

**2. Front Yard and Front Setback**

For regular lots and parcels, the front yard and front setback extend the full width of the lot or parcel between side lot lines or parcel lines measured perpendicular to the front lot line or parcel line.

- a. Front Yard: A front yard is located between principal building and the front lot line or parcel line.
- b. Front Setback: A front setback is the required minimum distance that a principal building shall be located from the front lot line or parcel line.
- c. Front setbacks on irregular lots are subject to the following provisions:
  - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line, follows the curve of the lot line.
  - ii. For flag lots without a discernable front lot line, the front setback is measured from the road right-of-way that fronts the property or at the location where the lot meets the minimum lot width, whichever is more restrictive.

**3. Side Yard and Side Setback**

The side yard and side setback extend along the side lot lines or parcel lines between the front and rear yard or setback, measured perpendicular to the side lot line or parcel line.

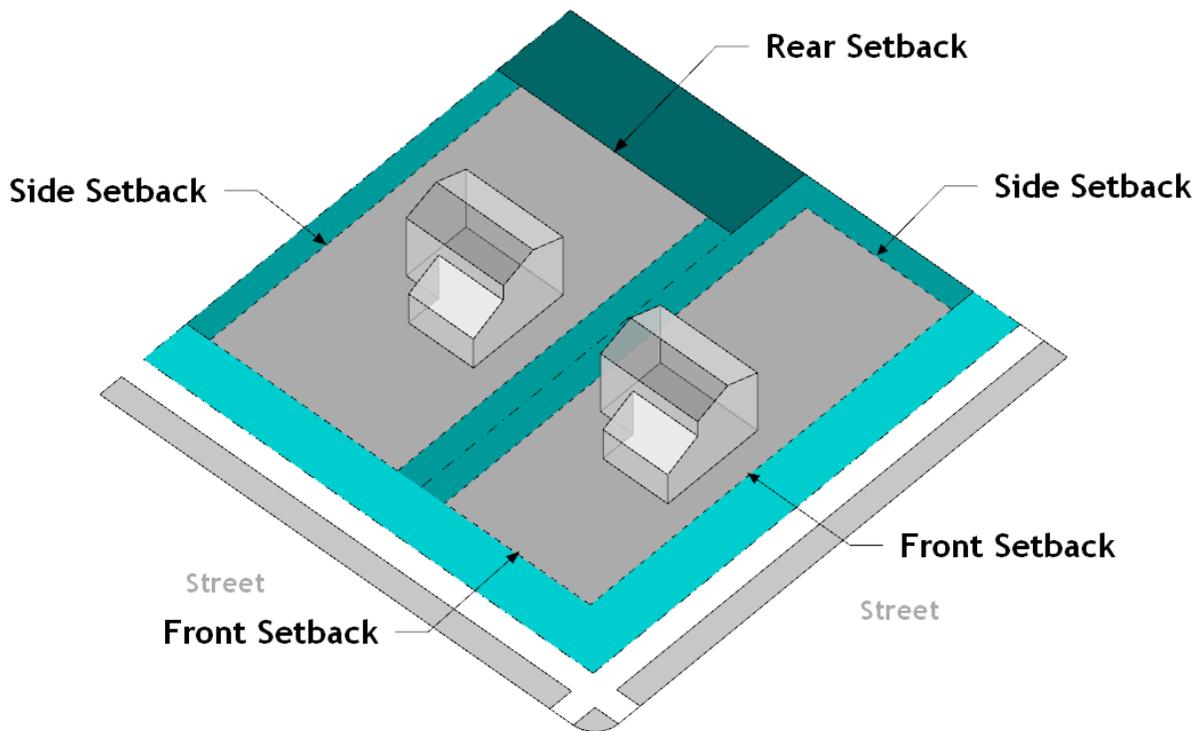
- a. Side Yard: A side yard is located between a principal building and the side lot line or parcel line.
- b. Side Setback: A side setback is the required minimum distance that a principal building shall be located from the side lot line or parcel line.
- c. For townhouse developments, the side yard and side setback are applicable to end units only.

**4. Rear Yard and Rear Setback**

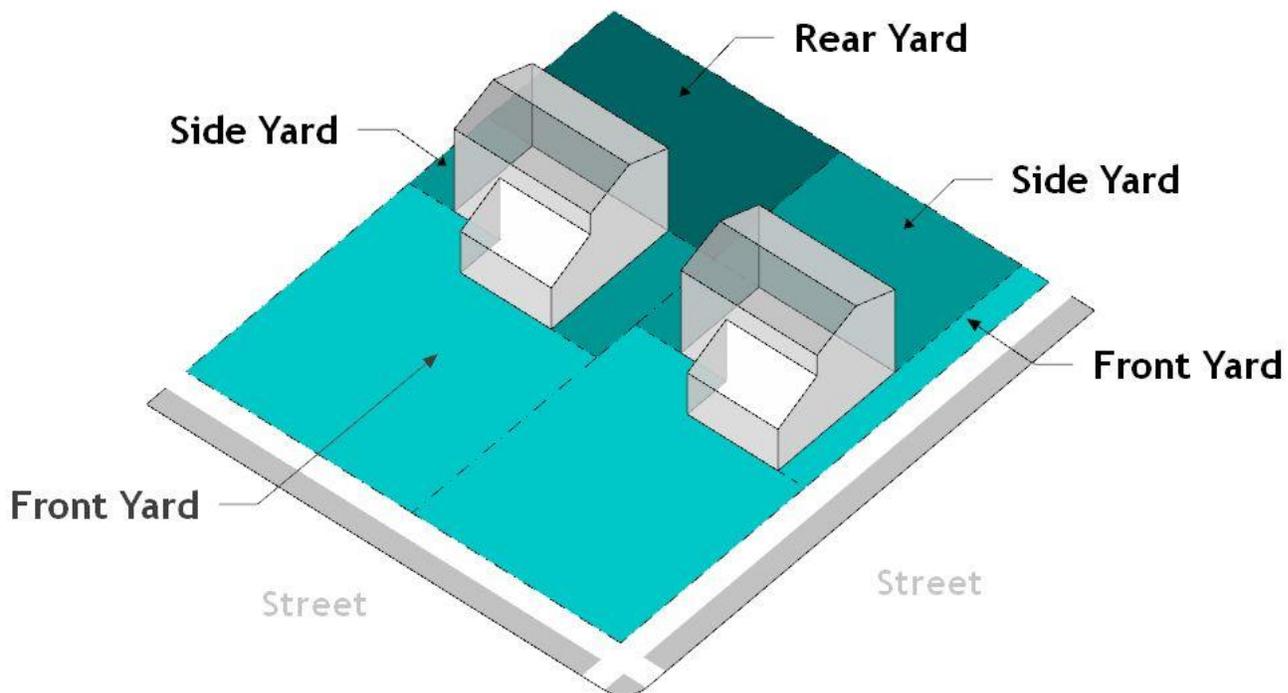
For an interior lot or parcel, the rear yard and rear setback extend between side lot lines or parcel lines, measured perpendicular to the rear lot line or parcel line.

- a. Rear Yard: A rear yard is located between a principal building and the rear lot line or parcel line.
- b. Rear Setback: A rear setback is the required minimum distance that a principal building shall be located from the rear lot line or parcel line.

**SETBACKS (GENERALLY)**



**YARDS (GENERALLY)**

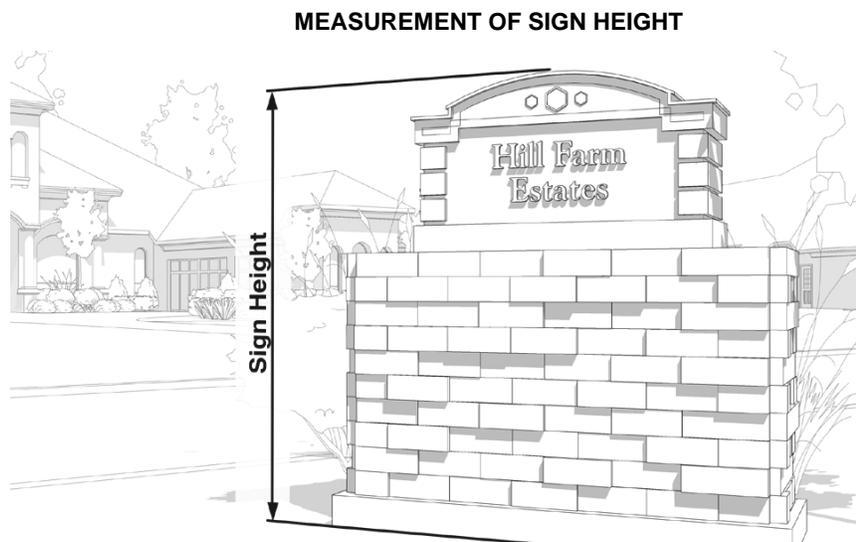


## J. Sign Measurements and Calculations

### 1. Sign Height

The maximum vertical distance of a sign (including the structure containing the sign) as measured from the average elevation of the finished grade at the front of the sign or structure facing the street to the highest point of the sign or structure.

- a. Overall freestanding sign height is measured from the lowest point at the base of the sign or structure along the closest road to the highest point of the sign or structure.
- b. The use of berms, grading or other means in order to achieve a greater sign height is prohibited except where site conditions are such that the proposed sign location is below the grade of the closest adjacent roadway, then the freestanding sign or structure's height is measured from the center line of the pavement of the adjacent road closest to the base of the sign.
- c. For signs along waterways, the sign height is measured from the base of the sign.



### 2. Sign Area

The entire face of a sign including the advertising surface and any framing, but not including the supporting structure.

- a. The sign area is computed in square feet by means of the smallest square, rectangle, triangle, or circle, or combination thereof that encompasses the extreme limits of the sign message.
- b. In the case of a three-dimensional (3-D) sign, the sign area is calculated by the smallest square, rectangle, or circle that encompasses the profile of the sign message. The profile used must be the largest area of the sign message visible from any one point.
- c. The sign area for a sign with more than one face (multi-faced signs) is computed by adding together the area of all sign faces.
- d. Only one side of a double-sided sign is counted in determining the sign area provided that the two sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart. Where the two sides are not of equal size, the sign area is computed by the measurement of the largest of the sign areas.
- e. All fractions for various shapes are rounded to the closest whole number.

MEASUREMENT OF SIGN AREA



## Article 3. Zoning Map

### 3-1 ZONING DISTRICTS

### 3-2 OFFICIAL ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES

#### 3-1 ZONING DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the County is divided into the following zoning districts:

##### A. Agricultural Districts

Farm and Forest District (FFD)

##### B. Rural Residential Districts

Rural Community District (RCD)  
Rural Neighborhood District (RND)  
Waterfront Community District (WCD)

##### C. Residential Districts

Residential District (RD)

##### D. Commercial Districts

Rural Commercial District (RC)  
Marine Commercial District (MC)  
Employment Center District (EC)

##### E. Industrial Districts

Light Industrial and Mixed-Use District (I-1)  
Heavy Industrial District (I-2)

##### G. Town Center Districts

#### 3-2 OFFICIAL ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES

A. The locations and boundaries of the zoning districts are established as shown on the Zoning Map. The Zoning Map and all notations, dimensions, references, and other data shown, as well as properly attested amendments, are incorporated as a part of this Ordinance.

B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following conditions apply:

1. District boundaries are meant to and are considered to follow street, alley, lot lines, parcel lines, or lines parallel or perpendicular thereto, unless such boundaries are otherwise shown on the Zoning Map.
2. Where a boundary line is shown within a street, alley, or navigable or non-navigable stream, it is intended to follow the centerline of such street, alley, or stream. Should the actual location of such street, alley, or stream vary from the location as shown on the Zoning Map, then the actual natural location controls.
3. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, then this distance controls.
4. For unsubdivided property, unless otherwise indicated, a district boundary line on the Zoning Map is determined by the use of the scale on the Zoning Map.
5. Wherever any road, alley, or other public way is abandoned by official action as provided by law, the districts adjoining the side of such public way are automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which will be subject to all regulations of the extended district or districts.

**C.** The Zoning Officer will decide any interpretations of zoning district boundary lines, where the application of this section leaves doubt as to the boundary between two zoning districts.

## Article 4. Agricultural Districts

4-1 FARM AND FOREST DISTRICT (FFD)

4-2 AGRICULTURAL PRESERVATION DISTRICT (APD)

### 4-1 FARM AND FOREST DISTRICT (FFD)

#### A. Purpose

The Farm and Forest District (FFD) allows limited development and encompasses existing agriculture and forested areas. It is predominantly located within Tier IV of the Growth Tier Map (adopted April 25, 2017). The Sustainable Growth and Agricultural Preservation Act of 2012 describes Tier IV of the Growth Tier Map as areas not planned for sewerage service and with residential development limited to minor subdivisions. This district is intended to protect and preserve prime farming regions as well as unique or significant environmental features as identified by the presence of large contiguous forested areas, forest interior dwelling bird habitat, wildlife habitat, or environmentally sensitive areas. The clustering of subdivisions is mandatory on parcels 30 acres or greater in size, with an exception for new lots created that are at least 25 acres in size. When subdivisions are clustered a minimum of 80% of the subdivision is to be permanently preserved as open space. This district accommodates agritourism, ecotourism, and heritage tourism uses that promote the protection and preservation of agricultural, scenic, natural, and historic resources.

#### B. Uses

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Farm and Forest District.

#### C. Minimum Standards

Table 4-1: Farm and Forest District Minimum Standards establishes the permissible density, lot area, lot width, and setbacks for the Farm and Forest District. See Article 2 of this Ordinance for related definitions and measurement standards.

Table 4-1: Farm and Forest District Minimum Standards	
Density	FFD
Base Density	1 dwelling unit per 20 acres
Transfer Zone Density	N/A
<b>Single-Family Detached Residential</b>	
Minimum Lot Area <sup>[1]</sup>	25 acres in non-clustered subdivision 1 acre in clustered subdivision
Minimum Lot Width at Front Building Restriction Line	100'
Minimum Lot Width at Water Frontage	150'
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231	100'
Front Setback: Interior Subdivision Roads	25'
Front Setback: All Other Roads <sup>2</sup>	60'
Side Setback	10'
Rear Setback	35'
<b>Non-residential</b>	
Minimum Lot Area	3 acres
Minimum Lot Width	N/A
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231	100'
Front Setback: All Other Roads	60'
Side Setback	50'
Rear Setback	50'

[1] Minimum lot area shall not be less than that required to satisfy all requirements of the Health Department

[2] Front roadway buffer requirements of Section 25-2.B.4 apply and may modify these requirements

## 4-2 AGRICULTURAL PRESERVATION DISTRICT (APD)

### A. Purpose

Agricultural Preservation Districts (APDs) are overlay districts created through the Agricultural Land Preservation Program. These areas of prime agricultural and forestry land are voluntarily placed in the Calvert County and/or Maryland State Agricultural Land Preservation Program, with the recommendation of the Calvert County Agricultural Preservation Advisory Board and the approval of the Board of County Commissioners. The purpose of this program is to offer an incentive for preservation of prime agricultural and forestry land, provide compensation to landowners who voluntarily agree to place agricultural and forestry use covenants on their land, offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers, guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical, and act as a source of Transferable Development Rights (TDRs).

### B. District Applicability

District boundaries for Agricultural Preservation Districts are established by the Board of County Commissioners upon recommendation of the Agricultural Preservation Advisory Board following an application by the owner of the property.

### C. Uses

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Agricultural Preservation Districts. Uses allowed in the underlying Zoning District, but not allowed in the Agricultural Preservation District are not permitted.

### D. District Standards

See "*Calvert County Agricultural Preservation Rules and Regulations*" available from the Department of Planning & Zoning. Except as expressly provided in Section VII of the "*Calvert County Agricultural Preservation Rules and Regulations*" pertaining to the withdrawal of a property or properties from the program, an Agricultural Preservation District shall be governed by the Laws and Regulations in effect at the time of its creation.

### E. Agricultural Preservation Advisory Board

1. The Board of County Commissioners shall appoint an Agricultural Preservation Advisory Board consisting of five members, at least three of whom shall be owner operators of commercial farms.
2. The Board of County Commissioners may appoint one or more alternate members for the Agricultural Preservation Advisory Board who may be empowered to sit on the Board in the absence of any member of the Board. A quorum for meetings is three members of whom no more than one shall be an alternate.
3. The membership of the Board shall consist of at least one resident from each Election District.
4. The term of a member is five years.
5. The terms of members are to be staggered as required by the terms provided for members of the Board on July 1, 1985.
6. At the end of a term, a member continues to serve until a qualified successor is appointed.
7. A member who is appointed after a term has begun serves only to complete the term or until a qualified successor is appointed.
8. A member may not serve for more than two consecutive full terms.

### F. Local Ordinances; Eminent Domain; Special Assessments

1. Within an Agricultural Preservation District, the right of eminent domain is limited to those instances where no other viable alternative exists.
2. Within an Agricultural Preservation District, special assessments shall not be permitted for the support of any public service including, but not limited to, water and sewer service.

## Article 5. Rural Residential Districts

- 5-1 PURPOSE
- 5-2 USES
- 5-3 MINIMUM STANDARDS

### 5-1 PURPOSE

The Rural Residential Districts are composed of existing subdivisions and parcels located throughout the rural areas of the County as well as farmland and forests located predominately within Tier III of the Growth Tiers Map (adopted April 25, 2017). The Sustainable Growth and Agricultural Preservation Act of 2012 requires that a residential major subdivision in a Tier III area not be approved unless the Planning Commission has reviewed and recommended approval of the major subdivision. Before recommending approval of a proposed major subdivision in a Tier III area, the Planning Commission must hold at least one public hearing.

#### A. Rural Community District (RCD)

The Rural Community District (RCD) is intended to maintain a mix of farms, forests, and residential uses, retain historic and scenic areas, and protect watersheds, fish, and wildlife. These goals are to be achieved in part through the mandatory clustering of subdivisions on parcels 30 acres or greater in size, with a minimum of 60 percent of the subdivision to be permanently preserved as open space. It is the intent to maintain a low residential density within this district while still allowing for some use of Transferable Development Rights (TDRs). To avoid drawing traffic onto rural roads commercial uses are limited.

#### B. Rural Neighborhood District (RND)

The Rural Neighborhood District (RND) is intended to accommodate residential development as well as agricultural uses in proximity to the Town Centers of Dunkirk, Owings, Huntingtown, and St. Leonard. This district allows for higher residential densities within the proximity of Town Centers through the purchase of Transferable Development Rights (TDRs). The clustering of subdivisions is not mandatory and smaller lot sizes are permitted than in the RCD. To avoid drawing traffic onto rural roads commercial uses are limited.

#### C. Waterfront Community District (WCD)

This Waterfront Community District (WCD) is intended to recognize existing, long-established residential waterfront communities along the Patuxent River, the Chesapeake Bay, and their tributaries. This district is predominantly located within areas recognized as rural villages by the Maryland Department of Planning. The Smart Growth Areas Act of 1997 defines a rural village as an unincorporated area that is primarily residential, including an area with historic qualities, that is located in an otherwise rural or agricultural area and for which new growth, if any, would derive primarily from in-fill development or limited peripheral expansion. The predominantly small-lot residential development and water-dependent uses characteristic of these communities is recognized as distinct within Calvert County's rural landscape. The long-established nature of these communities limits future development within this district.

### 5-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Rural Residential Districts.

### 5-3 MINIMUM STANDARDS

Table 5-1: Rural Residential Districts Minimum Standards establishes the permissible density, lot area, lot width, and setbacks for the Rural Residential Districts. See Article 2 of this Ordinance for related definitions and measurement standards.

Density	RCD	RND	WCD
Base Density	1 dwelling unit per 20 acres	1 dwelling unit per 20 acres	N/A
Transfer Zone Density <sup>[1]</sup>	1 dwelling unit per 5 acres	1 dwelling unit per acre	N/A
Single-Family Detached Residential			
Minimum Lot Area <sup>[2]</sup>	3 acres in non-cluster subdivision 1 acre in clustered subdivision	1 acre	N/A
Minimum Lot Width at Front Building Restriction Line	100'	100'	75'

<b>Minimum Lot Width at Water Frontage</b>	150'	150'	100'
<b>Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231<sup>[3]</sup></b>	100'	100'	25'
<b>Front Setback: Interior Subdivision Roads</b>	25'	25'	25'
<b>Front Setback: All Other Roads<sup>[3]</sup></b>	60'	60'	25'
<b>Side Setback</b>	10'	10'	6'
<b>Rear Setback</b>	35'	35'	20'
<b>Non-residential</b>			
<b>Minimum Lot Area</b>	3 acres	3 acres	N/A
<b>Minimum Lot Width</b>	N/A	N/A	N/A
<b>Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231</b>	100'	100'	25'
<b>Front Setback: All Other Roads</b>	60'	60'	25'
<b>Side Setback</b>	50'	50'	6'
<b>Rear Setback</b>	50'	50'	20'

[1] *The purchase of Transferable Development Rights (TDRs) is required to obtain transfer zone density (See Article 17)*

[2] *Minimum lot area shall not be less than that required to satisfy all requirements of the Health Department*

[3] *Front roadway buffer requirements of Section 25-2.B.4 apply and may modify these requirements*

## Article 6. Residential Districts

- 6-1 PURPOSE
- 6-2 USES
- 6-3 MINIMUM STANDARDS

### 6-1 PURPOSE

#### A. Residential District (RD)

The Residential District (RD) is intended to provide for residential development in proximity to the Town Centers of Prince Frederick, Solomons, Lusby, North Beach, and Chesapeake Beach. This district allows for higher residential densities in proximity to Town Centers through the purchase of Transferable Development Rights (TDRs). However, the ability to achieve maximum permitted density is dependent, in part, on the availability of sewerage service. This district also recognizes existing agriculture and accommodates agricultural uses. To avoid drawing commercial activity away from Town Centers, commercial uses are limited in this district.

### 6-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Residential District.

### 6-3 MINIMUM STANDARDS

Table 6-1: Residential District Minimum Standards establishes the permissible density, lot area, lot width, and setbacks for the Residential District. See Article 2 of this Ordinance for related definitions and measurement standards. Single-family attached developments shall meet the minimum standards of Section 25-3 of this Ordinance.

Density	RD
Base Density	1 dwelling unit per 4 acres
Transfer Zone Density <sup>[1]</sup>	1 dwelling unit per acre
<b>Single-Family Detached Residential</b>	
Minimum Lot Area <sup>[2]</sup>	10,000sf with sewer 1 acre without sewer
Minimum Lot Width at Front Building Restriction Line	75'
Minimum Lot Width at Water Frontage	100'
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231 <sup>[3]</sup>	100'
Front Setback: Interior Subdivision Roads	25'
Front Setback: All Other Roads <sup>[3]</sup>	60'
Side Setback	10'
Rear Setback	35'
<b>Non-residential</b>	
Minimum Lot Area	1 acre
Minimum Lot Width	N/A
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231	100'
Front Setback: All Other Roads	35'
Side Setback	35'
Rear Setback	35'

[1] The purchase of Transferable Development Rights (TDRs) is required to obtain transfer zone density (See Article 17)

[2] Minimum lot area shall not be less than that required to satisfy all requirements of the Health Department

[3] Front roadway buffer requirements of Section 25-2.B.4 apply and may modify these requirements

## Article 7. Commercial Districts

- 7-1 PURPOSE
- 7-2 USES
- 7-3 MINIMUM STANDARDS

### 7-1 PURPOSE

#### A. Rural Commercial District (RC)

The Rural Commercial District (RC) is intended to support existing commercial enterprises located outside Town Centers. Numerous commercial uses exist in scattered locations along roadways, in many cases in locations that have been commercial for decades. Many of them are owned and managed by local citizens who provide valuable services to the community. At the same time, many of these sites have substantial redevelopment and expansion potential, which can attract commercial uses away from the Town Centers. The intent is to keep development within this district small in scale and rural in character, and limit uses to those serving the immediate neighborhood with convenience goods and services with attractive and appropriate design.

#### B. Expansion in the Rural Commercial District

The use of a structure or land in the Rural Commercial District cannot be expanded, extended, enlarged, or increased in intensity without the approval of the Department of Planning & Zoning as described in this section.

1. The Department of Planning & Zoning may approve expansion of a use provided that such expansion is restricted to 50% of the square footage of the area occupied by the use at the time of the adoption of this Ordinance.
2. For a use that does not involve a building or structure, the area of the lot or parcel utilized by such a use as of the adoption of this Ordinance may be expanded by up to 50%.

#### C. Marine Commercial District (MC)

The Marine Commercial District (MC) is intended for commercial development in locations adjoining waterways and outside of Town Centers that supplies and caters to marine activities and needs. These include but are not limited to services and facilities such as boat service and repair facilities, boat docks, marine equipment stores, wholesale and retail fish and shellfish sales, hotels, motels, restaurants, and cocktail lounges.

#### D. Employment Center District (EC)

The Employment Center District (EC) is intended to best utilize the County labor force by providing areas adjacent to the Town Centers where attractive and appropriately designed office parks, light manufacturing, educational facilities, research and development companies, and some commercial enterprises may develop. Within the EC District, properties may be developed under Ordinance No. 10-97, entitled "Development Rights and Responsibility Agreements," adopted by the Board of County Commissioners March 11, 1997. All non-residential uses permitted in Town Centers may be permitted in the EC District under the terms of a Development Rights and Responsibility Agreement approved by the Board of County Commissioners after a determination by the Board of County Commissioners that the use meets the intent of the EC District. The EC District will exist on a temporary basis. All EC Districts are planned to be phased out following updates to the Town Center Master Plans and Zoning Ordinances, as recommended in the County's Comprehensive Plan.

### 7-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Commercial Districts.

### 7-3 MINIMUM STANDARDS

Table 7-1: Commercial Districts Minimum Standards establishes the permissible lot area, lot width, and setbacks for the Commercial Districts. See Article 2 of this Ordinance for related definitions and measurement standards.

Table 7-1: Commercial Districts Minimum Standards			
	RC	MC	EC
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width at Front Building Restriction Line	N/A	N/A	N/A

<b>Minimum Lot Width at Water Frontage</b>	N/A	60'	N/A
<b>Minimum Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231</b>	100'	100'	100'
<b>Minimum Front Setback: Local Roads</b>	35'	35'	35'
<b>Minimum Front Setback: All Other Roads</b>	50'	50'	50'
<b>Minimum Side Setback</b>	50'	50'	50'
<b>Minimum Rear Setback</b>	50'	50'	50'

## Article 8. Industrial Districts

- 8-1 PURPOSE
- 8-2 USES
- 8-3 MINIMUM STANDARDS

### 8-1 PURPOSE

The Industrial Districts give preference to industries, offices, commercial services, wholesale, energy production, and marine-related businesses. Providing appropriate locations for these uses will help ensure they have the infrastructure they require and will also help to reduce the potential for conflicts and negative impacts that can be associated with some commercial and industrial uses. These districts provide space specifically for targeted industries such as high-technology firms and research industries. The intent is to allow limited retail and service uses in some of these districts and to reserve adequate and flexible space for high-revenue-generating uses that provide high-quality jobs for County residents. Design standards can further help minimize conflicts between uses, allowing for more mixed-use development that can enhance economic opportunity.

#### A. Light Industrial and Mixed-Use District (I-1)

The Light Industrial District (I-1) is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses as well as compatible commercial uses such as recreation, entertainment, and retail establishments in part to promote the reuse of older, industrial structures that may no longer be suitable for their original limited purposes. Light industrial uses are low-intensity uses with minimal, if any, outside impacts.

#### B. Heavy Industrial District (I-2)

The Heavy Industrial District (I-2) is intended to provide for a variety of energy production and associated uses as well as light manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in this district may result in external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

### 8-2 USES

Article 18 and Table 18-1 of this Ordinance lists allowed principal, accessory, and temporary uses in the Industrial Districts.

### 8-3 MINIMUM STANDARDS

Table 8-1: Industrial Districts Minimum Standards establishes the permissible lot area, lot width, and setbacks for the Industrial Districts. See Article 2 of this Ordinance for related definitions and measurement standards.

Table 8-1: Industrial Districts Minimum Standards	
	I-1 and I-2
Minimum Lot Area	N/A
Minimum Lot Width at Front Building Restriction Line	N/A
Minimum Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231	100'
Minimum Front Setback: Local Roads	35'
Minimum Front Setback: All Other Roads	50'
Minimum Side Setback	50'
Minimum Rear Setback	50'

## **Article 9. Historic Districts**

- 9-1 PURPOSE**
- 9-2 DISTRICT BOUNDARIES**
- 9-3 ADMINISTRATION**
- 9-4 USES**
- 9-5 MODIFICATIONS**

### **9-1 PURPOSE**

The Historic Districts (HD) are overlay districts. The purpose of the Historic District is to:

- A.** Preserve areas and structures which reflect significant cultural, social, economic, political, or architectural history;
- B.** Promote the use and preservation of historic areas and structures for the education, welfare, and pleasure of the residents of the County;
- C.** Foster civic beauty;
- D.** Stabilize and improve property values in the area of Historic Districts and strengthen the local economy;
- E.** Develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; and
- F.** Enable the County government to identify and officially designate landscapes, structures, and sites of historical and cultural importance in order to make such structures and sites eligible for specific benefits conferred by this and other County ordinances and policies both current and adopted in the future.

### **9-2 DISTRICT BOUNDARIES**

The boundaries of an Historic District shall be drawn so as to include all lands closely related to the character of the historic site, as recommended by the Calvert County Historic District Commission and designated by the Board of County Commissioners.

### **9-3 ADMINISTRATION**

The property owners, or their agent, the Historic District Commission, or any interested person may petition to have a property designated as an Historic District. Such petition shall be submitted in accordance with the provisions of Article 57, Historic Districts, of the Calvert County Code, as amended from time to time.

### **9-4 USES**

Article 18 and Table 18-1 lists the only acceptable principal, accessory, and temporary uses in a Historic District, superseding permissions within the underlying zoning district.

### **9-5 MODIFICATIONS**

Any modifications or rehabilitation within a Historic District shall conform with the Historic District Design Guidelines and may require a Historic Area Work Permit (HAWP). Articles 57-12 and 57-13 of the Calvert County Code specify activities that require a HAWP.

## Article 17. Transferable Development Rights

### 17-1 PURPOSE

### 17-2 PRESERVATION AREAS

### 17-3 TRANSFER ZONES

### 17-4 APPLICATION AND ISSUANCE OF TDR CERTIFICATE AND DETERMINATION OF DEVELOPMENT RIGHTS DOCUMENT

#### 17-1 PURPOSE

A. The purpose of Transferable Development Rights (TDRs) is to transfer residential density potential from eligible preservation areas to eligible receiving areas, permanently conserve agricultural and forestry uses of land, preserve rural landscapes, and maintain natural and scenic resources. The transfer of development rights furthers the conservation of natural and undeveloped areas, the preservation of coastal resources, and the preservation of historical, cultural, archaeological, architectural, and recreational assets. The transfer of development rights contributes to balanced economic growth and coordinating the provision of adequate public facilities with the achievement of other goals.

B. The purpose of Transferable Development Rights (TDRs) is to reduce density in designated preservation areas.

C. The provisions of this Article are not intended to supersede any of the protections set forth elsewhere in this Ordinance relating to properties having historical significance and/or properties with environmentally sensitive features such as, but not limited to, hydric soils, wetlands, or steep slopes.

#### 17-2 PRESERVATION AREAS

Transferable Development Rights are conveyed from Agricultural Preservation Districts (APDs) and are subject to the "Calvert County Agricultural Preservation Rules and Regulations."

A. One Transferable Development Right (TDR) per net acre of land is allocated within an APD created in the Residential District, Rural Neighborhood District, Rural Community District, and Farm and Forest District. For APDs in existence as of the adoption of this Ordinance that have not yet certified TDRs, they shall have one year after the adoption of this Ordinance to certify and record in land records TDRs to be exempt from this regulation. A field survey is required to determine the net acreage of the property. See Section 22-4.J of this Ordinance for provisions regarding allocation of TDRs for properties in the Critical Area.

B. Five TDRs shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.

C. The Board of County Commissioners shall grant five TDRs for each one-acre exception lot authorized in the Rural Community District, Rural Neighborhood District, and Farm and Forest District under the provisions of Section 31-5.A of this Ordinance and not previously used. However, two years after the effective date of this Ordinance, the ability to create exception lots is null and void, and TDRs for exception lots will no longer be granted.

#### 17-3 TRANSFER ZONES

Transfer Zones are designated by the Board of County Commissioners as areas where TDRs may be used to obtain transfer zone density, which is an increase in residential density above what is permitted through base density. Transfer Zones are permitted in the Rural Community District, Rural Neighborhood District, Residential District, and the Town Centers. No Transfer Zone shall be allowed within a Priority Preservation Area.

A. Town Center Districts can use TDRs to obtain transfer zone density consistent with the approved Town Center Master Plans and Table 17-1 (Residential Density and Minimum Lot Size Chart - Town Centers).

B. Five TDRs are required per additional lot or dwelling unit to obtain transfer zone density where transfer zones exist outside of Town Centers.

C. To determine the amount of lots or dwellings units that can be obtained through transfer zone density, subtract the amount of lots or dwelling units permitted per acre through base density from the amount of lots or dwelling units permitted per acre through transfer zone density. If the number of lots or dwelling units permitted following a density calculation is not a whole number, the number is rounded down to the nearest whole number.

**D.** Lots created through transfer zone density are not permitted within a major subdivision unless all owners in the subdivision sign the application. Those subdivisions which are only considered major subdivisions because of the creation of a right-of-way are exempt from this regulation.

**E.** If the recording of a subdivision occurs in phases, then the developer shall be required to apply a proportionate number of the total TDRs required for the entire subdivision to that section except for the recording of APFO exemption lots, as provided in the Calvert County Code, Chapter 3, Adequate Public Facilities, as amended from time to time. When a parcel is developed in phases, a note shall be placed on the initial subdivision plat and all subsequent plats reserving for the remainder of the parcel the density available at the time the initial subdivision plat was approved. The density shall be expressed as dwelling units per acre. If, for whatever reason, a developer records more TDRs than necessary to complete the development of a parcel, the number of such excessive TDRs shall be determined by the Department of Planning & Zoning and recertified as eligible for use elsewhere.

**F.** Mapped Transfer Zone Districts are properties that were designated on the Official Zoning Map as Transfer Zone Districts prior to 1993. Developments within these districts are subject to individual resolutions adopted by the Board of County Commissioners and recorded among the Land Records of Calvert County.

#### **17-4 APPLICATION AND ISSUANCE OF TDR CERTIFICATE AND DETERMINATION OF DEVELOPMENT RIGHTS DOCUMENT**

Application and issuance of TDR certifications and determination of development rights documents are subject to the adopted County rules and regulations for Transferable Development Rights (TDRs) found in the “ *Calvert County Agricultural Preservation Rules and Regulations.*”

**Table 17-1 Residential Density and Minimum Lot Size Chart- Town Centers\***  
**Residential Density = D; Minimum Lot Size = L**

	Single-family Detached		Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family		
	Base	With TDRs	Base	With TDRs	Base	With TDRs	Base	With TDRs	
	<b>Dunkirk</b> Five TDRs are required for each unit above 1/acre <sup>1</sup> . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.								
	D	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre	1/1 acre	4/acre <sup>2</sup>
	L	None	None	None	None	None	None	None	None
<b>Owings</b> <b>Village District and Edge District:</b> Five TDRs are required for each lot or dwelling unit which is created in excess of one dwelling unit per acre <sup>1</sup> . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.									
Edge	D	1/acre	4/acre	1/acre (duplex only)	4/acre				
	L	14,200sf <sup>3</sup> <sub>4</sub>	14,200sf <sup>3</sup> <sub>4</sub>	14,200sf <sup>3</sup> <sub>4</sub>	14,200sf <sup>3</sup> <sub>4</sub>				
Village	D	1/acre	4/acre	1/acre (duplex only)	4/acre	1/acre	4/acre	1/acre	4/acre
	L	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>	None <sup>5</sup>
Core	D	No maximum		No maximum		No maximum		No	
	L								
<b>Huntingtown</b> <b>All Districts:</b> Five TDRs are required for each lot or dwelling unit above one dwelling unit per acre <sup>1</sup> . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to									
Mixed-Use	D	1/acre	2/acre	1/acre	2/acre			1/acre	2/acre
	L	None	None	None	None			None	None
Neighborhood	D	1/acre	2/acre <sup>7</sup>	1/acre	2/acre <sup>7</sup>			2/acre <sup>7</sup>	
	L	15,000sf <sup>7</sup>	15,000sf <sup>7</sup>	15,000sf <sup>7</sup>	15,000sf <sup>7</sup>			1/15,000sf <sup>7</sup>	1/15,000sf <sup>7</sup>
Residential	D	1/acre	2/acre <sup>8</sup>						
	L	40,000/15,000sf <sup>8</sup>	15,000sf <sup>8</sup>						

\* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

<sup>1</sup> In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

<sup>2</sup> Age-Restricted housing only. See Town Center Zoning Ordinance for additional requirements.

<sup>3</sup> 5,000 square feet if public water and sewer provided.

<sup>4</sup> See Table 5-5.02B, Lot Requirements for the Edge District.

<sup>5</sup> See Table 5-4.02B, Lot Requirements for the Village District.

<sup>6</sup> See Table 5-3.02B, Lot Requirements for the Core District.

<sup>7</sup> Where communal septic systems are provided, the minimum lot size may be modified with approval of the Planning Commission. However, the overall density may not exceed 2/acre.

<sup>8</sup> Where public water is provided.

**Table 17-1 Residential Density and Minimum Lot Size Chart- Town Centers (continued)\***  
**Residential Density = D; Minimum Lot Size = L**

	Single-family Detached		Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family	
	Base	With TDRs	Base	With TDRs	Base	With TDRs	Base	With TDRs
<b>Prince Frederick</b>	<b>All Districts.</b> The number of dwelling units that can be placed on any given site will be determined on the basis of Town Center regulations but in no case may exceed 4 units per acre. No minimum lot size is required. TDRs are required for each dwelling unit over one per acre. <sup>9</sup> Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.							
Old Town								
Old Town Res.								
Old Town Trans.								The site is immediately adjacent to Rt 2/4 or Dares Beach Road.
Fairgrounds			Provided at least 40% of dwelling units on any given site are single-family detached.		Provided at least 40% of dwelling units on any given site are single-family			Provided no more than 20% of the dwelling units on any given site are multi-family
Entry	10		10		10		10	
Village	10		10		10		10	
New Town	10		10		10		10	
Forest	30% of units must be single-family detached, 2/acre		30% of units must be single-family attached (including Townhouse);		30% of units must be single-family attached (including Townhouse);		30% of units must be multifamily.	

\* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

<sup>9</sup> In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

<sup>10</sup> Special conditions are required for these uses. See the Prince Frederick Zoning Ordinance for conditions.

**Table 17-1 Residential Density and Minimum Lot Size Chart- Town Centers (continued)\***  
**Residential Density = D; Minimum Lot Size = L**

	Single-family Detached		Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family		
	Base	With TDRs	Base	With TDRs	Base	With TDRs	Base	With TDRs	
<b>St. Leonard</b>	<b>Village District:</b> Five Transferable Development Rights (TDRs) are required for each lot or dwelling unit which is created in excess of one dwelling unit per acre. <sup>11</sup> Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.								
Village-subarea A	D	1/acre	2/acre	1/acre	2/acre				
	L	40,000sf	20,000sf	40,000sf (duplex only)	20,000sf				
Village-Subarea B	D	1/acre	2/acre	1/acre	2/acre				
	L	40,000sf	20,000sf	40,000sf (duplex only)	20,000sf				
Residential	D	1/acre	1/acre	1/acre	1/acre				
	L	40,000sf	TDRs not permitted	40,000sf (duplex only)	TDRs not permitted				
<b>Lusby</b>	<b>Village Edge District &amp; Village Residential-Office District:</b> TDRs are required to develop each dwelling unit over one unit per acre. <sup>11</sup> Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs. Minimum lot size may be impacted by required setbacks and forest buffers.								
Village Residential-Office	D	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre
	L	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf
Village Edge	D	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre
	L	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf
All Other Districts	D								
	L								
<b>Solomons</b>	<b>Single-family Detached</b>		<b>Apartments in a Mixed Use Building and Attached Dwellings: Duplex, Fourplex, Multi-family, Townhouse, Triplex (where permitted)</b>						
	<b>Base</b>	<b>With TDRs<sup>12</sup></b>	<b>Base</b>		<b>With TDRs<sup>12</sup></b>				
C1 Sub-area	D	1/lot	1/lot	1/acre		4/acre			
	L	N/A	N/A	N/A		N/A			
C6 Sub-area	D	1/acre	4/acre	1/acre		4/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			
C7 Sub-area	D	1/acre	4/acre	1/acre		4/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			
All Other Sub-areas	D	1/acre	4/acre	1/acre		4/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			

\* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

<sup>11</sup> In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

<sup>12</sup> The Board of County Commissioners may reduce the number of TDRs required for workforce housing and for non-profit organizations which provide public benefit. See Section 5-1.08.B.3 of the Solomons Zoning Ordinance for details.

## **Article 18. Uses**

- 18-1 GENERAL USE REGULATIONS**
- 18-2 USE TABLES**
- 18-3 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM**
- 18-4 AGRICULTURAL**
- 18-5 RESIDENTIAL**
- 18-6 COMMERCIAL RETAIL**
- 18-7 BUSINESS AND PERSONAL SERVICE**
- 18-8 RECREATION**
- 18-9 COMMERCIAL WHOLESALE**
- 18-10 MOTOR VEHICLE & RELATED SERVICE**
- 18-11 INDUSTRIAL**
- 18-12 INSTITUTIONAL**
- 18-13 TEMPORARY**

### **18-1 GENERAL USE REGULATIONS**

All uses shall comply with the use standards of this Article, as applicable, as well as all other regulations of this Ordinance and other County ordinances as well as State and Federal Laws and regulations.

- A.** Tables 18-1 (Outside Town Center Uses), 18-2 (Town Center Uses), and 18-3 (Solomons Town Center Uses) list the different uses and the zoning districts in which they are permitted.
- B.** If a use is not listed or does not fall within one of the general categories, as determined by the Zoning Officer, it is not permitted, either by right or special exception, in any district. If a use is specifically listed in the tables, it takes precedence over general use listings. All permitted uses require the approval of a use permit, unless otherwise determined by the Department of Planning & Zoning.
- C.** A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support or are functionally integrated into the principal use.
- D.** All uses shall be designed, constructed, and operated in accordance with all applicable County, State, and Federal requirements.
- E.** All required State and County Licenses and Permits shall be obtained and maintained.
- F.** All required Health Department and Fire Marshall approvals shall be obtained.
- G.** All uses shall be constructed and maintained in accordance with the Comprehensive Water and Sewerage Plan and the Comprehensive Solid Waste Management Plan when applicable.
- H.** Conditions for accessory structures and uses are provided in Article 19 of this Ordinance.
- I.** Regulations for the development of the waterfront areas of the County, and, specifically, of marine and water-dependent facilities, are provided in Article 23 of this Ordinance.
- J.** Site development and design standards are provided in Article 25 of this Ordinance.
- K.** Outdoor lighting shall be provided in accordance with Article 26 of this Ordinance.
- L.** All uses shall comply with the parking requirements of Article 27 of this Ordinance when applicable.
- M.** All uses shall comply with the screening and landscaping requirements of Article 28 of this Ordinance when applicable.
- N.** Sign requirements are provided in Article 29 of this Ordinance.
- O.** Use types requiring site plan or plot plan approval are listed in Section 30-3.B of this Ordinance.
- P.** Regulations for non-conforming uses and structures are provided in Article 32 of this Ordinance.

**Q.** Agricultural buildings used for agritourism are subject to the provisions of Maryland Annotated Code, Public Safety Article § 12-508.

## **18-2 USE TABLES**

**A.** The tables of Article 18 identify the principal, temporary, and accessory uses allowed within each zoning district as follows:

1. Prohibited uses are indicated by a blank space.
2. "P" indicates a permitted use.
3. "C" indicates a permitted use that shall meet specific conditions that may not be waived or subject of a variance unless expressly permitted.
4. "S" indicates a special exception use that requires review and approval by the Board of Appeals.
5. "SC" indicates a special exception use that requires review and approval by the Board of Appeals and shall meet specific conditions that may not be waived or subject of a variance unless expressly permitted.
6. "S1" indicates a permitted use subject to special exception if less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District.
7. "S2" indicates a permitted use subject to special exception if less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District.
8. "SH" indicates a special exception use that requires review and approval by the Board of Appeals in a Historic District. In addition, if the property is within a recorded subdivision containing more than five lots, the use shall only be permitted if:
  - a. Access to the Historic District is not through the subdivision.
  - b. All owners of lots within the subdivision sign the special exception application.
9. In the C5 Sub-area of Solomons Town Center, "\*" indicates the use is only allowed if the Agricultural Preservation District is lifted and conditions, if any, are met.

**B.** The abbreviations in Table 18-1: Outside Town Center Uses represent the Zoning Districts and Overlay Districts as follows:

1. HD is the Historic District (Overlay District). See Article 9 for a detailed description of the HD.
2. APD is the Agricultural Preservation District (Overlay District). See Article 4 for a detailed description of the APD. Note: The uses listed in this Article apply to APDs in the County Agricultural Preservation Program only. If a property is in a State agricultural preservation program, the uses are required to be permitted by the Maryland Agricultural Land Preservation Foundation.
3. FFD is the Farm and Forest District. See Article 4 for a detailed description of the FFD.
4. RCD is the Rural Community District. See Article 5 for a detailed description of the RCD.
5. RND is the Rural Neighborhood District. See Article 5 for a detailed description of the RND.
6. WCD is the Waterfront Community District. See Article 5 for a detailed description of the WCD.
7. RD is the Residential District. See Article 6 for a detailed description of the RD.
8. RC is the Rural Commercial District. See Article 7 for a detailed description of the RC.
9. MC is the Marine Commercial District. See Article 7 for a detailed description of the MC.

10. EC is the Employment Center District. See Article 7 for a detailed description of the EC.

11. I-1 is the Light Industrial and Mixed-Use District. See Article 8 for a detailed description of the I-1.

12. I-2 is the Heavy Industrial District. See Article 8 for a detailed description of the I-2.

C. The abbreviations in Table 18-2: Town Center Uses represent the Zoning Districts as follows:

1. "Village Res-Office" is the Village Residential-Office District in Lusby Town Center.

D. For detailed descriptions of Town Center Districts and Sub-areas see the Town Center Zoning Ordinances.

E. The proposed Employment Overlay District in St. Leonard Town Center received no application for official designation, therefore the St. Leonard Town Master Plan declares the Village District and the Residential District as the only two districts in St. Leonard Town Center. The Employment Overlay District will be struck from the St. Leonard Town Center Zoning Ordinance upon updates to the Town Center Zoning Ordinance.

F. For permitted uses in the C1 Sub-area of Solomons Town Center, see Section 6-12.07 of the Solomons Town Center Zoning Ordinance.

### **18-3 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

#### **A. Agritourism Enterprise**

Activities conducted on a working farm and offered to the public or to invited groups for recreational or educational purposes in order to experience, learn about, and participate in various facets of a farm operation. Examples include farm tours, hayrides, corn mazes, classes, and picnic facilities. The following shall apply where applicable.

1. Such activities shall relate to on premises agriculture and the activities shall be incidental to the agricultural operation; and
2. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

#### **B. Campground, Farm**

An area on a farm property where tent campsites are rented or leased or held out for rent or lease for the use of camping parties. The following shall apply where applicable.

1. The campground shall be located on a property at least 20 acres in size; and
2. No more than 10 designated campsites are permitted and no more than 6 people are permitted per campsite; and
3. The designated campsite areas shall be located at least 300 feet from any adjoining properties and roads; and
4. Only tent camping is permitted (recreational vehicles and travel trailers are prohibited); and
5. No permanent structures are permitted with the exception of tent platforms and cooking grills; and
6. Temporary restrooms and potable water shall be provided within 75 feet of the campsites; and
7. Shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with the campground; and
8. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

#### **C. Canoe or Kayaking Launching Site, Commercial**

A waterfront site where canoes and kayaks are launched into the water for a fee. The following shall apply where applicable.

1. Portage and launch areas shall be stabilized to prevent erosion and there shall be no exposed soils; and
2. Except in the MC District, no motorized watercraft are permitted; and
3. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

**D. Commercial Kitchen, Farm**

A food preparation facility on a farm property not associated with an eating establishment used for the preparation of foods for sale for human consumption. A commercial kitchen (farm) may be attached to a farm stand. The following shall apply where applicable.

1. The total gross floor area of the kitchen shall not exceed 2,000 square feet; and
2. Goods produced shall incorporate farm commodities produced on the farm where the kitchen is located.

**E. Ecotourism Enterprise**

Activities conducted on a property and offered to the public or to invited groups for the close observation of nature. Uses include, but are not limited to, birdwatching, walking trails, and fishing ponds. This use does not include motorized activities except to provide for handicapped access.

**F. Farm Support Business**

An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation. The following shall apply where applicable.

1. Fertilizer mixing or manufacture is prohibited; and
2. The enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**G. Hunting Service, Farm**

A service on a farm provided for the hunting of game birds and mammals that are managed by the Maryland Department of Natural Resources. A hunting service (farm) may include guide service, or the care of game birds and mammals killed.

**18-4 AGRICULTURAL**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

**A. Animal Husbandry**

The care or breeding of livestock on a farm and raised for sale or profit, including, but not limited to, the following animals: horses, cattle, sheep, swine, goats, bison, llamas, alpacas, rabbits, and poultry. The following shall apply where applicable.

1. The lot or parcel is a minimum of three acres; and
2. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.

**B. Aquaculture**

1. Aquaculture, Freshwater and Land-based

The culture of aquatic species under natural or artificial conditions in freshwater ponds, tanks, raceways or other freshwater impoundments. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it is subject to zoning ordinance requirements applicable to the principal use. The following shall apply where applicable.

- a. Any water discharged shall be treated through land application; and
- b. Any buildings used for aquaculture that are 1,000 square feet or greater in gross floor area shall be located at least 100 feet from all property lines; and
- c. In the FFD and Solomons Town Center, the total gross floor area of all buildings used for aquaculture shall not exceed 1,000 square feet per acre of lot or parcel area; and
- d. In the Rural Community District and Historic Districts, only freshwater impoundments are permitted; and
- e. If located in an Agricultural Preservation District, approval of the Agricultural Preservation Advisory Board is required for aquaculture facilities.

## **2. Aquaculture, Marine/Estuarine**

The culture of salt-tolerant aquatic species under natural or artificial conditions in tidal waters and coastal ponds including, but not limited to: fish farming utilizing pens, tanks or impoundments; the culture of shellfish on the bay floor or stream or river beds, in cages, or suspended from structures in the water; and the culturing of aquatic plants. This definition excludes commercial seafood processing, packing, and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it is subject to Ordinance requirements for the principal use. The following shall apply where applicable.

- a. All structures shall meet the lateral line setback requirements and variances to reduce these setbacks are not permitted; and
- b. In the RCD, WCD, RD, and Solomons Town Center:
  - i. The aquaculture operation shall be part of a controlled environmental remediation project; and
  - ii. No pens, tanks, or impoundments are permitted on land; and
  - iii. The operation is limited to the raising of shellfish and aquatic plants only; and

## **C. Commercial Greenhouse, Retail**

A structure or building constructed in such a way as to be conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale. The following shall apply where applicable.

1. The use shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall consist primarily of plant materials and their containers; and
3. Retail sales of pots, mulch, topsoil, soil amendments, and other such accessory sales items are restricted to no more than 1% of the lot or parcel area, not to exceed one acre in size; and
4. A 50-foot minimum setback is required from all property lines; and
5. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

## **D. Commercial Greenhouse, Wholesale**

A structure or building constructed in such a way as to be conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only. The following shall apply where applicable.

1. The use shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and

2. The sales inventory shall include plant materials and their containers only; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**E. Commercial or Non-Profit Stable or Horseback-Riding Club**

An establishment in which horses are kept, trained, boarded, handled, or ridden for a fee. The following shall apply where applicable.

1. The lot or parcel is a minimum of five acres.

**F. Commercial Raising of Dangerous or Wild Animals**

The production of dangerous or wild animals, other than livestock or household pets, for commercial purposes. The following shall apply where applicable.

1. In Dunkirk Town Center all dangerous or wild animals shall be kept indoors.

**G. Commercial Raising of Fur-Bearing Animals**

The production of fur-bearing animals, other than livestock or household pets, for commercial purposes, such as breeding stock or for the reclamation of pelts. The following shall apply where applicable.

1. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.

**H. Farm**

Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation or within a recorded Agricultural Preservation District (APD).

**I. Farm Alcohol Production Facility**

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, using ingredients produced on the farm where the facility is located for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and items related to beverages manufactured on-site. The following shall apply where applicable.

1. Capacity limit and ingredient source:
  - a. The facilities shall be designed and managed to meet all applicable required State regulations for limits on alcohol production; and
  - b. At least one of the primary ingredients shall be produced on the farm where the facility is located; and
2. Sampling and the sale for on and off-site consumption of the product is permitted in accordance with state and county alcohol laws and regulations; and
3. Public events/public assemblies on farmland and rental facilities on farms are permitted on the site in accordance with the requirements of this Ordinance and with state and county alcohol laws and regulations; and
4. Retail sales of items may be permitted subject to the following additional conditions:
  - a. The items sold are primarily associated with the farm alcohol production facility (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an artisan's and crafter's market or farmers' market, as defined by this Ordinance; and
  - b. The retail sales are conducted within the farm alcohol production facility or an accessory structure; and
  - c. In no case may the area designated for the retail sales exceed 20% of all buildings combined that are supporting the use; and
5. If located in an Agricultural Preservation District, approval of the Agricultural Preservation Advisory Board is required; and

6. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**J. Farm Stand**

A facility located on a farm that sells produce, including value-added agricultural products, nursery products, and other agricultural goods. The following shall apply where applicable.

1. Items sold are restricted to produce, value-added agricultural products, and nursery products only; and
2. A temporary farm stand without a permanent foundation shall be set back a minimum of 30 feet from the right-of-way.

**K. Farm, Tree/Forestry**

The operation of timber tracts, tree farms, forest nurseries, and the gathering of forest products.

**L. Forest Product Processing**

The post-harvest processing of timber and non-timber materials from forests off-site. Such uses may include fixed-location stump-grinding and the production of mulch. This definition does not include commercial sawmills, portable sawmills, paper mills, or chip mills. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be located at least 500 feet from any lot or parcel with a residential building or active residential building permit; and
2. A 100-foot vegetated buffer shall be provided between the use and adjacent properties with a residential building or active residential building permit; and
3. Hours of operation are restricted to daylight hours on weekdays only.

**M. Garden Center or Farm Supply Store**

An establishment with retail sales of nursery stock, landscaping or gardening equipment and tools, seeds, or the sale of supplies related to farming including, but not limited to, animal feeds, fencing, irrigation supplies, fertilizer, small equipment, pesticides, and similar goods. The following shall apply where applicable.

1. In the FFD and RCD, the combined gross floor area of all buildings supporting the use is limited to 7,500 square feet; and
2. In the RC District, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
3. In Dunkirk Town Center, if the combined gross floor area of all buildings supporting the use is over 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
4. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
5. In the Old Town, Old Town Transitional, New Town, and Forest Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Entry and Village Districts, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
6. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If a garden center or farm supply store over 5,000 square feet in gross floor area is located less than 150 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required; and
7. In Lusby Town Center, if the combined gross floor area of all buildings supporting the use is over 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
8. In the B4, C2, and E1 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 2,500 square feet. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

**N. Livestock Auction or Sales Barn, Commercial**

A place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis. Auctions conducted by non-profit organizations such as Future Farmers of America and 4-H groups, auction sales conducted in conjunction with carnivals or fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person, are not included in this definition.

**O. Nursery, Retail**

An area or establishment where trees, shrubs, or plants are grown for transplanting, for use as stock for budding and grafting, or for sale directly to the general public, and where non-plant items may be sold on a limited basis. The use includes delivery and installation of purchased trees, shrubs, plants, and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping, and tree trimming is permitted on-site. The following shall apply where applicable.

1. The nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall consist primarily of plant materials and their containers; and
3. Retail sales of pots, mulch, topsoil, soil amendments, and other such accessory sales items are restricted to no more than 1% of the lot or parcel area, not to exceed one acre in size; and
4. A 50-foot minimum setback is required from all property lines; and
5. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**P. Nursery, Wholesale**

An area or establishment where trees, shrubs, or plants are grown for transplanting, for use as stock for budding and grafting, or for sale to retailers or other businesses, but not directly to the general public. The following shall apply where applicable.

1. The nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall include plant materials and their containers only; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**18-5 RESIDENTIAL**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

**A. Assisted Living Facility**

A group home with more than 16 residents that provides housing and supportive services, including health-related services for its residents, in a home-like environment.

**B. Bed and Breakfast Facility**

A residence, where the owner or operator resides, where paying guests are lodged overnight and meals are served to overnight guests. The bed and breakfast facility may be part of the primary dwelling unit or an existing dwelling accessory to the residence. The following shall apply where applicable.

1. No separate kitchens shall be provided; and
2. Meals shall be served to overnight lodgers only.

**C. Dormitory**

A building designed and intended to be used principally for sleeping accommodations, typically with a common kitchen and common gathering rooms for social purposes. The following shall apply where applicable.

1. Dormitories are only permitted when in association with a school.

#### **D. Dwelling, Accessory to a Residence**

A second dwelling unit either within or added to a single-family detached dwelling, or in a separate structure on the same lot or parcel as the principal dwelling, that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. The following shall apply where applicable.

1. Only one accessory dwelling, either attached or detached, is permitted on a lot or parcel with a single-family dwelling; and
2. The accessory dwelling shall not be greater than 75% of the gross floor area of and clearly subordinate to the single-family dwelling; and
3. A detached accessory dwelling cannot exceed 1,500 square feet gross floor area of enclosed space, including enclosed porches; and
4. An attached accessory dwelling (i.e., it shares a common interior element such as a wall, floor, or ceiling with the principal single-family dwelling) is further limited to no more than 40% of the total gross floor area of the building, unless it is located within the basement. If the attached accessory dwelling is located in the basement of the dwelling, then it can consist of the entire basement; and
5. An owner of the lot or parcel shall occupy at least one of the dwelling units on the premises except for temporary absences, as determined by the Zoning Officer; and
6. The accessory dwelling shall have adequate vehicular access, as determined by the Department of Public Works; and
7. Only one kitchen is permitted within the accessory dwelling; and
8. If located in the Critical Area, the provisions for accessory apartments in Article 22 of this Ordinance apply.

#### **E. Dwelling, Attached – Duplex**

A structure on a permanent foundation containing two dwelling units. A single family detached dwelling with an attached accessory dwelling unit is not considered a duplex. The following shall apply where applicable.

1. In Owings and St. Leonard Town Centers, the combined lot or parcel area of the attached dwelling development shall be at least 30,000 square feet. The architecture of the attached dwelling development is such that the building looks like a single-family detached dwelling, and the entryways for each unit shall be located on different walls; and
2. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
3. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, office or industrial uses; and
4. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

**F. Dwelling, Attached – Multi-Family**

A structure on a permanent foundation containing five or more dwelling units. Townhouse developments are not included within this definition. The following shall apply where applicable.

1. In Dunkirk Town Center, the multi-family dwelling development shall be for age-restricted housing only, and no more than 10 percent of the Town Center shall be eligible for such age-restricted housing at a maximum density of 4 units per net acre; and
2. In Huntingtown Town Center, multi-family dwelling development is restricted to housing for the elderly where at least one resident of each apartment is over age 65. The property shall abut an arterial or collector street.; and
3. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, or service related uses. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, office or industrial uses; and
4. In the Old Town Transition District of Prince Frederick Town Center, provided that:
  - a. At least 50 percent of the site is reserved for commercial or office use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial or service related uses; and
  - b. The site is immediately adjacent to Route 2/4 or Dares Beach Road; and
5. In Fairgrounds District of Prince Frederick Town Center, provided that no more than 20 percent of the dwelling units on the site are multi-family dwellings; and
6. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
7. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

**G. Dwelling, Attached to a Non-Residential Building**

A dwelling unit structurally attached to a building with a non-residential use that functions as a complete independent living facility with provisions for cooking, eating, sanitation, and sleeping. Multi-family residential development is not permitted under this use. Item 1 below applies to Historic Districts and items 2 and 3 below apply only in the RC, MC, and EC Districts.

**1. Historic District**

If located in an Historic District, only one dwelling attached to a non-residential use is allowed; and

**2. Workforce Housing**

Dwellings intended for occupancy by persons who meet the criteria for workforce housing are subject to the following. The owner or applicant shall provide verification of compliance with these conditions prior to approval of the site plan.

- a. The total gross floor area of all dwellings combined cannot exceed the gross floor area of the non-residential use; and
- b. Prior to final site plan approval, covenants shall be recorded in the Land Records of Calvert County indicating that the dwellings are restricted to occupants who qualify for workforce housing in perpetuity; and
- c. Renter eligibility shall be verified by the Calvert County Housing Authority; and

### **3. Non-Workforce Housing**

For dwellings that are not intended for occupancy by persons who meet the criteria for low-income or workforce-housing the total gross floor area of all dwellings combined cannot exceed the gross floor area of the non-residential use.

### **H. Dwelling, Attached - Townhouse**

A structure on a permanent foundation consisting of two or more dwelling units each on a separate lot, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard area. The following shall apply where applicable.

1. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
2. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may reduce the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, or service related uses; and
3. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
4. In St. Leonard Town Center, the townhomes shall be located within an approved residential subdivision recorded prior to the adoption of zoning in 1967 and the lots within the recorded residential subdivision do not meet current minimum lot size requirements. The total number of townhouses must not exceed the total number of undeveloped recorded lots within the approved subdivision. The lots within the recorded residential subdivision shall not front directly onto Rt. 2/4, Rt. 765 or Ball Road. The townhomes shall be located within Sub-area B and all of the conditions of the St. Leonard Town Center Zoning Ordinance except lot size and setback requirements shall be met; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

### **I. Dwelling, Attached - Triplex or Quadraplex**

A structure on a permanent foundation containing three or four dwelling units. Townhouse developments are not included within this definition. The following shall apply where applicable.

1. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
2. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, service related uses; and
3. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and

4. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

**J. Dwelling, Detached – Single-Family**

A detached structure on a permanent foundation containing only one dwelling unit, with the exception of any permitted accessory dwelling unit. Manufactured homes or recreational vehicles are not included within this definition. The following shall apply where applicable.

1. Only one single-family detached dwelling shall be permitted per buildable lot or parcel; and
2. In the FFD, RCD, RND, WCD, and RD if the lot or parcel does not meet the density requirements as required in this Ordinance, a maximum of one single-family dwelling is permitted per lot or parcel of record, provided the lot or parcel meets the requirements of a buildable lot or parcel in accordance with Section 25-6 of this Ordinance; and
3. In Entry District, Village District and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, service related uses; and
4. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community Where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a Whole that is roughly equal to the required housing mix on the site; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

**K. Group Home**

A community-based living facility offering a family or home-like environment for up to 16 residents for people who need assistance or care in some form (e.g., seniors, disabled, etc.). The following shall apply where applicable.

1. No more than 16 residents may reside on the premises, excluding the owner or employees; and
2. No separate kitchens shall be provided.

**L. Liveaboards**

Permanent occupancy of watercraft. This definition also applies to short-term rental use of watercraft. The following shall apply where applicable.

1. Marinas with one to 100 wet slips shall have no more than one liveaboard. Marinas with 101 to 200 wet slips shall have no more than two liveaboards, marinas with 201 to 300 slips shall have no more than three liveaboards, and marinas with 300+ slips shall have no more than four liveaboards; and
2. The marina shall have pump-out facilities and shower facilities available year-round; and
3. The sewage systems on liveaboards shall be closed systems. No overboard discharge is permitted.

**M. Manufactured Home Community**

Any property containing two or more manufactured homes sold, leased, or held out for lease to residents or prospective residents. The following shall apply where applicable.

1. Only expansion of manufactured home communities in existence as of May 1, 2006 shall be permitted, subject to the standards of Section 25-8 of this Ordinance.

**N. Manufactured Home on Individual Lot or Parcel**

A manufactured home located on an individual lot or parcel. The following shall apply where applicable.

1. One manufactured home is permitted per buildable lot or parcel; and
2. The unit shall have a permanent and continuous foundation; and
3. The unit has a pitched roof; and
4. The exterior walls of the unit shall have the appearance of wood or masonry, regardless of their actual composition; and
5. The unit is constructed to the latest HUD standards at the time of installation on the lot or parcel.

**O. Tenant House**

A farm dwelling, other than the main farm house, for occupancy by a person or family associated with the operation of the farm. The following shall apply where applicable.

1. One tenant house is permitted per lot or parcel; and
2. Provided that the property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
3. The tenant house counts towards the permitted density for the property; and
4. The property shall consist of a minimum of 25 acres; and
5. The tenant house shall meet all setback requirements for a single-family dwelling in the district; and
6. The tenant house shall not exceed 1,500 square feet in gross floor area; and
7. Manufactured homes are permitted as tenant homes, except in Owings Town Center and the Old Town Residential District in Prince Frederick Town Center.

**18-6 COMMERCIAL RETAIL**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

**A. Agricultural Machinery, Service or Supplies**

A facility designed for the maintenance and sale of goods related to farm machinery including tractors, plows, backhoes, balers, harrows, harvesters, manure spreaders, seeders, and similar machinery used directly in agricultural production.

**B. Antique Sales**

An establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period. All sales, display and storage occur inside a building. The following shall apply where applicable.

1. In Neighborhood District of Huntingtown Town Center, provided that the property has frontage on arterial or collector streets; and
2. In the C3 Sub-area of Solomons Town Center located along the public boardwalk, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
3. In the B2, B4, C2, C6, C7, E1, and E2 Sub-areas of Solomons Town Center, the footprint of the antique sales building is limited to 5,000 square feet; and
4. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
5. In the C6 Sub-area of Solomons Town Center, an antique sales building is permitted only on properties which border on South Solomons Island Road.

**C. Art Gallery**

An establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period. All sales and storage occur inside a building. The following shall apply where applicable.

1. In Dunkirk Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
2. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
3. In Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet in the Entry and Village Districts and 25,000 square feet in the Old Town, Old Town Transitional, New Town, and Forest Districts; and
4. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If an art gallery over 5,000 square feet in gross floor area is less than 150 feet from a lot or parcel with a residential building or active residential house permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In Lusby Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
6. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
7. In the B4, C2, C6, C7, and E1 Sub-areas of Solomons Town Center, the footprint of the art gallery is limited to 5,000 square feet; and
8. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
9. In the C6 Sub-area of Solomons Town Center, an art gallery is permitted only on properties which border on South Solomons Island Road.

**D. Auction Building**

A place where auctions are held or merchandise for auctions is displayed. Merchandise to be auctioned may be stored and displayed prior to the auction. This definition does not include livestock auction barns. The following shall apply where applicable.

1. Outside storage of items to be sold is prohibited; and
2. The auction building cannot be used for the sale or auction of motor vehicles, unless located in a district where a Motor Vehicle Dealership is permitted and provided all conditions for a Motor Vehicle Dealership are met; and
3. In Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

**E. Boat Dealership**

The use of any building, land area, or other premise for the sale, exchange, rental, or lease with option to purchase, of more than two new or used watercraft per year.

**F. Home Improvement Center**

A commercial retail store that sells lumber and other building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, home appliances, and lawn and garden equipment and supplies. Includes stores selling to the general public even if contractor sales account for a major proportion of total sales. The following shall apply where applicable.

1. Outside of Town Centers, the combined gross square footage of all buildings supporting use, shall not exceed 25,000 square feet; and

2. In Dunkirk Town Center, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
3. In Owings and Huntingtown Town Centers, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
4. In the New Town District of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 150,000 square feet. If the gross floor area exceeds 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
5. In the Entry and Village Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 120,000 square feet. If the gross floor area exceeds 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
6. In the Old Town, Old Town Transitional, Fairground, New Town, and Forest Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Fairground District, if the home improvement center is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
7. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If the home improvement center is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
8. In the Neighborhood Commercial and Village Commercial District of Lusby Town Center, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the conditions of Section 18-6.L.3 (Retail, General) shall be met. In the Village Edge District, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
9. In Solomons Town Center, any outdoor storage of building material or lumber shall be screened from adjacent properties and the road. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

**G. Manufactured Home Dealer**

An establishment that sells manufactured homes. The following shall apply where applicable.

1. Outdoor display of manufactured homes shall be screened from adjoining properties and the road.

**H. Market, Artisans' and Crafters'**

A site with or without permanent structures, operated on a seasonal or year-round basis as a principal use that allows multiple artists or crafters to retail products that they produced directly to consumers. The market may operate independently or in conjunction with a farmers' market or a waterman's market. The following shall apply where applicable.

1. It is located on property with the permission of the owner; and
2. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
3. In the B4, C2, C6, and E1 Sub-areas of Solomons Town Center, the footprint of the artisans' and crafters' market is limited to 5,000 square feet; and
4. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
5. In the C6 Sub-area of Solomons Town Center, an artisans' and crafters' market is permitted only on properties which border on South Solomons Island Road.

**I. Market, Farmers'**

A structure, either permanent or temporary, operated on a seasonal or year-round basis as a principal use that allows one or more agricultural producers to retail their products and agriculture-related items directly to consumers. Farmers' markets are restricted to selling farm-produced or value-added products only. The market may operate in conjunction with a watermen's market or an artisans' and crafters' market. The following shall apply where applicable.

1. The farmers' market shall be restricted to selling farm-produced or value-added products only; and
2. The farmers' market shall be located on property with the permission of the owner; and
3. A temporary farmers' market without a permanent foundation shall be set back a minimum of 30 feet from all rights-of-way; and
4. In the FFD, RCD, RND, WCD, and RD if the farmers' market is located in a permanent structure the footprint of the structure is limited to 1,500 square feet; and
5. In Solomons Town Center, if the farmers' market is located in a permanent structure, the following additional conditions apply:
  - a. In the B4, C2, C6, and E1 Sub-areas, the footprint of the farmer's market is limited to 5,000 square feet; and
  - b. In the D1, D4, and D5 Sub-areas, the combined gross floor areas of all buildings supporting the use is limited to 75,000 square feet; and
  - c. In the C3 Sub-area located, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

**J. Market, Flea**

An occasional or periodic market usually held in an open area, but which may be held indoors, as a principal use where an individual or groups of individual sellers offer goods for sale to the public for a fee or other compensation paid to a for-profit entity. There may exist long-term or short-term leases between the sellers and operators and the sellers may use their own vehicles for display or set up temporary tables or booths for their wares or stalls or other means of display may be provided. The following shall apply where applicable.

1. Provided that each organization operates a market no more than one day per year.

**K. Market, Waterman's**

A site with or without permanent structures, operated on a seasonal or year-round basis as a principal use that sells locally sourced seafood. The market may operate in conjunction with a farmers' market, farm stand, or an artisans' and crafters' market. The following shall apply where applicable.

1. The market is restricted to selling seafood only and shall be located on property with the permission of the property owner; and
2. The following conditions apply in the FFD, RCD, RND, WCD, RD, APD and HD Districts:
  - a. The market shall be in association with an approved farm stand or farmer's market; and
  - b. Only seasonal markets are be permitted; and
3. In Solomons Town Center, the following conditions apply:
  - a. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
  - b. In the B2, B3, B4, C2, C6, C7, E1, and E2 Sub-areas, the footprint of the waterman's market is limited to 5,000 square feet; and
  - c. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and

- d. In the C6 Sub-area, a watermen's market is permitted only on properties which border on South Solomons Island Road.

#### **L. Retail, General**

An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase. The following shall apply where applicable.

1. In the RC District, the combined gross floor area of all buildings supporting the use is limited to a floor area ratio of 0.2 and a maximum of 60,000 square feet; and
2. In the MC District, the general retail use shall be marine-related; and
3. In Dunkirk, Prince Frederick, and Lusby Town Centers, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the following conditions apply:

##### **a. Building and Site Design**

In addition to specific requirements of the Town Center Zoning Ordinance and Article 25 of this Ordinance, the following provisions shall apply:

- i. Any outdoor sales areas shall be specifically designed as such and shall include fencing and landscaping around their entire perimeter in accordance with the Architectural Review Standards of this Town Center Zoning Ordinance. They shall not impede pedestrian circulation and shall not be located within parking lots; and
- ii. An outdoor area or areas totaling a minimum of 2000 sq. ft. shall be provided for a bus stop and outdoor seating. The area(s) shall be landscaped and shall be conveniently located near the public entrance and pedestrian travel ways; and
- iii. All sides having a public entrance shall include some combination of the following features along no less than 70 percent of the horizontal length of any facade with a public entrance: recesses, projections, awnings, arcades, display windows and entry areas. (see Guidelines Appendix attached to the Town Center Ordinance).

##### **b. Maintenance Agreement**

Before a building permit is issued, a maintenance agreement shall be executed between the landowner and the Board of County Commissioners, which agreement shall apply whether the building is fully occupied, partially occupied or vacant. The agreement shall provide for the maintenance of the building exterior, signage, lighting, landscaping, parking lots, sidewalks, and trash removal. It shall contain provisions whereby the County shall give the landowner notice of any violations of the agreement and a reasonable time to correct the violation. The agreement shall further provide that if the violation has not been corrected within the specified time, the County shall be permitted to enter the premises, correct the violation and add the costs incurred to the landowner's next tax bill or file lien with Clerk of the Circuit Court of Maryland for Calvert County. The agreement shall be recorded among the land records of Calvert County and shall be binding on all subsequent owners so long as the building creating the need for the agreement remains standing.

##### **c. Co-location**

For the purposes of these regulations, co-location is defined as: The placement of smaller retail and service buildings with individual outside entrances on the same site as a large (75,000 sq. ft. +) retail building. The total gross floor area of the smaller buildings shall equal at least 20 percent of the large retail building. (See design guidelines for examples of co-location.) The gross floor area of the co-located buildings shall be excluded from the maximum square footage permitted. The requirements for co-location may apply to each phase of a development or to the entire site, at the developer's discretion.

##### **d. Waivers for Co-location**

The Planning Commission may waive the requirements for co-location in cases where a large retail store in existence as of August 10, 2004, is to be expanded on-site by no more than 50% of its gross square footage. No waivers shall be granted for: (1) the expansion of a large retail store in existence as of August 10, 2004, if the expansion is more than 50% of its gross floor area; or (2) the expansion of large retail stores constructed after August 10, 2004. Allowed waivers shall only be granted if the applicant demonstrates that an undue hardship will be imposed due to exceptional narrowness, shallowness, or shape of particular

parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions affecting the property. Self-imposed hardship and financial hardship shall not be considered.

4. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
5. In the Old Town, Old Town Transitional, New Town, and Forest Districts of Price Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Entry and Village Districts, the combined gross floor area of all buildings supporting the use is limited to 120,000 square feet. In the New Town District, the combined gross floor area of all buildings supporting the use is limited to 150,000 square feet; and
6. In the Village District of St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If the general retail establishment is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and
7. In the C3 Sub-area of Solomons Town Center only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. In the B3, B4, C2, C7, E1, and E2 Sub-areas, the footprint of the general retail building is limited to 5,000 square feet. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

#### **18-7 BUSINESS AND PERSONAL SERVICE**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

##### **A. Animal Shelter, Municipal or Non-Profit**

A facility used to house or contain stray, homeless, abandoned, quarantined, seized, or unwanted animals. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be at least 100 feet from any property line and 100 feet from a right-of-way; and
2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

##### **B. Boat Service or Repair**

A facility designed for the maintenance of watercraft and watercraft-related equipment and accessories including engines, hulls, masts, trailers, and sails.

##### **C. Boat Storage, Commercial**

A facility designed for the keeping of watercraft and associated trailers for a fee. The following shall apply where applicable.

1. No multi-level boat storage is permitted unless completely enclosed within an approved building.

##### **D. Boatel**

A combination of a motel and marina which is accessible to boats as well as automobiles and may include boat sales and servicing facilities, has overnight accommodation for transients, and may have eating and drinking facilities.

##### **E. Commercial Kennel**

An establishment where three or more dogs are kept, boarded, groomed, trained, or bred for a fee. Outdoor facilities such as runs, pens, and walking areas may be provided. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be at least 100 feet from any property line and 100 feet from all rights-of-way; and

2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

#### **F. Commercial Kitchen**

A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site. The following shall apply where applicable.

1. Retail sales are prohibited; and
2. No on-site consumption of prepared food is permitted.

#### **G. Commercial Pier**

A pier used for commercial purposes such as chartering fishing boats, selling gas, shipping, fishing or passenger transport. The following shall apply where applicable.

1. In Solomons Town Center, an existing commercial pier may be extended in length as long as all other requirements are met but shall be restricted to a total length of no more than 117 feet as measured from mean high tide; and
2. In the C3 Sub-area of Solomons Town Center, the pier shall have been in existence as of the date of adoption of the Solomons Town Center Zoning Ordinance (9/22/09).

#### **H. Commercial Trade or Business School**

A building or land where instruction is given to pupils in professional trades or business and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation. Commercial trade and business schools include general licensure such as drivers, cosmetology, real estate, commercial driver, and other licenses. The following shall apply where applicable.

1. In the MC District, the school shall provide instruction primarily in a marine-related trade or business.

#### **I. Crematorium**

A building or portion of a building that houses the necessary equipment and facilities for the cremation of human or animal remains. The following shall apply where applicable.

1. Outside Town Centers, a crematorium shall be associated with a funeral home or animal shelter located on the same property; and
2. In Huntingtown Town Center, allowed where access is provided from an arterial or major collector road.

#### **J. Eating Establishment with No Outdoor Patron Area**

A public eating place that serves food for consumption at tables or counters located entirely within a structure on the premises, or by carry-out or delivery. This term includes, but is not limited to, an establishment known as a cafeteria, delicatessen, cafe, smorgasbord, diner, or similar business where the sale of alcohol constitutes less than 50% of the total sales. The following shall apply where applicable.

1. Drive-through facilities are only permitted in the districts where drive-through facilities are permitted as an accessory use, with the following additional conditions or exceptions:
  - a. In Dunkirk Town Center, if the eating establishment has a drive-through facility and is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
  - b. In Owings Town Center, drive-through facilities are not permitted for eating establishments; and
  - c. In Huntingtown Town Center, if the eating establishment has a drive-through facility, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and

d. In the Old Town and Old Town Transitional Districts of Prince Frederick Town Center, drive-through facilities are not permitted for eating establishments; and

e. In Village District of St. Leonard Town Center, if the eating establishment has a drive through facility and is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

2. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

**K. Eating Establishment with Outdoor Patron Area**

A public eating place that serves food for consumption at tables or counters located on the premises, both indoors or outdoors, or in parking spaces intended for consumption of food in motor vehicles parked in those spaces, or by carry-out or delivery. This term includes, but is not limited to, an establishment known as a cafeteria, delicatessen, cafe, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50% of the total sales. The following shall apply where applicable.

1. The conditions for Eating Establishment with No Outdoor Patron Area shall be met; and

2. In Solomons Town Center, provided there are adequate safeguards to protect against noise levels that would exceed Calvert County Code and all patron areas are shown and approved on the site plan.

**L. Entertainment Business, Adult Enterprises**

Enterprises that provide activities characterized by live, closed circuit, or reproduced material, including print, audio, and audiovisual media, that has an emphasis on nudity or sexual activity or sexual stimulation. Adult entertainment businesses include, but are not limited to, the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, gentlemen's clubs or shows, strip clubs or shows, burlesque clubs or shows, adult paraphernalia shops, and other establishments that feature a combination of activities or merchandise described above that collectively make up a majority of the establishment's activities or merchandise. The term adult entertainment business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit, or reproductions using all types of media), or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity or sexual activity or sexual stimulation, and limiting entrance to patrons who are over 18 years of age.

**M. Funeral Home**

An establishment, licensed by the state, that prepares human remains for burial; coordinates the cremation of remains; and arranges, manages, and/ or conducts funeral services and memorial services. A funeral home may also sell burial goods as ancillary to the primary use. A funeral home may include a chapel or other facility in which funerals are conducted. This definition does not include crematoriums or cemeteries. The following shall apply where applicable.

1. The funeral home shall be accessory to an existing public cemetery as of the adoption of this ordinance.

**N. Home Occupation**

Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit (or an enclosed structure accessory to the dwelling) where there are on-site appointments of customers or clients or where there are employees that are not permanent residents of the dwelling. Non-medical offices, home studios, commercial kennels, pet grooming establishments, commercial kitchens, non-farm alcohol production facilities, online retail sales, home day cares, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Crematorium, Veterinary Hospital, etc.).

**1. Home Occupation - Class A**

A home occupation is considered Class A if all below conditions are met.

a. Employees shall only be permanent residents of the dwelling in which the home occupation is located; and

b. On-site appointments of customers or clients are permitted. With the exception of home day care centers, only two clients or fewer are permitted on premise at a time; and

- c. The occupation shall be conducted entirely within the dwelling or an enclosed accessory structure; and
- d. No outside storage of equipment, materials, or items to be repaired shall be permitted; and
- e. No article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to the services offered; and
- f. There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use; and
- g. The space occupied by all the occupations on a single site shall not exceed 600 square feet including storage with the following exceptions.
  - i. The use of a tobacco barn for a home occupation is permitted, regardless of size, with the conditions that: (a) the barn shall have been in existence as of the effective date of this condition (05/01/06); and (b) the barn shall be constructed of wood; and
  - ii. Home day cares are exempt from this condition; and
- h. Home day cares are allowed a maximum of 12 clients and the requirements of Section 18-12.E.1 of this Ordinance shall apply. Home day cares are not required to meet the parking requirements for home occupations, but instead shall meet the parking requirements of Section 27-4.C of this Ordinance in addition to the parking requirements for the dwelling.

**2. Home Occupation - Class B**

A home occupation is considered Class B if all below conditions are met.

- a. Permitted to employ up to two equivalent full-time employees in addition to employees that are permanent residents of the dwelling in which the home occupation is located; and
- b. On-site appointments of customers or clients are permitted. With the exception of in-home day care centers, only two clients or fewer are permitted on premise at a time; and
- c. All home occupations shall meet conditions 1.c through 1.h of Home Occupation – Class A above; and
- d. Home day cares, in addition to the requirements of item 1.h above, shall require one additional parking space for each employee that is not a permanent resident of the dwelling in which the home occupation is located.

**O. Laundry/Laundromat**

A place where patrons wash or dry clothing and other fabrics in machines operated by the patron. Laundromats may offer services where employees operate machines for patrons in exchange for a fee.

**P. Medical Office or Clinic**

An establishment used by members of licensed health care and medical professions to provide diagnosis and treatment to the general public without overnight accommodation and with ancillary uses or may include reception areas, administrative offices, consultation rooms, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure. Examples of such professions include dentists, chiropractors, osteopaths, physicians, and occupational therapists. This definition does not include personal services, such as licensed massage therapists. The following shall apply where applicable.

1. In the RC District, the combined gross floor area of all buildings supporting the use is limited to 10,000 square feet; and
2. In Dunkirk Town Center, if the medical office or clinic is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and
3. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the medical office or clinic is less

than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

4. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the medical office or clinic is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

5. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and

6. In the C6 Sub-area of Solomons Town Center, such a use is permitted only on properties which border on South Solomons Island Road.

**Q. Motel or Hotel**

A facility which offers transient lodging accommodations to the general public and may provide additional services or may include restaurants, meeting rooms, and recreation facilities.

**R. Non-Farm Alcohol Production Facility**

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and related items. The following shall apply where applicable.

1. The facilities shall be designed and managed to meet all required State regulations for limits on alcohol production; and

2. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning; and

3. In Dunkirk, Huntingtown, and Prince Frederick Town Centers, if the non-farm alcohol production facility is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and

4. In St. Leonard Town Center, if the non-farm alcohol production facility is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location.

**S. Office**

An establishment for professional, executive, and administrative offices, including those of accountants, lawyers, architects, engineers, drafting offices, insurance agents, real estate agents, banks and other occupations that are of similar character to those enumerated, but not including medical professions, barbers, beauty parlors, cosmetologists, or other personal service establishments. The following shall apply where applicable.

1. In the RC and MC Districts, the combined gross floor area of all buildings supporting the use is limited to 10,000 square feet per lot or parcel; and

2. In the MC District the office use shall be marine-related; and

3. In Dunkirk Town Center, if the office is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and

4. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the office is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and

5. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the office is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential permit, or 150 feet from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
6. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
7. In the C6 Sub-area of Solomons Town Center, such a use is permitted only on properties which border on South Solomons Island Road; and
8. In the C7 Sub-areas of Solomons Town Center, if the gross floor area is greater than 2,500 square feet the office shall be marine-related.

#### **T. Personal Services**

An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty salons, barbershops, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. The following shall apply where applicable.

1. Outside Town Centers, an individual personal service establishment shall be limited to no more than 5,000 square feet in gross floor area. The combined gross floor area of all buildings supporting the use is limited to 10,000 square feet per lot or parcel; and
2. In Dunkirk Town Center, if the personal service establishment is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
3. In the Neighborhood District of Huntingtown Town Center, access shall be provided from an arterial or major collector road and the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet; and
4. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the personal service establishment is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In the Village District of St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet; and
6. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the personal service establishment is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and
7. In the C3 and C6 sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 2,500 square feet. In the C3 Sub-area, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. In the C6 Sub-area, such a use is permitted only on properties which border on South Solomons Island Road; and
8. In the C7 Sub-areas of Solomons Town Center, if the gross floor area is greater than 2,500 square feet the personal service establishment shall be marine-related.

#### **U. Pet Grooming Establishment**

An establishment that provides grooming services for domestic animals with no boarding of animals.

#### **V. Tavern, Bar, or Nightclub**

An establishment, either open to the public or operated as a private club, where more than 50% of the total sales are from the sale of alcohol, and which may or may not include the sale of food or other beverages, with indoor or outdoor patron areas. The following shall apply where applicable.

1. All patron areas shall be shown and approved on the site plan; and
2. Outdoor bar facilities are not permitted in Dunkirk, Owings, Huntingtown, Prince Frederick, St. Leonard, and Lusby Town Centers; and
3. In Dunkirk, Huntingtown, and Prince Frederick Town Centers, if the tavern, bar, or nightclub is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
4. In St. Leonard Town Center, if the tavern, bar, or nightclub is less than 150 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In Solomons Town Center, provided there are adequate safeguards to protect against noise levels that would exceed State standards.

**W. Veterinary Hospital or Clinic, Livestock**

A licensed facility where livestock is given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the medical use. Such use may include outdoor facilities such as runs, pens, and walking areas.

**X. Veterinary Hospital or Clinic, Small Animals and Household Pets**

A licensed facility where small animals or household pets are given medical or surgical treatment. The boarding of animals is limited to short-term care incidental to the medical use. The following shall apply where applicable.

1. In the Historic District, the minimum lot or parcel size shall be one acre and the boarding of animals is limited to indoor, short-term care incidental to animals receiving medical treatment; and
2. In the I-1, EC, and Town Center Districts, small animals and household pets may be boarded, groomed, or bred indoors, regardless of whether the animals are receiving medical services.

**18-8 RECREATION**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

**A. Amphitheater**

An open-air venue used for entertainment and performances. The following shall apply where applicable.

1. The main amphitheater structure shall be at least 200 feet from any lot line or parcel line and 200 feet from all rights-of-way.

**B. Campground or Recreational Vehicle Camp, Non-Farm**

An outdoor area together with sanitary facilities used or designed to accommodate two or more recreational vehicles, tents, or similar temporary accommodations, including all buildings, structures, and appurtenances used or intended as part of such recreational vehicle camp, whether or not a charge is made for use of the camp or its facilities. Campgrounds and recreational vehicle camps are referred to as camps in this section. The following shall apply where applicable.

1. The use is not permitted on a lot, parcel, or open space within a subdivision; and
2. Any vehicle, building, tent, or other structure in the campground shall be located at least 150 feet from the right-of-way of any adjoining public road, and at least 100 feet from the nearest boundary line of the campground; and

3. The density of recreational vehicle spaces cannot exceed 15 spaces per acre of the gross acreage of the campground. Each designated recreational vehicle space shall have a minimum width of 25 feet, and a minimum area of 1,500 square feet; and
4. Recreational vehicle camps shall provide sanitary sewage dumping stations; and
5. Campgrounds and recreational vehicle camps shall provide an adequate potable water supply; and
6. Service building(s) shall be provided; and
7. Stations shall be provided in such numbers and at such locations so as to facilitate storage and collection of garbage and trash; and
8. Interior roads shall have a minimum width of 20 feet except that one-way roads may have a minimum width of 12 feet, unless otherwise required by the Department of Public Works; and
9. The campground shall be surrounded by a minimum 20 foot wide vegetative buffer. Special conditions, such as the provision of fencing or planting or other landscaping, additional setback from property lines, provisions for lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare, may be required by the Board of Appeals as part of a special exception; and
10. In the FFD, access shall be provided from an arterial or collector road.

**C. Commercial or Non-Profit Meeting Hall or Banquet Hall**

Any structure maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages and food.

**D. Convention Center**

A facility in a completely enclosed building used for corporate, trade, and professional meetings, training seminars, trade shows or exhibition of products and technology and that may include supporting dining, lodging, and recreational facilities as ancillary uses. The following shall apply where applicable.

1. In the Residential District of Huntingtown Town Center, permitted upon the condition access is provided from an arterial or major collector road and the lot or parcel is a minimum of 10 acres.

**E. Country Club/Sportsman Club**

An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which has indoor or outdoor recreation or sporting facilities, eating and drinking establishments, meeting rooms, or similar uses. The following shall apply where applicable.

1. The country club/sportsman club shall be in association with a golf course.

**F. Drive-In Theatre**

An outdoor area with its appurtenant facilities devoted primarily to showing motion pictures on a paid admission basis to patrons seated in automobiles.

**G. Golf Course**

A facility designed for the playing of the game of golf. Driving range, putting green and miniature golf facilities may be included as accessory to the golf course.

**H. Golf - Driving Range**

An area of land for practicing long golf shots, especially drives, with clubs or balls available for rent from the management.

**I. Golf, Miniature**

An area of land or a building, structure or premises or part thereof, in which facilities are provided to simulate the game of golf, or any aspect of the game, on a small scale, but does not include a driving range.

**J. Marina**

Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

**K. Recreation Facility, Indoor Commercial**

An entirely enclosed building or facility that offers commercial indoor recreational activities that may include, but not limited to, tennis, batting cages, bowling, skating, racquetball, arcade games, volleyball, basketball, indoor soccer, martial arts, miniature golf, paint ball, laser tag, gymnastics, play gallery, the study of performing arts and related training, the production of arts and crafts products, or similar activities. This use also includes establishments offering or providing facilities in controlled exercise, weightlifting, calisthenics, aerobics, and general physical fitness. This use may include associated ancillary eating and drinking areas, retail sales areas (limited to items customarily associated with the principal use only), and staff offices. The following shall apply where applicable.

1. Outside Town Centers, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
2. In the MC District, the only indoor commercial recreational facility permitted are studios. However, performing arts studios are not permitted; and
3. Movie theaters are not permitted outside Town Centers or in the Village Residential-Office District of Lusby Town Center; and
4. In the B2, B3, and B4 Sub-areas of Solomons Town Center, a performing arts studio requires special exception approval.

**L. Recreation Facility, Outdoor Commercial**

An area or structure that offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes, but is not limited to, a batting cages, riding arenas and corrals, racquet sports, miniature golf, paint ball, archery range, or similar activities. This use may include associated ancillary eating and drinking areas, retail sales areas and staff offices. This definition does not include motorized vehicle sports such as go-cart tracks, dirt bike trails, and all-terrain vehicle trails. The following shall apply where applicable.

1. Outside Town Centers and within Owings Town Center, sufficient buffering and screening shall be imposed. A minimum 100 foot wide buffer shall be maintained between the outdoor recreation facility and all adjoining lots or parcels with a residential building or an active residential buildings permit. A minimum 50 foot wide buffer shall be maintained between the outdoor recreation facility and all adjoining non-residential lots and parcels; and
2. In Lusby Town Center, allowed provided that the outdoor commercial recreational facility is accessory to the principal use.

**M. Retreat, Day**

A facility designed with the specific intent of facilitating spiritual or educational enrichment needs, and that may include supporting dining and recreational facilities as ancillary uses. The following shall apply where applicable.

1. Outside Town Centers and in the C5 sub-area of Solomons Town Center, a minimum lot or parcel size of 20 acres is required; and
2. In Huntingtown Town Center, access shall be provided from an arterial or major collector road and the lot or parcel shall be a minimum of 10 acres.

**N. Target Range, Indoor**

A building that is used for the purpose of organized shooting events or practice using rifles, shotguns, pistols, and other firearms. The following shall apply where applicable.

1. The target range site, including any ancillary uses such as parking, shall be located at least 200 feet from any lots or parcels with a residential building or active residential building permit; and
2. A site plan is required, which, at a minimum, incorporates best management practices.

**O. Target Range, Outdoor**

A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment but does not permit the use of air guns or paintball guns. The following shall apply where applicable.

1. The target range site, including any ancillary uses such as parking, shall be located at least 1,000 feet from all lot or parcel lines; and
2. A site plan is required, which, at a minimum, incorporates best management practices.

**P. Target Range, Institutional**

A target range which may be either indoor or outdoor for the purpose of training law enforcement or military forces including the National Guard. The following shall apply where applicable.

1. An institutional target range site that allows the discharge of a firearm only within an enclosed structure or building shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit; and
2. An institutional target range site that allows the outdoor discharge of a firearm shall be located at least 500 feet from all property boundaries; and
3. A site plan is required, which, at a minimum, incorporates best management practices to ensure safety.
4. Institutional target ranges located in Town Centers shall meet the conditions for indoor target ranges. No institutional target ranges that allow the outdoor discharge of firearms are permitted in a Town Center; and
5. All institutional target ranges that allow the outdoor discharge of firearms shall be located at least 0.25 mile from schools, hospitals, and nursing homes; and

**18-9 COMMERCIAL WHOLESALE**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

**A. Mini-Storage**

A structure containing separate storage spaces that may be of varying sizes leased or rented on an individual basis. The following shall apply where applicable.

1. In Huntingtown Town Center, provided that bay doors are not visible from the adjoining public road; and
2. In Lusby Town Center, provided that the mini-storage facility is located at least 200 feet from any lot or parcel with a residential building or active residential building permit and screened from adjacent land uses and public rights-of-way.

**B. Warehouse, Indoor**

A structure used for the storage or distribution of products. The following shall apply where applicable.

1. In Lusby Town Center, provided that the warehouse is located at least 200 feet from any lot or parcel with a residential building or active residential building permit and screened from adjacent land uses and public rights-of-way.

**C. Warehouse, Outdoor**

Land area, which may have ancillary structures, used for the storage or distribution of products. The following shall apply where applicable.

1. In Owings Town Center, provided that the storage is completely screened from neighboring properties and public rights-of-way.

**D. Wholesale Lumber or Other Building Materials**

A business primarily engaged in sales to contractors of bulk or large building materials including, but not limited to, lumber, drywall, windows, doors, trusses, roofing, insulation, and masonry materials. The following shall apply where applicable.

1. In Dunkirk, Prince Frederick, and Lusby Town Centers, the requirements of 18-6.L.3 (Retail, General) shall be met. All storage is required to be 100 percent screened by wood fencing or landscaping.

**E. Wholesaling, Indoor Only**

Those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. Wholesale or warehouse membership clubs are considered to be a commercial retail use. The following shall apply where applicable.

1. In Lusby Town Center, provided that the wholesaling establishment is located at least 200 feet from any lot or parcel with a residential building or active house permit and screened from adjacent land uses and rights-of-way.

## **18-10 MOTOR VEHICLE & RELATED SERVICE**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

### **A. Automobile Filling Station**

A building, lot, or parcel having pumps, storage tanks, electric vehicle charging stations or any combination at which automotive fuels, oils, electrical charge, accessories, or any combination are dispensed, sold, or offered for retail sale. An automobile filling station may include a building that is used for retail sales, an eating establishment without a drive-through facility, car wash or any combination listed. The following shall apply where applicable.

1. Pump islands at automobile filling stations shall meet the stacking requirements of Section 25-1.D.2 of this Ordinance; and
2. No visible appliance for servicing automobiles shall be located within 25 feet of the front lot or parcel line. No structure or building shall be located within 80 feet of any lot or parcel with a residential building or active residential building permit, except in Lusby and Solomons Town Centers, where no structure or building shall be located within 150 feet of any lot or parcel with a residential building or active residential building permit. In Owings Town Center, if there is a convenience store or eating establishment, no structure or building shall be within 150 feet of any lot or parcel with a residential building or active residential building permit is permitted. Variances to reduce these setbacks are not permitted.

### **B. Automobile Parking Lot/Garage (Principal Use)**

A public or private area, other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles, and available either for compensation or free. The following shall apply where applicable.

1. The parking or storage of automobiles which have been dismantled, wrecked, or junked are prohibited; and
2. The sale of automobiles is prohibited.

### **C. Automobile Parts Dismantling or Storage**

Any premises used for the dismantling or wrecking of motor vehicles and trailers including premises used in the storing, keeping, buying, selling, or dealing in dismantled wrecked, inoperable, or disabled vehicles or integral parts of component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperable vehicles and trailers, or parts thereof. Automobile dismantling does not include the incidental storage of inoperable or disabled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop while waiting for repair. The following shall apply where applicable.

### **D. Automobile Repair/Service Shop**

Any building, lot, or parcel used for automobile repair or bodywork, and which may have automobile servicing. The following shall apply where applicable.

1. No visible appliance for servicing automobiles shall be located within 25 feet of the front lot line or parcel line. No structure or building shall be erected within 150 feet of any lot or parcel with a residential building or active residential building permit, except in Prince Frederick Town Center, where no structure or building shall be erected within 80 feet of any lot or parcel with a residential building or active residential building permit. Variances to reduce these setbacks are not permitted; and
2. No more than five inoperable vehicles are allowed, except for those that are completely screened from adjoining properties and public rights-of-way. An area for the storage of inoperable motor vehicles shall be so designated and separated from customer parking and shall be screened as per Section 28-8 of this Ordinance. Inoperable vehicles shall be removed after 30 days. The provisions concerning inoperable vehicles will go into

effect immediately for new development and within one year of adoption of this Ordinance for existing development; and

3. No new service bay openings shall face a right-of-way.

#### **E. Bus Lot or Garage**

Location where more than one commuter, transit, school, or charter bus is parked or garaged.

#### **F. Car Wash**

Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets. A car wash may include self-service facilities. The following shall apply where applicable.

1. The stacking requirements for drive-through facilities in Section 25-1.D of this Ordinance shall apply to car wash facilities; and
2. In the I-1 and I-2 Districts, a car wash shall be accessory to the industrial uses on site and shall only be used in service of the respective on-site industrial use; and
3. In Dunkirk Town Center, the Village District of St. Leonard Town Center, and the D5 Sub-area of Solomons Town Center, if the car wash is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location.

#### **G. Commuter Parking Lot**

An area for the temporary storage (parking) of operable passenger automobiles that is designated for use by persons commuting to and from their place of employment and may be used for commuter bus connections or ridesharing or carpooling. This use includes private or leased park and ride lots. The following shall apply where applicable.

1. The parking or storage of automobiles which have been dismantled, wrecked, or junked are prohibited; and
2. The sale of automobiles is prohibited.

#### **H. Impound Lot or Tow Lot**

A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. Impound lot includes facilities owned and used by governmental authorities, or for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop, or an area where vehicles are temporarily stored and await pick up after being towed. The following shall apply where applicable.

1. All structures and outdoor storage areas shall be located at least 200 feet from any lot or parcel line; and
2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

#### **I. Inoperable Motor Vehicle**

Any motor vehicle that cannot be started and moved along the road under its own power without assistance of another vehicle or gravity. "Inoperable" means junked, totaled, fully or partially, discarded, abandoned, or unable to perform the functions or purpose for which it was originally constructed. The placement of the vehicle or parts thereof upon jacks, blocks, or other supports shall raise a presumption that the vehicle is inoperable. This definition also includes any vehicle which does not have and display current registration with the relevant licensing authority, such as the Motor Vehicle, the Department of Natural Resources, Department of Transportation, Coast Guard, etc. The following shall apply where applicable.

1. In Huntingtown Town Center, the use may be allowed provided that the inoperable motor vehicle does not remain on lot or parcel for more than two months.

#### **J. Motor Vehicle Accessory Shop**

A retail establishment that specializes in the sale or installation of automotive accessories including but not limited to audio systems, alarm systems, windshields, and other items that do not involve exterior body modification that requires major painting or other body work, or the sale or service of tires. The following shall apply where applicable.

1. All automotive accessories shall be installed indoors; and
2. In the I-1 District, no retail sales are permitted except items that are installed on-site and items accessory to those that are installed in or on vehicles.

**K. Motor Vehicle Dealership - New or Used**

The use of any building, land area or other premise for the sale of new or used, motor vehicles, watercraft, or their display for sale. The use of any single property to sell or offer for sale three or more motor vehicles or watercraft during any 12 month period is considered a motor vehicle dealership. The following shall apply where applicable.

1. In the I-1 District, sales are restricted to watercraft, all-terrain and recreational vehicles only; and
2. In Prince Frederick Town Center, provided that parking areas for motor vehicles that are for sale shall either meet the landscaping requirements for parking lots or the landscaping requirements for outdoor storage areas (see Article 28). Notwithstanding the above, a landscaped display area capable of displaying up to five motor vehicles may be located adjacent to the right-of-way.

**L. Park-and-Sell Lot**

An outdoor or indoor space where owners of motor vehicles or watercraft display their motor vehicles or watercraft for sale or trade. A landscaped display area capable of displaying up to five motor vehicles may be located adjacent to the right-of-way.

**M. Parking of Commercial Motor Vehicles**

The parking on a regular basis of motor vehicles that are commercially licensed or with business identification signs or lettering, including magnetic signs. This definition does not include the periodic parking of commercial motor vehicles on property for the purpose of conducting business on that property (e.g., service calls). The following shall apply where applicable.

1. Only commercial vehicles that are the residents' primary means of transportation to and from their place of work are permitted to be parked at residences.
2. In the I-1, I-2, RC, MC, and EC Districts, parking of commercial vehicles shall be accessory to the on-site business.

**N. Storage of Motor Vehicles**

An area within a residential subdivision or development designated for the storage of operable motor vehicles or watercraft. The following shall apply where applicable.

1. In subdivisions or developments in the RCD, RND, WCD, and RD the area used to store motor vehicles or watercraft shall be shown on the recorded plat and may be used by residents of the subdivision only.

**O. Truck, Bus, and Diesel Service and Repair Shop**

An establishment that repairs heavy equipment such as trucks, construction equipment, diesel engines, and similar heavy equipment. Typical uses include truck and bus repair garages, excavation implement service, diesel engine repair, and shops related to the machining of related parts, but specifically excluding the dismantling or salvaging of vehicles. The following shall apply where applicable.

1. In the MC District, this use is restricted to marine engines.

**P. Truck Terminal**

A facility where truck transport goods are transferred or stored pending transfer, and which may include truck dispatching, parking, and servicing and temporary (not more than 24 hours) accommodation for truck drivers.

**Q. Vehicle Ferry Service**

The point-to-point transport of passenger and commercial vehicles aboard a waterborne vessel. This may be either a public or private service.

**R. Vehicle Operations Service**

Premises used for storing vehicles used for moving people, goods, or materials or any combination of these, and which may include ancillary dispatching, maintenance, service, and fueling areas for these vehicles. Examples include bus depots, taxi services, and vehicle rentals or leasing. The following shall apply where applicable.

1. In the Village District of Owings Town Center, only vehicle rental or leasing is permitted.

## **18-11 INDUSTRIAL**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

### **A. Airport or Landing Field**

Land that is used for the landing or taking off of aircraft and which may or may not have facilities for the shelter, supply, or care of aircraft. The following shall apply where applicable.

1. Runways and approach and takeoff areas shall be located no less than 1,000 feet from any public or private institution; and
2. Runways shall be no less than one-half mile from any adjoining zoning district boundary; and
3. Runways shall be no less than 200 feet from any adjoining property line. This setback may not be reduced by a variance; and
4. Runways shall be designed to minimize the approach or takeoff area over residential districts.

### **B. Agricultural/Seafood/Livestock Processing**

A facility used for the handling, unloading, storing, shucking, freezing, preparing, changing into different market forms, manufacturing, preserving, packing, or labeling of agricultural commodities or fish, shellfish, and related products. The following shall apply where applicable.

1. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and
2. The design, construction, and operation of the facility shall meet requirements of appropriate state and federal regulatory agencies; and
3. Retail sales are permitted only as an accessory use; and
4. The following conditions apply to outdoor processing of meat/poultry/seafood only:
  - a. The use shall be at least 200 feet from any lot or parcel with a residential building or active residential building permit; and
  - b. All buildings and outdoor facilities supporting the use shall be located a minimum of 100 feet from all lot or parcel lines; and
5. In the FFD, RCD, RND, and RD this use is permitted on farm properties provided the farm has all required state licenses and approvals; and
6. In the Village District of St. Leonard Town Center, processing is restricted to seafood only and if located less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
7. In Solomons Town Center and the MC District, processing is restricted to seafood only.

### **C. Asphalt Plant**

An establishment in which a homogeneous product commonly referred to as asphalt, and intended mainly for the coating of roads, is manufactured from bituminous asphalt and other aggregate material.

### **D. Commercial Fuel Storage Business**

A facility designed for bulk fuel storage for resale. Fuels include, but are not limited to, liquid natural gas, propane, fuel oils, alcohol fuels, gasoline, and diesel. The sale or rental of tanks may be an ancillary use.

#### **E. Commercial Recycling Facility**

An establishment that, accepts, stores, and processes reusable materials from commercial operations including, but not limited to, glass; plastics and synthetic materials; paper products (such as newspapers, stationery, scrap paper, computer paper and corrugated cardboard); rubber; batteries; ferrous and nonferrous metals; concrete; asphalt; wood and building materials; and tree wastes, but not including yard waste or mixed municipal solid waste. Processing includes, but is not limited to, bailing, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction of such materials, but does not include incineration for any purpose. The following shall apply where applicable.

1. Incinerators are prohibited; and
2. Outdoor processing is allowed provided that odors, dust, noise, or vibrations at the property line meet applicable regulations, if any; and
3. Outdoor areas shall be screened with a solid fence a minimum of six feet to a maximum of eight feet in height.

#### **F. Data Center**

An establishment, facility, building(s), or series of buildings which are part of a unified development and arranged in a campus setting engaging in the storage, management, processing, or transmission of digital data, and housing computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The following shall apply where applicable.

1. The Data Center shall be setback 200 feet from all property lines and 400 feet from any lot or parcel with a residential building or active residential building permit, except for adjacent properties under common ownership.
2. Primary building facades shall include at least two of the following treatments:
  - a. Fenestration;
  - b. Recesses in the building façade to avoid a continuous unbroken plane; or
  - c. Changes in building material, pattern, texture, color, or accent materials.
3. Any noise generated by the Data Center, including any accessory mechanical equipment must comply with Chapter 80 of the Noise Control Ordinance of the Calvert County Code.
4. Prior to any applicable Planning Commission meeting, the applicant shall conduct at least one public meeting in the election district in which the use is proposed. That meeting shall be held at the community center for that district, or such other suitable facility within that district. That meeting shall be advertised once a week for at least two consecutive weeks in a newspaper of general circulation within the County. The first advertisement shall be no more than 30-days before the public meeting. Each meeting shall have a sign-in sheet where citizens may register; no person shall be required to register as a condition of admission. The applicant shall submit the sign-in sheet and minutes of the public meeting to the Planning Commission Clerk at least two (2) weeks prior to the Planning Commission meeting.

#### **G. Distillation of Alcohol as a Fuel**

The fermentation and other refinement of grains or other biomass for the production of liquid fuel. This does not include the capture/reclamation of methane from agricultural or commercial operations. The following shall apply where applicable.

1. In the FFD, RCD, RND, RD and Owings, St. Leonard, and Prince Frederick Town Centers, the use shall be located on a farm for farm use only.

#### **H. Grain Elevator**

A storehouse for threshed grain or animal feed for wholesale or retail sale. The following shall apply where applicable.

1. The grain elevator shall be located at least 100 feet from all lot or parcel lines; and
2. Adequate measures shall be taken for the abatement of dust, noise, or similar nuisances.

**I. Heliport**

A permanent facility designed to accommodate the operation and routine servicing and maintenance of helicopters.

**J. Landfill, Land-Clearing Debris**

An area that accepts only land-clearing debris. Types of waste permitted are limited to those associated with land-clearing operations, including earthen material such as clay, sand, gravel, and silt, topsoil, tree stumps, root mats, brush and limbs, logs, vegetation, and rock. The following shall apply where applicable.

1. All materials shall be physically inert or biodegradable and occurring naturally such as stumps, brush, and logs; and
2. If in an individual recorded section in a major subdivision, all dumping shall cease after 75% of the lots in that section have been developed; and
3. On land that is designated as an APD, only debris originating on-site are permitted.

**K. Landfill, Rubble**

An area that accepts only rubble. Types of waste permitted are limited to those materials accepted at land-clearing landfills, along with demolition debris associated with the razing of buildings, roads, bridges and other structures including structural steel, concrete, bricks, lumber, plaster and plasterboard, sheet rock, insulation material, cement, shingles and roofing materials, floor and wall tile, asphalt, pipes and wires, and other items physically attached to structures, including appliances if they have been or will be compacted to their smallest practical volume. The following shall apply where applicable.

1. The landfill shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any public road right-of-way; and
2. The landfill shall be screened from adjoining properties and roads with a solid fence a minimum of six feet to a maximum of eight feet in height.

**L. Landfill, Sanitary**

An area used for the disposal of solid waste, operated and maintained in accordance with solid waste disposal regulations of the county and state. The following shall apply where applicable.

1. The landfill shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any road right-of-way.

**M. Manufacturing or Assembly, Heavy**

Establishments involved in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and that are generally not compatible with residential uses. This includes but is not limited to foundries, fossil fuel refineries, and similar heavy industrial uses.

**N. Manufacturing or Assembly, Light**

The production, processing, cleaning, testing and distribution of materials, goods, foodstuffs, and products which by the nature of the materials, equipment, and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element. The following shall apply where applicable.

**1. Manufacturing or Assembly, Light, less than 7,500 square feet or more of gross floor area**

- a. In the FFD and RC, a minimum lot or parcel size of five acres is required. When an existing barn is used, this lot or parcel size requirement may be reduced by the Board of Appeals through a variance. No retail sales are permitted; and
- b. In Owings Town Center, provided adequate measures are taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and

c. In Prince Frederick Town Center, provided that potential noise, odor and glare are comparable to retail commercial uses of similar size; and

d. In St. Leonard Town Center, provided all buildings supporting the use are located at least 100 feet from all district boundary lines that form the edge of a district that does not permit, by right, this use, except where the district boundary line is formed by a public road right-of-way. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and

e. In Lusby Town Center, provided that no structure supporting the use is located within 200 feet of any lot or parcel with a residential building or active residential building permit; adequate measures are taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and landscaping adjacent to buildings is provided to help reduce building mass, promote safe pedestrian circulation, accent buildings and draw attention away from parking lots, utility lines and outdoor storage areas; and

**2. Manufacturing or Assembly, Light, more than 7,500 square feet or more of gross floor area**

a. In Dunkirk Town Center, the combined gross floor area of all buildings supporting the use is limited to 20,000 square feet; and

b. In Owings and St. Leonard Town Center, provided all buildings supporting the use are located at least 100 feet from all district boundary lines that form the edge of a district that does not permit, by right, this use, except where the district boundary line is formed by a public road right-of-way. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and

c. In Prince Frederick Town Center, provided that potential noise, odor and glare are comparable to retail commercial uses of similar size; and

d. In Lusby Town Center, provided that the conditions of Section 18-11.N.1.e above are met.

**O. Manufacturing or Assembly, Marine-Related**

A facility designed for the construction of watercraft and ancillary items for commercial purposes. The following shall apply where applicable.

1. The sale of watercraft manufactured on-site is permitted only as an accessory use.

**P. Power Generating Facility, Commercial**

A generator that uses one or more sources or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, nuclear, and hydroelectric. Wind and solar energy generating systems are not included within this definition. The following shall apply where applicable.

1. All structures shall be removed when no longer in use; and

2. In the FFD and RCD, commercial power generating facilities are limited to the production of electricity from hydroelectric fuel sources only.

**Q. Research and Development Facility**

A facility containing operations engaged in scientific research and investigation, the development of prototype products for test and evaluation, or the assembly or manufacture of prototype products. The following shall apply where applicable.

1. In the MC and EC Districts the combined gross floor area of all buildings supporting the use is limited to 7,500 square feet; and

2. In the MC District the research and development facility shall be marine-related; and

3. In the MC and EC Districts and in Solomons Town Center, provided no research or development involving the use of hazardous wastes is conducted on the premises.

**R. Salvage or Junk Yard**

Any premises used for the abandonment, sale, storage, collection, or baling of paper, scrap metal, other scrap or discarded materials, or for the abandonment of automobiles or other vehicles or for the abandonment of machinery, or parts thereof.

**S. Sand, Gravel or Mineral Extraction and Processing**

The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock, or other mineral resources. Includes the cleaning, mixing, sorting, washing, and other processing of this material including cement mixing. Does not include the manufacture of asphalt (see definition of asphalt plant). The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if processing of the material does not occur on the property, on-site stockpiles are fully depleted, and a mining permit is not required. The following shall apply where applicable.

1. The use shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit other than the residence of the property owner; and
2. No operation is conducted in a manner that would impede the flow of any waterbody or pollute its waters; and
3. All extractions shall be backfilled or regraded according to the Maryland Department of the Environment standards; and
4. The following provisions apply only in the Critical Area:
  - a. No important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur; and
  - b. No highly erodible soils exist; and
  - c. The use of renewable resource lands would not result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture or would result in a degrading of water quality or a loss of vital habitat, or the lands are not within 100 feet of the Mean High Water Line of tidal waters or the edge of tributary streams; and
  - d. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100 foot buffer of natural vegetation between the operation and the Mean High Water Line of tidal waters or the edges of tributary streams, and tidal wetlands, which is further inland; and
  - e. All new surface mines shall be reclaimed after the conclusion of a sand and gravel operation.

**T. Sand, Gravel or Mineral Extraction - No Processing**

The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock, or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this use, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if processing of the material does not occur on the property, does not occur over an extended period of time, on-site stockpiles are fully depleted, and a mining permit is not required. The following shall apply where applicable.

1. The use shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit other than the residence of the property owner; and
2. No operation shall be conducted in a manner that would impede the flow of any stream or pollute its waters; and
3. All extractions shall be backfilled or regraded according to the Maryland Department of Natural Resources standards; and
4. If the property is designated as an Agricultural Preservation District, the sand, gravel or mineral extraction operation is restricted to 5% of the Agricultural Preservation District; and

5. The following restrictions apply only in the Critical Area:

- a. No important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur; and
- b. No highly erodible soils exist; and
- c. The use of renewable resource lands would not result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture or would result in a degrading of water quality or a loss of vital habitat, or the lands are not within 100 feet of the Mean High Water Line of tidal waters or the edge of tributary streams; and
- d. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100 foot buffer of natural vegetation between the operation and the Mean High Water Line of tidal waters or the edges of tributary streams, and tidal wetlands, which is further inland; and
- e. All new surface mines shall be reclaimed after the cessation of a sand and gravel operation.

**U. Sawmill, Commercial**

An indoor or outdoor facility where timber or logs are sawn into lumber or boards. The following shall apply where applicable.

- 1. All buildings and outdoor facilities supporting the use shall be at least 500 feet from any lot or parcel with a residential building or active residential building permit; and
- 2. The use shall be at least 100 feet from any public right-of-way; and
- 3. Adequate measures shall be taken for the abatement of obnoxious or offensive odor, dust, smoke, noise, vibration, or similar nuisance, and measures for protection against fire shall be employed; and
- 4. In the FFD and I-1, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet.

**V. Solar Energy Generating Systems, Major**

An energy generating system that derives energy from the sun to generate more than two megawatts (MW) of electricity, based upon nameplate capacity. Includes multiple minor solar energy generating systems that are co-located on the same parcel that collectively produce more than two megawatts of electricity. The following shall apply where applicable.

- 1. No solar energy generating system shall be more than 20 feet in height; and
- 2. All structures and uses shall meet a minimum setback of 50 feet from all property lines; and
- 3. A landscaped buffer as described in Sections 28-6.D and E of this Ordinance shall be provided between the solar energy generating systems and side and rear property lines, unless the Planning Commission determines that an alternative buffer is sufficient. Existing vegetation within or near a required planting area that meets or exceeds these standards may be used to satisfy buffer requirements; and
- 4. A front roadway buffer shall be provided along all public roads in the FFD and RCD, unless the Planning Commission determines that an alternative buffer is sufficient. The front roadway buffer shall meet one or more of the following requirements. Buffering along Rt. 4 and Rt. 2/4 shall be increased as indicated.
  - a. If a naturally vegetated buffer exists, it shall be maintained at a minimum of 100 feet in width from the right-of-way line to the closest solar energy generating system (200 feet in width from Rt. 4 and Rt. 2/4) on the site; and

- b.** In instances where only part of a naturally vegetated buffer exists, the existing buffer shall be enhanced to a 100-foot wide buffer (200 feet buffer from Rt. 4 and Rt. 2/4) with additional plantings approved through the site plan process; and
  - c.** If a naturally vegetated buffer does not exist, the applicant shall plant a 100-foot wide vegetated buffer (200-foot wide vegetated buffer adjacent to Rt. 4 and Rt. 2/4) with plantings approved through the site plan process; and
  - d.** No plantings are required if the closest solar energy generating systems are setback a minimum of 200 feet from the edge of the public right-of-way; and
- 5.** The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the solar energy generating system. The applicant shall provide the Department of Planning & Zoning with details regarding maintenance and access for the site; and
- 6.** The solar energy generating system shall be enclosed by a fence or other appropriate barrier to prevent unauthorized persons or vehicles from gaining access. A secure fence a minimum of six feet and a maximum of eight feet in height shall enclose the entire solar energy generating system to restrict unauthorized access. All security fencing shall be located between the landscaped buffer areas and the solar energy generating system; and
- 7.** The applicant shall demonstrate that the solar energy generating system does not harm the scenic characteristics of the view of or from a public park, a national or state designated historic property or scenic byway, a road listed in the Scenic Roads Inventory, or a Historic District established by this Ordinance; and
- 8.** The solar energy generating system shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard; and
- 9.** The solar energy generating system shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the parcel, and in no event shall forested acreage comprising more than 2% of the gross acreage of the parcel be removed without demonstrating that such removal is necessary for the reasonable construction and efficient performance of the use. In addition, the forest conservation requirements of Article 20 of this Ordinance shall apply; and
- 10.** The combined aggregate acreage in the Rural Legacy Areas utilized throughout the County by major and minor solar energy generating systems shall not exceed 0.5% of the total land area in the Rural Legacy Areas; and
- 11.** In the event of abandonment, the follow applies:
  - a.** A solar energy generating system that ceases to produce electricity continuously for one year shall be presumed abandoned. The property owner may overcome this presumption by substantial evidence, satisfactory to the Department of Planning & Zoning, that cessation of the use occurred from causes beyond the owner's reasonable control, that there is no intent to abandon the system, and that resumption of use of the existing system is reasonably practicable; and
  - b.** Following abandonment, the operator and landowner shall remove all equipment and systems and restore the site as near as practicable to its original condition, in accordance with the approved decommissioning plan. The obligation of the operator and owner to remove the solar energy generating system and restore the site shall be joint and several; and
  - c.** Failure to comply with the requirements of this Section shall authorize, but not require, the County to remove the solar energy generating system and restore the site in accordance with the approved decommissioning plan; and
- 12.** A decommissioning plan shall be required. The plan shall include:

- a. The expiration date of the contract, lease, easement, or other agreement for installation of the solar energy generating system and a timeframe for removal of the solar energy generating system within one year following termination of the use; and
- b. A requirement that the operator and property owner provide written notice to the Department of Planning & Zoning whenever a solar energy generating system is out of active production for more than six months; and
- c. Removal of all above and underground equipment, structures, fencing and foundations. All components shall be completely removed from the subject parcel upon decommissioning; and
- d. Removal of substations, overhead poles, above ground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility; and
- e. Re-grading and, if required, placement of like-kind topsoil after removal of all structures and equipment; and
- f. Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan; and
- g. A recordable covenant executed by the property owner to reclaim the site in accordance with the decommissioning plan and associated approvals upon cessation of the use; and
- h. A requirement for County inspection and approval of the decommissioning and reclamation of the site; and

**13.** The operator or property owner of a solar energy generating system shall provide a bond, surety, letter of credit, lien instrument, or other financial assurance in a form and amount acceptable to the County to secure payment of 125% of the anticipated cost of removal of all equipment, structures, fencing, above or below ground level, and any accessory structures, and restoration of the site in accordance with the requirements of this Section if use of the solar energy system is discontinued continuously for one year. The financial assurance shall be provided prior to issuance of a building permit and shall be renewed so as to remain in full force and effect while the solar energy generating system remains in place. The financial assurance shall require the obligor and the owner to provide at least 90 days' prior written notice to the County of its expiration or nonrenewal. The Department of Planning & Zoning may adjust the amount of the surety as reasonably necessary from time to time to insure the amount is adequate to cover the cost of decommissioning, removal and restoration of the site; and

**14.** A sign, not to exceed one square foot, shall be posted at each entrance to the solar energy generating system to identify the property owner, the solar energy generating system owner, their contact phone numbers and emergency contact information. Information on the sign shall be kept current and the property and solar energy generating system owners shall provide all updated information to the Department of Planning & Zoning.

**W. Solar Energy Generating Systems, Minor**

An energy generating system that derives energy from the sun to produce two megawatts or less of electricity, based upon nameplate capacity. The following shall apply where applicable.

- 1. The conditions for a Major Solar Energy Generating System shall be met. The front roadway buffer requirements of Section 18-11.V.4 shall also apply in the RND and RD.

**X. Storage of Machinery & Equipment in Connection with Excavating or Contracting Business**

Implements commonly used in association with site preparation or building construction including, but not limited to, bulldozers, front-end loaders, backhoes, tank trucks or trailers, trenchers, tar boilers, cement mixers, dump-bed trucks or trailers, graders, street sweepers, snowplow blades, flat-bed trucks or trailers, large riding mowers, and paving equipment. Implements may be self-propelled, trailered, towed, dragged, pushed, or pulled. Does not include hand tools or walk-behind equipment such as small mowers or tillers. The following shall apply where applicable.

- 1. The machinery or equipment stored shall be screened from adjoining properties and the road; and

2. In Owings and St. Leonard Town Centers, provided the combined gross floor area of all buildings supporting the use is limited to 2,000 square feet and the owner lives on the premises.

**Y. Wind Energy System, On-Site Service Only**

A wind-powered electric system designed and constructed for the production of power for use on premises. The following shall apply where applicable.

**1. General**

- a. A wind energy system shall be located on the same property with the residence, business, or public building for which it generates power; and
- b. The height of wind energy systems is measured from ground level to the tip of a blade when the blade is at its highest point; and
- c. All obsolete or unused facilities related to wind energy systems shall be removed within 12 months of cessation of operations.

**2. Wind Energy System, Ground Mounted**

- a. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
- b. The applicant shall submit, with the building permit application, a certification by a professional engineer licensed in the State of Maryland that the foundation and support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
- c. Approval of the building permit application is subject to consultation with the Department of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and
- d. If located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 85 feet; and
- e. If located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 150 feet; and
- f. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet; and
- g. The support structure for the wind energy system shall not be climbable up to 12 feet above ground level; and
- h. The wind turbine and support structure shall be set back from all property lines and all above-ground utility lines a distance equal to its height. Variances to reduce these setbacks are not permitted; and
- i. Guy wires and accessory structures shall comply with the minimum setback requirements for the district within where the wind energy system is located; and
- j. The wind turbine shall be a non-reflective, neutral color; and
- k. The noise generated by the wind energy system cannot exceed limits established by any state or county noise ordinance in effect; and
- l. The wind energy system cannot be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
- m. No commercial advertising signs is permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and

n. Small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws.

### 3. Wind Energy System, Roof Mounted

a. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and

b. The applicant shall submit, with the building permit application, a certification by a Professional Engineer licensed in the State of Maryland that the support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and

c. Approval of the building permit application is subject to consultation with the Department of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and

d. If located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 85 feet; and

e. If located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 150 feet; and

f. The structure on which the wind turbine is mounted shall be located within the required setbacks of the district within which it is located; and

g. The wind turbine shall be positioned on the roof so that the minimum distance between it and all property lines and all above-ground utility lines is equal to or greater than its height; and

h. Guy wires and accessory structures shall comply with the minimum setback requirements of the district where the wind energy system is located; and

i. The wind turbine shall be a non-reflective, neutral color; and

j. The noise generated by the wind energy system cannot exceed limits established by any state or county noise ordinance in effect; and

k. The wind energy system cannot be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and

l. No commercial advertising signs is permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and

m. Small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306).

## 18-12 INSTITUTIONAL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

### A. Cemetery or Memorial Garden

A place used for the permanent interment of dead human or animal bodies or the cremated remains thereof. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of two or more interment methods. The following shall apply where applicable.

1. In Historic Districts and Agricultural Preservation Districts, the cemetery or memorial garden shall be for the private use of the property owners; and

2. In the Old Town, Old Town Transitional, Old Town Residential and Fairgrounds District of Prince Frederick Town Center, provided that it is an expansion of an existing cemetery or memorial garden.

**B. College or University**

An institutional facility for tertiary or higher levels of education. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.

**C. Communications Towers and Antennas**

For definitions of Communications Tower and Communications Antenna see Article 2 of this Ordinance. The following shall apply where applicable.

**1. General Requirements**

- a. Antennas and communications towers may be considered either principal or accessory uses. A different use on the same lot or parcel does not preclude the installation of an antenna or communications tower on such lot or parcel.
- b. The height of communications towers is measured from ground level to the highest point of the communications tower, including all attached antennas and appurtenances.
- c. The owner of any commercial communications tower or the installer of any new antennas on pre-existing towers shall submit a report to the Department of Planning & Zoning upon construction of the communications tower and every two years thereafter indicating the name(s) and addresses of all carriers with equipment located on the communications tower and a description of such equipment.
- d. A communications tower inspection report prepared by a licensed engineer in compliance with current American National Standards Institute (ANSI) standards shall be submitted upon construction, and every two years following construction, of any new commercial communications tower. Pre-existing communications towers shall be subject to similar reporting requirements upon installation of any new antennas installed after adoption of these regulations and every two years thereafter.
- e. All obsolete or unused facilities related to communications towers and antennas shall be removed within 12 months of cessation of operations.
- f. See Chapter 95 Public Safety of the Calvert County Code for regulations regarding noninterference with Emergency Communication's microwave system.

**2. Conditions**

**a. Communications Tower, Commercial/Governmental on Government Property**

- i. The property is government-owned or leased.
- ii. The tower shall be constructed so as to provide capacity for future co-location of other commercial or government operated antennas.
- iii. The tower shall be constructed and operated in compliance with all current Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Maryland Aviation Administration (MAA) requirements.

**b. Communications Tower, Commercial on Private Property (No Height Restriction)**

**i. Tower System**

- (1) The application submitted by the applicant to the Board of Appeals shall include:

(A) A system design plan that includes, at a minimum, radio frequency parameters, tower height, number and location of all antennas on the tower (proposed by the applicant and future co-locations), radio frequency output, effective radiated power and azimuth antenna type;

(B) Coverage map of the area to be served by the proposed tower;

(C) Coverage map showing coverage available under existing towers and other appropriate structures; and

(D) An evaluation of the tower's relationship to the following: other antenna sites, existing buildings taller than 50 feet, and communication towers and water tanks within one mile of the proposed tower.

(2) The applicant for a new communications tower shall demonstrate to the Board of Appeals that co-location on existing towers or other appropriate structures is not feasible and that the proposed tower is the only feasible location for the antennas. Physical constraints and economic feasibility may be considered. Co-location will be deemed not possible if one or more of the following apply:

(A) Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and such towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(B) Planned equipment will cause interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost.

(C) Existing or approved towers do not have space on which planned equipment can be placed so as to function effectively.

(D) Existing or approved towers will not provide effective signal coverage sought by the applicant.

(3) The applicant shall demonstrate that the proposed tower will not degrade or cause interference to the County's wireless communication systems which includes, but is not limited to, public safety, administrative, and school wireless systems.

(4) The applicant shall certify that the proposed tower meets Federal Communication Commission, Federal Aviation Administration, and Maryland Aviation Administration requirements.

## ii. Tower Construction

(1) The applicant shall submit a certification by a professional engineer licensed in the State of Maryland that the tower foundation is adequately designed to support the tower and appurtenances, the design of the proposed tower is structurally sound and that the tower will be adequate to accommodate the initial antenna loading as well as anticipated future loading.

(2) The tower shall be constructed so as to provide capacity for future co-location of other commercial or government-operated antennas, unless the applicant demonstrates that such design is not economically or physically feasible. The system design plan shall delineate an area near the base of the tower to be used for the placement of additional equipment shelters or space for other users.

(3) All towers shall be of monopole construction and screened or camouflaged to reduce visual obtrusiveness, including but not limited to the use of compatible building materials and colors, screening, landscaping, and placement within trees. Lattice towers may be permitted if the applicant demonstrates that it is not feasible to construct a monopole tower to a height that will provide adequate space for future co-locations or that a monopole could not provide the structural support necessary for the antennas proposed.

## iii. Tower Site

(1) The tower shall be set back a distance equal to the height of the tower from all property lines except for adjacent properties under common ownership. Guy wires and accessory buildings shall comply with the minimum setback requirements for the district within which the tower is located. The Board of Appeals may reduce this requirement if the goals of this section would be better served thereby.

(2) If the tower is not camouflaged or screened from adjacent properties and the road by existing vegetation, buildings, or structures, it shall be surrounded by a minimum 40 foot wide buffer of dense tree growth and understory in all directions to create an effective year round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing mature tree growth and natural contours of the site shall be preserved to the maximum extent possible. The vegetated buffer shall be of sufficient height and depth to effectively screen the base of the tower and all equipment and equipment shelters. The Department of Planning and Zoning will determine the types of trees and plant materials based on site conditions.

(3) The tower shall be constructed to minimize interference with the view of or from any public park or any Historic District.

(4) All new towers shall be surrounded by a locked security fence or wall that seals the area at the base of the tower from unauthorized entry or trespass.

(5) Towers shall not be artificially lighted, unless required by the FAA, MAA, or other regulating authority. If lighting is required, the lighting alternative and design that causes the least disturbance to the surrounding areas shall be utilized.

(6) No commercial advertising signs are allowed on the tower. Signs warning of any danger and identifying the owners of the tower and all antennas, with emergency contact information, shall be located on the fence or wall surrounding the tower.

#### **iv. Pre-Existing Towers**

(1) Legally nonconforming guyed towers, lattice towers, and monopoles may be reconstructed, altered, extended, or replaced on the same site by special exception, provided that the Board of Appeals finds that the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, or reduction in visual and environmental impacts.

(2) Modifications to antenna systems on pre-existing towers, such as changing technology, frequencies, increasing power, or relocating or adding antennas in such a manner so as to significantly alter the original plans approved for the tower require approval by the Department of Planning and Zoning to assure that such modifications do not cause interference with or degradation to the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.

#### **c. Communications Tower, Commercial on Private Property (Less than 75 Feet in Height)**

i. The tower be constructed to minimize interference with the view of or from any public park or any Historic District.

ii. The minimum setback from all adjoining lots or parcels shall be equal to the height of the tower measured from its base to the adjoining property line. Guy wires and accessory buildings shall comply with the minimum setback requirements for the district within which the tower is located. The Board of Appeals may reduce the setback requirements if the purpose of these regulations would be better served.

iii. The height of a tower may be increased above 75 feet if the increase is used to facilitate the co-location of another communication provider. Such increase may be approved as a special exception by the Board of Appeals.

iv. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.

v. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.

#### **d. Communications Tower, Private/Not-for-Profit (Non-Commercial/Governmental, Less than 100 Feet in Height)**

- i. The distance between the base of the tower and the nearest property line equals no less than 75% of the height of the tower. However, the setback for crank-up style towers and monopoles shall be no less than 100% of the nested height of the tower/monopole.
  - ii. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.
  - iii. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.
- e. Communications Tower, Private/Not-for-Profit (Non-Commercial/Governmental, Greater than 100 Feet in Height)**
  - i. The distance between the base of the tower and the nearest property line equals no less than 75% of the height of the tower. However, the setback for crank-up style towers and monopoles shall be no less than 100% of the nested height of the tower/monopole.
  - ii. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.
  - iii. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.
  - iv. The applicant demonstrates that the proposed tower will not degrade or cause interference to the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.
- f. Antenna, Commercial/Governmental on Government Property**
  - i. A building permit shall be obtained prior to installation of the antenna.
  - ii. The antenna shall be attached to public buildings, water towers, or existing towers (including street lights and utility poles) located on government property.
  - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - iv. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields.
- g. Antenna, Commercial on Private Property**
  - i. A building permit shall be obtained prior to installation of the antenna.
  - ii. The antenna shall be attached to public, commercial or industrial buildings or structures, steeples, smokestacks, water towers, or existing communications towers only.
  - iii. The radio signals emanating from the proposed antennas shall not interfere with the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.
  - iv. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields.

v. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

vi. A commercial antenna may be approved as an accessory use to any commercial, industrial, or institutional structure, or to any existing approved tower provided that:

- (1) If attached to a building, the antenna cannot project above the roof line by more than ten feet.
- (2) If attached to an approved tower, the antenna cannot exceed the maximum height originally approved for the tower.
- (3) The antenna shall comply with the applicable FCC, MAA, and FAA regulations, and the applicant shall submit verification of same.

**D. Cultural Facility/Library/Museum – Public or Private**

A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, libraries, and cultural or historical centers. A cultural facility may include accessory uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

**E. Day Care Center**

A facility where, for a portion of a 24 hour day, care and supervision is provided for: 1) children not related to the owner or operator of the facility; or 2) elderly or functionally impaired adults in a protective setting that are not related to the owner or operator. The following shall apply where applicable.

**1. All Day Care Centers**

If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning. If variance approval is granted, the day care center is limited to a maximum of six clients; and

**2. Day Care Centers with 20 or More Clients**

The Day Care Center shall receive site plan approval in accordance with Article 30 of this Ordinance.

**3. Day Care Centers with 41 or More Clients**

- a. In the FFD the number of clients shall not exceed 80; and
- b. In the RC, RCD, RND, WCD, and RD, the number of clients shall not exceed 120.

**F. Elementary or Secondary School**

An educational facility that includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students as well as associated uses such as office buildings, athletic fields, etc. An elementary school is a school including usually the first four to the first eight grades and often a kindergarten. A secondary school is a school intermediate between elementary school and college and usually offering general, technical, vocational, or college-preparatory courses. The following shall apply where applicable.

1. In the FFD, elementary and secondary schools are permitted on lots and parcels that have been operated as schools since before May 1, 2006 and on adjoining lots or parcels under common ownership to be used for a common purpose.

**G. Fire or Rescue Service**

An institutional facility that functions as a dispatch for fire or rescue services, which houses related equipment or personnel.

**H. Hospital**

An institution providing primary health services, medical and surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities.

**I. Nursing or Convalescent Home**

A nursing home is a facility providing residential accommodations with healthcare. Convalescent homes are designed to provide care for patients who are recovering from surgeries or long-term illnesses.

**J. Place of Worship**

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and ancillary associated uses, such as rectories, parish halls, monasteries, and convents. The following shall apply where applicable.

**1. Place of Worship, with seating capacity of all sanctuaries combined less than or equal to 1,500**

- a. A place of worship as defined by this section, existed on the property prior to May 1, 2006; and
- b. There has been no lapse in use of the pre-existing place of worship, parish hall, convent, monastery or rectory since May 1, 2006; and
- c. If the expansion is to exceed that which is permitted by Section 32-2 of this Ordinance, the expansion shall be restricted to a maximum seating capacity of 400; and
- d. The expansion shall be restricted to the parcel area as it existed prior to May 1, 2006; and
- e. This use may be permitted as an accessory to a Cemetery or Memorial Garden which received site plan approval and existed on the property prior to May 1, 2006.

**K. Public or Governmental Building**

Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as state and county offices, post offices, public schools, and parks.

**L. Public Recreation Area**

An area open to the public with or without an entrance fee used primarily for recreational activities and owned by a government, institution, or non-profit organization. The following shall apply where applicable.

- 1. Only buildings that are associated with or accessory to the primary use such as but not limited to indoor recreational facilities, community centers, restrooms, locker rooms, equipment storage, maintenance buildings, open-air pavilions, accessory offices, and meeting space are permitted; and
- 2. Where there is one or more sports field, a permanent restroom is required.

**M. Public Utility Lines and Accessory Structures**

Underground gas mains and pipes and under-ground and overhead electrical and communications wires, cables, pipes, conduits, and their supporting poles, towers or repeaters, boosters, anodes, regulating and measuring devices, and the minor buildings or structures in which they may be housed, including but not limited to substations for transforming, boosting, switching or pumping purposes, where such facilities are constructed on the ground. This definition does not include other uses defined separately by this Ordinance (e.g., Commercial Power Generating Facility, Communications Tower, etc.)

**N. Solid Waste Collection Site**

A site for storage of garbage and recyclables collected by a contractor or other authorized haulers. The following shall apply where applicable.

- 1. In Huntingtown and Prince Frederick Town Centers, provided that the solid waste collection site does not exceed 100 square feet in size.

**O. Treatment Facility, Wastewater**

A facility used for the treatment of industrial or domestic wastewater. The following shall apply where applicable.

- 1. In the WCD, wastewater treatment facilities are only allowed when necessary to address public health and safety.

**P. Treatment Facility, Water**

Facilities within the water supply system that can alter the physical, chemical, or bacteriological quality of the water. The following shall apply where applicable.

1. In the WCD, water treatment facilities are only allowed when necessary to address public health and safety.

### **18-13 TEMPORARY**

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

#### **A. Classroom Relocatable**

A structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction, not constructed with a permanent foundation and which cannot remain permanently on the site. The following shall apply where applicable.

1. Classroom relocatables are permitted as a temporary accessory use to any institutional use; and
2. No temporary structure may be placed within a parking lot that causes the minimum number of spaces required by this Ordinance to be reduced below the required amount or alter vehicular circulation.

#### **B. Construction-Related and Sales or Rental Temporary Structures**

The following construction-related uses and temporary uses related to sales or rental activities are permitted on active construction and sales or rental sites.

##### **1. Model Home/Model Unit**

A residential dwelling or commercial space temporarily used for display purposes as an example of dwelling units or commercial space available for sale or rental in a development. The following shall apply where applicable.

- a. For residential subdivisions (sale of single-family, duplex, or townhouse developments):
  - i. A model home shall be closed after 90% of the lots or units are sold or rented; and
  - ii. The model home shall only be used for the sale or rental of units within the development in which it is located.
- b. For multi-family, mixed-use developments, and non-residential developments:
  - i. One or more units within the development may be used for model units for sale or rental within the development, whether residential units or commercial spaces as applicable; and
  - ii. All model unit(s) shall be closed within 30 days after the sale or lease of the last unit or space of the development. In a mixed-use development, the residential model unit shall be closed with the sale or rental of the last unit, and a commercial model unit shall be closed with the sale or lease of the last commercial space.

##### **2. Real Estate Project Sales Office**

A temporary structure or unit(s) within a development that is temporarily used for sales or rental offices for dwellings within the development. The following shall apply where applicable.

- a. A development is limited to one temporary stand-alone real estate sales office, which cannot exceed 1,000 square feet in gross floor area and cannot be located in any required setback. There is no limit to the number or size of temporary real estate offices within the development structure itself; and
- b. All standalone real estate sales offices shall be closed and removed within 30 days after the sale or rental of the last unit of the development. Real estate sales offices within the development shall be closed within 30 days after the sale or rental of the last unit of the development.

##### **3. Temporary Contractor’s Office and Contractor’s Yard**

A temporary, portable, or modular structure utilized as a watchman’s quarters, construction office, equipment shed during the construction of a new development. This may include a contractor’s yard where materials and equipment are stored in conjunction with a construction project. The following shall apply where applicable.

- a. A construction site is limited to one temporary stand-alone contractor’s office, which cannot exceed 1,000 square feet in gross floor area and cannot be located in any required setback; and

b. The temporary contractor's office and contractor's yard shall be removed within 30 days of completion of the construction project; and

c. Temporary contractor yards shall be screened on all sides by a fence a minimum of six feet to a maximum of eight feet in height. Barbed wire fence is prohibited. Fencing is not required on shared lot lines or parcel lines if the abutting lot or parcel also has a fence or other barrier that prohibits entry onto the lot or parcel. In no instance can vegetation be used to substitute for fencing.

**C. Emergency Manufactured Home or Recreational Vehicle**

In case of fire or other disaster that was not intentionally caused by the owner and that destroys the livability of a residence, the Zoning Officer may issue a permit for one manufactured home or recreational vehicle to serve as a temporary shelter on the premises. If such temporary use exceeds six months, the Zoning Officer may approve an extension of such timeframe.

**D. Food Truck**

A motor vehicle or a food trailer designed and equipped to sell food or beverages directly to consumers. It does not include wholesale food distributors. This use does not apply to food sales from food trucks parked at events including but not limited to fairs, carnivals, festivals, public events/public assemblies on farmland, and rental facilities on farmland. The following shall apply where applicable.

1. The food truck shall be located on property with the permission of the property owner. If the food truck is scheduled to be located on the same property for three or more days per week a plot plan showing where the food trucks are located on-site shall be required and submitted with the use permit application; and

2. The food trucks shall not interfere with pedestrian or traffic flow on-site and shall not reduce the number of parking spaces required for the property.

**E. Livestock Auction by a Non-Profit Organization or Farm Owner**

A place of business to which the public may consign livestock for sale by auction open to public bidding conducted by non-profit organizations such as Future Farmers of America and 4-H groups, including auction sales conducted in conjunction with county, state, or private fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person. The following shall apply where applicable.

1. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and

2. Livestock auctions by a non-profit organization or farm owner may take place no more than two times per year on a single property; and

3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

**F. Temporary Entertainment**

**1. Carnival, Fair, or Circus**

A traveling or short-term enterprise that entertains the public and may include performances such as feats of skill or daring by humans or animals, amusement rides, exhibitions, games, food or beverage stands or any combination of attractions listed. The following shall apply where applicable.

a. The permit for a carnival, fair, or circus is valid for a period of one event per calendar year no more than 14 days per event per site; and

b. A County permit for the event is obtained before the event begins. The permit is to include approvals by the Health Department, Inspections & Permits Division, and the Public Safety Department.

**2. Public Events/Public Assemblies on Farmland**

An event held on a farm not related to farm activities. Such uses may include performing arts and concerts. This use is considered an agritourism use as it pertains to Section 18-1.Q of this Ordinance. The following shall apply where applicable.

a. Approval from the Historic District Commission is required for properties in the Historic District and approval from the Agricultural Preservation Advisory Board is required for properties located in Agricultural

Preservation Districts. Where applicable, approval from the Agricultural Preservation Advisory Board or Historic District Commission, or both if applicable, shall be required prior to special exception approval by the Board of Appeals; and

**b.** No more than 12 events per year are permitted and each event is limited to a maximum timeframe of 14 days; and

**c.** The sale or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and

**d.** If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

### **3. Rental Facilities on Farmland**

Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties. This use is considered an agritourism use as it pertains to Section 18-1.Q of this Ordinance. The following shall apply where applicable.

**a.** Approval from the Historic District Commission is required for properties in the Historic District and approval from the Agricultural Preservation Advisory Board is required for properties located in Agricultural Preservation Districts. Where applicable, approval from the Agricultural Preservation Advisory Board or Historic District Commission, or both if applicable, shall be required prior to special exception approval by the Board of Appeals; and

**b.** The sale or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and

**c.** If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

## **G. Temporary Outdoor Sales**

### **1. Garage Sale, Yard Sale, or Estate Sale**

All general sales, open to the public, conducted for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "estate," "porch," "room," "backyard," "patio," or "rummage" sale. This does not include "Market, Flea".

### **2. Temporary or Seasonal Outdoor Sales - General**

Temporary use where goods are sold, such as, but not limited to, consignment auctions, arts and crafts, and temporary vehicle sales. Also includes the sale and/ or display of temporary seasonal retail items (e.g., fireworks stands, Christmas tree sales, etc.). This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase or outdoor storage for the commercial retail business. The following shall apply where applicable.

**a.** In the FFD, RCD, RND, WCD, and RD temporary or seasonal outdoor retail sales and display are only permitted in conjunction with events conducted by the following uses in any district: elementary or secondary school, college or university, or place of worship; and

**b.** Temporary or seasonal outdoor sales are limited to a maximum of 90 days per site (total for all events) per calendar year; and

**c.** A portion of a parking area may be used for temporary outdoor or seasonal sales. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display. The sale or display area shall not be located within designated travelways; and

**d.** Temporary or seasonal outdoor sales shall be located at least 30 feet from any right-of-way.

Table 18-1: Outside Town Center Uses													
P = Permitted // C = Permitted with Conditions													
S = Special Exception // SC = Special Exception with Conditions // SH = Section 18-2.A.8													
	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
<b>AGRITOURISM, ECOTOURISM, &amp; HERITAGE TOURISM</b>													
Agritourism Enterprise	C	C	C	C	C		C			C			Sec. 18-3.A
Campground, Farm	SH	C	C	C									Sec. 18-3.B
Canoe or Kayak Launching Site, Commercial	C	C	C	C		C			C				Sec. 18-3.C
Commercial Kitchen, Farm	C	C	C	C	C		C			C			Sec. 18-3.D
Ecotourism Enterprise	P	P	P	P	P	P	P			P			Sec. 18-3.E
Farm Support Business, Less than 5,000 sf of gross floor area	C	C	C	C	C		C			C			Sec. 18-3.F
Farm Support Business, More than 5,000 sf of gross floor area	SH	C	SC	SC	SC		SC			SC			Sec. 18-3.F
Hunting Service, Farm	P	P	P	S	S		S			S			Sec. 18-3.G
<b>AGRICULTURAL</b>													
Animal Husbandry	C	P	P	C	C	C	C	P		C			Sec. 18-4.A
Aquaculture, Freshwater and Land-Based	C	C	C	C					C		C		Sec. 18-4.B
Aquaculture, Marine/Estuarine	C	C	C	C		C	C		C				Sec. 18-4.B
Commercial Greenhouse, Retail	SH	C	C	SC	SC		SC	P			P		Sec. 18-4.C
Commercial Greenhouse, Wholesale	C	C	C	SC	SC		SC	P			P		Sec. 18-4.D
Commercial or Non-Profit Stable or Horseback-Riding Club	C	C	C	C	C		C	C					Sec. 18-4.E
Commercial Raising of Dangerous or Wild Animals													Sec. 18-4.F
Commercial Raising of Fur-Bearing Animals		C	C	C	C		C	C					Sec. 18-4.G
Farm	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 18-4.H
Farm Alcohol Production Facility	C	C	C	C	C		C	C					Sec. 18-4.I
Farm Stand	C	C	C	C	C	C	C						Sec. 18-4.J
Farm, Tree/Forestry	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 18-4.K
Forest Product Processing											C		Sec. 18-4.L
Garden Center or Farm Supply Store			C	C				C					Sec. 18-4.M
Livestock Auction or Sales Barn, Commercial	SH	S	S					S			P		Sec. 18-4.N
Nursery, Retail	SH	C	C	C	C		C	P					Sec. 18-4.O
Nursery, Wholesale	C	C	C	C	C		C	P					Sec. 18-4.P
<b>RESIDENTIAL</b>													
Assisted Living Facility							S			P			Sec. 18-5.A
Bed & Breakfast Facility with up to 2 Bedrooms in Use	C		C	C	C	C	C	C	C				Sec. 18-5.B
Bed & Breakfast Facility with 3 to 5 Bedrooms in Use	C		C	SC	SC	SC	SC	C	SC				Sec. 18-5.B
Dormitory				SC	SC	SC	SC			SC			Sec. 18-5.C
Dwelling, Accessory to a Residence	C	C	C	C	C	C	C			C			Sec. 18-5.D
Dwelling, Attached: Duplex							P						Sec. 18-5.E
Dwelling, Attached: Multi-Family (5 Dwelling Units or more)													Sec. 18-5.F
Dwelling, Attached to a Non-Residential Building	SH							C	C	C			Sec. 18-5.G

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	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
Dwelling, Attached: Townhouse													Sec. 18-5.H
Dwelling, Attached: Triplex or Quadraplex													Sec. 18-5.I
Dwelling, Detached: Single-Family	C	C	C	C	C	C	C						Sec. 18-5.J
Group Home	C		C	C	C	C	C			C			Sec. 18-5.K
Liveaboards									C				Sec. 18-5.L
Manufactured Home Community			C	C									Sec. 18-5.M
Manufactured Home on Individual Lot or Parcel	C	C	C	C	C	C	C						Sec. 18-5.N
Tenant House	C	C	C	C	C		C						Sec. 18-5.O
<b>COMMERCIAL RETAIL</b>													
Agricultural Machinery, Service or Supplies								P			P		Sec. 18-6.A
Antiques Sales	SH							P	P	P	P		Sec. 18-6.B
Art Gallery	SH							P	P	P	P		Sec. 18-6.C
Auction Building								C			C		Sec. 18-6.D
Boat Dealership									P		P		Sec. 18-6.E
Home Improvement Center											C		Sec. 18-6.F
Manufactured Home Dealer											C		Sec. 18-6.G
Market, Artisans' and Crafters'	SH							C	C	C	C		Sec. 18-6.H
Market, Farmers'	SH		C	C	C	C	C	C	C	C	C		Sec. 18-6.I
Market, Flea	SH							P	P	P	P		Sec. 18-6.J
Market, Watermen's	SH		C	C	C	C	C	C	C	C	C		Sec. 18-6.K
Retail, General								C	C				Sec. 18-6.L
<b>BUSINESS AND PERSONAL SERVICE</b>													
Animal Shelter, Municipal or Non-Profit		C	C	C				C			C		Sec. 18-7.A
Boat Service or Repair									P		P		Sec. 18-7.B
Boat Storage, Commercial									P		P		Sec. 18-7.C
Boatel									P				Sec. 18-7.D
Commercial Kennel			C	C				C			C		Sec. 18-7.E
Commercial Kitchen								C		C	C		Sec. 18-7.F
Commercial Pier									P				Sec. 18-7.G
Commercial Trade or Business School									C	P	P		Sec. 18-7.H
Crematorium			SC	SC				C			P		Sec. 18-7.I
Eating Establishment with No Outdoor Patron Area	SH							P	P	P			Sec. 18-7.J
Eating Establishment with Outdoor Patron Area	SH							P	P	P			Sec. 18-7.K
Entertainment Business, Adult Enterprises													Sec. 18-7.L
Funeral Home			SC					P					Sec. 18-7.M
Home Occupation – Class A	SH	C	C	C	C	C	C	C	C	C	C	C	Sec. 18-7.N
Home Occupation – Class B	SH	C	C	C	C	SC	SC	C	C	C	C	C	Sec. 18-7.N
Laundry/Laundromat								P	P		P		Sec. 18-7.O

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	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
Medical Office or Clinic	SH							C		P			Sec. 18-7.P
Motel or Hotel									P				Sec. 18-7.Q
Non-Farm Alcohol Production Facility	SH							SC	SC	SC	SC		Sec. 18-7.R
Office	SH							C	C	P	P		Sec. 18-7.S
Personal Services								C	C	C	C		Sec. 18-7.T
Pet Grooming Establishment								P		P	P		Sec. 18-7.U
Tavern, Bar, or Nightclub	C							SC	SC	SC	SC		Sec. 18-7.V
Veterinary Hospital or Clinic, Livestock	P	P	P	S				S					Sec. 18-7.W
Veterinary Hospital or Clinic, Small Animals and Household Pets	C		S					P		C	C		Sec. 18-7.X
<b>RECREATION</b>													
Amphitheater										SC	SC		Sec. 18-8.A
Campground or Recreational Vehicle Camp, Non-Farm			SC						SC				Sec. 18-8.B
Commercial or Non-Profit Meeting Hall or Banquet Hall								P	P	P	P		Sec. 18-8.C
Convention Center										P	S		Sec. 18-8.D
Country Club/Sportsman Club							C	S		S			Sec. 18-8.E
Drive-In Theater								S		S	S		Sec. 18-8.F
Golf Course				P									Sec. 18-8.G
Golf - Driving Range								S		S			Sec. 18-8.H
Golf, Miniature								S		S			Sec. 18-8.I
Marina									P				Sec. 18-8.J
Recreation Facility, Indoor Commercial								C	C	C	C		Sec. 18-8.K
Recreation Facility, Outdoor Commercial								SC	S	C	C		Sec. 18-8.L
Retreat, Day	C	C	C	C									Sec. 18-8.M
Target Range, Indoor								SC		SC	SC		Sec. 18-8.N
Target Range, Outdoor			SC										Sec. 18-8.O
Target Range, Institutional			C					C		C	C		Sec. 18-8.P
<b>COMMERCIAL WHOLESALE</b>													
Mini-Storage											P		Sec. 18-9.A
Warehouse, Indoor											P	P	Sec. 18-9.B
Warehouse, Outdoor											P	P	Sec. 18-9.C
Wholesale Lumber or Other Building Materials - with a maximum gross floor area limit of 25,000 sf											P	P	Sec. 18-9.D
Wholesale Lumber or other Building Materials, More than 25,000 with a maximum gross floor area limit of 75,000 sf											S	P	Sec. 18-9.D
Wholesale Lumber or other Building Materials, More than 75,000 with a maximum gross floor area limit of 120,000 sf											S	P	Sec. 18-9.D
Wholesale Lumber or Other Building Materials, More than 120,000 sf gross floor area											S	P	Sec. 18-9.D

Table 18-1: Outside Town Center Uses													
P = Permitted // C = Permitted with Conditions													
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	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
Wholesaling, Indoor Only											P	P	Sec. 18-9.E
<b>MOTOR VEHICLE &amp; RELATED SERVICE</b>													
Automobile Filling Station													Sec. 18-10.A
Automobile Parking Lot/Garage (Principal Use)								SC			C	C	Sec. 18-10.B
Automobile Parts Dismantling or Storage											P		Sec. 18-10.C
Automobile Repair/Service Shop								SC			C	C	Sec. 18-10.D
Bus Lot or Garage											P	P	Sec. 18-10.E
Car Wash											C	C	Sec. 18-10.F
Commuter Parking Lot				SC	SC		SC	C		C	C		Sec. 18-10.G
Impound Lot or Tow Lot											C	C	Sec. 18-10.H
Inoperable Motor Vehicle - 1 per lot	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 18-10.I
Inoperable Motor Vehicle - 2 per lot	P	P	P	P	P	P		P			P	P	Sec. 18-10.I
Motor Vehicle Accessory Shop								C			C		Sec. 18-10.J
Motor Vehicle Dealership - New or Used											C		Sec. 18-10.K
Park-And-Sell Lot											P		Sec. 18-10.L
Parking of Commercial Motor Vehicles	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 18-10.M
Storage of Motor Vehicles				C	C	C	C						Sec. 18-10.N
Truck, Bus, and Diesel Service and Repair Shop									C		P	P	Sec. 18-10.O
Truck Terminal											S	P	Sec. 18-10.P
Vehicle Ferry Service									S				Sec. 18-10.Q
Vehicle Operations Service											S		Sec. 18-10.R
<b>INDUSTRIAL</b>													
Airport or Landing Field											SC	SC	Sec. 18-11.A
Agricultural/Seafood/Livestock Processing	C	C	C	C	C		C	C	C		C	C	Sec. 18-11.B
Asphalt Plant													Sec. 18-11.C
Commercial Fuel Storage Business											P	P	Sec. 18-11.D
Commercial Recycling Facility											C	C	Sec. 18-11.E
Data Center											SC	C	Sec. 18-11.F
Distillation of Alcohol as a Fuel	P	P	C	C	C		C						Sec. 18-11.G
Grain Elevator								C			P		Sec. 18-11.H
Heliport			S						S		S	S	Sec. 18-11.I
Landfill, Land-Clearing Debris			SC	SC	SC		SC				SC	SC	Sec. 18-11.J
Landfill, Rubble											SC	SC	Sec. 18-11.K
Landfill, Sanitary											C	C	Sec. 18-11.L
Manufacturing or Assembly, Heavy													Sec. 18-11.M
Manufacturing or Assembly, Light - Less than 7,500 sf of gross floor area	SH		SC					SC		P	P	P	Sec. 18-11.N

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Manufacturing or Assembly, Light – 7,500 sf or more of gross floor area											P	P	Sec. 18-11.N
Manufacturing or Assembly, Marine-Related									P		C	C	Sec. 18-11.O
Power Generating Facility, Commercial			SC	SC							S	S	Sec. 18-11.P
Research and Development Facility									C	C	P	P	Sec. 18-11.Q
Salvage or Junk Yard											S	P	Sec. 18-11.R
Sand, Gravel or Mineral Extraction and Processing											SC	C	Sec. 18-11.S
Sand, Gravel or Mineral Extraction - No Processing		SC	SC					SC			SC	C	Sec. 18-11.T
Sawmill, Commercial	SH		SC								SC	P	Sec. 18-11.U
Solar Energy Generating Systems, Major			C	C							C	C	Sec. 18-11.V
Solar Energy Generating Systems, Minor			C	C	C		C				C	C	Sec. 18-11.W
Storage of Machinery & Equipment in Connection with Excavating or Contracting Business											C	C	Sec. 18-11.X
Wind Energy System, On-Site Service Only			C	C	C	C	C	C	C	C	C	C	Sec. 18-11.Y
<b>INSTITUTIONAL</b>													
Cemetery or Memorial Garden	C	C	P	P	P	P	P	P					Sec. 18-12.A
College or University							P			P	P		Sec. 18-12.B
Communications Tower, Commercial/Governmental on Government Property		C	C	C	C	C	C	C	C	C	C	C	Sec. 18-12.C
Communications Tower, Commercial on Private Property (no height restriction)		SC	SC	SC	SC	SC	SC			SC	SC	SC	Sec. 18-12.C
Communications Tower, Commercial on Private Property, less than 75 feet		SC	SC	SC	SC	SC	SC	C	C	C	C	C	Sec. 18-12.C
Communications Tower, Private/Not-for-Profit, less than 100 feet		C	C	C	C	C	C	C	C	C	C	C	Sec. 18-12.C
Communications Tower, Private/Not-for-Profit, greater than 100 feet		SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	Sec. 18-12.C
Communications Antenna, Commercial/Governmental on Government Property		C	C	C	C	C	C	C	C	C	C	C	Sec. 18-12.C
Communications Antenna, Commercial on Private Property		C	C	C	C	C	C	C	C	C	C	C	Sec. 18-12.C
Communications Antenna, Private/Not-For-Profit		P	P	P	P	P	P	P	P	P	P	P	Sec. 18-12.C
Cultural Facility/Library/Museum – Public or Private	SH		S	P	P	S	P	P	P	P	P	P	Sec. 18-12.D
Day Care Center, 12 Clients or Less			C	C	C	SC	SC	C	C	C	C		Sec. 18-12.E
Day Care Center, 13 to 19 Clients			SC	SC	SC	SC	SC	C	C	C	C		Sec. 18-12.E
Day Care Center, 20 to 40 Clients			SC	SC	SC	SC	SC	C	C	C	C		Sec. 18-12.E
Day Care Center, 41 or More Clients			SC	SC	SC	SC	SC	SC		SC	C		Sec. 18-12.E
Elementary or Secondary School			C	P	P	P	P			P			Sec. 18-12.F
Fire or Rescue Service				P	P	P	P	P	P	P	P		Sec. 18-12.G
Hospital										P			Sec. 18-12.H
Nursing or Convalescent Home							S			P			Sec. 18-12.I

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	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
Place of Worship, with seating capacity of all sanctuaries combined less than or equal to 1,500	P		SC	P	P	P	P	P		P	P		Sec. 18-12.J
Place of Worship, with seating capacity of all sanctuaries combined greater than 1,500				S	S		S	S					Sec. 18-12.J
Public or Governmental Building	P		P	P	P	P	P	P	P	P	P	P	Sec. 18-12.K
Public Recreation Area	C		C	C	C	C	C	C	C	C	C	C	Sec. 18-12.L
Public Utility Lines and Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 18-12.M
Solid Waste Collection Site			P	P	P	P	P	P		P	P	P	Sec. 18-12.N
Treatment Facility, Wastewater				P	P	C	P	P	P	P	P	P	Sec. 18-12.O
Treatment Facility, Water				P	P	C	P	P	P	P	P	P	Sec. 18-12.P
<b>TEMPORARY</b>													
Classroom Relocatable			C	C	C	C	C			C			Sec. 18-13.A
<i>Construction Related Temporary Uses</i>													
Model Home/Model Unit				C	C	C	C						Sec. 18-13.B.1
Real Estate Project Sales Office				C	C	C	C						Sec. 18-13.B.2
Temporary Contractor's Office and Contractor's Yard			C	C	C	C	C	C	C	C	C	C	Sec. 18-13.B.3
Emergency Manufactured Home or Recreational Vehicle	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 18-13.C
Food Truck	C		C	C	C	C	C	C	C	C	C	C	Sec. 18-13.D
Livestock Auction by a Non-Profit Organization or Farm Owner		C	C	C	C		C	P			P		Sec. 18-13.E
<i>Temporary Entertainment Uses</i>													
Carnival, Fair, or Circus; on Less than 5 Acres			SC	SC	SC	SC	SC	SC	SC	SC			Sec. 18-13.F.1
Carnival, Fair, or Circus; on More than 5 Acres								C	C	C			Sec. 18-13.F.1
Public Events/Public Assemblies on Farmland	SH	C	SC	SC	SC		SC			SC			Sec. 18-13.F.2
Rental Facilities on Farmland	C	C	SC	SC	SC	SC	SC			SC			Sec. 18-13.F.3
<i>Temporary Outdoor Sales Uses</i>													
Garage Sale, Yard Sale, or Estate Sale	P	P	P	P	P	P	P	P	P	P			Sec. 18-13.G.1
Temporary or Seasonal Outdoor Sales	C		C	C	C	C	C	C	C	C	C		Sec. 18-13.G.2
<b>ACCESSORY</b>													
Accessory Structures (General)	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.A
Bus Shelter		C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.B
Carport	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.C
Chicken/Poultry and Coups	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.D
Dock, Pier, Private	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.E
Drive-Through Facility								C					Sec. 19-1.F
Electric Vehicle Charging Station (Public)	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.G
Fences	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.H
Garage, Detached	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.I
Kiln, Wood Drying	SH	C	SC								C	C	Sec. 19-1.J

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	HD	APD	FFD	RCD	RND	WCD	RD	RC	MC	EC	I-1	I-2	Definitions & Conditions
Livestock Enclosures	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.K
Mechanical Equipment	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.L
Outdoor Sales and Display (Accessory)								C	C		C		Sec. 19-1.M
Outdoor Storage (Accessory)	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.N
Pets, Household	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.O
Pets, Livestock (Kept on Non-Farm Properties)	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.P
Sawmill, Portable	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 19-1.Q
Satellite Dish Antennas - Less Than Three Feet in Diameter		C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.R
Satellite Dish Antennas - Ground Mounted, Greater than Three Feet in Diameter		C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.R
Satellite Dish Antennas - Roof Mounted, Greater than Three Feet in Diameter		SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	Sec. 19-1.R
Shed	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.S
Shipping Container Storage	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.T
Solar Energy Generating System (Accessory)	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 19-1.U

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
<b>AGRITOURISM, ECOTOURISM, &amp; HERITAGE TOURISM</b>																								
Agritourism Enterprise																								18-3.A
Campground, Farm																								18-3.B
Canoe or Kayak Launching Site, Commercial																								18-3.C
Commercial Kitchen, Farm																								18-3.D
Ecotourism Enterprise																								18-3.E
Farm Support Business, Less than 5,000 sf of gross floor area																								18-3.F
Farm Support Business, More than 5,000 sf of gross floor area																								18-3.F
Hunting Service, Farm																								18-3.G
<b>AGRICULTURAL</b>																								
Animal Husbandry			C	C						C	C	C	C	C										18-4.A
Aquaculture, Freshwater and Land-Based																								18-4.B
Aquaculture, Marine/Estuarine																								18-4.B
Commercial Greenhouse, Retail	P	P	P	P					P	P	P	P	P	S	P		P	P	P	P	P	P	P	18-4.C
Commercial Greenhouse, Wholesale	P	P	P	P					P	P	P	P	P	S	P		P	P	P	P	P	P	P	18-4.D
Commercial or Non-Profit Stable or Horseback-Riding Club																								18-4.E
Commercial Raising of Dangerous or Wild Animals	SC												S											18-4.F
Commercial Raising of Fur-Bearing Animals																								18-4.G
Farm	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-4.H
Farm Alcohol Production Facility																								18-4.I
Farm Stand		C	C	C					C	C	C	C	C	C	C		C	C	C	C	C	C	C	18-4.J
Farm, Tree/Forestry		P	P	P					P				P	P										18-4.K

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions		
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest	
Forest Product Processing																								18-4.L	
Garden Center or Farm Supply Store	C	C				C	C			P	P	P	C		C		C		C	C	C	C	C	18-4.M	
Livestock Auction or Sales Barn, Commercial																								18-4.N	
Nursery, Retail	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-4.O	
Nursery, Wholesale	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-4.P	
<b>RESIDENTIAL</b>																									
Assisted Living Facility	P	P	P	P	P	P	P	P	P	P			P	P		P	P	P	P	P	P	P	P	P	18-5.A
Bed and Breakfast Facility with up to 2 Bedrooms in Use	C	P	C	C					C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	18-5.B
Bed and Breakfast Facility with 3 to 5 Bedrooms in Use	SC	P	C	C					C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	18-5.B
Dormitory																									18-5.C
Dwelling, Accessory to a Residence	C	C	C						C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	18-5.D
Dwelling, Attached: Duplex	P	P	P						P	P	C	C	C	C		P		P	C	C	C	C	C	C	18-5.E
Dwelling, Attached: Multi-Family (5 Dwelling Units or more)	C	C	C						P	P		P	P					C	C	C	C	C	C	C	18-5.F
Dwelling, Attached to a Non-Residential Building	P				P	P	P	P	P	P	P	P													18-5.G
Dwelling, Attached: Townhouse	P								P	P		P	P	SC		P		P	C	C	C	C	C	C	18-5.H
Dwelling, Attached: Triplex or Quadraplex	P	P	P													P		P	C	C	C	C	C	C	18-5.I
Dwelling, Detached: Single-Family	C	P	P	P					P	P	P	P	C	C		C	C	C	C	C	C	C	C	C	18-5.J
Group Home	P	P	P	P	P				P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	18-5.K
Liveaboards																									18-5.L
Manufactured Home Community																								C	18-5.M
Manufactured Home on Individual Lot or Parcel	C	C	C	C					C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	18-5.N
Tenant House										C	C		C	C			C	C	C	C	C	C	C	C	18-5.O
<b>COMMERCIAL RETAIL</b>																									
Agricultural Machinery, Service or Supplies	S2	S2						P		P		P	S2	S2		P		P	S2	P	P	P	P	P	18-6.A
Antiques Sales	P	P	C					P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	18-6.B

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Art Gallery	C	C					C	C		P	P	C			C		C		C	C	C	C	C	18-6.C
Auction Building	S1	S1					P		P	P	P	S1	S1						S1	S1	S1	S1	S1	18-6.D
Boat Dealership	S2	S2							P		P	S2	S2						S2	S2	S2	S2	S2	18-6.E
Home Improvement Center	C	C				C	C		C		C	C			C		C	C	C	C	C	C	C	18-6.F
Manufactured Home Dealer																								18-6.G
Market, Artisans' and Crafters'	C	C	C	C		C	C			C	C	C	C		C		C	C	C	C	C	C	C	18-6.H
Market, Farmers'	P	C	C	C		C	C		P	P	P	C	C		C		C	C	C	C	C	C	C	18-6.I
Market, Flea	C	P	P	P					P	P	P	P	P		P	P	P	P	P	P	P	P	P	18-6.J
Market, Watermen's	C	C	C	C		C	C			C	C	C	C		C		C	C	C	C	C	C	C	18-6.K
Retail, General	C	C				C	C			C	C	C			C		C		C	C	C	C	C	18-6.L
<b>BUSINESS AND PERSONAL SERVICE</b>																								
Animal Shelter, Municipal or Non-Profit																								18-7.A
Boat Service or Repair	S	S2							P				S		S					P	P		P	18-7.B
Boat Storage, Commercial	S									S			S						S	S	S	S	S	18-7.C
Boatel																								18-7.D
Commercial Kennel																								18-7.E
Commercial Kitchen	S1	P			P	P	P	P	P		P	P	P		P	S1	P	S1	P	P	P	P	P	18-7.F
Commercial Pier																								18-7.G
Commercial Trade or Business School	S1	P			P	P	P	P	P		P	P	P		P	S1	P	S1	P	P	P	P	P	18-7.H
Crematorium	P	C			P				P		P	P	P	P	P		P		P	P	P	P	P	18-7.I
Eating Establishment with No Outdoor Patron Area	C	C				C	C	SC	C		C	C	C	C		C	SC	C	SC	P	P	P	P	18-7.J
Eating Establishment with Outdoor Patron Area	C	C				C	C	SC	C		C	C	C	C		C	SC	C	SC	P	P	P	P	18-7.K
Entertainment Business, Adult Enterprises																								18-7.L
Funeral Home	P	P			P				P		P	P	P	P	P		P		P	P	P	P	P	18-7.M
Home Occupation - Class A	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	18-7.N
Home Occupation - Class B	SC	C	SC	SC	SC	SC	SC	SC	SC	SC	C	C	SC	SC	C	SC	C	SC	C	C	C	C	C	18-7.N
Laundry/Laundromat	P	P	C			P		P			P	P			P		P		P	P	P	P	P	18-7.O

**Table 18-2: Town Center Uses**

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Medical Office or Clinic	C	P				P	P	P		P	P	C			P	C	P	C	P	P	P	P	P	18-7.P
Motel or Hotel	S1	P			S	P	P	S	P		P	S1	S1		P		P		P	P	P	P	P	18-7.Q
Non-Farm Alcohol Production Facility	SC	SC					C		C		SC	C	SC		SC		SC		SC	SC	SC	SC	SC	18-7.R
Office	C	P			S	P	P	P	P		P	P	C		P	C	P	C	P	P	P	P	P	18-7.S
Personal Services	C	P	C			P	P				P	P	C		P	C	P	C	P	P	P	P	P	18-7.T
Pet Grooming Establishment	P	P				P	P				P	P	P		P		P		P	P	P	P	P	18-7.U
Tavern, Bar, or Nightclub	SC	SC				C	C		C		SC	C	SC		SC		SC		SC	SC	SC	SC	SC	18-7.V
Veterinary Hospital or Clinic, Livestock	P	P	P	P					P		P	P	P	P						P	P	P	P	18-7.W
Veterinary Hospital or Clinic, Small Animals and Household Pets	C	C	C	C					P		P	P	P	P					C	C	C	C	C	18-7.X
<b>RECREATION</b>																								
Amphitheater	SC							SC	SC				SC				SC					SC		18-8.A
Campground or Recreational Vehicle Camp, Non-Farm													SC											18-8.B
Commercial or Non-Profit Meeting Hall or Banquet Hall	S1					P	P		P		S	S	S		P		P		P	P	P	P	P	18-8.C
Convention Center	S1	P		C		P	S				S	S	P	S1	P		P		P	P	P	P	P	18-8.D
Country Club/Sportsman Club	S2	S2					P		P		S	P	S1		S2		S2		S2	S2	S2	S2	S2	18-8.E
Drive-In Theater				S															S2					18-8.F
Golf Course				P									S											18-8.G
Golf - Driving Range			S	S									S2						S2					18-8.H
Golf, Miniature		S		S					P		S	S	S	S					S	S	S	S	S	18-8.I
Marina																								18-8.J
Recreation Facility, Indoor Commercial: Arcade/Pool Hall/Bingo Hall	S	S					P					P	S						S	S	S	S	S	18-8.K
Recreation Facility, Indoor Commercial: Bowling Alley	S1	S1				P			P		P	P	S1		P		P	S1	P	P	P	P	P	18-8.K

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Recreation Facility, Indoor Commercial: <i>Skating Rink/Theater/Movie Theater</i>	S1	S1					P	C	P		P	P	S1		P		P	S1	P	P	P	P	P	18-8.K
Recreation Facility, Indoor Commercial: <i>Fitness Center</i>	P	P	S	S	S	P	P	S		P	P	P	P		P		P	P	P	P	P	P	P	18-8.K
Recreation Facility, Indoor Commercial: <i>Studio/Performing Arts Studio</i>	P	P	S	S		P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	18-8.K
Recreation Facility, Indoor Commercial: <i>Swimming Pools/Athletic Courts</i>	S1	P	S	S	S	P	P	S		P	P	S1	S1		P		P	P	P	P	P	P	P	18-8.K
Recreation Facility, Outdoor Commercial	S	S	S	S	SC	C	C	SC	C		C	C	S						S1	P	P	P	P	18-8.L
Retreat, Day	S1	P		C	P			S	P		S	S	P	S1	P		P		P	P	P	P	P	18-8.M
Target Range, Indoor	C	C					C			C	C	C	C						C	C	C	C	C	18-8.N
Target Range, Outdoor																								18-8.O
Target Range, Institutional	C	C					C			C	C	C	C		C				C	C	C	C	C	18-8.P
<b>COMMERCIAL WHOLESALE</b>																								
Mini-Storage		C							SC		P	P	S							P	P	P	P	18-9.A
Warehouse, Indoor	S	S							SC			P	S				P		P	P	P	P	P	18-9.B
Warehouse, Outdoor											C								P	P	P	P	P	18-9.C
Wholesale Lumber or Other Building Materials - with a maximum gross floor area of 25,000 sf	P	P				P	P		P				S2		P		P	S2	P	P	P	P	P	18-9.D
Wholesale Lumber or other Building Materials, More than 25,000 sf with a maximum gross floor area of 75,000 sf	P					P	P		P										P	P				18-9.D
Wholesale Lumber or other Building Materials, More than 75,000 sf with a maximum gross floor area of 120,000 sf	C					C	C												C	C				18-9.D
Wholesale Lumber or Other Building Materials, More than 120,000 sf gross floor area	C					C	C																	18-9.D

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD		PRINCE FREDERICK							Definitions & Conditions		
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village		New Town	Forest
Wholesaling, Indoor Only	S	S							SC				S					P		P	P	P	P	18-9.E
<b>MOTOR VEHICLE &amp; RELATED SERVICE</b>																								
Automobile Filling Station	SC	SC				C	C		C		SC	C	SC			SC		SC		C	C	C	C	18-10.A
Automobile Parking Lot/Garage (Principal Use)	P	P			P	P	P	S	P		P	P	P			P	P	P	P	P	P	P	P	18-10.B
Automobile Parts Dismantling or Storage													S											18-10.C
Automobile Repair/Service Shop	SC	SC				C			S			SC	SC			SC		SC		C	C	C	C	18-10.D
Bus Lot or Garage	S2											S	S2							P	P	P	P	18-10.E
Car Wash	C					C			C			SC	C							C	C	C	C	18-10.F
Commuter Parking Lot	P	P				P	P		P		P	P	P			P		P	P	P	P	P	P	18-10.G
Impound Lot or Tow Lot						P	P		P				S2							P			P	18-10.H
Inoperable Motor Vehicle - 1 per lot	P	P	C	C						P	P	P	P	P		P	P	P	P	P	P	P	P	18-10.I
Inoperable Motor Vehicle - 2 per lot																								18-10.I
Motor Vehicle Accessory Shop	C	C				C	C		C		C	C	C			C		C		C	C	C	C	18-10.J
Motor Vehicle Dealership - New or Used	S	S2				P	P		P		S	S	S2			C		C		C	C	C	C	18-10.K
Park-And-Sell Lot	S	S2				P	P		P		S	S	S2			P		P		P	P	P	P	18-10.L
Parking of Commercial Motor Vehicles	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-10.M
Storage of Motor Vehicles						P	P		P				S2							P			P	18-10.N
Truck, Bus, Diesel Service, and Repair Shop																				P			P	18-10.O
Truck Terminal																								18-10.P
Vehicle Ferry Service																								18-10.Q
Vehicle Operations Service	S2					P			P		SC	S	S2							P	P	P	P	18-10.R
<b>INDUSTRIAL</b>																								
Airport or Landing Field																								18-11.A
Agricultural/Seafood/Livestock Processing													SC											18-11.B
Asphalt Plant																								18-11.C
Commercial Fuel Storage Business													S							S				18-11.D
Commercial Recycling Facility																								18-11.E

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions		
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest	
Data Center																								18-11.F	
Distillation of Alcohol as a Fuel										C	C	C	C	C				C	C	C					18-11.G
Grain Elevator																									18-11.H
Heliport	S	S											S	S		S	S	S	S	S	S	S	S	S	18-11.I
Landfill, Land-Clearing Debris																									18-11.J
Landfill, Rubble																									18-11.K
Landfill, Sanitary																									18-11.L
Manufacturing or Assembly, Heavy																									18-11.M
Manufacturing or Assembly, Light - Less than 7,500 sf of gross floor area	S1	S1					C		C	SC	SC	S1			S1		S1	S2	C	C	C				18-11.N
Manufacturing or Assembly, Light – 7,500 sf or more of gross floor area	SC	S2							SC	SC	SC	S2							C	C	C				18-11.N
Manufacturing or Assembly, Marine-Related	S2											S2							S2	S2	S2				18-11.O
Power Generating Facility, Commercial											S														18-11.P
Research and Development Facility	P	P					P		P	P	P	P			P	S1	P	S1	P	P	P				18-11.Q
Salvage or Junk Yard																									18-11.R
Sand, Gravel or Mineral Extraction and Processing																									18-11.S
Sand, Gravel or Mineral Extraction - No Processing																			SC	SC	SC				18-11.T
Sawmill, Commercial															SC				P						18-11.U
Solar Energy Generating Systems, Major																									18-11.V
Solar Energy Generating Systems, Minor																									18-11.W
Storage of Machinery and Equipment in Connection With Excavating or Contracting Business		S									C	S	S						S				S		18-11.X
Wind Energy System, On-Site Service Only	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	18-11.Y
<b>INSTITUTIONAL</b>																									

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Cemetery or Memorial Garden	P	P	P	P						P	P	P	P	P		C		C		P			P	18-12.A
College or University	P	P	P	P	P				P		P	P	P			P	P	P	P	P	P	P	P	18-12.B
Communications Tower, Commercial/Governmental on Government Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.C
Communications Tower, Commercial on Private Property (no height restriction)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC	SC	SC	SC	18-12.C
Communications Tower, Commercial on Private Property, less than 75 feet	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.C
Communications Tower, Private/Not-for-Profit, less than 100 feet	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.C
Communications Tower, Private/Not-for-Profit, greater than 100 feet	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC	SC	SC	SC	18-12.C
Communications Antenna, Commercial/Governmental on Government Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.C
Communications Antenna, Commercial on Private Property	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.C
Communications Antenna, Private/Not-For-Profit	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.C
Cultural Facility/Library/Museum – Public or Private	P	P	P	P	P		P	P		P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.D
Day Care Center, 12 Clients or Less	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	18-12.E
Day Care Center, 13 to 19 Clients	C	C	C	C	C	C	C	C	C	C	C	C	SC	SC		C	SC	C	C	C	C	C	C	18-12.E
Day Care Center, 20 to 40 Clients	SC	C	C	C	C	C	C	C	C	C	C	C	SC	SC				SC	SC	C	C	C	C	18-12.E
Day Care Center, 41 or More Clients	SC	C	C	C	C	C	C	C	C	C	C	C	SC	SC				SC	SC	C	C	C	C	18-12.E
Elementary or Secondary School	P	P	P	P	P		P	P	P		P	P	P	S		P	P	P	P	P	P	P	P	18-12.F
Fire or Rescue Service	P	P	P	P					P			P	P	S2		P		P		P	P	P	P	18-12.G
Hospital	P	P	P	P									P	S2		P		P		P	P	P	P	18-12.H

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Nursing or Convalescent Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.I
Place of Worship, with seating capacity of all sanctuaries combined less than or equal to 1,500	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.J
Place of Worship, with seating capacity of all sanctuaries combined greater than 1,500	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.J
Public or Governmental Building	P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	18-12.K
Public Recreation Area	P	P	P	P	P		P	P		P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.L
Public Utility Lines and Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-12.M
Solid Waste Collection Site				C								S	S1						C	C	C	C		18-12.N
Treatment Facility, Wastewater	S	S	S									P	P											18-12.O
Treatment Facility, Water	P	P	P	P		P						P	P			P	P	P	P	P	P	P	P	18-12.P
<b>TEMPORARY</b>																								
Classroom Relocatable	P	P	P	P	P		P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	18-13.A
<i>Construction Related Temporary Uses</i>																								
Model Home/Model Unit	C	C	C	C				C			C	C				C	C	C	C	C	C	C	C	18-13.B.1
Real Estate Project Sales Office																								18-13.B.2
Temporary Contractor's Office and Contractor's Yard	C	P	P	P	C	C	C	C	C		C	C	C	S		C	C	C	C	C	C	C	C	18-13.B.3
Emergency Manufactured Home or Recreational Vehicle	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-13.C
Food Truck	C	C				C	C		C		C	C				C		C		C	C	C	C	18-13.D
Livestock Auction by a Non-Profit Organization or Farm Owner																								18-13.E
<i>Temporary Entertainment Uses</i>																								
Carnival, Fair, or Circus; on Less than 5 Acres	SC	SC	SC	SC					SC		SC	SC	SC	SC					SC	SC	SC	SC	SC	18-13.F.1
Carnival, Fair, or Circus; on More than 5 Acres		SC	SC	SC					SC			SC	C	C					C	C	C	C	C	18-13.F.1
Public Events/Public Assemblies on Farmland																								18-13.F.2
Rental Facilities on Farmland																								18-13.F.3

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	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK							Definitions & Conditions	
		Mixed- Use	Neighborhood	Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
<i>Temporary Outdoor Sales Uses</i>																								
Garage Sale, Yard Sale, or Estate Sale	P	P	P	P	P				P	P	P	P	P	P		P	P	P	P	P	P	P	P	18-13.G.1
Temporary or Seasonal Outdoor Sales	C	C				C	C				C	C			C		C		C	C	C	C	C	18-13.G.2
<b>ACCESSORY</b>																								
Accessory Structures (General)	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.A
Bus Shelter	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.B
Carport	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.C
Chicken/Poultry and Coups			C	C						C	C	C	C	C										19-1.D
Dock, Pier, Private																								19-1.E
Drive-Through Facility	C	SC				C	SC				C	C			C		C		C	C	C	C	C	19-1.F
Electric Vehicle Charging Station (Public)	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.G
Fences	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.H
Garage, Detached	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.I
Kiln, Wood Drying																								19-1.J
Livestock Enclosures			C	C						C	C	C	C	C										19-1.K
Mechanical Equipment	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.L
Outdoor Sales and Display (Accessory)	C	C				C	C				C	C	C			C		C		C	C	C	C	19-1.M
Outdoor Storage (Accessory)	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.N
Pets, Household	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.O
Pets, Livestock			C	C						C	C	C	C	C										19-1.P
Sawmill, Portable													S1											19-1.Q
Satellite Dish Antennas - Less Than Three Feet in Diameter	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.R
Satellite Dish Antennas - Ground Mounted, Greater than Three Feet in Diameter	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.R
Satellite Dish Antennas - Roof Mounted, Greater than Three Feet in Diameter	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC	SC	SC	SC	19-1.R
Shed	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	19-1.S

**Table 18-2: Town Center Uses**

*P = Permitted // C = Permitted with Conditions // S = Special Exception  
 SC = Special Exception with Conditions // S1 = Section 18-2.A.6 // S2 = Section 18-2.A.7 // SH = Section 18-2.A.8*

	DUNKIRK	HUNTINGTOWN			LUSBY					OWINGS			ST. LEONARD			PRINCE FREDERICK						Definitions & Conditions	
		Mixed- Use	Neighborhood Residential	Institutional	Neighborhood Commercial	Village Commercial	Village Res-Office	Village Edge	Edge	Village	Core	Village	Residential	Employment	Old Town	Old Town Residential	Old Town Transitional	Fairground	Entry	Village	New Town		Forest
Shipping Container Storage	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.T
Solar Energy Generating System (Accessory)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.U

**Table 18-3: Solomons Town Center Uses**

*P = Permitted // C = Permitted with Conditions // S = Special Exception  
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SOLOMONS TOWN CENTER																						
SOUTH OF LORE ROAD												NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
<b>AGRITOURISM, ECOTOURISM, &amp; HERITAGE TOURISM</b>																						
Agritourism Enterprise								C														18-3.A
Campground, Farm								C														18-3.B
Canoe or Kayak Launching Site, Commercial		C	C			C	C	C		C	C				C	C		C				18-3.C
Commercial Kitchen, Farm								C														18-3.D
Ecotourism Enterprise								P		P					P							18-3.E
Farm Support Business, Less than 5,000 sf of gross floor area											C											18-3.F
Farm Support Business, More than 5,000 sf of gross floor area											SC											18-3.F
Hunting Service, Farm																						18-3.G
<b>AGRICULTURAL</b>																						
Animal Husbandry								P														18-4.A
Aquaculture, Freshwater and Land-Based								C		C												18-4.B
Aquaculture, Marine/Estuarine		C	C					C		C												18-4.B
Commercial Greenhouse, Retail								C			P			P	P	P						18-4.C
Commercial Greenhouse, Wholesale								C			P			P	P	P						18-4.D
Commercial or Non-Profit Stable or Horseback-Riding Club								C														18-4.E
Commercial Raising of Dangerous or Wild Animals																						18-4.F
Commercial Raising of Fur-Bearing Animals																						18-4.G
Farm								P			P	P	P	P	P	P	P	P	P	P	P	18-4.H
Farm Alcohol Production Facility								C														18-4.I
Farm Stand								C			C			C	C	C	C		C	C		18-4.J
Farm, Tree/Forestry								P			P			P	P							18-4.K
Forest Product Processing																						18-4.L
Garden Center or Farm Supply Store				C		C					C			C	C	C						18-4.M
Livestock Auction or Sales Barn, Commercial								S														18-4.N
Nursery, Retail								C			P			P	P							18-4.O
Nursery, Wholesale								C			P			P	P							18-4.P

**Table 18-3: Solomons Town Center Uses**

*P = Permitted // C = Permitted with Conditions // S = Special Exception  
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SOLOMONS TOWN CENTER																						
SOUTH OF LORE ROAD												NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
<b>RESIDENTIAL</b>																						
Assisted Living Facility											P	P	P		P		P		P		18-5.A	
Bed and Breakfast Facility with up to 2 Bedrooms in Use	C	C	C	C				C	C	C		C	C			C	C	C	C	C	18-5.B	
Bed and Breakfast Facility with 3 to 5 Bedrooms in Use	C	C	C	C				C	C	C		C	C			C	C	C	C	C	18-5.B	
Dormitory																					18-5.C	
Dwelling, Accessory to a Residence	C	C	C	C		C		C	C	C	C	C	C	C	C	C	C	C	C	C	18-5.D	
Dwelling, Attached: Duplex			P	P				*P		C		P	P			P	P	P	P		18-5.E	
Dwelling, Attached: Multi-Family			P	P						C		P	P			P		P	P		18-5.F	
Dwelling, Attached to a Non-Residential Building			P	P						P	P			P	P	P	P				18-5.G	
Dwelling, Attached: Townhouse			P	P				*P		C		P	P			P	P	P	P		18-5.H	
Dwelling, Attached: Triplex or Quadraplex			P	P				*P		C		P	P			P	P	P	P		18-5.I	
Dwelling, Detached: Single-Family	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	18-5.J	
Group Home	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	18-5.K	
Liveaboards										C						C					18-5.L	
Manufactured Home Community																					18-5.M	
Manufactured Home on Individual Lot or Parcel	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	18-5.N	
Tenant House								C													18-5.O	
<b>COMMERCIAL RETAIL</b>																						
Agricultural Machinery, Service or Supplies											P			P	P						18-6.A	
Antiques Sales		C		C		P	C		*C	C	C	C			C	C	C	C			18-6.B	
Art Gallery		C		C		C	C			C	C	C			C	C	C	C			18-6.C	
Auction Building															C	C					18-6.D	
Boat Dealership			P	P							P	P			P	P	P				18-6.E	
Home Improvement Center											C				C	C					18-6.F	
Manufactured Home Dealer																					18-6.G	
Market, Artisans' and Crafters'		C		C		C	C			C	C	C			C	C	C	C			18-6.H	
Market, Farmers'		C		C		C	C				C				C	C	C	C			18-6.I	
Market, Flea				P				P			P				P						18-6.J	
Market, Watermen's		C	C	C		C	C			C	C	C			C	C	C	C			18-6.K	
Retail, General			C	C		C	C			C	C				C	C	C	C			18-6.L	
<b>BUSINESS AND PERSONAL SERVICE</b>																						

**Table 18-3: Solomons Town Center Uses**

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SOLOMONS TOWN CENTER																						
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2	
Animal Shelter, Municipal or Non-Profit																						18-7.A
Boat Service or Repair			P								P	P			P	P						18-7.B
Boat Storage, Commercial			C								C	C			C	C						18-7.C
Boatel			P						*S1		P	P			P	P	P			P		18-7.D
Commercial Kennel									C			C			C	C	C	C				18-7.E
Commercial Kitchen		C	C	C							C	C			C	C	C	C				18-7.F
Commercial Pier			P				C	S			P	P					P					18-7.G
Commercial Trade or Business School		P	P	P							P	P			P	P						18-7.H
Crematorium												P			P	S1	S1					18-7.I
Eating Establishment with No Outdoor Patron Area			P	P		P	C				P	P			P	P	P					18-7.J
Eating Establishment with Outdoor Patron Area						C					C	C			C	C	C					18-7.K
Entertainment Business, Adult Enterprises																						18-7.L
Funeral Home												P			P	S1	S1					18-7.M
Home Occupation - Class A	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-7.N
Home Occupation - Class B	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-7.N
Laundry/Laundromat		P	P	P							P	P			P	P	P					18-7.O
Medical Office or Clinic		P	C	C			C			C		P			P	C	C	C		C		18-7.P
Motel or Hotel		S	S	P					*S1		P	P			P	P	P					18-7.Q
Non-Farm Alcohol Production Facility						C					C	C			C	C	SC					18-7.R
Office		P	C	C			C			C	C	P			P	C	C	C		C		18-7.S
Personal Services		P	C	C			C			C	C	P			P	C	C	C		C		18-7.T
Pet Grooming Establishment		P										P			P							18-7.U
Tavern, Bar, or Nightclub						C					C	C			C	C	SC					18-7.V
Veterinary Hospital or Clinic, Livestock									P													18-7.W
Veterinary Hospital or Clinic, Small Animals and Household Pets												P			P	P	P					18-7.X
<b>RECREATION</b>																						
Amphitheater									*SC			SC					SC	SC				18-8.A
Campground or Recreational Vehicle Camp, Non-Farm																						18-8.B

**Table 18-3: Solomons Town Center Uses**

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SOLOMONS TOWN CENTER																						
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2	
Commercial or Non-Profit Meeting Hall or Banquet Hall		S	S	P		P					S	P			P	P	P					18-8.C
Convention Center									*P			P			P	P	P					18-8.D
Country Club/Sportsman Club											S	S			S	S	S					18-8.E
Drive-In Theater																						18-8.F
Golf Course																						18-8.G
Golf - Driving Range																						18-8.H
Golf, Miniature												S			S		P					18-8.I
Marina			P								P	P					P	S				18-8.J
Recreation Facility, Indoor Commercial: Arcade/Pool Hall/Bingo Hall												S			S		P					18-8.K
Recreation Facility, Indoor Commercial: Bowling Alley												P			P		P					18-8.K
Recreation Facility, Indoor Commercial: Skating Rink/Theater/Movie Theater												P			P		P					18-8.K
Recreation Facility, Indoor Commercial: Fitness Center				P					*S		P	P	P		P	P	P					18-8.K
Recreation Facility, Indoor Commercial: Studio/Performing Arts Studio		C	C	C								P			P	P	P					18-8.K
Recreation Facility, Indoor Commercial: Swimming Pools/Athletic Courts			S	S					*S		P	P	P		P	P	P					18-8.K
Recreation Facility, Outdoor Commercial			P	S					*S1		S1	S1	S1		S1	S1	S1					18-8.L
Retreat, Day									C			P			P	P	P					18-8.M
Target Range, Indoor			C	C					C			C			C	C	C					18-8.N
Target Range, Outdoor																						18-8.O
Target Range, Institutional			C	C					C			C			C	C	C					18-8.P
<b>COMMERCIAL WHOLESALE</b>																						
Mini-Storage												S			S	S						18-9.A
Warehouse, Indoor												S			S	S						18-9.B
Warehouse, Outdoor																						18-9.C
Wholesale Lumber or Other Building Materials - with a maximum gross floor area limit of 25,000 sf												P			P	P						18-9.D

**Table 18-3: Solomons Town Center Uses**

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SOLOMONS TOWN CENTER																						
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2	
Wholesale Lumber or other Building Materials, More than 25,000 with a maximum gross floor area limit of 75,000 sf												P			P	P						18-9.D
Wholesale Lumber or other Building Materials, More than 75,000 with a maximum gross floor area limit of 120,000 sf																						18-9.D
Wholesale Lumber or Other Building Materials, More than 120,000 sf gross floor area																						18-9.D
Wholesaling, Indoor Only												S			S	S						18-9.E
<b>MOTOR VEHICLE and RELATED SERVICE</b>																						
Automobile Filling Station												SC			SC	SC						18-10.A
Automobile Parking Lot/Garage (Principal Use)							P															18-10.B
Automobile Parts Dismantling or Storage																						18-10.C
Automobile Repair/Service Shop												SC			SC	SC						18-10.D
Bus Lot or Garage												S			S	S2						18-10.E
Car Wash												C			C	C						18-10.F
Commuter Parking Lot							P					P			P	P						18-10.G
Impound Lot or Tow Lot																						18-10.H
Inoperable Motor Vehicle - 1 per lot	P	P	P	P				P	P	P	P	P	P	P		P	P	P	P	P	P	18-10.I
Inoperable Motor Vehicle - 2 per lot																						18-10.I
Motor Vehicle Accessory Shop												C			C	C						18-10.J
Motor Vehicle Dealership - New or Used												S			S	S2						18-10.K
Park-And-Sell Lot												S			S	S2						18-10.L
Parking of Commercial Motor Vehicles	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-10.M
Storage of Motor Vehicles																						18-10.N
Truck, Bus, Diesel Service, and Repair Shop																						18-10.O
Truck Terminal																						18-10.P
Vehicle Ferry Service																						18-10.Q
Vehicle Operations Service												S			S	S2						18-10.R
<b>INDUSTRIAL</b>																						
Airport or Landing Field																						18-11.A
Agricultural/Seafood/Livestock Processing												C										18-11.B

**Table 18-3: Solomons Town Center Uses**

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	SOLOMONS TOWN CENTER																						Definitions & Conditions
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE			
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
Asphalt Plant																						18-11.C	
Commercial Fuel Storage Business																						18-11.D	
Commercial Recycling Facility																						18-11.E	
Data Center																						18-11.F	
Distillation of Alcohol as a Fuel																						18-11.G	
Grain Elevator																						18-11.H	
Heliport																						18-11.I	
Landfill, Land-Clearing Debris																						18-11.J	
Landfill, Rubble																						18-11.K	
Landfill, Sanitary																						18-11.L	
Manufacturing or Assembly, Heavy																						18-11.M	
Manufacturing or Assembly, Light - Less than 7,500 sf of gross floor area																						18-11.N	
Manufacturing or Assembly, Light – 7,500 sf or more of gross floor area																						18-11.N	
Manufacturing or Assembly, Marine-Related																						18-11.O	
Power Generating Facility, Commercial																						18-11.P	
Research and Development Facility			C	C	P																	18-11.Q	
Salvage or Junk Yard																						18-11.R	
Sand, Gravel or Mineral Extraction and Processing																						18-11.S	
Sand, Gravel or Mineral Extraction - No Processing																						18-11.T	
Sawmill, Commercial																						18-11.U	
Solar Energy Generating Systems, Major																						18-11.V	
Solar Energy Generating Systems, Minor																						18-11.W	
Storage of Machinery and Equipment in Connection With Excavating or Contracting Business																						18-11.X	
Wind Energy System, On-Site Service Only	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-11.Y	
<b>INSTITUTIONAL</b>																							
Cemetery or Memorial Garden																						18-12.A	
College or University			P	P																		18-12.B	

**Table 18-3: Solomons Town Center Uses**

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SOLOMONS TOWN CENTER																							
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions	
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
Communications Tower, Commercial/Governmental on Government Property	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.C	
Communications Tower, Commercial on Private Property (no height restriction)	SC	SC	SC	SC			SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	18-12.C	
Communications Tower, Commercial on Private Property, less than 75 feet	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.C	
Communications Tower, Private/Not-for-Profit, less than 100 feet	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.C	
Communications Tower, Private/Not-for-Profit, greater than 100 feet	SC	SC	SC	SC			SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	18-12.C	
Communications Antenna, Commercial/Governmental on Government Property	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.C	
Communications Antenna, Commercial on Private Property	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.C	
Communications Antenna, Private/Not-For-Profit	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-12.C	
Cultural Facility/Library/Museum – Public or Private		P	P	S		S	P	S	*S	S	S	P			P	P	P			P		18-12.D	
Day Care Center, 12 Clients or Less	C	C	C	C				C	*C	C	C	C	C	C	C	C	C	C	C	C	C	18-12.E	
Day Care Center, 13 to 19 Clients								SC	*SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	18-12.E	
Day Care Center, 20 to 40 Clients								SC	*SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	18-12.E	
Day Care Center, 41 or More Clients								SC	*SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	18-12.E	
Elementary or Secondary School																						18-12.F	
Fire or Rescue Service												P			P							18-12.G	
Hospital												P										18-12.H	
Nursing or Convalescent Home				P								P				P					P	18-12.I	
Place of Worship, with seating capacity of all sanctuaries combined less than or equal to 1,500		P		P				P	*P	P		P	P	P	P	P	P	P			P	P	18-12.J
Place of Worship, with seating capacity of all sanctuaries combined greater than 1,500		P		P				P	*P	P		P	P	P	P	P	P	P			P	P	18-12.J
Public or Governmental Building		P	P	P			P	P	*P	P		P	P	P	P	P	P	P	P	P	P	18-12.K	

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SOLOMONS TOWN CENTER																						
SOUTH OF LORE ROAD												NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
Public Recreation Area		S1	P	S1			P	S1	*S1	S1		P	P	P	P	P	P	S1	P	P		18-12.L
Public Utility Lines and Accessory Structures	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-12.M
Solid Waste Collection Site																						18-12.N
Treatment Facility, Wastewater																						18-12.O
Treatment Facility, Water																						18-12.P
<b>TEMPORARY</b>																						
Classroom Relocatable																						18-13.A
<i>Construction Related Temporary Uses</i>																						
Model Home/Model Unit													C	C			C	C	C	C		18-13.B.1
Real Estate Project Sales Office																						18-13.B.2
Temporary Contractor's Office and Contractor's Yard	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18-13.B.3
Emergency Manufactured Home or Recreational Vehicle	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	18-13.C
Food Truck				C								C			C		C	C				18-13.D
Livestock Auction by a Non-Profit Organization or Farm Owner									C													18-13.E
<i>Temporary Entertainment Uses</i>																						
Carnival, Fair, or Circus; on Less than 5 Acres												SC			SC	SC						18-13.F.1
Carnival, Fair, or Circus; on More than 5 Acres												C			C	C						18-13.F.1
Public Events/Public Assemblies on Farmland									SC													18-13.F.2
Rental Facilities on Farmland									C													18-13.F.3
<i>Temporary Outdoor Sales Uses</i>																						
Garage Sale, Yard Sale, or Estate Sale	P	P	P	P				P	P	P		P	P	P		P	P	P	P	P		18-13.G.1
Temporary or Seasonal Outdoor Sales - General			C	C		C					C	C			C	C						18-13.G.2
<b>ACCESSORY</b>																						
Accessory Structures (General)	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.A
Bus Shelter	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.B
Carport	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.C
Chicken/Poultry and Coups	C	C	C	C				C	C	C		C	C	C	C	C	C	C	C	C	C	19-1.D
Dock, Pier, Private	C		C					C	C	C	C	C	C	C		C	C	C	C	C		19-1.E
Drive-Through Facility (Accessory)												C			C	C						19-1.F

**Table 18-3: Solomons Town Center Uses**

*P = Permitted // C = Permitted with Conditions // S = Special Exception  
 SC = Special Exception with Conditions // S1 = Section 18-2.A.6 // S2 = Section 18-2.A.7 // SH = Section 18-2.A.8*

SOLOMONS TOWN CENTER																						
	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		Definitions & Conditions
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2	
Electric Vehicle Charging Station (Public)	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.G
Fences	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.H
Garage, Detached	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.I
Kiln, Wood Drying																						19-1.J
Livestock Enclosures									C	C			C	C		C	C	C	C	C	C	19-1.K
Mechanical Equipment	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.L
Outdoor Sales and Display (Accessory)			C	C		C					C	C			C	C						19-1.M
Outdoor Storage (Accessory)	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.N
Pets, Household	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.O
Pets, Livestock									C	C			C	C		C	C	C	C	C	C	19-1.P
Sawmill, Portable																						19-1.Q
Satellite Dish Antennas - Less Than Three Feet in Diameter	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.R
Satellite Dish Antennas - Ground Mounted, Greater than Three Feet in Diameter	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.R
Satellite Dish Antennas - Roof Mounted, Greater than Three Feet in Diameter	SC	SC	SC	SC		SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	19-1.R						
Shed	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.S
Shipping Container Storage	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.T
Solar Energy Generating System (Accessory)	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	19-1.U

## Article 19. Accessory Structures and Uses

### 19-1 ACCESSORY STRUCTURES AND USES

### 19-2 PERMITTED ENCROACHMENTS

#### 19-1 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this Article. The definitions for each accessory structure or use are included below. Tables 18-1 (Outside Town Center Uses), 18-2 (Town Center Uses), and 18-3 (Solomons Town Center Uses) list the different accessory uses and the zoning districts in which they are permitted. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

#### A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by regulations for specific structures addressed in Section 19-1 and this Ordinance.

1. A building permit shall be required for the construction or installation of an accessory structure 200 square feet or greater in size and is required for all structures within the Critical Area.
2. Accessory structures attached to a primary structure shall meet the setback requirements of a primary structure.
3. All detached accessory structures, regardless of size, shall meet the required setbacks in Table 19-1 unless otherwise specifically permitted or restricted in this Article.

<b>Table 19-1: Accessory Structure Setbacks</b>			
<b>Structure</b>	<b>Min. Front Setback</b>	<b>Min. Side Setback</b>	<b>Min. Rear Setback</b>
Detached Accessory Structure less than 500 square feet in gross floor area (other than those listed below), when Principal Use is Residential or Agricultural and located on the same property with the principal use	Same front setback as primary structure	5 feet	5 feet
Detached Accessory Structure 500 square feet or greater in gross floor area (other than those listed below), when Principal Use is Residential or Agricultural	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Detached Accessory Structure, when Principal Use is Non-Residential or Non-Agricultural (other than Bus Shelters, Utility Services Boxes, Fences, and Retaining Walls)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Detached Garage less than 500 square feet in gross floor area; one-story	Same front setback as primary structure	5 feet	5 feet
Detached Garage greater than 500 square feet in gross floor area, or two stories or greater in height, or with living space	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Swimming Pool & Associated Deck or Patio	Same front setback as primary structure	5 feet	5 feet
Chicken/Poultry Coop	Same front setback as primary structure	25 feet	25 feet
Livestock Enclosure	Same front setback as primary structure	25 feet	25 feet

Fence	May be placed on property line	May be placed on property line	May be placed on property line
Retaining Wall	5 feet	5 feet	5 feet
Power Generating Systems, Accessory (See Mechanical Equipment)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Solar Energy Generating System, Accessory (Freestanding System)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure

4. If more than one zoning district is located on a property, all accessory structures and uses shall be located within the same zoning district as the principal use to which they are accessory.
5. No accessory structure shall be constructed prior to construction of the primary structure to which it is accessory. This does not apply to agricultural uses.
6. No accessory structure may be placed within any required sight distance.
7. The accessory structure or use may be located on a property adjoining the primary structure or use if the following conditions are met:
  - a. The properties share a common boundary line for a minimum of 20 feet.
  - b. The properties are under the same ownership.
  - c. Power generating systems and solar energy generating systems require a use and maintenance easement be platted.
8. On a property without a primary structure, an accessory structure may be permitted if special exception approval is granted from the Board of Appeals. If item 7 above applies a special exception is only required if the conditions a or b cannot be met.

**B. Bus Shelter**

A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers. The following apply to bus shelters located on private property.

1. Bus shelters shall be setback a minimum of ten feet from any access easement, travel way, driveway, or private right-of-way. The Department of Public Works and the Department of Public Safety is required to review the location and confirm there are no negative impacts to public safety and meet all sight distance requirements. Approval from the Department of Public Works and Department of Public Safety is required. Front setbacks for bus shelters may be reduced to 0' if the Dept. of Public Works & the Dept. of Public Safety certify that the reduction will not adversely affect public safety. Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' in length or less; and
2. Within Town Centers bus shelters shall be reviewed by the applicable Town Center Architectural Review Committee prior to approval of the proposed bus shelter. Bus shelters on properties zoned Employment Center (EC) or Rural Commercial (RC) shall comply with the Appearance Code for the adjacent Town Center Sub-area. The Planning Commission or its designee may request a recommendation from the Town Center Architectural Review Committee prior to approval of the proposed bus shelter.

**C. Carport**

An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building but may be freestanding. The following shall apply where applicable.

1. The total length of a carport is limited to 50 feet. The height of a carport is limited to 20 feet at its highest point; and
2. A carport shall be entirely open on at least one side, with the exception of necessary support structures; and
3. A carport shall be constructed as a permanent structure. A permanent structure is any structure that is fixed in place and unable to be moved about a property. Temporary tent structures are not considered a permanent structure; and
4. No more than two carports are permitted per lot or parcel.

#### **D. Chicken/Poultry and Coops**

A coop is a structure where chickens and poultry are kept. Poultry includes domestic fowl, such as chickens, turkeys, ducks, and geese. The following conditions apply to lots or parcels on non-farm properties.

1. The keeping of poultry is permitted on properties of one acre or more in size. A special exception from the Board of Appeals is required on properties less than one acre in size; and
2. Provisions for sanitation shall meet the requirements of the County Health Department; and
3. Coops shall be setback a minimum of 25 feet from a lot line or parcel line and shall meet the front setback requirements of a primary structure.

#### **E. Dock or Pier, Private**

Any marine structure generally referred to as a pier, dock, or wharf, walkway, breakwater, including pilings and other such facilities, used for the wet storage of watercraft. It does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands. The following shall apply where applicable.

1. The provisions of Section 23-6.A (Private Piers) shall be met.

#### **F. Drive-Through Facility, Accessory**

A structure which is designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business. The following shall apply where applicable.

1. All drive-through facilities shall meet the requirements of Section 25-1.D of this Ordinance.
2. Outside of Town Centers, drive-through facilities accessory to eating establishments are not permitted.

#### **G. Electric Vehicle Charging Station (Public)**

Vehicle battery charging equipment that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars and plug-in hybrids. The following shall apply where applicable.

1. Public electric vehicle charging stations are permitted as an accessory use within any principal or ancillary parking lot or parking structure; and
2. Public electric vehicle charging station spaces shall be posted and painted with a sign indicating the space is designated for electric vehicle charging purposes. Days and hour of operations shall be included if tow away provisions are to be enforced by the owner of the property. Information identifying voltage and amperage levels and safety information shall be posted; and
3. Charging station equipment shall be maintained in good condition and all equipment shall be functional. Charging stations no longer in use shall be removed.

#### **H. Fence**

A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, brick, masonry, or other similar material and is used as a barrier. A retaining wall is not considered a fence. The following shall apply where applicable.

1. All fences and walls over seven feet in height and all fences and walls in the Critical Area of any size require a building permit; and

2. Fences may be constructed at the boundaries of a lot or parcel (along lot lines or parcel lines); and
3. Fences are not permitted within any utility easement, drainage easement, or across access easements; and
4. Fences are not permitted within Natural Resource Protection Areas or Forest Retention Areas. Fences may be placed on the boundaries of these areas if appropriate, however permit approval is required.

**I. Garage, Detached**

A detached structure used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure. The following shall apply where applicable.

1. A detached garage of any size is prohibited within the required front setback; and
2. A one-story detached garage with no living space and is less than 500 square feet in gross floor area shall be setback a minimum of five feet from any lot line or parcel line; and
3. A detached garage 500 square feet or greater in gross floor area, or two-stories or greater in height, or a detached garage with living space shall meet all of the required setbacks of a primary structure.

**J. Kiln, Wood-Drying**

A chamber or tunnel used for drying and conditioning lumber, veneer, and other wood products in which the temperature and relative humidity of the circulated air can be varied and controlled. The following shall apply where applicable.

1. A wood-drying kiln is permitted only as an accessory use to a commercial sawmill.

**K. Livestock Enclosures**

Shelters and pens for the keeping of livestock (not including chicken or poultry; see Section 19-1.D). The following conditions apply to lots or parcels on non-farm properties.

1. A minimum lot or parcel size of two acres is required to keep livestock; and
2. Provisions for sanitation shall meet the requirements of the County Health Department; and
3. Livestock enclosures shall meet the front setback requirements of a primary structure. Side and rear setbacks shall be 25 feet.

**L. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, accessory power generating systems, power storage, and similar equipment. Types of power generating systems include but are not limited to petroleum, methane, ethanol, thermal, and hydroelectric. Wind and solar energy generating systems are not included within this definition. The following shall apply where applicable.

**1. Ground-Mounted Equipment**

For multi-family and non-residential uses, ground-mounted mechanical equipment shall be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings shall be of a height equal to or greater than the height of the mechanical equipment being screened.

**2. Roof-Mounted Equipment**

A parapet wall is required for screening of the equipment, or the equipment shall be housed in solid building material that is architecturally integrated with the structure.

**3. Wall-Mounted Equipment**

These requirements do not apply to window air conditioning units.

- a. Wall-mounted mechanical equipment is not permitted on the street side façade of the building(s); and
- b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than 12 inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building(s).

4. Accessory power generating systems shall meet the front setback requirements of a primary structure.
5. In Owings, St. Leonard, Lusby, and Solomons Town Centers, provided that any machinery or equipment stored is not visible from adjoining properties or road.

**M. Outdoor Sales and Display (Accessory)**

Part of a lot or parcel used for outdoor sales or display of goods accessory to the principal use. The following shall apply where applicable.

1. The outdoor sales and display shall be accessory to a commercial retail use; and
2. Outdoor sales or display areas cannot exceed 25% of the size of the principal building; and
3. The sale or display area shall not be located within designated parking areas unless it can be demonstrated that the parking requirements will be met. Parking shall be provided for the outdoor sales area in addition to the retail commercial building (See Article 27 of this Ordinance); and
4. The sale or display area shall not be located within designated travel ways; and
5. Fencing, screening, or both, may be required in situations such as where there is a different adjoining land use or to ensure safety; and
6. In the MC District, the use shall be marine-related.

**N. Outdoor Storage (Accessory)**

Part of a lot or parcel used for outdoor storage of goods accessory to the principal use. Outdoor storage does not include machinery or equipment. The following shall apply where applicable.

1. Outdoor storage is prohibited in the front setback; and
2. Outdoor storage is not permitted in any public right-of-way or designated travel ways and shall not be located in such a way that obstructs pedestrian or vehicular traffic or restricts sight distance; and
3. Required parking areas shall not be used as outdoor storage. Excess parking areas may be used for outdoor storage. If parking areas are used for outdoor storage site plan approval is required; and
4. In Dunkirk Town Center, provided that all storage is 100 percent screened by wood fencing and landscaping.

**O. Pets, Household**

Any companion animals that have been bred and raised to live in or about the habitation of humans and may be permitted in the house, such as dogs, cats, pot-bellied pigs, rabbits, ferrets, domestic rodents, birds, fish, non-venomous reptiles and amphibians. The following shall apply where applicable.

1. Dangerous or wild animals are not permitted to be kept as household pets (See Article 2 of this Ordinance for the definition of dangerous or wild animals).

**P. Pets, Livestock**

Generally accepted outdoor farm animals (i.e., horses, cows, sheep, swine, goats, llamas, alpacas, etc.) that are kept on non-farm properties as pets rather than for their productive value. Chickens or poultry are not included within this definition (see Section 19-1.D). The following conditions apply to lots or parcels on non-farm properties.

1. A minimum lot or parcel size of two acres is required to keep livestock pets on lots or parcels; and
2. Provisions for sanitation shall meet the requirements of the County Health Department.

**Q. Sawmill, Portable**

A small, self-contained sawmill that is moved to the site where the timber is to be sawn and then moved on to another location.

**R. Satellite Dish Antennas**

An antenna in the shape of a shallow dish, used to receive communications (television and otherwise) from orbiting satellites or ground transmitters. The following shall apply where applicable.

**1. Satellite Dish Antenna - Less Than Three Feet in Diameter**

- a. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer; and
- b. Every effort shall be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

**2. Satellite Dish Antenna - Ground Mounted, Greater than Three Feet in Diameter**

- a. The antenna shall comply with all setback requirements of a primary structure; and
- b. The antenna shall not exceed 12 feet in diameter; and
- c. The antenna shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; and
- d. If located within 200 feet of a residence, the antenna shall, to the extent possible, be constructed of materials and colors that blend with the surroundings. The antenna shall be screened along the antenna's non-reception window with low level ornamental landscaping.

**3. Satellite Dish Antenna - Roof Mounted, Greater than Three Feet in Diameter**

- a. The antenna shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; and
- b. The antenna shall not exceed 12 feet in diameter; and
- c. If located within 200 feet of a residence, the antenna shall, to the extent possible, be constructed of materials and colors that blend with the surroundings.

**S. Shed**

An accessory structure, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment. The following shall apply where applicable.

- 1. Sheds shall meet the front setback requirements of a primary structure.

**T. Shipping Container Storage**

The use of containers originally designed to be moved from one mode of transport to another without unloading and reloading, such as trucks and barges, repurposed for accessory storage on a site or for a non-residential use as temporary storage of goods and materials related to the use. The following do not apply to the use of shipping container storage as part of a Temporary Contractor's Office and Contractor's Yard (see Section 18-13.B.3 of this Ordinance). The following shall apply where applicable.

- 1. Shipping containers for storage purposes are permitted by right for a maximum of 60 days; and
- 2. Shipping containers for storage purposes in single family detached development are subject to the following:
  - a. A shipping container used for storage for longer than 60 days shall have to meet the same requirements as a shed; and
  - b. No more than two shipping containers used for storage are permitted on an individual lot of parcel.
- 3. Non-residential uses are permitted the use of shipping containers for storage purposes subject to the following:

- a. Shipping containers that are placed on-site for more than 60 days shall submit a plot plan and approval from Department of Planning & Zoning is required; and
- b. Shipping containers shall not block any drive aisles or parking spaces, or negatively impact site circulation patterns.

**U. Solar Energy Generating System, Accessory**

A renewable energy generating facility that uses energy from the sun to produce electricity for on-site use as accessory to a principal use; for which excess electricity generated and not immediately utilized for on-site use or temporarily stored for future on-site use may be provided to a utility company in exchange for a credit or other compensation methodology as prescribed by the utility company, provided the property has existing electrical service supplied by the utility. The following shall apply where applicable.

**1. General Requirements**

- a. A solar energy generating system may be building-mounted or freestanding; and
- b. Solar energy generating systems shall be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

**2. Building-Mounted Systems**

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure; and
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches; and
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar energy generating system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar energy generating system is limited to 15 feet above the height of such structure. Roof-mounted solar energy generating systems are excluded from the calculation of building height; and
- d. Wall-mounted solar energy generating systems may project up to four feet from a building wall and shall be integrated into the structure as an architectural feature.

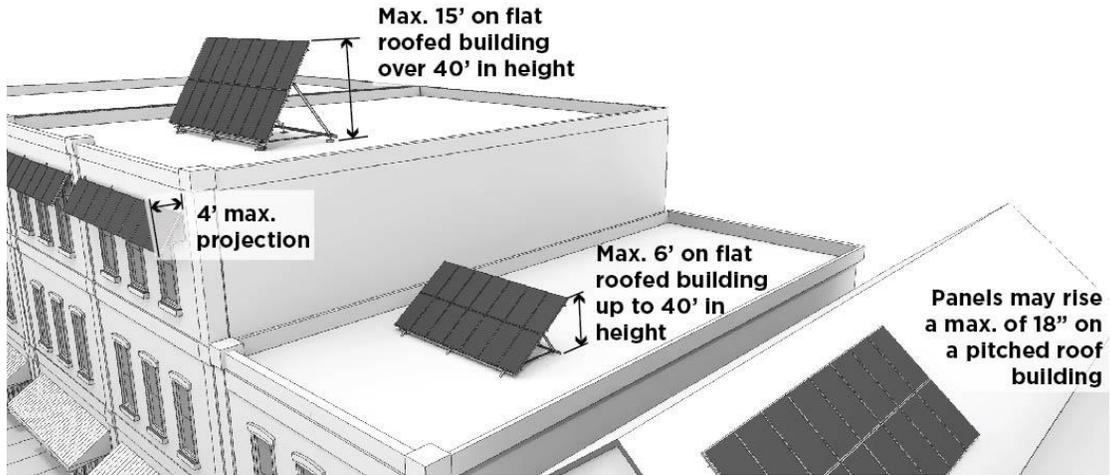
**3. Freestanding Systems**

- a. A freestanding system shall meet the front setback requirements of a primary structure; and
- b. The freestanding system is limited to a maximum of 20 feet in height; and
- c. A freestanding system is not permitted in designated open space.

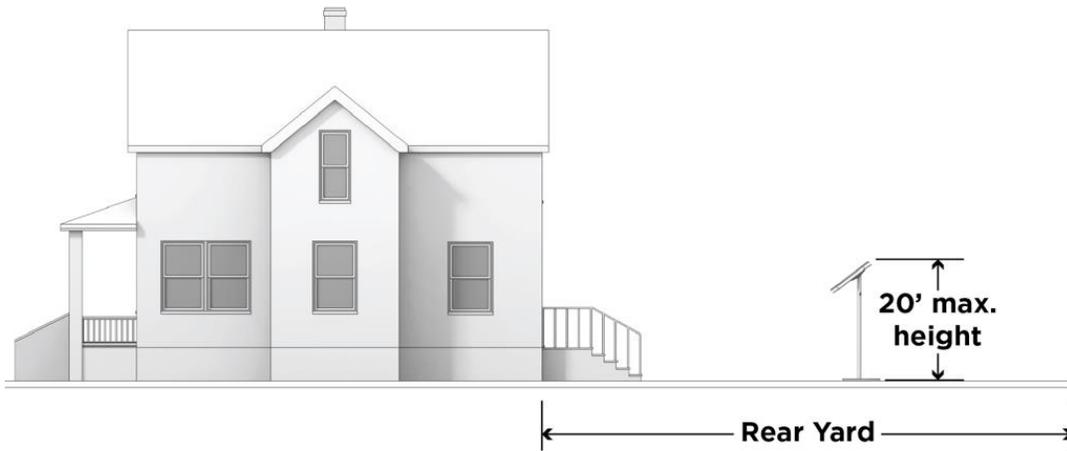
**4. Co-Location**

Solar energy generating systems may be co-located on structures, such as light poles. Co-located solar energy generating systems in these instances are excluded from the calculation of the accessory structure height.

**SOLAR ENERGY GENERATING SYSTEMS – ROOF MOUNTED**



**SOLAR ENERGY GENERATING SYSTEMS – FREESTANDING**



## 19-2 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an accessory structure or architectural feature within a required front, side, or rear setback. Permitted encroachments are indicated in Table 19-2: Permitted Encroachments into Required Setbacks.

- A. Section 19-1 contains regulations on additional accessory structures and architectural features not listed in Table 19-2, which may include additional permissions or restrictions on permitted encroachments within required setbacks.
- B. Unless otherwise indicated in Table 19-2 or Section 19-1, all accessory structures and architectural features shall meet the requirements for general accessory structures (Section 19-1.A).
- C. When an attached or detached accessory structure or architectural feature regulated by Table 19-2 is permitted to locate within a required setback, it also indicates permission to locate in the corresponding yard.
- D. When an accessory structure or architectural feature regulated by Table 19-2 is prohibited from encroaching within a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback unless specifically prohibited.
- E. All accessory structures and architectural features regulated by Table 19-2 and permitted to locate within a required setback shall be located a minimum of five feet from any lot line or parcel line even if the permitted encroachment is closer than five feet from the lot line or parcel line.

<b>Table 19-2: Permitted Encroachments Into Required Setbacks</b>			
<b>Y= Permitted // N= Prohibited</b>			
<b>Max. = Maximum // Min. = Minimum</b>			
	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>
<b>Accessibility Ramp</b>	Y	Y	Y
<b>Air Conditioner Window Unit</b> <i>Max. projection from building wall shall be 18"</i>	Y	Y	Y
<b>Bay Window</b> <i>Max. permitted encroachment shall be 5' into any setback</i> <i>Shall be a min. of 24" above ground</i>	Y	Y	Y
<b>Canopy</b> <i>Max. permitted encroachment shall be 5' into any setback</i> <i>Shall be located a min. of 10' from any lot line or parcel line</i> <i>Shall have a max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign</i>	Y	Y	Y
<b>Chimney</b> <i>Max. permitted encroachment shall be 18" into any setback</i>	Y	Y	Y
<b>Eaves</b> <i>Max. permitted encroachment shall be 3' into any setback</i>	Y	Y	Y
<b>Fire Escape</b> <i>Max. permitted encroachment shall be 3' into setback</i>	N	Y	Y
<b>Sills, belt course, cornices, and ornamental features</b> <i>Max. permitted encroachment shall be 3' into any setback</i>	Y	Y	Y
<b>Stoop</b> <i>Max. permitted encroachment shall be 5' into any setback</i>	Y	Y	Y

## **Article 20. Forest Conservation**

- 20-1 PURPOSE**
- 20-2 APPLICATION**
- 20-3 GENERAL REQUIREMENTS**
- 20-4 FOREST STAND DELINEATION**
- 20-5 FOREST CONSERVATION PLAN**
- 20-6 AFFORESTATION AND RETENTION**
- 20-7 REFORESTATION: FOREST CONSERVATION THRESHOLD**
- 20-8 PRIORITIES AND TIME REQUIREMENTS FOR AFFORESTATION AND REFORESTATION**
- 20-9 PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION**
- 20-10 PAYMENT BY CREDITS FROM A FOREST MITIGATION BANK**
- 20-11 ESTABLISHING FOREST MITIGATION BANKS**
- 20-12 RECOMMENDED TREE SPECIES**
- 20-13 BONDING OR OTHER FINANCIAL SECURITY FOR AFFORESTATION AND REFORESTATION**
- 20-14 STANDARDS FOR PROTECTING TREES FROM CONSTRUCTION ACTIVITIES**
- 20-15 SHORT-TERM PROTECTIVE AGREEMENTS**
- 20-16 LONG-TERM PROTECTIVE AGREEMENTS**
- 20-17 APPROVED QUALIFIED PROFESSIONAL**
- 20-18 VARIANCES**
- 20-19 ENFORCEMENT AND PENALTIES**

### **20-1 PURPOSE**

The Board of County Commissioners have determined that, to meet the requirements of the Forest Conservation Act found in Natural Resources Article, §§5-1601—5-1613, Annotated Code of Maryland, the provisions of this Article shall be enacted.

### **20-2 APPLICATION**

- A.** Except as provided in Section 20-2.B, below, the provisions of this Article apply to:
- 1.** A person making application for a subdivision, site development plan, project plan, grading permit, or sediment control approval on lots or parcels 40,000 square feet or greater.
  - 2.** A public utility not exempt under Section 20-2.B, below.
  - 3.** A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, site development plan, project plan, grading permit, or sediment control approval on lots or parcels 40,000 square feet or greater.
- B.** Exemptions:
- 1.** The provisions of this Article do not apply to the following development:
    - a.** “Construction activities” under Natural Resources Article, §5-103, Annotated Code of Maryland;
    - b.** Areas governed by the Calvert County Critical Area Program (see Article 21 of this Ordinance);
    - c.** Agricultural activities on land assessed by the State as agricultural not resulting in the clearing of 40,000 square feet or greater of forest within a one-year period or a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices;
    - d.** The cutting or clearing of public utility rights-of-way licensed under Public Utilities Article, §§7-207 and 7-208 or 7-205, Annotated Code of Maryland, or land for electric generating stations licensed under Public Utilities Article, §§7-207 and 7-208 or 7-205, Annotated Code of Maryland, as amended from time to time if:
      - i.** Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, §5-1603(f), Annotated Code of Maryland; and
      - ii.** Cutting or clearing of the forest is conducted to minimize the loss of forest.

**e.** Routine maintenance or emergency repairs of public utility rights-of-way licensed under Public Utilities Article, §7-207 and 7-208 or 7-205, Annotated Code of Maryland, as amended from time to time;

**f.** Except for a public utility subject to Section 20-2.B.1.e above, routine maintenance or emergency repairs of a public utility right-of-way if either:

**i.** The right-of-way existed before January 1, 1993; or

**ii.** The right-of-way's initial construction was approved under or exempted from the Calvert County Forest Conservation Program;

**g.** Noncoal surface mining regulated under Environment Article, Title 15, Subtitle 8, Annotated Code of Maryland;

**h.** An activity on a previously developed area covered by impervious surface and located in a priority funding area; and

**i.** Maintenance or retrofitting of a stormwater management structure that may include clearing of vegetation or removal and trimming of trees, if the maintenance or retrofitting is within the original limits of disturbance for construction of the existing structure, or within any maintenance easement for access to the structure.

**2.** The provisions of this Article do not apply to the following development, provided that the requirements of this section are met, and a Declaration of Intent is filed with the Department of Planning & Zoning as provided in this section and in Section 20-2.C below:

**a.** Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, that are completed on property which:

**i.** Has not been the subject of application for a grading permit for development within five years after the logging or harvesting operation, and after which time the property shall be subject to the forest conservation regulations; and

**ii.** Is the subject of a Declaration of Intent as provided for in Section 20-2.C below, approved by the Department of Planning & Zoning, which includes a sketch map of the property showing the areas to be harvested; a Timber Harvest Plan prepared by a professional forester; and a sediment and erosion control plan approved by the Calvert County Soil Conservation District.

**b.** Agricultural activities on land assessed by the state as agricultural not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices that involve the clearing of 40,000 square feet or greater of forest within a one-year period shall not receive an agricultural exemption unless the person files a Declaration of Intent as provided for in Section 20-2.C below which includes:

**i.** A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for five years from the date of the declaration; and

**ii.** A sketch map of the property which shows the area to be cleared.

**c.** A residential construction activity conducted on an existing single lot or parcel of any size which existed prior to January 1, 1993, or a linear project not otherwise exempted under this Ordinance, if the activity:

**i.** Does not result in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest; and

**ii.** Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous Forest Conservation Plan approved under these regulations; and

**iii.** Is the subject of a Declaration of Intent filed with the Department of Planning & Zoning, as provided for in Section 20-2.C below, stating that the lot or parcel will not be the subject of a regulated activity within five years of the cutting, clearing, or grading of forest.

- d. An activity required for the purpose of constructing a dwelling intended for the use of the owner, or a child of the owner, if the activity:
  - i. Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
  - ii. No priority areas for retention as specified in Section 20-6.B and C are included in the plat unless they are recorded as Forest Retention Area; and
  - iii. Is the subject of a Declaration of Intent filed with the Department of Planning & Zoning, as provided for in Section 20-2.C below, which states that transfer of ownership may result in a loss of exemption.
- e. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:
  - i. The transfer does not involve a change in land use, or new development or redevelopment, with associated land-disturbing activities; and
  - ii. Both the grantor and grantee file a Declaration of Intent, as provided for in Section 20-2.C below.

**C. Declaration of Intent:**

1. The purpose of the Declaration of Intent is to verify that the proposed activity is exempt.
2. A person seeking an exemption under Section 20-2.B.2 above shall file a Declaration of Intent with the Department of Planning & Zoning.
3. The Declaration of Intent is effective for five years after the date of the signature on the Declaration of Intent.
4. The existence of a Declaration of Intent does not preclude another exempted activity on the property subject to a Declaration of Intent, if the activity:
  - a. Does not conflict with the purpose of any existing Declaration of Intent; and
  - b. Complies with the applicable requirements for an exempted activity.
5. If a regulated activity on the area covered by the Declaration of Intent occurs within five years of the effective date of the Declaration of Intent, either:
  - a. There shall be an immediate loss of exemption; or
  - b. There may be a noncompliance action taken by the Department of Planning & Zoning, as appropriate, under this Ordinance.
6. An applicant may apply for a regulated activity on that area of the property not covered under the Declaration of Intent if the requirements of this Ordinance are satisfied.
7. A person(s) failing to file a Declaration of Intent or found in noncompliance with a Declaration of Intent shall be required to:
  - a. Meet the requirements for a regulated activity.
  - b. Pay a noncompliance fee per square foot of forest cut or cleared under the Declaration of Intent or without authorization in an amount determined by the Board of County Commissioners, but not less than the amount specified in Section 5-1608(c) of the Natural Resources Article of the Maryland Code.
  - c. Be subject to other enforcement actions appropriate under the Maryland Forest Conservation Act and this Ordinance.
  - d. File or refile a Declaration of Intent with the Department of Planning & Zoning if no regulated activity is being proposed.

8. Commercial logging and timber harvesting: A Declaration of Intent may be part of a Forest Management Plan for the entire tract, prepared by a forester licensed in Maryland according to Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, which outlines management practices needed to meet the stated objectives for a minimum of 5 years.

9. Agricultural activities or commercial logging and timber harvesting: A Declaration of Intent may be part of an amended sediment and erosion control plan, which ensures that the activity meets the conditions for an exemption as stated in Sections 20-2.B.2.a and b above.

### **20-3 GENERAL REQUIREMENTS**

A. A person applying for subdivision, site development plan, or project plan approval, a grading permit, or a sediment control permit on lots or parcels 40,000 square feet or greater shall comply with the following requirements:

1. A Forest Stand Delineation and a Forest Conservation Plan for the lot or parcel on which the development is located shall be submitted to the Department of Planning & Zoning.
2. Methods provided in Maryland's State Forest Conservation Technical Manual to protect retained forests and trees during construction shall be used.
3. Retention, afforestation, and reforestation areas on the lots or parcels shall be identified on the final subdivision plat as forested areas that will be left undisturbed in perpetuity and to serve water quality benefits and wildlife habitat.

B. If a person or local agency using State funds makes application to conduct a regulated activity, the State determines whether the State Forest Conservation Program applies.

### **20-4 FOREST STAND DELINEATION**

A. A Forest Stand Delineation shall be submitted at the initial stages of subdivision, site development plan, or project plan approval, before a grading permit application, or before a sediment control application is submitted for the tract being developed.

B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in Section 20-17.

C. The delineation shall be used during the review process to determine the most suitable and practical areas for forest conservation.

D. A concept plan (survey not required) shall be submitted which shows the potential location and area of the open space, lots, roads, and Forest Retention Areas.

E. The standard Forest Stand Delineation shall contain the following components:

1. A topographic map delineating steep slopes.
2. A soils map delineating soils with structural limitations, hydric soils, and highly erodible soils.
3. Location of 100-year floodplains.
4. Intermittent and perennial streams, wetlands, and their associated buffers.
5. Natural Resource Protection Areas.
6. Forest stand data indicating species, location, and size of trees and showing dominant and co-dominant forest types.
7. Rare, threatened and endangered species habitat as identified by the Maryland Department of Natural Resources.

8. Other Priority Retention Areas (as specified in Sections 20-6.B and C).
  9. Information required by Maryland's State Forest Conservation Technical Manual and COMAR Title 08, Subtitle 19 for a full Forest Stand Delineation.
  10. Other information the Department of Planning & Zoning determines is necessary to implement this Ordinance.
- F.** If approved by the Department of Planning & Zoning, a simplified Forest Stand Delineation may be submitted for sites other than linear projects:
1. When forest does not currently exist on the site or forest on the site will not be cut, cleared, or graded for the proposed development; and
  2. All forest on the site will be protected under a long-term protective agreement.
- G.** If approved by the Department of Planning & Zoning, a simplified Forest Stand Delineation may be submitted for linear projects:
1. When disturbance to a forest area is less than 40 feet wide and the total forest disturbance is less than 120,000 square feet;
  2. When the project area does not impact sensitive environmental features, such as floodplains, hydric soils, wetlands, perennial or intermittent streams, critical habitat, steep slopes, or highly erodible soils; and
  3. If the applicant demonstrates that reasonable efforts have been made to utilize other routes.
- H.** The Department of Planning & Zoning shall consider a simplified Forest Stand Delineation if it includes the following:
1. All requirements under items E.1, E.2, E.3, E.4, E.5, and E.7 above;
  2. A Forest Stand Delineation map, meeting the requirements of COMAR 08.19.04.02 for a simplified Forest Stand Delineation map, is included in and approved as part of the application;
  3. Information required by Maryland's State Forest Conservation Technical Manual and COMAR Title 08, Subtitle 19 for a simplified Forest Stand Delineation; and
  4. Other information the Department of Planning & Zoning determines is necessary to implement this Ordinance.
- I.** A Forest Management Plan prepared and approved in accordance with this section may be submitted to the Department of Planning & Zoning to meet the requirement for a simplified Forest Stand Delineation, if the Forest Management Plan meets or exceeds the minimum criteria of the simplified Forest Stand Delineation requirement, and with written approval from the Department of Planning & Zoning.
- J.** The Department of Planning & Zoning shall provide a detailed checklist of all submission requirements and information to be included in the standard Forest Stand Delineation and simplified Forest Stand Delineation. The checklist shall be completed and submitted with the Forest Stand Delineation or Simplified Forest Stand Delineation with all required information as indicated on the checklist included.
- K.** An approved Forest Stand Delineation may remain in effect for a period not longer than five years.
- L.** Time for submittal:
1. Within 30 calendar days after receipt of the Forest Stand Delineation, the Department of Planning & Zoning shall notify the applicant whether the Forest Stand Delineation is complete and correct.
  2. If the Department of Planning & Zoning fails to notify the applicant within 30 days, the delineation shall be treated as complete and correct.

3. The Department of Planning & Zoning may require further information or provide for an additional 15 calendar days under extenuating circumstances.

## **20-5 FOREST CONSERVATION PLAN**

### **A. General Provisions**

1. Any project for which a Forest Stand Delineation or Simplified Forest Stand Delineation is required shall also submit a Forest Conservation Plan.
2. In developing a Forest Conservation Plan, the applicant shall prioritize techniques for retaining existing forest on the site.
3. If existing forest on the site subject to a Forest Conservation Plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department of Planning & Zoning:
  - a. How techniques for forest retention have been exhausted.
  - b. Why the priority forests and priority areas specified in Sections 20-6.B and C below cannot be left in an undisturbed condition.
  - c. How the disturbance to the priority forests and priority areas specified in Sections 20-6.B and C qualifies for a variance.
  - d. If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be accomplished on-site (see Section 20-8 below).
  - e. Where afforestation or reforestation will occur in priority areas in compliance with the Calvert County Forest Conservation Program.
4. If the applicant proposes to make a payment into the local forest conservation fund or to purchase credits from a forest mitigation bank the applicant shall demonstrate to the satisfaction of the Department of Planning & Zoning that the requirements for afforestation or reforestation on-site or off-site cannot be reasonably accomplished.
5. Nontidal wetlands: A regulated activity within the net tract area that occurs wholly or partly in areas regulated as nontidal wetlands under Environment Article, Title 9, Annotated Code of Maryland, is subject to both the nontidal wetlands regulatory requirements and the requirements of this law, subject to the following:
  - a. Any area of forest in the net tract area, including forest in nontidal wetlands that is retained, shall be counted towards forest conservation requirements under this law.
  - b. For the purpose of calculating reforestation mitigation under this Ordinance, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under Environment Article, Title 9, Annotated Code of Maryland, shall be shown on the Forest Conservation Plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity.
  - c. Nontidal wetlands shall be considered to be priority areas for retention and replacement.
  - d. Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.

### **B. Preliminary Forest Conservation Plan**

1. A preliminary Forest Conservation Plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in Section 20-17 below.
2. A preliminary Forest Conservation Plan shall:

- a. Be submitted with the conceptual or preliminary subdivision plan, site development plan, grading permit application, or any other proposed project plan;
- b. Include the approved Forest Stand Delineation for the site;
- c. Include a table that lists the proposed values of the following:
  - i. Net tract area;
  - ii. Area of forest conservation required; and
  - iii. Area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas.
- d. Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation are proposed;
- e. Include an explanation of how the provisions of Section 20-5.A of this Ordinance have been met;
- f. In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;
- g. Include a proposed construction timetable showing the sequence of forest conservation procedures;
- h. Show the proposed limits of disturbance;
- i. Show proposed stockpile areas;
- j. Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment;
- k. Information required in Maryland's State Forest Conservation Technical Manual; and
- l. Other information the Department of Planning & Zoning determines is necessary to implement this Ordinance.

3. The Department of Planning & Zoning shall provide a detailed checklist of submission requirements and all required information to be included in the preliminary Forest Conservation Plan. The completed checklist and all required submissions and information as indicated on the checklist shall be submitted with the preliminary Forest Conservation Plan.

4. The review of the preliminary Forest Conservation Plan shall be concurrent with the review of the conceptual or preliminary subdivision plan, conceptual site development plan, grading permit application, sediment control application, or other proposed project plan.

5. During the different stages of the review process, the preliminary Forest Conservation Plan may be modified provided the Department of Planning & Zoning approves of the changes.

**C. Final Forest Conservation Plan**

1. A final Forest Conservation Plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in Section 20-17 below.

2. A final Forest Conservation Plan shall:

- a. Be submitted with a final subdivision plat, detailed site development plan, final project plan, application for a grading permit, or application for a sediment control approval.

- b. Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation.

- c. In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used.

d. Incorporate a binding two-year maintenance agreement specified in Section 20-15 below that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:

i. Watering.

ii. A reinforcement planting provision if survival rates fall below required standards, as provided in Maryland's State Forest Conservation Technical Manual.

e. Include recorded plats that serve as long-term binding protective agreements.

f. Include the substantive elements required under Sections 20-5.B.2.b through e, 20-5.B.2.g through i, and 20.5.B.2.k of this Article, as finalized elements of the Forest Conservation Plan.

g. Any other information the Department of Planning & Zoning determines is necessary.

3. The Department of Planning & Zoning shall provide a detailed checklist of submission requirements and all required information to be included in the final Forest Conservation Plan. The completed checklist and all required submissions and information as indicated on the checklist shall be submitted with the final Forest Conservation Plan.

4. Time for submittal:

a. Within 45 calendar days after receipt of the final Forest Conservation Plan, the Department of Planning & Zoning shall notify the applicant whether the Forest Conservation Plan is complete and approved.

b. If the Department of Planning & Zoning fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.

c. The Department of Planning & Zoning may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.

d. At the request of the applicant, the Department of Planning & Zoning may extend the deadline under extenuating circumstances.

5. The Department of Planning & Zoning's review of a final Forest Conservation Plan shall be concurrent with the review of the final subdivision plat, detailed site development plan, or project plan, grading permit application, or sediment control application associated with the project.

6. The Department of Planning & Zoning may revoke an approved Forest Conservation Plan if it finds one or more of the following:

a. A provision of the plan has been violated.

b. Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact.

c. Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

7. A person who fails to comply with an approved Forest Conservation Plan or maintenance agreement is in violation of this Ordinance.

8. Before revoking an approved Forest Conservation Plan, the Department of Planning & Zoning shall notify the violator in writing and provide an opportunity for a hearing.

## 20-6 AFFORESTATION AND RETENTION

### A. Afforestation Requirement

A person applying for subdivision, site development plan, or project plan approval, a grading permit, or a sediment control approval on lots or parcels 40,000 square feet or greater, unless exempt under Section 20-2.B above, shall:

1. Conduct afforestation on the lot or parcel in accordance with Table 20-1. A tract having less than the appropriate afforestation threshold of the net tract area in forest cover shall be afforested up to at least the afforestation threshold of the net tract area.

<b>Table 20-1: Afforestation Threshold</b>	
<b>Zoning District</b>	<b>Afforestation Threshold</b>
Farm and Forest District, Rural Community District, Rural Neighborhood District, Waterfront Community District	20%
Institutional in Farm and Forest District, Rural Community District, Rural Neighborhood District, Waterfront Community District	15%
Residential District	15%
Town Centers and Employment Center District	15%
Rural Commercial District, Marine Commercial District, Light-Industrial and Mixed-Use District, Heavy-Industrial District	15%

2. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described Table 20-1 above:

- a. The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins.
- b. Forest cut or cleared below the required afforestation level shall be reforested or afforested at a 2 to 1 ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

**B. Priority Retention Areas**

The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department of Planning & Zoning, that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

1. Trees, shrubs, and plants located in sensitive areas including the Natural Resource Protection Area, 100-year floodplain, intermittent and perennial streams and their buffers, nontidal wetlands and their buffers, steep slopes 25% or greater that are adjacent to wetlands, streams, and waterways, steep slopes 25% or greater that form a contiguous area greater than 5,000 square feet, highly erodible soils that form a contiguous area greater than 5,000 square feet, and habitats for rare, threatened, and endangered species.
2. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.

**C. Priority Retention – Trees, Shrubs, and Plants**

The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department of Planning & Zoning, that the applicant qualifies for a variance in accordance with Section 20-18.

1. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
  - a. The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17;
  - b. The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2a-01—10-2a-09, Annotated Code of Maryland; and
  - c. Threatened and Endangered Species as defined in COMAR 08.03.08;
2. Trees that one or more of the following:
  - a. Are part of an historic site.
  - b. Are associated with an historic structure.

- c. Have been designated by the State or the Department of Planning & Zoning as a national, State, or county champion tree.
3. Any tree having a diameter measured at 4.5 feet above the ground of one or more of the following:
- a. 30 inches or more; or
  - b. 75% or more of the diameter of the current State champion tree of that species as designated by the Department of Planning & Zoning of Natural Resources.

**D. Location of Forest Retention Areas**

- 1. Forest Retention Areas shall be located within areas that are at least 50 feet wide with a total area of at least 10,000 square feet. If on-site Forest Retention Areas are proposed to be less than 10,000 square feet in area or 50 feet in width, abutting off-site areas may be used to meet the 10,000 square foot and 50 feet minimum contiguity requirements if they are protected by a Forest Retention Area.
- 2. There shall be a ten-foot setback from Forest Retention Areas.
- 3. Forest Retention Areas shall be located a minimum of ten feet from any right-of-way.
- 4. Forest Retention Areas shall not be located on lots less than one acre in size created after the adoption of this Ordinance. In all other instances, when Forest Retention Areas are proposed within lots or parcels, the following conditions apply:
  - a. The Forest Retention Area shall be contiguous with Forest Retention Areas on other lots or parcels where applicable.
  - b. The Forest Retention Area shall be in large contiguous blocks, unless the Forest Retention Area is contiguous with Forest Retention Area on other lots or parcels.
  - c. The Forest Conservation Plan shall demonstrate that each lot or parcel contains sufficient contiguous land for the construction of a building or dwelling with amenities. Minimum sufficient contiguous suitable land area shall be exclusive of Natural Resource Protection Areas, Forest Retention Areas, septic recovery areas, and required setbacks. Minimum sufficient suitable land area shall be 20,000 square feet for lots or parcels having individual septic systems and 10,000 square feet for lots or parcels served by a public sewer or a community septic system. All lots or parcels below this minimum shall be considered having marginal amounts of suitable land for building purposes and may be required to provide detailed plot plans to prove suitability.

**E. Abandonment of Forest Retention Areas**

If a property owner believes that it is necessary and appropriate to abandon a Forest Retention Area, the owner shall file a request with the Department of Planning & Zoning that explains why the abandonment is believed to be appropriate. The Forest Retention Area may be abandoned if:

- 1. The Department of Planning & Zoning agrees that abandonment is appropriate.
- 2. The Forest Retention Area or portion of the Forest Retention Area sought to be abandoned is no larger than one-half acre per lot or parcel and the cumulative area of all abandonments on the lot or parcel does not exceed one-half acre.
- 3. Replacement Forest Retention Area is provided in an amount two times greater than the Forest Retention Area abandoned either adjacent to existing Forest Retention Area, or by meeting the requirements of Section 20-8 below.
- 4. An administrative plat to address the Forest Retention Area to be abandoned and replacement Forest Retention Area, and other appropriate documentation in a form acceptable to the County, are recorded among the land records. A revised Forest Conservation Plan may be required.

**20-7 REFORESTATION: FOREST CONSERVATION THRESHOLD**

**A.** There is a forest conservation threshold established for all districts per Table 20-2: Conservation Threshold. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.

**B.** After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision, site plan, project plan, grading and sediment control activities, and implementation of the Forest Conservation Plan, the Forest Conservation Plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula of this section and consistent with Section 20-5.A above, and the following forest conservation thresholds for the applicable land use category:

<b>Table 20-2: Conservation Threshold</b>	
<b>Zoning District</b>	<b>Conservation Threshold</b>
Farm and Forest District	50%
Rural Community District, Rural Neighborhood District, Waterfront Community District	30%
Institutional in Farm and Forest District, Rural Community District, Rural Neighborhood District, Waterfront Community District	20%
Residential District	20%
Town Centers and Employment Center District	15%
Rural Commercial District, Marine Commercial District, Light-Industrial and Mixed-Use District, Heavy-Industrial District	15%

**C.** Calculations:

1. For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/2 acre planted for each acre removed.
2. Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested (item 1 above). The calculation of the credit shall be according to the criteria provided in Maryland’s State Forest Conservation Technical Manual.
3. For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

**20-8 PRIORITIES AND TIME REQUIREMENTS FOR AFFORESTATION AND REFORESTATION**

**A.** After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department of Planning & Zoning, is as follows:

1. Selective clearing and supplemental planting on site and managed natural regeneration per an approved Forest Management Plan;
2. Onsite afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than one-and-a-half inches diameter measured at four-and-a-half feet above the ground;
3. Onsite afforestation or reforestation, using whip and seedling stock;
4. Off-site afforestation or reforestation, using transplanted or nursery stock that is greater than one-and-a-half inches diameter measured at four-and-a-half feet above the ground;
5. Off-site afforestation or reforestation, using whip and seedling stock;
6. Purchase of Forest Conservation Transferable Development Rights (See Section 20-8.E below);

7. Natural regeneration of native vegetation off-site or on-site with competitive and invasive species control for at least two years, predation control if necessary, a five-year maintenance agreement, and a final tree density of at least 100 seedlings, saplings or trees per acre; and

8. The placement of Forest Conservation Easements on forested land at least one acre in size. Two acres of forest must be preserved in this way for each acre of mitigation (rounded up to the nearest whole number) required. These easements must be perpetual and recorded in the Calvert County Land Records.

9. When all other options, both on-site and off-site, have been exhausted, landscaping of on-site commercial areas under an approved landscaping plan which establishes a forest that is at least 35 feet wide and covering 2,500 square feet or more of area.

10. Payment into the Forest Conservation Fee-in-lieu Fund in accordance with Section 20-9 below. If the mitigation required is less than or equal to 5,000 sq. ft., fee-in-lieu may be used as the sole mitigation method.

**B.** A sequence other than the one described in Section 20-8.A may be used for a specific project, if approved by the Department of Planning & Zoning, and if necessary to achieve the objectives of the Calvert County Comprehensive Plan, a Town Center Master Plan, or county land use policies; to take advantage of opportunities to consolidate forest conservation efforts; or if it can be supported that a technique at a lower priority level will be as effective as a higher priority level technique. Written justification shall be submitted in support of the use of a lower priority and such discussion shall address why the higher priority options were not selected.

**C.** The following are considered a priority for afforestation and reforestation:

1. Establish or enhance forest buffers adjacent to intermittent and perennial streams to widths of at least 50 feet;
2. Establish or enhance non-forested areas on 100-year floodplains, when appropriate;
3. Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;
4. Establish or enhance forest buffers adjacent to critical habitats where appropriate;
5. Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;
6. Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
7. Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
8. Use native plant materials for afforestation or reforestation.

**D.** Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the Department of Planning & Zoning (See Sections 20-10 and 20-11 below).

**E.** Purchase of Forest Conservation Transferable Development Rights (FCTDRs) pertain to a portion of an APD that is forested. Existing FCTDRs must be allocated to projects approved before June 30, 2024. No new FCTDRs can be created in APDs, and any unsold or unallocated FCTDRs after June 30, 2024 will revert to standard TDRs.

1. If afforestation and reforestation are not feasible on a developing property, FCTDRs may be purchased at a rate of two times the acreage of afforestation or reforestation required, rounded up to the nearest whole number.
2. A Simplified Forest Stand Delineation (SFSD) in accordance with Section 20-4 above is required to be submitted for the portion of the property associated with the FCTDR approval and creation.
3. FCTDRs may be purchased from a County APD with existing forestland to be retained as forestland in perpetuity. This land shall be designated as Forest Retention Area.

4. A plat shall be recorded in the county land records outlining the location where the Forest Retention Area is located on the APD.

5. Covenants for the APD shall indicate that development activities including building, grading and road or utility line siting and construction are not allowed within the designated Forest Retention Area and that timber harvests and tree clearing within the designated Forest Retention Areas are only allowed with an approved Forest Management Plan.

F. A person required to conduct afforestation or reforestation under this article shall accomplish it within two years following development project completion.

#### **20-9 PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION**

A. A Calvert County Forest Conservation Fund is established to receive fee-in-lieu funds and fines and will be administered through the Department of Planning & Zoning.

B. If a person subject to this Ordinance demonstrates to the satisfaction of the Department of Planning & Zoning that requirements for afforestation or reforestation on-site or off-site cannot be reasonably accomplished in accordance with Section 20-8.A above, the person shall contribute money into the Calvert County Forest Conservation Fund:

1. For a project inside a Priority Funding Area, as defined in Natural Resources Article, §5-1610, Annotated Code of Maryland, at a rate approved by the Board of County Commissioners for the area of required planting. The rate shall be no less than the minimum fee established based on state code requirements.

2. For a project outside a Priority Funding Area, at a rate approved by the Board of County Commissioners and at least 20% higher than the rate within a PFA in accordance with state law, for the area of required planting.

C. Money contributed instead of afforestation or reforestation under this article shall be paid prior to permit issuance.

D. The Department of Planning & Zoning shall accomplish the afforestation or reforestation for the equivalent number of acres for which the money is deposited.

E. Money deposited in the local forest conservation fund:

1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, purchase of permanent easements, preparation for plantings, planting bid package preparation, and supervision of plantings;

2. Shall be deposited in a separate forest conservation fund and may not revert to the general fund.

3. May be used to accomplish the minimum requirements of the mitigation for which the fees are being paid with any of the following, either exclusively or in combination: maintenance of existing forests; achieving urban tree canopy goals; reforestation or afforestation as described in item 1 above; purchase of FCTDRs;

F. Sites for afforestation or reforestation using fund money:

1. Except as provided in item 2 below, the reforestation or afforestation requirement under this article shall occur in the county and MD DNR eight-digit watershed in which the project is located.

2. If the afforestation or reforestation cannot be reasonably accomplished in the MD DNR eight-digit watershed in which the project is located, then the reforestation or afforestation shall occur in another watershed within the County in which the project is located.

#### **20-10 PAYMENT BY CREDITS FROM A FOREST MITIGATION BANK**

A. If a person subject to the requirements of this Article demonstrates to the satisfaction of the Department of Planning & Zoning that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person may contribute credits from a forest mitigation bank. A credit is required for each tenth of an acre of an area of required planting.

- B. The credits shall be debited from an approved forest mitigation bank within 90 calendar days after development project completion.
- C. Credits in a mitigation bank may not be approved for debiting until establishment or qualified conservation of the mitigation bank is complete.
- D. Qualified conservation banking (otherwise known as forest retention banking), is limited to banks that were established and approved on or before December 31, 2020.

## **20-11 ESTABLISHING FOREST MITIGATION BANKS**

- A. A person may create a forest mitigation bank from which applicants may purchase credits to meet the afforestation and reforestation requirements of this Ordinance.
- B. The forest mitigation bank shall:
  1. Afforest or reforest an area of land in accordance with a forest mitigation bank agreement.
  2. Be protected by an easement, deed restrictions, or covenants which require the land in the bank to remain forested in perpetuity and shall be recorded in the county land records for the parcel on which the mitigation forest has been established.
  3. Limit the use of the land in the bank to those activities which are not inconsistent with forest conservation such as recreational activities, forest management under a forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, or activities specified in a Forest Management Plan prepared by a licensed forester and approved by the Department of Planning & Zoning.
  4. Use native plant materials for afforestation or reforestation.
  5. Be a minimum of one-half acre in size and standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:
    - a. Establish or enhance forest in buffers to intermittent and perennial streams to widths of at least 50 feet.
    - b. Establish or enhance forest in non-tidal wetlands and their buffers to widths of at least 50 feet.
    - c. Establish or enhance forest in 100-year floodplains, where appropriate.
    - d. Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement.
    - e. Establish or enhance forest buffers adjacent to critical habitats where appropriate.
    - f. Establish plantings to stabilize slopes of 25% or greater and highly erodible soils, including the slopes of ravines or other natural depressions.
    - g. Establish buffers between areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way.
    - h. Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate.
- C. A person proposing to create a forest mitigation bank shall submit to the Department of Planning & Zoning a:
  1. Completed application on a form approved by the Department of Planning & Zoning which has been signed by an authorized individual in conformance with COMAR 08.19.04.021.
  2. Forest mitigation bank plan which contains a:
    -

- a. Vicinity map of the proposed mitigation bank site.
  - b. Simplified Forest Stand Delineation which meets the criteria in Section 20-4.H above.
  - c. Detailed afforestation or reforestation plan, which shall include a timetable and description of the site and soil preparation needed, species, size, and spacing to be utilized, the total acres to be forested or planted, the tax identification number of the parcel, the tax map, parcel and lot number, and the method of afforestation or reforestation proposed. A planting plan shall be prepared by a licensed Maryland forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in Section 20-17 of this Article.
  - d. Proposed two-year maintenance agreement that:
    - i. Sets forth how the areas afforested or reforested will be maintained to ensure protection and satisfactory establishment.
    - ii. Complies with the applicable requirements for a Final Forest Conservation Plan found in this Article.
    - iii. Includes watering and reinforcement planting provisions if survival falls below required standards.
  - 3. Copy of the deed to the property.
  - 4. Survey or other legally sufficient description of the bank site for inclusion in the deeds of easement, deed restrictions, or covenants.
  - 5. Title report or other assurance that:
    - a. The property is not encumbered by any covenants or other types of restrictions which would impair the property's use as a forest mitigation bank.
    - b. There is legally sufficient access to the forest mitigation bank site which can be used by the Department of Planning & Zoning and its assignees to inspect the forest mitigation bank.
  - 6. Description of the system to be used by the person owning and operating the forest mitigation bank to identify and keep track of which portions of the bank have been debited to meet an applicant's off-site afforestation or reforestation requirements.
- D.** The owner of an approved forest mitigation bank shall enter into an agreement with the Department of Planning & Zoning which contains:
- 1. The approved reforestation or afforestation plan.
  - 2. The approved system for marking and tracking which portions of the bank have been debited.
  - 3. An acknowledgment that the bank may not debit any portion of the afforested or reforested land until two years of successful growth has been achieved unless the banker has posted a bond or alternate form of security.
- E.** For a development to use a mitigation bank to meet its reforestation requirement, the mitigation area shall have a higher priority rating for reforestation as given in Section 20-11.B.5 than possible on-site reforestation sites.
- F.** Once a portion of the mitigation bank is used to meet a reforestation requirement, the rest of the mitigation bank cannot be withdrawn from being a mitigation bank. Prior to the mitigation bank being recorded as a permanent Forest Retention Area, the proposed mitigation bank may be withdrawn by written request to the Department of Planning & Zoning.
- G.** A note will be recorded on the record plat of any subdivision that uses a mitigation banking site to meet its reforestation requirements indicating the tax map, parcel, and lot number and tax identification number of the property supplying the mitigation and the area of the mitigation credited to the project. The Department of Planning & Zoning will also keep a record of the transaction.
- H.** A current list of proposed mitigation banking sites will be kept in the Department of Planning & Zoning.

## **20-12 RECOMMENDED TREE SPECIES**

- A.** Tree species used for afforestation or reforestation shall be native to the County and selected from a list of approved species established by the Department of Planning & Zoning.
- B.** The Department of Planning & Zoning shall adopt a list of tree species to be used for any required afforestation or reforestation.

## **20-13 BONDING OR OTHER FINANCIAL SECURITY FOR AFFORESTATION AND REFORESTATION**

**A.** A person required to conduct afforestation or reforestation shall include a bond or other financial security as an element of a Forest Conservation Plan. This does not apply to agencies of any federal, state, county or municipal government.

### **1. Requirements**

- a.** A financial security shall be furnished in the form of a surety bond, an irrevocable letter of credit, cash bond, certificate of guarantee, or other surety as authorized from time to time by the Board of County Commissioners and approved by the Office of the County Attorney. The surety shall:
  - i.** Name the Board of County Commissioners as obligee.
  - ii.** Assure that the mitigation replanting is conducted in accordance with the approved mitigation plan.
  - iii.** Be in an amount approved by the Department of Planning & Zoning to perform the mitigation, plus a review and inspection fee, as set by the Board of County Commissioners, will be submitted with the bond to cover the costs of inspections and handling of the bond. This fee will not be reimbursed.
  - iv.** Remain in force until all requirements of the mitigation plan including maintenance and monitoring have been fulfilled to the satisfaction of the Department of Planning & Zoning.
- b.** The surety may not be cancelled by the issuing entity unless both of the following requirements are fulfilled:
  - i.** The issuer notifies the Board of County Commissioners and the principal of its intention to cancel the surety, in writing, by registered mail, not less than 90 days before cancellation.
  - ii.** At least 45 days before the cancellation date indicated in the notice, the principal files a commitment from another entity to provide a substitute surety that will be effective on the cancellation date indicated in the notice.

### **2. Forfeiture of Surety**

- a.** The surety shall be subject to forfeiture if the principal fails to comply with the Forest Conservation Plan or the Maintenance Agreement.
- b.** Before forfeiture of the surety, the Board of County Commissioners shall notify the principal and the issuer, by certified mail, of the failure of the principal to comply with the Forest Conservation Plan or the Maintenance Agreement and give the principal 30 days to come into compliance.
- c.** If a person fails to come into compliance within the 30 day period, the surety shall be forfeited and the County and its agents shall be allowed access to the property to accomplish the previously bonded planting.
- d.** A bond or surety or letter of credit shall have written into the documents that it may not be cancelled or closed without written consent from the Department of Planning & Zoning.

### **3. Release of Surety**

- a. If, after two years from the date of the initial planting inspection approval, the survival of plantings associated with the Forest Conservation Plan or Maintenance Agreement meets or exceeds the standards of the Plan or Agreement, the amount of the surety shall be released. Invasive species shall not be included in the number of surviving plantings.
- b. If, after two years from the date of the initial planting inspection approval, the survival of the plantings associated with the Forest Conservation Plan or Maintenance Agreement is less than the standards of the Plan or Agreement, the surety shall be reduced by a percentage equal to the percentage of plantings that have survived, and that portion of the surety will be released. An additional review and inspection fee as set by the Board of County Commissioners will be submitted prior to partial release of the surety to cover the costs of additional inspections and handling of the remaining bond. This fee will not be reimbursed.
- c. The Department of Planning & Zoning shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:
  - i. The number of acres.
  - ii. The proposed method of afforestation or reforestation.
  - iii. The cost of planting materials, replacement materials, and labor.
  - iv. The cost of maintenance of the afforestation or reforestation project.
  - v. Other relevant factors.

#### **20-14 STANDARDS FOR PROTECTING TREES FROM CONSTRUCTION ACTIVITIES**

- A. The standards for the protection of trees from construction activity are given in Maryland's State Forest Conservation Technical Manual.
- B. Before cutting, clearing, grading, or construction begins on a site for which a Forest Conservation Plan is required by this article, the applicant shall demonstrate to the Department of Planning & Zoning that protective devices have been established.

#### **20-15 SHORT-TERM PROTECTIVE AGREEMENTS**

##### **A. Maintenance Agreements**

- 1. A person required to conduct afforestation or reforestation under this Article shall include in the Forest Conservation Plan a binding maintenance agreement for the minimum length of two years, or until approval of the final inspection plan, whichever is greater.
- 2. Approval procedures and timing shall be consistent with the procedures provided in Section 20-5.C above.
- 3. The maintenance agreement shall detail how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment of forest and shall follow the standards provided in Maryland's State Forest Conservation Technical Manual.
- 4. The person required to conduct the afforestation or reforestation, after this referred to as the "principal", shall present evidence of a legal right to implement the proposed maintenance agreement on a selected site by providing one of the following:
  - a. An executed deed conveying title to a selected site to the obligee.
  - b. An executed conservation easement agreement by deed of easement, plat, or administrative plat.
  - c. Written evidence of the landowner's consent to the use of a selected site.
  - d. A fully executed option agreement, long-term lease agreement, or contract of sale for a selected site.

- e. Other written evidence of a possessory or ownership interest in a selected site.
5. The Department of Planning & Zoning shall be a signatory to the maintenance agreement or shall be designated a third-party beneficiary of the agreement.
  6. The Department of Planning & Zoning may not release a bond or end monitoring without receipt of a legally binding deed, long-term lease, or conservation easement agreement on those lands where afforestation or reforestation will occur.
  7. The maintenance agreement shall provide for access by the Department of Planning & Zoning or local authority to the afforestation or reforestation site.
  8. Performance of the Maintenance Agreement shall be bonded in accordance with Section 20-13 of this Ordinance.

## **20-16 LONG-TERM PROTECTIVE AGREEMENTS**

- A. An applicant under the State or County Forest Conservation Program shall have in effect at all time a long-term protective agreement to preserve and protect areas retained in Forest Retention Area, including afforested, reforested, or forested landscaped areas.
- B. Forest Retention Areas shall be located on a plat prepared by a licensed professional as permitted by the State of Maryland and recorded in the Calvert County Land Records. The plat shall include notes that will maintain the area in forest in perpetuity, and when they exist, with associated conservation easements and Forest Conservation Management Agreements.

### **C. Forest Management Plans**

1. Procedure for Approval
  - a. The Forest Management Plan:
    - i. Shall be legally binding from the date of approval.
    - ii. Shall be prepared by a licensed professional forester.
    - iii. Shall be submitted to the Maryland Department of Natural Resources forester assigned to the county where the property is located.
    - iv. May be amended periodically, as provided for in this section.
  - b. The Maryland Department of Natural Resources forester shall review the plan to ensure that it is complete and consistent with this Article.
  - c. The Maryland Department of Natural Resources shall notify the Department of Planning & Zoning as to whether the Forest Management Plan is approved.
2. Procedure for Amendment of an Approved Forest Management Plan
  - a. An approved Forest Management Plan may be amended if there is a change in site conditions or landowner objectives.
  - b. Amendments shall be prepared by a licensed professional forester.
  - c. The amendment shall be submitted to the Maryland Department of Natural Resources forester assigned to the county where the property is located.
  - d. The Maryland Department of Natural Resources forester shall review the amendment to ensure that it is complete and consistent with this Article.

e. Once the amendment has been approved by the Maryland Department of Natural Resources, the applicant shall sign the amendment.

**D. Procedure for a timber harvesting plan:**

1. Timber may be harvested on forested, reforested, or afforested areas protected under an approved Forest Conservation Plan provided that the harvest:

a. Is consistent with the intent of an approved Forest Management Plan and terms of the recorded Forest Retention Area.

b. Is subject to a timber harvest plan:

i. Prepared by a licensed professional forester.

ii. Submitted to the Calvert Forestry Board for review and approval.

iii. That remains in effect for two years.

c. Is consistent with the intent and requirements of the approved Forest Conservation Plan.

2. The local forest conservancy district board shall notify the owner or owner's agent whether the timber harvest plan has been approved.

**20-17 APPROVED QUALIFIED PROFESSIONAL**

A person may prepare a Forest Stand Delineation or a Forest Conservation Plan, if the person:

A. Is a licensed forester;

B. Is a licensed landscape architect; or

C. Is certified by the State as a Qualified Professional relative to the preparation of Forest Stand Delineations and Forest Conservation Plans in accordance with COMAR 08.19.06.01.

**20-18 VARIANCES**

**A. Authority**

The Board of Appeals shall have the authority to grant variances from the Forest Conservation requirements of this within this Ordinance, unless otherwise stated. The Zoning Officer or its designee is authorized to grant administrative variances for disturbance of trees, shrubs, plants, and specific areas considered priority for retention and protection under these regulations.

**B. Criteria**

A variance may be granted only if the applicant demonstrates that the standards of COMAR 08.19.04.10 are met, in addition to the standards of Section 30-6.C of this Ordinance.

**C. Conditions**

Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this section, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

**D. General**

1. The Department of Planning & Zoning shall send notice of a request for a variance to the Maryland Department of Natural Resources within 15 days of receipt of a request for a variance.

2. There is established by this Ordinance the right and authority of the Maryland Department of Natural Resources to initiate or intervene in an administrative, judicial, or other original proceeding or appeal in the State concerning an approval of a variance under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this Ordinance.

- E. See Section 30-5 for Board of Appeals procedure.

## **20-19 ENFORCEMENT AND PENALTIES**

A violation of any provision of this Ordinance or a failure to comply with any requirement of this Ordinance by any person, corporation, association, partnership, or the agent of any such person, may be processed as a zoning violation under this Ordinance (see Article 33 for additional enforcement regulations).

### **A. Violation**

1. A person who violates a provision of this Ordinance, or a regulation or order adopted or issued under this Ordinance, is liable for a fine in accordance with Article 33 of this Ordinance for each violation, which may be recovered in a civil action brought by the Department of Planning & Zoning.
2. Each day a violation continues is a separate violation.

### **B. Injunctions**

The Department of Planning & Zoning may seek an injunction requiring the person to cease violation of this Ordinance and take corrective action to restore or reforest an area.

### **C. Complaints and Orders**

1. The Department of Planning & Zoning may serve a written complaint to an alleged violator if the Department of Planning & Zoning determines that there has been a violation of:
  - a. A provision of the Forest Conservation Act.
  - b. A regulation of the Calvert County Forest Conservation Program.
  - c. An approved Forest Stand Delineation or Forest Conservation Plan.
  - d. An administrative order.
2. The corrective action may include an order to:
  - a. Restore, replant and mitigate unlawfully cleared areas as described in Sections 21-2.B and C of this Ordinance.
  - b. Submit a written report and restoration plan concerning the violation to the Department of Planning & Zoning for review and approval.

### **D. Grading Permit Suspension and Revocation.**

The Department of Planning & Zoning may suspend or revoke a grading permit after notice to the violator if the Department of Planning & Zoning determines that one or more of the following has occurred:

1. Failure of a violator to post a required bond.
2. Failure to comply with the requirements of an administrative action or order issued under the Calvert County Forest Conservation Program, or for a violation of the Maryland Forest Conservation Act.
3. Misrepresentation in the application process or failure to disclose a relevant or material fact.
4. Violation of a Forest Conservation Plan requirement.
5. Substantial deviation from the conditions, specifications, or requirements of a plan.
6. Failure to comply with a Board of Appeals order.

### **E. Notice**

Except as provided under Section 20-19.H below, the Department of Planning & Zoning may not suspend or revoke a Forest Conservation Plan unless the Department of Planning & Zoning first gives the violator written notice by certified mail of the specific facts that warrant suspension or revocation.

**F. Contested Case Hearings**

1. On receipt of written notice to suspend or revoke a Forest Conservation Plan, the violator has ten calendar days to request a contested case hearing.
2. A hearing under this regulation shall be conducted in conformance with State Government Article, §§ 10-201 — 10-217, Annotated Code of Maryland.
3. If the Department of Planning & Zoning does not receive a request for a hearing, the Forest Conservation Plan is suspended or revoked.

**G. Emergency Action**

1. The Department of Planning & Zoning may order the immediate suspension of a Forest Conservation Plan if the Department of Planning & Zoning finds that the public health, safety, or welfare imperatively requires the emergency suspension.
2. Within two business days, the Department of Planning & Zoning shall give the violator written notice that the emergency action has been taken.
3. A notice of emergency action shall include a statement of specific facts on which the emergency suspension is based.

## Article 21. Natural Resources

- 21-1 NATURAL RESOURCE PROTECTION AREAS
- 21-2 ENFORCEMENT AND MITIGATION

### 21-1 NATURAL RESOURCE PROTECTION AREAS

#### A. Purpose

The purpose of the Natural Resource Protection Area (NRPA) is to serve as a buffer that will minimize disturbance to sensitive environmental features from future development. The intent of the NRPA is to protect water quality and quantity in streams, water courses, and wetlands; protect steep slopes and minimize erosion and siltation; protect native and non-invasive vegetation; and to protect persons and property from environmental hazards such as erosion, siltation, and floodwaters.

#### B. Scope

1. The regulations in this Section shall apply to all proposed development, including projects for which subdivision, site plan, building permits, grading permits or approvals are necessary.
2. The regulations of this Section do not apply within the Critical Area District (For Critical Area regulations see Article 22 of this Ordinance).

#### C. Application of the NRPA-1 and NRPA-2

Environmental features on all properties shall be protected by either the NRPA-1 or NRPA-2 which shall be applied in accordance with this Section.

1. The NRPA-1 shall apply to environmental features on parcels, lots, outlots, residue, and open space created following the adoption of this Ordinance.
2. The NRPA-2 shall apply to environmental features on parcels, lots, outlots, residue, and open space created prior to the adoption of this Ordinance. However, the NRPA-2 may be applied on lots created following the adoption of this Ordinance if the lot is only an assemblage of smaller lots or parcels which existed prior to the adoption of this Ordinance.

#### 3. Environmental Features Included in NRPA-1

The NRPA-1 shall apply to the following environmental features and buffer areas:

##### a. Streams

All perennial and intermittent streams, as well as a buffer from all perennial and intermittent streams. The buffer shall be a minimum of 100 feet from both sides of the stream. The buffer shall be measured from the edge of the streambank. In the case of contiguous steep slopes of 25% or greater, the buffer shall be expanded to the top of the slope plus 20 feet. In the case of highly erodible soils (with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%), the buffer shall be expanded to the landward edge of the highly erodible soil or 150 feet, whichever is less. The expansion of the buffer shall be drawn perpendicular to the stream. If the area of the 100-year floodplain is greater than the buffer or expanded buffer as described in this section, then this area shall be included within the NRPA-1.

##### b. Wetlands

All wetlands and a buffer a minimum of 100 feet adjacent to wetlands. The buffer shall be measured from the edge of the wetland. In the case of contiguous steep slopes of 25% or greater, the buffer shall be expanded to the top of the slope plus 20 feet. In the case of highly erodible soils (with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%), the buffer shall be expanded to the landward edge of the highly erodible soil or 150 feet, whichever is less. The expansion of the buffer shall be drawn perpendicular to the wetland.

##### c. Steep Slopes

Any land area exceeding 5,000 square feet with a slope in excess of 25% and a buffer of 20 feet from the edge of the steep slope.

#### 4. Environmental Features Included in NRPA-2

The NRPA-2 shall apply to the following environmental features and buffer areas:

**a. Streams**

All perennial and intermittent streams as well as a buffer for all perennial and intermittent streams. The buffer shall be a minimum of 50 feet from both sides of the stream. The buffer shall be measured from the edge of the streambank. In the case of contiguous slopes of 25% or greater, the buffer shall be expanded to the top of the slope, or to 100 feet, whichever is less. The expansion of the buffer shall be drawn perpendicular to the stream.

**b. Highly Erodible Soils Adjoining Streams**

Except within Town Centers and the Employment Center District, if the lot or parcel was created between May 1, 2006 and the adoption of this Ordinance, the buffer described in item a above shall be expanded for contiguous highly erodible soils (with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%) to the landward edge of the highly erodible soils, or to 100 feet, whichever is less.

**c. Wetlands**

All wetlands and a buffer of at least 50 feet in areas adjacent to wetlands. For wetlands adjacent to steep slopes, highly erodible soils, or wetlands of special state concern, the buffer shall be expanded as per COMAR § 26.23.01.04 or as required by the Maryland Department of the Environment.

**5. Setback from the NRPA**

A minimum setback of ten feet from the edge of the NRPA-1 and NRPA-2 shall be maintained. Variances for the setback to the NRPA-1 shall not be permitted.

**6. Location of the NRPA**

a. No portion of the NRPA-1, or the required setback from the NRPA-1, shall be allowed within lots less than one acre in size. On lots one acre in size or greater, sufficient contiguous land for the construction of a building or dwelling with amenities on the lot shall be demonstrated. Minimum sufficient contiguous suitable land area shall be exclusive of Natural Resource Protection Areas, Forest Retention Areas, septic recovery areas, and required setbacks. Minimum sufficient suitable land area shall be 20,000 square feet for lots having individual septic systems and 10,000 square feet for lots or parcels served by a public sewer or a community septic system. All lots below this minimum shall be considered having marginal amounts of suitable land for building purposes and may be required to provide detailed plot plans to prove suitability.

b. The NRPA-2 may be located on applicable lots or parcels of any size.

**D. Wetland Requirements**

**1. Purpose**

Regulations governing development in and adjacent to wetlands are intended to protect wetlands from the negative effects of siltation and eutrophication caused by development. It is the purpose of the County to suffer no significant loss of wetlands.

**2. Boundaries**

Boundaries are as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State or Federal regulation.

**3. Delineation**

Wetlands shall be delineated on all site plans, subdivision plats, and grading and building permit applications by qualified professionals. Delineation as per the applicable "Federal Manual for the Identifying and Delineating of Jurisdictional Wetlands", as amended from time to time, may be required. The delineation shall be made using the best available and most current information from state and federal sources. The delineation shall be made within five years of any site plan, subdivision plat, grading and building permit application. A wetland report compiled by a qualified expert shall be submitted to confirm the delineation. The Zoning Officer, or its designee, shall determine if the wetland report and delineation are acceptable and may also require a Jurisdictional Determination by the U.S. Army Corps of Engineers to verify wetland location.

**4. Corrections to Delineations**

If it is determined prior to final site plan or subdivision approval that more wetlands exist on the site than originally delineated on the preliminary site plan or plat, preliminary approval of the original submittal granted by

the Planning Commission shall lapse. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.

#### **5. Changes Pursuant to Federal or State Wetland Permitting Process**

If a site plan or subdivision has received preliminary approval and the site plan or subdivision is changed as a result of the Federal or State wetland permitting process, the preliminary approval previously granted shall lapse. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.

#### **6. Filling**

The filling of wetlands is only permitted for road and driveway crossings in accordance with Section 21-1.G.4 after it is established that all options have been exhausted and there are no alternatives. The developer shall be required to include written justification. For development activities that require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required. For development activities that do not require Planning Commission approval, Maryland Department of the Environment approval shall be required prior to application for County permits.

#### **7. Disturbance**

When any disturbance is proposed within 100 feet of the edge of a wetlands buffer, enhanced sediment and erosion control protective measures must be placed along the limit of disturbance.

### **E. Plans and Plat Information**

1. Plans or plats submitted for review or prepared for recording shall clearly show:

- a. The extent of the NRPA and labeled as such
- b. A label stating "Natural Resource Protection Area" for the area within the NRPA
- c. A note stating: "There shall be no clearing, grading, construction or disturbance of vegetation in the NRPA in perpetuity except as permitted by the Calvert County Zoning Ordinance"
- d. All perennial and intermitted streams
- e. All non-tidal wetlands
- f. All steep slopes and highly erodible soils
- g. Any additional information as required by the department of Planning & Zoning

2. For all permitted development within the NRPA, all site plans, subdivision plats, building and grading permits shall have a disclaimer placed on them that reads: "*The issuance of County permits or approvals is a local process and does not imply that the applicant has met State and Federal requirements under COMAR; the Federal Water Pollution Control Act; or the Rivers and Harbors Act.*" The disclaimer shall be signed by the applicant.

### **F. Permitted Uses**

The following land uses shall be permitted, provided that the conditions described herein are met and all applicable state and federal approvals have been obtained:

#### **1. Agriculture**

Agriculture shall be permitted, provided an approved and enforced Soil Conservation Plan and accepted soil conservation practices of the soil conservation district are approved and implemented along watercourses. A minimum 25 foot wide buffer with woody vegetation along the edge of farmland bordering streams and wetlands is required to reduce surface runoff and associated pollutants from entering waterways.

#### **2. Forestry**

Forestry operations shall be required to meet the conservation requirements of Section 21-1.H below and shall be in compliance with an approved Timber Harvest Plan.

### **G. Permitted Activities and Development**

The NRPA shall not be disturbed other than by those permitted uses described in Section 21 -1.F above, with the following exceptions provided that all applicable state and federal approvals have been obtained. Mitigation as described in Section 21-2.B and C is required for removal of vegetation for permitted activities and development as described in this section, but on a 1:1 basis.

1. Basic maintenance, including native plantings. Trees that are a threat to structures and invasive species may be removed, with the approval of a vegetation removal permit.
2. Passive recreation and foot and walking trails. Alteration of the natural environment and removal of surface vegetation in these areas shall be prohibited with the exception of selective clearing to accommodate passive recreation and walking trails which are constructed with environmentally friendly materials, with the approval of a vegetation removal permit.
3. Utility transmission facilities may be permitted after it is established that there are no alternatives, as determined by Department of Planning & Zoning. The developer shall be required to provide a written justification. If the affected area is designated a "conservation area" on a record plat or requires the grading of steep slopes or highly erodible soils, then the disturbance and construction shall require approval of the Planning Commission.
4. Road and driveway crossings may be permitted after it is established, and the Department of Planning & Zoning agrees, that all options have been exhausted and there are no alternatives, or when stream or wetland crossings are necessary to comply with town center master plans. The developer shall be required to provide a written justification. The number of road and driveway crossings shall be minimized. If a road or driveway crossing is necessary, it shall cross a stream at a 90-degree angle whenever possible. If the affected area is designated a "conservation area" on a record plat or requires the grading of steep slopes or highly erodible soils, then the disturbance and construction shall require approval of the Planning Commission. If the Planning Commission approves, slopes may be graded out to less than 25% for construction of roads to provide access to lots.
5. Non-permanent disturbance of the NRPA for emergency fixes of existing stormwater management devices is permitted with all required State and Federal approvals. Clarification from the State may be required.

#### **H. Conservation Requirements**

The following conservation measures are required within the NRPA:

1. All permitted uses, activities, and development shall minimize soil disturbance during development and shall reduce soil erosion and sedimentation.
2. Clearing or removal of natural ground cover and vegetation in preparation for development of permitted uses and permitted activities and development shall be minimized.
3. Disturbance of sensitive environmental areas, including significant or special natural features and significant wildlife habitats shall comply with the recommendations of the Department of Planning & Zoning and the Maryland Department of Natural Resources as applicable.

#### **I. Fences**

Fences shall not be permitted within the NRPA. Temporary fencing required to delineate areas not to be disturbed for a permitted development activity are allowed but shall be removed by the developer following completion of construction and post site stabilization.

#### **J. Variances**

1. Variances from the regulations of this Article shall not be permitted in the NRPA-1, with the exception of renovation or expansion of an existing non-conforming dwelling or associated attached accessory structure.
2. Variances from the regulations of this Article are permitted in the NRPA-2 from the Board of Appeals.
3. At environmental planning staff recommendation, the Zoning Officer or its designee is authorized to grant administrative variances for disturbance to steep slopes for the purposes of slope stabilization in the NRPA-2. The applicant must demonstrate that erosive conditions exist, and the proposed stabilization method minimizes land disturbance and clearing of existing vegetation. Slope stabilization activities include the prevention of soil movement by any of the various vegetative or structural means. Stabilization can include minimal grading;

retaining walls; erosion control mats, blankets and fiber logs; or, other environmentally sensitive practices. It shall not include the use of accessory structures including but not limited to patios, terraces or gazebos.

4. If a variance is granted, mitigation as described in Sections 21-2.B and C is required by planting on the site, but at a rate of 1:1 per square foot of the disturbance.

## **21-2 ENFORCEMENT AND MITIGATION**

A violation of any provision of this Ordinance or a failure to comply with any requirement of this Ordinance by any person, corporation, association, partnership, or the agent of any such person, may be processed as a zoning violation under this Ordinance (see Article 33 for additional enforcement regulations).

**A.** In addition to the fines and penalties provided for in this Ordinance, any person in violation of this Article shall pay a fine in accordance with Article 33 of this Ordinance for each violation and is required to replant trees to replace those that have been removed as prescribed in item B below for the area impacted, filled, cleared, graded, or cut in violation of this Article.

**B.** Replanting to correct a violation is calculated at the rate of four square feet to one square foot (4:1) of the area cleared, graded, cut, impacted or filled in violation of the provisions of this Article. Mitigation plantings required for removal of vegetation for permitted activities and development is calculated at the rate of one square foot to one square foot (1:1) of the area cleared, graded, cut, impacted or filled. A mitigation plan shall be approved by the Department of Planning & Zoning and include canopy trees at a rate equal to one large tree per 400 square feet, and in the same square feet either two understory trees or three shrubs selected from the document entitled, "Calvert County Native Plant List", adopted by the Board of County Commissioners and available from the Department of Planning & Zoning. In cases where there is less area than needed to replant, the remainder shall be mitigated with the payment of fees-in-lieu as set by the Board of County Commissioners.

**C.** A person required to conduct replanting as part of a mitigation plan shall post a bond or other financial security to insure compliance with the mitigation plan.

### **1. Requirements**

**a.** A financial security shall be furnished in the form of a surety bond, an irrevocable letter of credit, cash bond, certificate of guarantee, or other surety as authorized from time to time by the Board of County Commissioners and approved by the Office of the County Attorney. The surety shall:

- i. Name the Board of County Commissioners as obligee.
- ii. Assure that the mitigation replanting is conducted in accordance with the approved mitigation plan.
- iii. Be in an amount equal to 1.0 times the cost as approved by the Department of Planning & Zoning of performing the mitigation plus an administrative fee as set by the Board of County Commissioners to cover the costs of inspections and handling of the bond. This fee will be submitted with the bond and will not be reimbursed.
- iv. Remain in force until all requirements of the mitigation plan have been fulfilled to the satisfaction of the Department of Planning & Zoning.

**b.** The surety may not be cancelled by the issuing entity unless both of the following requirements are fulfilled:

- i. The issuer notifies the Board of County Commissioners and the principal of its intention to cancel the surety, in writing, by registered mail, not less than 90 days before cancellation.
- ii. At least 45 days before the cancellation date indicated in the notice, the principal files a commitment from another entity to provide a substitute surety that will be effective on the cancellation date indicated in the notice.

### **2. Forfeiture of Surety**

**a.** The surety is subject to forfeiture if the principal fails to comply with the mitigation plan.

b. Before forfeiture of the surety, the Board of County Commissioners shall notify the principal and the issuer, by certified mail, of the failure of the principal to comply with the mitigation plan and give the principal 30 days to come into compliance.

c. If a person fails to come into compliance within the 30 day period, the surety is forfeited and the County or its agents are allowed access to the property to accomplish the previously bonded planting.

d. A bond or surety or letter of credit shall have written into the documents that it may not be cancelled or closed without written consent from the Department of Planning & Zoning.

### **3. Release of Surety**

a. If, after two growing seasons, the survival of plantings associated with the mitigation plan meets or exceeds the standards of the mitigation plan, the amount of the surety will be released.

b. If, after two growing seasons, the survival of the plantings associated with the mitigation plan is less than the standards of the mitigation plan, the surety will be reduced by a percentage equal to the percentage of plantings that have survived, and that portion of the surety will be released. An additional administrative fee as set by the Board of County Commissioners will be submitted prior to partial release of the surety to cover the costs of additional inspections and handling of the remaining bond. This fee will not be reimbursed.

## Article 22. Critical Area

- 22-1 GENERAL
- 22-2 INTENSELY DEVELOPED AREA (IDA)
- 22-3 LIMITED DEVELOPED AREA (LDA AND LDA-3)
- 22-4 RESOURCE CONSERVATION AREA (RCA)
- 22-5 GROWTH ALLOCATION
- 22-6 HABITAT PROTECTION AREAS
- 22-7 SHORELINE AND CLIFF AREAS ON THE CHESAPEAKE BAY, PATUXENT RIVER, AND THEIR TRIBUTARIES
- 22-8 RENEWABLE ENERGY GENERATING SYSTEMS
- 22-9 VARIANCES
- 22-10 ENFORCEMENT

### 22-1 GENERAL

#### A. Purpose and Goals

##### 1. Purpose

The Critical Area Act recognizes that the land immediately surrounding the Chesapeake Bay and its tributaries has the greatest potential to affect water quality and wildlife habitat. The General Assembly enacted the Critical Area Act for the following purposes:

- a. To establish a resource protection program for the Chesapeake Bay and Atlantic Coastal Bays and their tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize impacts to water quality and natural habitats.
- b. To implement a resource protection program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State Criteria and oversight.

##### 2. Goals

The goals of the Critical Area Program are to accomplish the following:

- a. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands.
- b. Conserve fish, wildlife, and plant habitat.
- c. Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
- d. Reduce vulnerability to the impacts of climate change and incorporate measures to improve the climate resiliency of the Chesapeake and Atlantic Coastal Bays and its tributaries; and
- e. Ensure an equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation and adaptation to climate change with the Critical Area.

#### B. Implementation of the Critical Area Provisions

##### 1. Critical Area Program

Calvert County adopted its Critical Area Program on December 13, 1988. The Calvert County Critical Area Program consists of the County Zoning Ordinance and the Official Critical Area maps.

- a. Notwithstanding any provision in this Ordinance, or the lack of a provision in this Ordinance, all of the requirements of Natural Resources Article 8-1801 through 8-1817 and COMAR Title 27 shall apply to, and be applied by Calvert County as minimum standards.
- b. In the case of conflicting provisions, the most restrictive provision applies.

##### 2. Critical Area Overlay Map

The Official Critical Area Overlay Map is maintained as part of the Official Zoning Map for Calvert County. The Official Critical Area Map delineates the extent of the Critical Area Overlay that shall include:

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland.
- b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland.
- c. Within the designated Critical Area Overlay, all land is assigned one of the following land management and development area classifications, based on land uses and development in existence on December 13, 1988:
  - i. Intensely Developed Area (IDA)
  - ii. Limited Development Area (LDA)
  - iii. Resource Conservation Area (RCA)
- d. The Critical Area Map may be amended by the Board of County Commissioners in compliance with amendment provisions in this Ordinance and the Maryland Critical Area Law COMAR Title 27.

### **C. Regulated Activities & Applicability**

The County Zoning Administrator shall be the oversight authority for development and redevelopment activities in the Critical Area for compliance with this Ordinance and COMAR Title 27. These activities include, but are not limited to, grading, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities. Unless otherwise specified, development and redevelopment activities shall be subject to: the building/grading permit process; the site plan, subdivision and plot plan process.

#### **1. Agriculture**

The County's intent is to maintain agriculture and forestry as viable and productive land uses within the Critical Area. The County has identified agriculture and the protection of agricultural land uses and activities as a priority in the County's Comprehensive Plan. The County works cooperatively with the Calvert Soil Conservation District, the County Agricultural Land Preservation Advisory Boards, the Farm Bureau and other appropriate agencies to promote sound land and water stewardship on agricultural lands. The County shall adhere to all the following policies regarding agriculture in the Critical Area:

- a. Assure that agricultural lands area identified and that programs are established for the Critical Area to maintain, where appropriate, agricultural lands in agricultural use, to the greatest extent possible.
- b. Recognize that agriculture is a protective land use that should be properly managed so that it minimizes its contribution to pollutant loadings to the Chesapeake and Atlantic Coastal Bays and their tributaries.
- c. Assure that the creation of new agricultural land in the Critical Area is prohibited when:
  - i. If the clearing will adversely affect water quality or will destroy plant and wildlife habitat as defined in Habitat Protection Area regulations.
  - ii. Diking, draining, or filling of any class or subclass of palustrine wetland, which have a seasonally flooded or wetter water regime, unless the wetlands are mitigated in accordance with applicable State and County regulations. The appropriate permits shall be obtained from the Maryland Department of the Environment and the Department of Planning & Zoning.
  - iii. By clearing of forests or woodland on soils with a slope greater than 15% or on soils with a "K" value greater than 0.35 and slope greater than 5%.
  - iv. By the clearing of existing natural vegetation within the Critical Area buffer as defined.

- d. Each agricultural operation is implementing a current Soil Conservation and Water Quality Plan, approved by the County Soil Conservation District.
- e. Assure that Best Management Practices for the control of nutrients, animal wastes, pesticides, and sediment runoff shall be used to protect the productivity of the land base and enhance water quality. These practices shall minimize contamination of surface and groundwater and, further, shall minimize adverse effects on plants, fish, and wildlife resources.
- f. Agricultural activities authorized in the Buffer shall be in accordance with the provisions of COMAR 27.01.09.01-6
- g. Assure that animal feeding operations, including retention and storage ponds, feed lot waste storage, and manure storage minimize the contamination of water bodies.
- h. Assure that any agricultural activity permitted within the Critical Area uses Best Management Practices in accordance with a Soil conservation and Water Quality Plan approved by the County Soil Conservation District.
- i. The following performance standards shall be adopted for all land in agricultural use or to be converted to agricultural use in the Critical Area:
  - i. The County hereby incorporates the agricultural components of the State 208 Water Quality Plan into this program. These components shall be applicable to all agricultural activities in the Critical Area.
  - ii. Soil Conservation and Water Quality Plans and Best Management Practices shall be developed and implemented for those portions of farms which lie within the Critical Area. Local farmers shall cooperate with the Calvert Soil Conservation District for approval of their proposed plans. Landowners who have signed up as Soil Conservation District operators but who do not have a Conservation Plan i.e., Farm Plan prepared for them by the Calvert Soil Conservation District Office shall be allowed to continue to farm until a Farm Plan is developed provided that the goals of this program are being met.
  - iii. A landowner shall select and implement, with the assistance of a technically trained soil conservation planner or technician, from among the several best management practices that minimize impacts to water quality, conserve fish, wildlife, and plant habitat, and integrate best with the farming operation.
  - iv. Best management practices shall include a requirement for the implementation of a grassland and manure management program and that the feeding or watering of livestock is prohibited within 50 feet of the MHW of tidal water and tributary streams, or from the edge of tidal wetlands, whichever is further inland.
  - v. Until such time as the farm plans are developed and implemented farmers shall as a part of the program be encouraged to use the following practices:
    - (1) Cover crops shall be planted to reduce erosion.
    - (2) Nutrients shall be applied at the appropriate time and appropriate methods shall be used.
    - (3) Reduced tillage i.e., no till practices shall be used where practical.
    - (4) Crop rotations shall be implemented where effective.

**2. Non-Agricultural Uses**

- a. The following uses, including expansion of such uses, because of their intrinsic nature, or because of their potential for adversely affecting habitats or water quality, are only permitted in the IDA and only after the applicant has demonstrated to all appropriate State and local permitting agencies that there will be a net improvement in water quality of the adjacent body of water.
  - i. Non-maritime heavy industry.

ii. Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities shall cross tidal waters (utility transmission facilities do not include power plants).

iii. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100-foot buffer.

b. The following uses, including expansion of such uses, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water quality, shall not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.

i. Solid or hazardous waste collection or disposal facilities.

ii. Sanitary landfills.

c. The County shall assure that all available measures are taken to protect the Critical Area from all sources of pollution from surface mining operations including, but not limited to sedimentation, siltation, chemical and petrochemical use and spillage, and storage and disposal of waste, dusts and spoils. The County shall further assure that surface mining is conducted in a way to permit the reclamation of surface mining sites as soon as possible and to the extent possible. Areas such as the following shall not be used for surface mining.

i. Habitat Protection Areas (HPA) and other important natural resource areas such as those of scientific value or areas where assemblages of rare species occur.

ii. Areas where highly erodible soils exist.

iii. Areas where the use of renewable resource lands would result in the substantial loss of long range (25 years or more) productivity of forest and agriculture or would result in a degradation of water quality or a loss of vital habitat.

iv. Lands that are within 100 feet of the mean high water (MHW) line of tidal waters, tidal wetlands, or the edge of streams.

d. Existing, permitted uses noted in this subsection are subject to the standards and requirements of the Maryland Department of the Environment.

#### **D. Roads, Bridges, Utilities and Habitat Protection Areas**

Roads, bridges, or utilities in any portion of the Critical Area shall not be located in Habitat Protection Area, unless there is no feasible alternative. If the location of a road, bridge or utility in a Habitat Protection Area is authorized, the design, construction, and maintenance of the road, bridge or utility shall be conducted to:

1. Provide maximum erosion protection.
2. Minimize negative impact on wildlife, aquatic life, and their habitats.
3. Maintain hydrologic processes and water quality.
4. Reduce or maintain existing levels of flooding attributable to the development activity.
5. Retain tree canopy to maintain stream water temperature within normal variation.
6. Provide a natural substrate for streambeds.
7. Minimize adverse water quality and quantity impacts of stormwater.

#### **E. Cutting or Clearing for Utility Corridors, Road Rights-of-Way and Percolation Tests**

The following regulations shall apply for cutting or clearing of forests or developed woodland for utility corridors, road rights-of-way, and percolation tests:

1. For percolation tests, reforestation or payment of fees-in-lieu is required for clearing corridors greater than 12 feet in width. Clearing for percolation access shall be minimized and the removal of trees greater than six inches in diameter shall be avoided. Clearing for percolation test sites shall be limited to the number of test sites required by the Health Department and shall not exceed a total of 2,500 square feet per test site (does not include area cleared for access). If clearing will exceed 2,500 square feet for the percolation test sites, then a grading permit, grading exemption or vegetation removal permit and reforestation or payment of fees-in-lieu is required.
2. If these areas, which are exempt from reforestation and fees-in-lieu, are later changed to another development use (e.g., access lanes to percolation test sites become roadways) these areas will be considered as having been forested in calculations of clearing limits and clearing mitigation.
3. Clearing in public road and utility rights-of-way shall be minimized to the greatest extent possible, but may exceed 30% of the right-of-way, and required mitigation will be on an equal area basis as described in this section. Those portions of road and utility corridors in which small trees and shrubs are maintained are exempt from reforestation requirements. Trees or their limbs that may strike utility lines or structures may be removed without reforestation if small trees and shrubs are maintained.
4. A vegetation removal permit (or grading permit if applicable) shall be obtained for the following clearing activities associated with percolation test sites, road rights-of-way, and utility corridors in the Critical Area:
  - a. Total clearing for percolation test site areas per proposed lot or parcel that exceed 2,500 square feet.
  - b. Proposed public utility corridors or percolation access lanes greater than 12 feet in width.
  - c. Clearing in public road rights-of-way that exceed 30% of the right-of-way.
  - d. Private utility corridors and private roads rights-of-way.
  - e. For any-sized road right-of-way, utility corridor or percolation access lane proposed in a Habitat Protection Area such as a waterway buffer or wetland buffer, wetland, rare, threatened, or endangered species habitat, or forest interior dwelling (FIDs) bird habitat.
5. Abandoned utility corridors, percolation access and percolation site areas are allowed to naturally regenerate unless, at time of development, these areas have been mitigated for by reforestation or payment of fees-in-lieu.
  - a. Though mitigation requirements for clearing utility corridors are as described in this section, the limits to the percentage allowed to be cleared do not apply to utility corridor rights-of-way. These clearing limits do not apply to public road rights-of-way which are external to subdivisions. Though clearing should be minimized, up to 100% of these rights-of-way may be cleared. Mitigation for clearing public road rights-of-way that are external to subdivisions is on a one-for-one basis.
  - b. Offsite mitigation is allowed for public entities including public utilities with the following conditions:
    - i. It is on a site within the Calvert County Critical Area, excluding the lands within the corporate limits of Chesapeake Beach and North Beach.
    - ii. It is on property owned by the public entity.
    - iii. The mitigation meets the requirements of the Calvert County Critical Area Program.
    - iv. A planting plan is submitted to and approved by the Department of Planning & Zoning.

## **F. Commercial Timber Harvests**

### **1. Process**

Landowners proposing to harvest timber within any one year interval and affecting one or more acres in the Critical Area shall submit a "Timber Harvest Plan." This plan shall be prepared by a registered professional

forester. The Timber Harvest Plan shall be reviewed and approved by the Department of Natural Resources and the District Forestry Board. The approved plan shall be filed with the County Soil Conservation District and the approved plan shall be sent to the Department of Planning & Zoning prior to beginning timbering operations. The office shall review the plan to assure its consistency with this program.

## **2. Timber Harvest Plan Standards**

Plans shall include measures to protect surface and groundwater quality and identify whether the activities will disturb or affect Habitat Protection Areas as identified in this ordinance and shall incorporate protection measures for these areas as To provide for the continuity of habitat, the plans shall address mitigation through forest management techniques which shall include scheduling size, timing and intensity of harvest cuts, afforestation and reforestation.

## **3. Sediment Control Plans**

In the Critical Area, any landowner who plans to harvest timber on an area which will disturb 5,000 square feet or more including harvesting on agricultural lands shall submit a Sediment Control Plan. This plan is also required for any harvests which will cross perennial or intermittent streams. This plan shall be developed according to the State guidelines entitled: "Standard Erosion and Sediment Control Plan for Harvest Operations". The operations shall be implemented in accordance with specifications set out by the Department of Natural Resources and enforced by the Department of the Environment and the County.

- a.** If cuts and fills are three feet or more, if grades for roads are 15% or more, or if landings are on slopes of 10% or more, then the landowner shall get a custom Sediment Control Plan for the operation. These are prepared by Registered Professional Foresters and include controls necessary to prevent site erosion and to ensure site stabilization. This plan shall be submitted to the local Soil Conservation District for approval and notice of approval sent to the Division of Inspections and Permits.
- b.** If a custom Sediment Control Plan is not required, a Standard Erosion and Sediment Control Plan is available through the Soil Conservation District. The landowner shall provide the following information:
  - i.** Location description.
  - ii.** Harvest operation description.
  - iii.** Sketch map of the property showing acres to be cleared.
  - iv.** Identification of the landowner, licensed timber harvest operator, and other operators or subcontractors.
- c.** Either the owner or the operator shall take responsibility for implementation of the Sediment Control Plan or each subcontractor shall file a separate plan.
- d.** The landowner shall sign the agreement to certify that he understands the terms of the plan and is responsible for preventing erosion and sedimentation during the forest harvesting.

## **4. Buffer Protection Standards**

Timber harvests are permitted in the Buffer in accordance with the provisions of COMAR 27.01.05.02.

## **G. Natural Resource Protection and Forest Conservation Outside the Critical Area**

Sometimes a parcel or lot is only partially inside the Critical Area boundary and the remainder is outside the boundary. Only proposed impacts inside the Critical Area shall be subject to Critical Area regulations. However, the portion of the parcel outside the Critical Area may be subject to Natural Resource Protection requirements of Article 21 and the Forest Conservation requirements of Article 20.

## **H. Steep Slopes**

- 1.** Development on slopes greater than or equal to 15%, as measured before development, is prohibited unless the project is the only effective way to maintain or improve the stability of the slope, and is consistent with the policies of this Ordinance. For new subdivisions, slopes greater than or equal to 15% shall be platted as "steep slope conservation areas" unless a variance has been granted to disturb these slopes.
- 2.** The following regulations apply for development of slopes greater than 15% and highly erodible soils:

- a. Super silt fence shall be installed and maintained around the disturbed area until grading is stabilized with vegetative cover.
- b. After final grading, erosion control matting or stabilization planting shall be installed over the entire area of disturbed soil.
- c. Stormwater management measures shall be consistent with the requirements of the Calvert County Stormwater Management Ordinance.

3. At environmental planning staff recommendation, the Zoning Officer or its designee is authorized to grant administrative variances for disturbance to steep slopes for the purposes of slope stabilization (See Section 30-4 of this Ordinance). The applicant must demonstrate that erosive conditions exist, and the proposed stabilization method minimizes land disturbance and clearing of existing vegetation. Slope stabilization activities include the prevention of soil movement by any of the various vegetative or structural means. Stabilization can include minimal grading; retaining walls; erosion control mats, blankets and fiber logs; or, other environmentally sensitive practices. It shall not include the use of accessory structures including but not limited to patios, terraces or gazebos. If an administrative variance is granted, mitigation by planting on the site at a rate of 2:1 per square foot of the disturbance shall be required, whether inside or outside of the Buffer. The Department of Natural Resources (Critical Area Commission) shall be included in the notice letters for any administrative variance under this provision.

**I. Text and Map Amendments**

The requirements for amendments of this Ordinance shall be met.

- 1. The Critical Area provisions of the Zoning Ordinance and the Critical Area maps shall be comprehensively reviewed at least every ten years. Calvert County shall notify the Commission in writing if it requires a one year extension to the ten-year deadline. The Commission shall notify the County in writing, within 60 days after the completion of its review, in accordance with all requirements established in Natural Resource Article 8-1809(g).
- 2. An amendment to the LDA, LDA-3, RCA, or IDA boundaries may be granted only upon proof of a mistake in the zoning existing at the time of adoption of the Critical Area law in 1985 (Critical Area Law, Section 8-1809(h)) or by the use of Growth Allocation (as per Section 22-5 below). Calvert County may grant a change to the Critical Area land classification on proof of a mistake if the proposed Critical Area classification:
  - a. Conforms to the State Critical Area mapping criteria based on land uses in existence either;
    - i. As of December 1, 1985 if part of the originally mapped Critical Area; or
    - ii. As of the date the land was included in the Critical Area due to a Critical Area boundary remapping effort;
  - b. Follows Calvert County mapping methodology for Critical Area classification at the time of mapping; and
  - c. Is consistent with the purpose, policies, and goals of the Critical Area law and regulations.
- 3. For Critical Area Program refinements, the County shall not adopt the refinements until the Chairman of the Critical Area Commission has approved them.
- 4. For Critical Area Program amendments, a panel of the Critical Area Commission will hold a public hearing in the County. The panel will then make a recommendation to the full Critical Area Commission. The County cannot adopt the amendments until the Critical Area Commission has approved them.
- 5. When the County submits a request for review and approval of changes to any element of the County's Critical Area Program including, but not limited to, the Zoning Ordinance, subdivision regulations, or Critical Area Maps, the request must include all relevant information necessary for the Chairman of the Critical Area Commission, and as appropriate, the Critical Area Commission, to evaluate the changes. The Chairman or the Critical Area Commission will determine if the requests for program changes are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all criteria of the Critical Area Commission.
- 6. In accordance with the determination of consistency, the Chairman of the Critical Area Commission, or as appropriate, the Critical Area Commission will either:

- a. Approve the proposed program refinement or amendment and notify the County.
- b. Deny the proposed program refinement or amendment.
- c. Approve the proposed program refinement or amendment subject to one or more conditions.
- d. Return the proposed program refinement or amendment to the County with a list of changes to be made.

**J. Notification**

**1. Public Notification**

- a. For all County government major development projects and other County projects not exempt as provided in Section 22-1.J.1.c below shall, as part of a project submittal to the Critical Area Commission, provide proof of the following:
  - i. Public notice published in a newspaper of general circulation in the area where the proposed development activity would occur.
  - ii. A minimum 14 day comment period in the local jurisdiction in which the proposed development activity will occur was provided.
  - iii. Certification that the property was posted.
- b. Proof of public notice and public comment shall include the following minimum documentation:
  - i. A copy of the notice as it appeared in the newspaper.
  - ii. The name of the newspaper in which the notice appeared.
  - iii. The date the notice appeared in the newspaper.
  - iv. All copies of correspondence received as a result of the public notice.
  - v. A list of any neighborhood associations contacted, if applicable.
- c. The following classes of development activities of State and local governments in the Critical Area of the Chesapeake Bay are exempt from the notice and comment requirement of this section of this regulation:
  - i. Any State or local agency development activity of local significance on private lands or lands owned by local jurisdictions that have been determined by the Commission to be consistent with the local Critical Area Program as provided by COMAR 27.02.02 and for which the local agency has submitted a consistency report relative to its Critical Area Program.
  - ii. Any State or local government development activity that is included in a General Approval as provided by COMAR 27.02.03.
  - iii. Any State development activities on State lands for which the Commission has approved a Memorandum of Understanding, including notice requirements.

**2. Critical Area Commission Notification**

- a. Significant Actions in the Critical Area require Critical Area Commission staff review. Any activity listed in Table 22-1 and indicated with a "Y", is considered a Significant Action.
- b. Minor Actions in the Critical Area do not require Critical Area Commission staff review. Any activity listed in Table 22-1 and indicated by either an "N" or "NA" is considered a minor action.
- c. All development actions by a County agency, or on County property, in the Critical Area require Critical Area Commission staff review and of a submitted "Consistency Report" by the County.

d. For activities that require notification, notification consists of copies of preliminary site plans and subdivisions, grading and building permit applications for activities that are not a site plan or subdivision and complete variance applications. If comments are not received from the Critical Area Commission within 30 days of notification to the Commission, the County will proceed with the review and potential approval of these projects. The County will also submit copies of final site plans and subdivision to the Critical Area Commission. No permits will be issued until at least 30 days after the approval of final site plans, subdivisions and variances. However, administrative variances for the disturbance of steep slopes for the purposes of slope stabilization where there is an imminent danger of loss of life or property may be exempted from this requirement by the Zoning Officer, in consultation with the Environmental Planner.

e. Shore erosion control measures and private piers that do not involve disturbance to the Buffer, are constructed solely from the water, including all construction related and staging activities, and are permitted by MDE do not require Commission notification.

<b>Table 22-1: Required Notification to Critical Area Commission</b>			
<b>Y = Yes // N= No // NA = Not Applicable</b>			
<b>Application</b>	<b>IDA</b>	<b>LDA</b>	<b>RCA</b>
Disturbance to Habitat Protection Areas*	Y	Y	Y
Physical disturbance to Buffer	Y	Y	Y
Variance or Administrative Variance from Critical Area Regulations*	Y	Y	Y
Less than 5,000sf disturbance	N	N	N
Between 5,000sf and 15,000sf of disturbance	N	N	Y
Greater than 15,000 sf of disturbance*	Y	Y	Y
Subdivision of three lots or fewer*	N	N	Y
Subdivision of four to ten lots*	N	Y	Y
Subdivision of greater than ten lots*	Y	Y	Y
Use of growth allocation	NA	Y	Y
Intrafamily transfer*	NA	NA	Y
Rezoning that occurs wholly or partially within the Critical Area*	Y	Y	Y
Special exception or conditional use for industrial, commercial, institutional, non-residential or multi-family*	N	Y	Y
Substantial alteration to applications previously submitted to the Critical Area Commission	Y	Y	Y
Lot consolidation or reconfiguration	Y	Y	Y

**Footnote:**

\* For columns in these rows indicated with a "Y", final subdivision plats, final site plans, final decisions or orders shall be submitted to the Critical Area Commission within 15 days of the decision.

**K. Grandfathering**

1. After Critical Area Program approval (December 13, 1988), the continuation of any use legally in existence on the date of Critical Area Program approval shall be permitted. In the Critical Area, if the use or structure has been abandoned for more than one year, then it is no longer grandfathered or vested. If any existing use or structure does not conform to the provisions of the Critical Area Program, its intensification or expansion shall be permitted only in accordance with the variance procedures outlined in Section 22-9 below.

- a. Lawns or landscaped areas may continue so long as they are cut or maintained at least once a year.
- b. Nonconforming buildings are allowed to remain.
- c. Nonconforming houses outside ER50 Cliff Setback and greater than 100 feet from cliff edge may be replaced or expanded upward with a second story.

2. Except as otherwise provided, a single lot or parcel of land that was legally of record on the date of Critical Area Program approval (December 13, 1988) may be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of Calvert County's approved Critical Area Program.

3. Lots in subdivisions which received the County's approval prior to June 1, 1984 may be consolidated or reconfigured in accordance with Section 22-1.M below without the consolidation or reconfiguration being considered a resubdivision.
4. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval after December 1, 1985 is permitted provided that development of any such land conforms to the IDA, LDA or RCA requirements in this Ordinance. Existing non-conforming uses in the RCA shall only be expanded 10,000 square feet or 10%, whichever is less, before requiring Growth Allocation.
5. For purposes of implementing this regulation, the Board of County Commissioners has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this Article.
6. Nothing in the Critical Area regulations within the three types of development areas described in this Article shall be interpreted as altering any requirements of this Ordinance for development and redevelopment activities for Water Dependent Facilities and Habitat Protection Areas.

**L. Lot Consolidation and Reconfiguration in the Critical Area**

The provisions of COMAR 27.01.02.08 shall be met for lot consolidation and reconfiguration/re-platting in the Critical Area. The provisions of this regulation do not apply to a conforming parcel or lot.

**1. Applicability**

These provisions shall apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

- a. Those for which a Critical Area variance is sought or has been issued.
- b. Those located in the Resource Conservation Area and are less than 20 acres in size.

**2. Procedure**

- a. An applicant seeking a parcel or lot consolidation or reconfiguration through an administrative plat shall provide the required information in Section 22-1.L.3 below to the Department of Planning & Zoning.
- b. The Department of Planning & Zoning shall not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with Section 22-1.L.4 below and COMAR 27.01.02.08.F.
- c. The Department of Planning & Zoning shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
- d. After a final written decision or order is issued, the County shall send a copy of the decision or order and a copy of any approved development plan within 10 business days by U.S. mail to the Critical Area Commission's business address.
- e. A building permit shall not be issued until the appeal time has expired.

**3. Application**

An application for the consolidation or reconfiguration of any nonconforming legal parcel of land or recorded legally buildable lot shall contain at least the following information:

- a. The date of recordation of each legal parcel of land or legally buildable lot to be consolidated or reconfigured.
- b. A plan drawn to scale that shows all existing and proposed lot or parcel boundaries.
- c. Information sufficient for the Department of Planning & Zoning to make the findings set forth in Section 22-1.L.4 below.
- d. A table that lists the number of all legal parcels of land or recorded legally buildable lots and the number of proposed lots or parcels or dwelling units to be derived.

- e. All information required in the administrative plat procedures checklist as established by the Department of Planning & Zoning.

#### **4. Standards**

The County shall review a proposed lot consolidation or reconfiguration and will make written findings that each one of the following standards has been met:

- a. The proposed consolidation or reconfiguration will result in no greater number of lots, parcels, or dwelling units in the Critical Area than the existing configuration would allow.
- b. The proposed lot consolidation or reconfiguration will result in no greater lot coverage than the existing configuration would allow.
- c. The proposed consolidation or reconfiguration does not:
  - i. Create an additional riparian lot or parcel, waterfront lot, or any other lot or parcel deeded with water access; or
  - ii. Intensify or increase impacts associated with riparian access.
- d. The proposed consolidation or reconfiguration does not create:
  - i. A lot or parcel or portion of a lot or parcel that will serve development activities outside the Critical Area; or
  - ii. A Resource Conservation Area lot or parcel that serves development activities in the Intensely Developed Area or Limited Development Area.
- e. The proposed consolidation or reconfiguration identifies each Habitat Protection Area and if impacts to a Habitat Protection Area are proposed, the proposal demonstrates that:
  - i. No greater impact to a Habitat Protection Area would result than the impact that would have resulted from the existing lot configuration.
  - ii. Adverse impacts to a Habitat Protection Area are minimized.
  - iii. Protective measures and restoration measures are included that provide for the least possible impact.
- f. The proposed consolidation or reconfiguration provides:
  - i. Stormwater management for all proposed development activities.
  - ii. Benefits to fish, wildlife, and plant habitat that are clearly identified.

#### **M. Fines and Penalties**

Enforcement of the Critical Area regulations is pursuant to the requirements of the Maryland Annotated Code, Natural Resources Article, 8 subtitle 18, and the provisions of COMAR Title 27 subtitle 01, notwithstanding any provision in a County law or ordinance or the lack of a provision in a County law or ordinance. The County's Critical Area violation process and procedures are further described in Section 22-10 below.

### **22-2 INTENSELY DEVELOPED AREA (IDA)**

#### **A. Purpose**

The purpose of the Intensely Developed Area (IDA) is to serve as the area where future intense development activities will be directed.

#### **B. Goals**

The following goals guide development in the IDA:

1. Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary stream.
2. Accommodate additional development of the type and intensity designated by the local jurisdiction provided that water quality is not impaired.
3. Minimize the expansion of intensely developed areas into portions of the Critical Area designated as Habitat Protection Areas.
4. Conserve and enhance fish, wildlife, and plant habitats, to the extent possible, within intensely developed areas.
5. Encourage the use of retrofitting measures to address existing stormwater management problems.

**C. IDA Boundaries**

Boundaries are as shown on the official Calvert County Critical Area Map as IDA.

**D. Designation of IDAs**

1. IDAs are those areas within the Critical Area where residential, commercial, institutional, or industrial developed land uses predominate, and where relatively little natural habitat occurs. At the time of the initial mapping, these areas shall have had at least one of the following features:

- a. Housing density is equal to or greater than four dwelling units per acre;
- b. Industrial, institutional, or commercial uses are concentrated in the area; or
- c. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

2. In addition, these features shall be concentrated in an area of at least 20 adjacent acres, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.

**E. Permitted Uses**

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-2.G below

**F. Special Exception Uses**

Uses allowed as special exceptions may also be allowed as long as they meet the conditions of Section 22-2.G below.

**G. Criteria for Development in the IDA**

In addition to the development requirements of this Ordinance, development and redevelopment is subject to the criteria contained in the Habitat Protection Areas regulations.

1. Stormwater management as follows:
  - a. The Department of Planning & Zoning requires, at the time of development or redevelopment, technologies as required by applicable State and local ordinances to minimize adverse impacts to water quality caused by stormwater.
  - b. In the case of redevelopment, if these technologies do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to redevelopment, then offsets as described in this section shall be provided to achieve this 10% reduction.
  - c. In the case of new development, if these technologies do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to development, then offsets as described in this section and as determined by the County Engineer shall be used to reduce pollutant loadings by at least 10% of the pre-development levels.
  - d. Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that their benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring, or other computation of mitigation measures. The offsets shall be approved by the County Engineer.

- e. The 10% reduction is calculated in the manner developed by the Critical Area Commission in its document entitled "Critical Area 10% Rule Guidance Manual - Fall 2003", and as amended from time to time.
  - f. To meet the 10% reduction requirement through offsets, priority is given to planting pervious areas with native vegetation. Examples of acceptable offsets include but are not limited to:
    - i. Installing a new BMP in an existing urbanized area not already served by a stormwater BMP. No offset credits can be taken for a new BMP that is already required under State stormwater management law.
    - ii. Installing or financing an agricultural BMP in the Resource Conservation Area.
    - iii. Modifying an existing stormwater BMP to improve its pollutant removal capability.
    - iv. Modifying a public storm sewer network to trap pollutants (e.g., modify catch basins, installing plate separators or swirl concentrators).
    - v. Establishing a forested buffer strip in an existing developed or cropped area where one does not presently exist.
2. If practicable, permeable areas shall be established in native vegetation, and, whenever possible, redevelopment shall reduce existing levels of pollution.
  3. Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, should be maintained and are encouraged to be established within Intensely Developed Areas. Such areas should be pervious where feasible.
  4. Ports and industries which use water for transportation and derive economic benefits from shore access, shall be located near existing port facilities. The Board of County Commissioners may identify other sites for planned future port facility development and use, if this use will provide significant economic benefit to the State or County and is consistent with the provisions of this Ordinance, and State and Federal regulations.
  5. To the extent practicable, future development shall use cluster development as a means to reduce impervious areas and to maximize areas of natural vegetation.
  6. When the cutting or clearing of trees in forests and developed woodland areas is associated with current or planned development activities, a grading permit and the following are required with approval from the Department of Planning & Zoning:
    - a. Planting plans for the enhancement of forest and developed woodland resources such as street tree plantings, gardens, landscaping, open land buffer plantings.
    - b. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation.
    - c. Protection shall be provided for existing forests and developed woodlands located in Habitat Protection Areas and as prescribed in Habitat Protection Plan.

## **22-3 LIMITED DEVELOPED AREA (LDA AND LDA-3)**

### **A. Purpose**

The purpose of the Limited Development Area (LDA) and Limited Development Area-3 (LDA-3) is to serve as areas for low or moderate intensity development.

### **B. Goals**

The following goals guide development in the LDA:

1. Maintain or, if possible, improve the quality of runoff and ground water entering the Chesapeake Bay and its tributaries.

2. Maintain, to the extent practicable, existing areas of natural habitat.
3. Accommodate additional low or moderate intensity development if:
  - a. This development conforms to the Habitat Protection Areas regulations.
  - b. The overall intensity of development within the limited development area is not increased beyond the level established by the prevailing character as identified by density and land use currently established in the area.

#### **C. LDA Boundaries**

Boundaries are as shown on the official Calvert County Critical Area Map as LDA or LDA-3.

#### **D. Designation of LDAs**

LDAs are those areas within the Critical Area which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. At the time of the initial mapping, these areas shall have had at least one of the following features:

1. Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre.
2. Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space.
3. Areas meeting the conditions of IDA but comprising less than 20 acres.
4. Areas having public sewer or public water, or both.

#### **E. Density Limitation**

1. In the LDA, the maximum density is four dwelling units per acre. If the underlying zoning district is more restrictive, then those regulations apply.
2. All properties which are designated LDA-3 shall have a minimum lot size of three acres except for those one-acre exception lots which cannot be accommodated outside of the Critical Area and those created in clustered residential developments as described in Article 25 of this Ordinance.

#### **F. Permitted Uses**

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-3.H below.

#### **G. Special Exception Uses**

Uses allowed as special exceptions may also be allowed as long as they meet the conditions of Section 22-3.H below.

#### **H. Criteria for Development, Redevelopment, and Maintenance**

In addition to the development requirements of this Ordinance, development and redevelopment is subject to the criteria contained in the Habitat Protection Areas regulations in Section 22-6 below. For development and redevelopment, the owner or agent of the owner is required to identify and locate any environmental or natural features described in this section and meet all the following environmental protection standards.

1. Criteria as required for the Habitat Protection Area and those for the Water-Dependent Facilities regulations of this Ordinance.
2. All development sites shall incorporate a wildlife corridor system that connects the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas. The establishment of conservation easements, restrictive covenants, or similar instruments through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts, and other organizations is required before final approval of the site plan or subdivision may be granted.
3. To reduce stormwater runoff, lot coverage is limited as described below:

- a. In general, lot coverage is limited to 15% of a lot or parcel.
- b. If a parcel or lot existed on or before December 1, 1985 in the Chesapeake Bay Critical Area and is one-half acre or less in size, then the lot coverage is limited to 25% of the lot or parcel.
- c. For lots of one acre or less in size, the lot coverage is limited to 15% of the entire parcel being subdivided. The lot coverage on each lot may exceed 15% as long as the lot coverage over the entire parcel being subdivided does not exceed 15%.
- d. Lots created after December 1, 1985 or properly permitted in accordance with this ordinance and impervious surface policies in effect prior to July 1, 2008 may be considered legally nonconforming for purposes of lot coverage requirements.
- e. Lot coverage limits do not apply to a Manufactured Home Community that was in residential use on or before December 1, 1985 in the Critical Area.
- f. A 4-foot walkway or stairway through the Buffer that provides direct access to a pier is not included in lot coverage calculations.
- g. There is no allowable, by right, percentage of lot coverage within the 100-foot buffer. Lot coverage may be permitted in the Buffer, in accordance with the provisions outlined in the following regulations contained within this Ordinance: Water-Dependent Facilities, Special Buffer Management Areas, and variances.
- h. Addition or alteration of any lot coverage including but not limited to sidewalks, paving of driveways, construction of sheds, decks, etc. requires either a grading exception, grading permit, or building permit. For development that uses pervious materials that have been approved by the Commission as part of a local program, the limits established in this subsection may be exceeded by up to 500 square feet using permeable pavers or permeable pavement installed to the manufacturer's specifications. The degree of perviousness shall be agreed upon by the Department of Planning & Zoning and shall fall within the ranges as defined in Section 2-2 of this Ordinance.
- i. For grandfathered lots or parcels of record that predate the Critical Area Program, a local government may allow a property owner to exceed the lot coverage limits outlined above and comply with the lot coverage limits set forth in Table 22-2 if the following requirements are met:
  - i. Lot coverage associated with new development activities has been minimized.
  - ii. Water quality impacts associated with runoff from development activities that contribute to lot coverage have been minimized.
  - iii. The property owner performs on-site mitigation or pays a fee-in-lieu of mitigation at a rate of 2:1 to offset potential adverse water quality impacts.
  - iv. The property owner shall perform mitigation as per Section 22-3.I for the square footage of lot coverage added above 15% of the parcel or, if such is not feasible, the property owner may pay a fee-in-lieu of performing the on-site mitigation (in an amount approved by the Board of County Commissioners) multiplied by the area in square feet of the new Lot Coverage that exceeds 15% of the lot/parcel. All fees-in-lieu collected under this section will be placed in the Critical Area fees-in-lieu fund to support projects that improve water quality.

<b>Lot/Parcel Size (in square feet)</b>	<b>Lot Coverage Limit</b>
0 - 8,000	25% of lot/parcel plus 500 square feet
8,001 - 21,780	31.25% of lot/parcel
21,781 - 36,300	5,445 square feet
Greater than or equal to 36,301	15% of lot/parcel

- j. If the Zoning Officer designee makes the findings set forth in Section 22-3.H.3.i above and authorizes an applicant to use lot coverage limits set forth in that paragraph, the applicant shall:

- i. Demonstrate that the water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of best management practices to improve water quality; and
  - ii. Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of development activity.
  - iii. If the applicant cannot provide appropriate stormwater treatment and planting due to site constraints, then the County shall require the property owner to pay a mitigation fee to the County in lieu of performing the on-site mitigation. The amount of the fee shall be established by the Board of County Commissioners. The County shall use all fees collected under this provision to fund projects that improve water quality within the Critical Area, consistent with the County's Critical Area Program and Zoning Ordinance. The first priority is to fund the Critical Area Landscape Conservation Project.
- k. Grandfathering provisions are as follows:
- i. Projects for which a building or grading permit was issued prior to January 1, 2010 or a site development plan was approved by July 1, 2010 may be considered legally developed with respect to lot coverage if done in accordance with Natural Resources Article 8-1808.3.
  - ii. Lot coverage (impervious surface) limits existing at the time of permit approval shall apply to these permitted projects.
  - iii. Development plans and lot coverage plans may be modified with appropriate permits; however, the amounts of impervious surface, partially pervious, and developed pervious areas shall not be increased beyond set limits. Reductions in these areas are permitted.
  - iv. Projects, including new subdivisions, for which an initial application for development was filled by October 1, 2008 and approval was obtained by July 1 2010, but for which there was no approved lot coverage plan shall be required to comply with all of the lot coverage provisions.
- l. For lot coverage on split parcels and growth allocation envelope sites, lot coverage shall be limited as follows:
- i. When a site is mapped entirely as LDA: 15% of the total site.
  - ii. When a portion of a lot or parcel is mapped as LDA: 15% of that portion of that lot or parcel.
  - iii. In the case of growth allocation award to change a designation from RCA to LDA either:
    - (A) 15% of the growth allocation development envelope; or,
    - (B) 15% of the acreage proposed for growth allocation deduction.
4. Modifications in road standards to reduce potential impacts to the site and Critical Area resources are allowed where the reduced standards do not affect safety.
5. To reduce the extent of lot coverage, i.e., impervious areas, and maximize areas of natural vegetation, cluster development is encouraged as the preferred development method.
6. If less than 15% forest cover is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15% of the lot area within the Critical Area. New accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects are exempt from this requirement. For these projects, mitigation planting requirements shall be calculated by multiplying the area of disturbance by two.
7. For the maintenance of forest and developed woodland in the LDA, the following standards shall apply:
- a. The recommendations, when provided, of the Maryland Department of Natural Resources shall be followed.

**b.** Development activities shall be designed and implemented to minimize destruction of forest and developed woodland vegetation, and a Developed Woodland Management Plan (DWMP) is required to be submitted to the Department of Planning & Zoning. The Department of Planning & Zoning shall, at its discretion, send the DWMP to the Maryland Department of Natural Resources for review and comment. The DWMP shall include methods for:

- i.** Minimizing forest loss.
- ii.** Maintaining the health of the existing or remaining forest.
- iii.** Maintaining the functions of the forest or developed woodland area relative to removing stormwater, preventing flooding, providing habitat, controlling runoff, and the uptake of nutrients and other pollutants.
- iv.** Removal or inhibition of invasive species.
- v.** Mitigation as per this section.
- vi.** Forest maintenance activities proposed in Habitat Protection Areas are subject to the provisions of the Habitat Protection Areas.
- vii.** Development activities proposed in Habitat Protection Areas are subject to the provisions of the Habitat Protection Areas.

#### **I. Cutting or Clearing**

For the cutting or clearing of natural vegetation in forests and developed woodland areas within the LDA, a permit (grading permit or Critical Area vegetation removal permit) or grading exemption is required and the following criteria shall apply:

- 1.** If no more than 6,000 square feet or 20%, whichever is greater, of existing natural vegetation is cleared, replacement on an equal area basis (1:1) is required. The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
- 2.** If more than 6,000 square feet and more than 20%, but less than 30%, of existing natural vegetation is cleared, replacement required for the amount of clearing is one-and-a-half times the area of the entire clearing (1.5:1). The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
- 3.** Clearing of existing forest or developed woodland in excess of 30% shall be prohibited. If Board of Appeals approval is obtained and more than 30% of natural vegetation is cleared, replacement on a 3:1 basis shall be required. The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
- 4.** No person shall cut or clear existing natural vegetation, or cause existing natural vegetation to be cut or cleared before a permit for such cutting or clearing has been issued by the Department of Planning & Zoning. No person shall cut or clear in excess of the amount of existing natural vegetation permitted in a permit issued by the Department of Planning & Zoning.
- 5.** Clearing or alteration of vegetation inconsistent with this section or unauthorized clearing or alteration of vegetation prior to having obtained the required permit shall subject to fines and mitigation as described in the Section 22-10 below.
- 6.** The area of vegetation planted to mitigate these requirements shall be designed to replicate a natural forest and shall be planted in accordance with this section (See Table 22-5 Landscaping Stock for mitigation credits). Guidance on allowed tree and shrub species and coverages are given in the document entitled, "Calvert County Native Plant List" which has been adopted by the Board of County Commissioners and is available from the Department of Planning & Zoning Office. This document can also be found on the County Department of Planning & Zoning website on the Critical Area webpage.
- 7.** When homeowner actions are necessary in emergency situations to remove a tree(s), i.e., the tree poses an imminent danger of falling and causing damage to a dwelling or other structure, the homeowner shall take

photographs of the tree, prior to removal, remove the tree that poses imminent danger, and submit a Critical Area vegetation removal permit application with the photo documentation within seven days of removal.

8. Clearing or disturbance violations will be mitigated at 4:1. After-the-fact projects that require a variance(s) shall mitigate an additional 3:1. An approved mitigation plan by the Department of Planning & Zoning and payment of the Critical Area bond, fees and fine shall be required before being referred to the Board of Appeals.

## **J. Surety**

1. A person required to conduct replanting as part of a mitigation plan or afforestation requirement shall post a bond or other financial security to insure compliance with the mitigation plan.

2. Requirements for bond or other financial security:

a. Financial security shall be furnished in the form of a surety bond, an irrevocable letter of credit, cash bond, certificate of guarantee, or other surety as authorized by the Board of County Commissioners and approved by the Office of the County Attorney. The surety shall include:

i. Name the Board of County Commissioners as obligee.

ii. Assure that the mitigation replanting is conducted in accordance with the Department of Planning & Zoning approved mitigation plan.

iii. Be in an amount as approved by the Department of Planning & Zoning and set by the Board of County Commissioners. This fee shall be submitted with the bond.

iv. Remain in force until all requirements of the mitigation plan have been fulfilled to the satisfaction of the Department of Planning & Zoning.

b. The surety shall not be cancelled by the issuing entity unless both of the following requirements are fulfilled:

i. The issuer notifies the Board of County Commissioners and the principal of its intention to cancel the surety, in writing, by registered mail, not less than 90 days before cancellation.

ii. At least 45 days before the cancellation date indicated in the notice, the principal files a commitment from another entity to provide a substitute surety that will be effective on the cancellation date indicated in the notice.

c. The surety amount and terms shall remain constant even upon transfer to a new property owner.

3. Forfeiture of surety:

a. The surety is subject to forfeiture if the principal fails to comply with the mitigation plan within the prescribed time.

b. If the surety is forfeited, the County and its agents shall be allowed access to the property to accomplish the previously bonded planting as needed to bring the property into compliance. The bond forfeiture shall constitute a County zoning violation and compliance shall require an additional 4:1 mitigation.

c. A bond or surety or letter of credit shall have written into the documents that it may not be cancelled or closed without written consent from the Department of Planning & Zoning.

4. Release of surety:

a. Bonds shall be held for two years or growing seasons as defined in the bond agreement from the deadline specified in the bond agreement.

b. If, after the time period described above, the survival of the plantings associated with the mitigation plan meets or exceeds the standards of the mitigation plan, the amount of the surety shall be refunded to the bond holder.

## **K. Fees-in-Lieu**

1. If there is not sufficient area on the site to plant the required mitigation area, the Department of Planning & Zoning shall collect fees-in-lieu of replanting from the owner. The fees-in-lieu rate is established by the Board of County Commissioners as approved by the Critical Area Commission. The fees-in-lieu shall be used to plant native woody vegetation in the following types of areas with the Critical Area Buffer always being a priority planting area:

- a. State, County, and private lands in need of reforestation, buffers, or habitat corridors
- b. Severely eroding land (non-farm)
- c. Severely eroding farm land
- d. Unreclaimed surface mines abandoned prior to the current reclamation regulations
- e. Fallow fields
- f. Community open space
- g. Currently operating surface mines
- h. Abandoned pastures
- i. Subdivision lots
- j. Forested areas following the eradication of invasive species that have effectively destroyed a natural forested area.

2. If reforestation exceeds 100% of the areal extent of forest lost in the Critical Area, then the remaining funds may be used for the following activities in priority order within the Critical Area, with the approval of the Critical Area Commission planning staff:

- a. Projects that improve water quality and increase habitat
- b. Invasive plant control and management
- c. Public education and outreach

## **22-4 RESOURCE CONSERVATION AREA (RCA)**

### **A. Purpose**

The Resource Conservation Area (RCA) is chiefly designated for agriculture, forestry, fisheries activities, and other resource utilization activities and for habitat protection. Development is limited in the Resource Conservation Area.

### **B. Goals**

The following goals will guide development in the RCA:

1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity.
2. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species.
3. Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture.
4. Conserve the existing developed woodlands and forests for the water quality benefits that they provide.

### **C. Area Boundaries**

Boundaries are as shown on the Official Calvert County Critical Area Map as RCA.

#### **D. Designation of Resource Conservation Areas**

Resource Conservation Areas are those areas within the Critical Area characterized by nature-dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). At the time of the initial mapping, these areas shall have had at least one of the following features:

1. Density is less than one dwelling unit per five acres.
2. Dominant land use is in agriculture, wetland, forest, barren land, surface water, or open space.

#### **E. Density Limitations**

The maximum allowable density is one lot per 20 acres. This lot density shall only be increased through an intra-family transfer if the parcel is eligible. A variance to density in the RCA shall not be authorized. For parcels divided by the Critical Area line, the density requirements in the Resource Conservation Area are applied to the portion of the property lying within the Critical Area, and the density requirements for the underlying zoning district is applied to the portion of the property lying outside the Critical Area. A variance shall not be granted to modify the density requirements.

1. Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density, minimum lot sizes shall be in accordance with the requirements of the underlying zoning district.
2. In calculating the density of development that is permitted on a parcel located within the Resource Conservation Areas, the area of any private or State tidal and non-tidal wetlands located on the property is not included.
3. An accessory apartment will not be considered an additional dwelling unit if the criteria under either of the following criteria apply. The provisions of Section 22-4.E.4 below also apply to any accessory apartment that qualifies as exempt from consideration as an additional dwelling unit.
  - a. The accessory apartment is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit, the accessory apartment does not exceed 900 square feet in total enclosed area, and the accessory apartment is served by the same sewage disposal system as the primary dwelling unit.
  - b. The accessory apartment is located within the primary dwelling unit, by its construction, the accessory apartment does not increase the amount of lot coverage already attributed to the primary dwelling unit, and the accessory apartment is served by the same sewage disposal system as the primary dwelling unit.
4. Any accessory apartment that qualifies as exempt from consideration as an additional dwelling unit per Section 22-4.E.3 above is subject to the following:
  - a. An accessory apartment that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
  - b. An accessory apartment that qualifies as exempt from consideration as an additional dwelling unit is subject to density calculations only.

#### **F. Permitted Uses**

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-4.H below.

#### **G. Special Exception Uses**

Uses allowed in the underlying district as special exceptions are allowed as long as they meet the conditions of Section 22-4.H below.

#### **H. Criteria for Development**

1. Development activity within the Resource Conservation Area shall be in accordance with the criteria for the Limited Development Area.

2. Land use management practices shall be consistent with the policies and criteria for Habitat Protection Areas.
3. Agricultural and conservation easements are strongly encouraged.
4. Existing industrial, commercial, and institutional facilities, including those that directly support agriculture, forestry, aquaculture, or residential development not exceeding the density specified in Section 22-4.E above are allowed in Resource Conservation Areas. Expansion or intensification of such uses may be permitted only in accordance with the applicable grandfathering or nonconforming use provisions. Additional land may not be zoned for industrial or commercial development, except as provided in Section 22-6 below. New commercial, industrial, or institutional uses are not permitted.
5. The Department of Planning & Zoning shall ensure that the overall acreage of forest and woodland within the Resource Conservation Areas does not decrease by:
  - a. Not permitting cutting of trees without replacement unless it is approved thinning or timber stand improvement under a Forest Management Plan.
  - b. Requiring that commercially harvested land shall be reforested or mitigated as per the applicable sections of this Article.
6. Nothing in this section limits the ability of a participant in the Agriculture Land Preservation Program to convey real property with such a conservation easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres except as described in the Section 22-4.I below.
7. For lot coverage on split parcels, lot coverage is limited as follows:
  - a. When a site is mapped entirely as RCA: 15% of the total site.
  - b. When a portion of a lot or parcel is mapped as RCA: 15% of that portion of the lot or parcel.
8. A commercial, institutional, or industrial solar energy generating system may be permitted in accordance with Section 22-8 below.

#### **I. Intrafamily Transfers**

1. Bona fide intrafamily transfer lots may be created only from parcels of land that:
  - a. Were of record on March 1, 1986;
  - b. Are 7 or more acres and less than 60 acres in size; and,
  - c. Do not have the potential to create eight lots or more including the intrafamily transfer lots.
2. It shall be required as a condition of approval that:
  - a. An intrafamily transfer lot shall only be created for an immediate family member and that family member shall be identified on the subdivision preliminary and final plats.
  - b. Any deed for a lot that is created by a bona fide intrafamily transfer shall identify the member of the family to receive the lot and contain a covenant stating that the lot is created subject to the provision of this section.
  - c. A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than the person identified in items a and b above, except under procedures established pursuant to Section 22-4.I.3 below.
  - d. This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.

- e. After the adoption of this Ordinance, the number of intrafamily transfer lots that can be created is limited to one lot per parcel of record. If the parcel of record has already platted intrafamily transfer lots permitted under previous Ordinances, no additional intrafamily transfer lots are permitted.
  - f. The purchase of five Transferable Development Rights (TDRs) is required.
3. The subsequent conveyance of lots to persons other than immediate family members shall be permitted if the following conditions are met:
- a. The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale.
  - b. The Planning Commission determines that either:
    - i. Extenuating circumstances, including but not necessarily limited to declining health, military or professional transfer, divorce, or death, has occurred since the original transfer was made that is not inconsistent with this section and that warrants an exception; or
    - ii. Other extenuating circumstances that are consistent with this section and with the County's Critical Area Program to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in Resource Conservation Areas warrant an exception.
  - c. An affidavit affirming the truth of the requirements of Section 22-4.1.3.b above signed by the family member who received the lot through the intrafamily transfer provisions.

**J. Certification of Transferable Development Rights**

- 1. Under the County's Agricultural Preservation Program, for Agricultural Preservation Districts recorded prior to July 1, 2009, property in the Resource Conservation Area shall be eligible for the same number of Transferable Development Rights as properties located outside the Critical Area.
- 2. For Agricultural Preservation Districts recorded after July 1, 2009, the Board of County Commissioners shall certify TDRs separately for lands in the Critical Area, and such lands will be allocated one TDR for every four acres of land in the RCA.
- 3. Such TDRs shall only be applied to land outside the Critical Area.

**22-5 GROWTH ALLOCATION**

**A. Description**

Growth Allocation is the number of acres of land available to Calvert County for new LDAs or IDAs and is equal to 5% of the original acreage of RCA lands that are not tidal wetlands or federally owned. The original amount of Growth Allocation allotted to Calvert County was 684 acres of which 459.05 acres have been used. Chesapeake Beach was allotted 100 acres of which 68.37 acres remain unused; and North Beach was allotted 20 acres and 20 acres remain unused as of the adoption date of this Ordinance. Calvert County has 224.95 acres of Growth Allocation remaining as of the adoption of this Ordinance.

When planning future expansion of IDA and LDA lands, the Board of County Commissioners will cooperate with the municipalities of North Beach and Chesapeake Beach to establish a process to accommodate the growth needs of the municipalities.

**B. Purpose**

Growth Allocation is available for use in an RCA or in a LDA in the Calvert County Critical Area. The purpose is to authorize a change in the Critical Area classification to: 1) develop at a higher density; or 2) allow a use other than what the current classification allows.

**C. Standards**

When locating a new IDA or LDA, the Board of County Commissioners shall use the following standards:

- 1. Locate new IDAs in LDAs or adjacent to an existing IDA and within growth areas defined by the Master Plan. A new IDA shall be at least 20 acres in size unless it is either:

- a. Contiguous to an existing IDA or LDA; or,
  - b. In a grandfathered commercial, industrial, or institutional use that existed when the Critical Area Program was adopted (December 13, 1988). The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
2. Locate new LDAs adjacent to an existing LDAs or IDAs.
3. Except as provided in item 6 below, no more than half of the expansion allocated in the Critical Area Commission criteria shall be located in RCAs.
4. New IDAs or LDAs to be located in the RCA shall conform to all criteria of the Critical Area regulations of the Annotated Code of Maryland Natural Resources Article 8-1808.1(c), as amended from time to time, for such areas.
5. Locate a new LDA or an IDA in a manner that minimizes impacts to a Habitat Protection Area, as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality.
6. If the Board of County Commissioners is unable to designate a portion of the growth allocation in items 1 and 2 above within or adjacent to existing IDAs or LDAs as demonstrated in the Calvert County Critical Area Program approved by the Critical Area Commission, or in any amended Critical Area Program approved by the Critical Area Commission, then that portion of the allocated expansion which cannot be so located shall be located in RCAs, in addition to the expansion allocated in item 3 above. Proof of this situation shall be demonstrated to and approved by the Critical Areas Commission, or in any Critical Area Program amendment approved by the Critical Area Commission. A developer shall be required to cluster any development in an area of expansion authorized under this regulation allocation and is consistent with Calvert County's Comprehensive Plan. Existing nonconforming uses in the RCA shall only be expanded 10,000 square feet or 10% whichever is less before requiring growth.
7. Locate a new IDA or LDA in a manner that minimizes impacts to the defined land uses of the RCA.
8. Locate a new IDA or LDA at least 300 feet from the landward edge of tidal wetlands or tidal waters.
9. Growth allocation shall only be used for commercial or industrial projects.
10. Only projects where the applicant can demonstrate that a measurable public benefit will be realized from the project shall be approved for use of the 5% growth allocation.
11. All projects submitted during the calendar year shall be reviewed and allocated by the Board of County Commissioners upon the recommendation of the Planning Commission.
12. In approving the use of the growth allocation, priority shall be given to:
  - a. Projects within the Solomons Town Center.
  - b. Projects outside the Solomons Town Center in which meet all of the following:
    - i. The building envelope is located at least 300 feet from the landward edge of tidal waters, tidal wetlands or tributary streams.
    - ii. The undeveloped remainder is contiguous and retains its natural features.
    - iii. The undeveloped remainder is restricted from future development through covenants or other restrictive instruments.
    - iv. Development activities shall be designed and implemented to minimize destruction of woodland vegetation.
13. No growth allocation shall be allowed that adversely affects Habitat Protection Areas.

14. Locate new Intensely Developed Areas and Limited Development Areas outside of areas vulnerable to climate change as identified by the County, unless the County proposes, and the Commission approves measures that assess climate resiliency and vulnerability and incorporate siting, design, construction and other natural features to significantly enhance climate resiliency and reduce vulnerability.

**D. Factors**

In reviewing map amendments or refinements involving the use of growth allocation, the County shall consider the following factors:

1. Consistency with the County's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan.
2. For a map amendment or refinement involving a new IDA, whether the development is:
  - a. To be served by a public wastewater system.
  - b. Have an allowed average density of at least 3.5 units per acre.
  - c. If greater than 20 acres, be located in a priority funding area.
  - d. Have a demonstrable economic benefit to the area;
3. For a map amendment or refinement involving a new LDA, whether the development is:
  - a. To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology.
  - b. A completion of an existing subdivision.
  - c. An expansion of an existing business.
  - d. To be clustered.
4. The use of existing public infrastructure, where practical;
5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
6. Impacts on a priority preservation area, as defined under §2-518 of the Agriculture Article;
7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.
9. Environmental impacts on underserved or overburdened communities.

**E. Process Requirement**

An applicant shall submit to the County a complete application for growth allocation that complies with the submittal requirements below.

1. A growth allocation request shall be reviewed and approved according to the local process for a Zoning Map Amendment.
2. Upon approval of the growth allocation request by the Board of County Commissioners, the County shall send a request to the Critical Area Commission to utilize a portion of their growth allocation.
3. The request shall be accompanied by pertinent findings, plans, environmental reports, and studies as described below:

- a. A finding that ensures the growth allocation is consistent with the purposes, policies, goals, and provisions of the Critical Area law and all criteria of the Critical Area Commission.
  - b. All information and documentation relevant to Calvert County's determination that the project meets the standards listed under Natural Resources Article, §8-1808.1(c)(2).
  - c. A conceptual site development plan and environmental features map in accordance with COMAR 27.01.02.06-1.
  - d. If applicable, an environmental report in accordance with COMAR 27.01.02.06-2 including a Buffer Management Plan or Habitat Protection Plan in accordance with COMAR 27.01.02.06-2.B and C.
  - e. If applicable, the preliminary stormwater management plan for compliance with the 10% pollutant reduction rule, including all worksheets and supporting documentation.
  - f. For the following resources, as appropriate for the project site and each government agency, a preliminary review and comment from the Maryland Department of the Environment, Maryland Department of Natural Resources, Maryland Historical Trust, and U.S. Army Corps of Engineers regarding:
    - i. Rare, threatened, and endangered species.
    - ii. Forest interior dwelling birds and colonial water birds.
    - iii. Anadromous fish and their propagation waters and any other aquatic species located onsite.
    - iv. Plant and wildlife habitat and historic waterfowl staging and concentration areas.
    - v. Submerged aquatic vegetation.
    - vii. Riparian forests and tidal and nontidal wetlands.
    - viii. Natural heritage areas and other historical and cultural resources.
  - g. A map that shows the land area for which the local jurisdiction proposes a change of Critical Area land classification.
  - h. Verification that the amount of proposed growth allocation indicated on the map submitted under item g above is accurate and equal to the amount of growth allocation to be deducted from the County's existing total allotment of growth allocation.
4. If the growth allocation is approved by the Critical Area Commission with one or more conditions, the County has 60 days to notify the Commission of its intent to adopt the conditions.
5. Prior to approving the final site plan or subdivision plat, the County shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, and other pertinent documentation.
6. The County's official Critical Area maps shall be amended to reflect the new land classification, and a copy of the new maps shall be provided to the Critical Area Commission within 120 days of the Board of County Commissioner's approval.

**F. Deduction**

- 1. The County shall deduct acreage from its growth allocation reserves using the following methodology.
  - a. For the entire acreage of the parcel if, as of December 1, 1985 in the Chesapeake Bay Critical Area
    - i. The parcel was less than 20 acres in the RCA; or
    - ii. The RCA parcel was at least 20 acres but the application does not qualify for use of a growth allocation envelope under (b) below; or

- b. For the number of acres approved within a growth allocation envelope, if:
    - i. Areas that support the proposed development are included within the growth allocation envelope as defined in this Ordinance.
    - ii. When converting:
      - (1) A resource conservation area the remaining resource conservation area on the parcel outside the growth allocation envelope is at least 20 acres; or
      - (2) A limited development area to a new intensely developed area, the new intensely developed area is at least 20 acres unless a lesser amount is approved in accordance with this Article.
2. The County may not approve a growth allocation development envelope in the RCA, unless the County determines, based on subdivision and development history, that given the existing dwelling units and the development potential on the parcel outside the growth allocation envelope, there remains sufficient resource conservation area acreage outside the envelope to support a minimum density of one dwelling per 20 acres.
  3. The County may exclude the following from a growth allocation deduction:
    - a. The remaining RCA outside the growth allocation envelope if it is at least 20 acres;
    - b. The remaining RCA outside the growth allocation if it is less than 20 acres, and is adjacent and contiguous to a permanently protected RCA on another parcel and the sum of the combined area is at least 20 acres;
    - c. The acreage of a 300 foot setback, even when it is less than 20 acres;
    - d. The acreage within the Buffer, when it is within a 300 foot setback; and
    - e. The acreage of tidal wetlands on the parcel.
  4. The County is limited to one growth allocation envelope per parcel; unless
    - a. Deduction of more than one growth allocation envelope will provide water quality or habitat benefit.
    - b. The Commission approves more than one growth allocation envelope.
  5. When a 300 foot setback is not provided, the County shall require deduction of the area of the Buffer.
  6. The acreage of the area deducted shall match the acreage of the area shown on the official Critical Area map as amended by the County and Critical Area Commission.

## 22-6 HABITAT PROTECTION AREAS

### A. Introduction

The State has designated certain areas and plant and animal species as Habitat Protection Areas meriting special protection. Habitat Protection areas include the Critical Area Buffer; nontidal wetlands; the habitat of rare, threatened, and endangered species, and species in need of conservation; plant and wildlife habitat; anadromous fish propagation water; and Habitat Protection Areas for the Calvert County Critical Area as defined by the Department of Natural Resources – Wildlife and Heritage Service.

### B. Boundaries

The boundaries for each type of habitat protection area are described in the applicable section.

### C. Criteria for Development

All applications for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section.

### D. Critical Area Buffer

## 1. Purpose

The Critical Area Buffer is the largest and most common Habitat Protection Area. There are a number of significant environmental benefits of maintaining a protected buffer between developed areas and adjacent waters and wetlands. The purpose of the Critical Area Buffer shall be to:

- a. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Chesapeake Bay and its tributaries.
- b. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources.
- c. Maintain an area of transitional habitat between aquatic and upland communities.
- d. Maintain the natural environment of streams.
- e. Protect riparian wildlife habitat and wildlife corridors.
- f. Reduce erosion by stabilizing slopes and the shoreline.

## 2. Buffer Description and Delineation

- a. A Buffer of at least 100 feet shall be delineated based on existing field conditions and shown on all applications for a development activity or proposed land use change. It shall be delineated landward from:
  - i. The mean high water (MHW) line of a tidal water.
  - ii. The edge of each bank of a tributary stream.
  - iii. The upland boundary of a tidal wetland.
- b. The Buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, whose development or disturbance may impact streams, wetlands, or other aquatic environments. The minimum 100-foot Buffer shall be expanded to include the following contiguous areas:
  - i. In the case of contiguous, steep slopes of 15% or greater, the Buffer shall be expanded to the top of the slope, plus 50 feet.
  - ii. A nontidal wetland and its contiguous 100-foot buffer.
  - iii. A "Wetland of Special State Concern" (COMAR §26.23.06.01) and its contiguous 100-foot buffer.
  - iv. Highly erodible soils on a slope less than 15% and greater than 5% to the landward edge of the highly erodible soil or 300 feet, whichever is less. The Buffer cannot be expanded beyond a drainage divide on grandfathered lots or parcels.
  - v. Hydric soils to the landward edge of the hydric soil or 300 feet, whichever is less.
- c. The expansion of the Buffer shall be drawn perpendicular to the shoreline, tidal wetland, or tributary stream to be protected. The Buffer shall not be expanded beyond a drainage divide on grandfathered lots or parcels. The Planning & Zoning Department has the authority to require a reverification of the Buffer through field inspection. The provisions of Section 22-6.D.7 below apply to clearing within the expanded buffer area.

## 3. Buffer Applicability

The Zoning Officer, in consultation with the Environmental Planner(s), may authorize disturbance to the Buffer for the following activities, provided mitigation is performed as required in Section 22-6.D.7 below with an approved Buffer Management Plan according to the standards stated in Section 22-6.D.6 below. All measures shall have all applicable approvals. Items a, c, and e below shall require administrative variance approval, and all criteria of Section 22-9.D shall be met.

- a. A new development or redevelopment activity associated with a water-dependent facility under COMAR §27.01.03 and this Ordinance. The approval of an administrative variance is required.

**b.** In accordance with COMAR §26.24.02, a shore erosion control measure under COMAR §26.24.04 and this Ordinance. The applicant shall consult with the Maryland Department of the Environment to obtain authorization or a license for the proposed project which shall be submitted with the County permit application package. When work associated with a shore erosion control application extends landward of the Mean High Water line the following provisions shall apply:

- i.** Bulkheads or retaining walls are prohibited.
- ii.** The existing bank shall not be graded except to allow minimal access, no greater than 20 feet wide. No other clearing or cutting of existing vegetation shall be permitted.
- iii.** Work shall be performed from the channelward side of the site except when the landward side is lawn. Staging areas shall be 15 feet wide or less.
- iv.** Minor fill of eroded gullies or depressions created by root wads, tree falls or undercut, or to protect septic recovery areas and wells are permitted.
- v.** Disturbance to the Buffer to install the shore erosion control measure requires a Buffer Management Plan in accordance with the following:
  - (1)** Provides mitigation at a 1:1 ratio based on the area of disturbance, and at an additional 1:1 ratio for the area of tree canopy coverage removed; plus through planting a 10- foot wide filter strip of native grasses at the top of the slope parallel to the shore line if the existing condition is lawn; or
  - (2)** In accordance with the Critical Area Commission's Shore Erosion Control Buffer Management Plans as found on the Critical Area Commission website, as updated from time to time.
- vi.** Mitigation for work associated with a shore erosion control application that does not fall under item v above shall require a variance from the Board of Appeals.

**c.** A slope stabilization activity as defined in Article 2, if the applicant demonstrates erosive conditions and the proposed stabilization method minimizes land disturbance and clearing of existing vegetation and maximizes replanting the disturbed area with native vegetation. The approval of an administrative variance is required.

**d.** On a lot or parcel that was created before January 1, 2010, a development activity may be allowed that impacts the expanded Buffer for highly erodible soils on slopes less than 15% or hydric soils, if the following are met:

- i.** The development activity is in the expanded portion of the Buffer, but not in the 100-foot Buffer or Buffer expanded for 15% slopes.
- ii.** The entire Buffer occupies at least 75% of the lot or parcel.
- iii.** Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.

**e.** A septic system on a lot or parcel created before December 13, 1988, where mitigation is provided at a 1:1 ratio for the clearing of any area of forest or developed woodland. The approval of an administrative variance is required.

**f.** An in-kind replacement of an existing legally permitted structure.

**g.** Maintaining an existing yard/lawn area. However, reducing mowed areas of turf grass is encouraged to enhance the Buffer functions.

**h.** Direct riparian access that is 4-feet wide or less with a landing no greater than 4 x 4 feet in size.

#### **4. Agricultural Activities in the Buffer**

**a.** Agriculture is authorized in the Buffer if, as a minimum Agricultural Best Management Practice, a vegetated filter strip of at least 25 feet measured landward from the mean high water line of tidal waters or

tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established, and further provided that:

- i. The filter strip is composed of native trees, shrubs, grasses or mixed vegetation and managed to provide water quality benefits and habitat protection. Noxious weeds, including Johnson grass, Canada thistle, multiflora rose and other invasive plants which occur in the filter strip, shall be controlled by authorized means.
  - ii. The filter strip is expanded by a distance of four feet for every 1% of slope, for slopes greater than 6%.
  - iii. The filter strip is maintained until the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Agricultural Best Management Practices for the specific purposes of improving water quality and protecting plant and wildlife habitat, and provided that the Plan being implemented achieves the water quality and habitat protection objectives of the filter strip
  - iv. The feeding or watering of livestock does not occur within 50 feet of the mean high water line of tidal water and tributary streams or from the edge of tidal wetlands, whichever is further inland.
  - v. The clearing of existing natural vegetation in the Buffer is prohibited.
  - vi. Agricultural activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines, or Habitat Protection Areas.
- b. Where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established as per a Buffer Management Plan approved by the Department of Planning & Zoning (see Section 22-6.D.6 below).
- c. The drainage, diking or filling of nontidal wetlands for the purpose of new agricultural lands is prohibited.

#### **5. Commercial Tree Harvests in the Buffer**

- a. Commercial harvesting of trees shall be permitted in the Buffer as described in b below, under a Timber Harvest Plan approved by the Department of Natural Resources and the District Forestry Board. These plans shall be submitted to the Department of Planning & Zoning for approval.
- b. Cutting or the clearing of trees within the Buffer is prohibited, except that commercial harvesting of trees by selection or the clearcutting of loblolly pine and tulip poplar is permitted to within 50 feet of the edge of intermittent streams, and to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams or to the edge of tidal wetlands if this cutting does not occur in other Habitat Protection Areas described in COMAR 27.01.09.02, .03, .04 and .05.
- c. Disturbance to stream banks and shorelines shall be avoided.
- d. The area disturbed or cut shall be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the Buffer.
- e. The creation of logging roads and skid trails within the Buffer is prohibited

#### **6. Buffer Establishment**

- a. The Buffer establishment requirements shall be applicable to:
  - i. A development or redevelopment activity that occurs on a lot or parcel that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream even if that development or redevelopment activity is located outside the Buffer.
  - ii. The approval of a subdivision that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream including in the RCA.
  - iii. Conversion from one land use to another land use on a lot or a parcel.

- b.** When the Buffer is not fully forested or is not fully established in existing, naturally occurring woody or wetland vegetation, an applicant shall establish the Buffer to the extent as follows:
- i.** For new development on a vacant lot or parcel created prior to December 13, 1988, an area of the Buffer shall be established equal to the total lot coverage approved.
  - ii.** For new development on a vacant lot or parcel created on or after December 13, 1988, the entire B Buffer shall be established.
  - iii.** For a new subdivision or new lot, the entire Buffer shall be established.
  - iv.** For a new lot with an existing dwelling unit, the Buffer shall be established based on the total square footage of lot coverage outside the Buffer.
  - v.** For the conversion of a land use on a parcel or lot to another land use, the entire Buffer shall be established.
  - vi.** For an addition or accessory structure, an area of the Buffer shall be established equal to two times the area of new lot coverage approved.
  - vii.** For substantial alteration, an area of the Buffer shall be established equal to the total lot coverage, existing and newly approved.

All required Buffer establishment shall be bonded as described in the LDA regulations and shall require a Buffer Management Plan approved by the Department of Planning & Zoning.

- c.** If an applicant for a subdivision uses or leases the proposed lot(s) for an agricultural purpose, the applicant:
- i.** In accordance with local land recordation requirements, shall record an approved Buffer Management Plan (Sections 22-6.D.8 and 9 below) for buffer establishment.
  - ii.** If authorized by the Department of Planning & Zoning, may delay implementation of the Buffer Management Plan until the use of the lot is converted to a nonagricultural purpose.
- d.** The Buffer shall be established in native vegetation in accordance with a Buffer Management Plan approved by the Department of Planning & Zoning.
- e.** For the establishment of more than one acre (Table 22-3), natural regeneration may be used for up to 50% of the area required to be established, if:
- i.** The plan does not include any managed lawn or turf and includes invasive species control.
  - ii.** All of the natural regeneration is within 300 feet of a natural forest that contains a seed bank of native species adequate for natural regeneration.
  - iii.** The plan includes a supplemental planting plan for subsequent implementation if the natural regeneration does not succeed.
  - iv.** The financial assurance provided for implementing the Buffer Management Plan is sufficient to cover the cost of planting an equivalent area; and specifies that release of the financial assurance may not occur until five years after the date of plan approval or the areal coverage of the Buffer is at least 300 native woody stems, on a per acre basis, that are at least four feet in height, whichever is later.
  - v.** At the end of five years, after the date of approval of a natural regeneration plan, an applicant shall implement a supplemental planting plan for at least two years if the areal coverage of the Buffer is not, on a per acre basis, at least 300 native woody stems of at least four feet in height.
- f.** Buffer establishment requirements are not applicable to an in-kind replacement of a structure.

**g.** Any lot coverage removed from the Buffer may be deducted from the total cumulative amount of establishment required if:

**i.** The lot coverage existed before December 13, 1988 or was allowed by local procedures.

**ii.** The total area is stabilized.

**h.** For subdivisions or development activities in the RCA and all projects in the RCA that require a site plan or change in use which were submitted on or after July 1, 2008, shall include a minimum Buffer of at least 200 feet landward from the Mean High Water Line of tidal waters and tidal wetlands and a 100-foot buffer from the edge of the bank of tributary streams. If the Buffer is not fully forested or is not fully established in existing naturally occurring woody or wetland vegetation, it shall be established as per this section. The Buffer shall be expanded beyond 200 feet or 100 feet for tributary streams for the same reasons and in the manner as described below. The 200-foot Buffer for subdivisions located in the RCA may be reduced to no less than 100 feet or to the edge of the extended buffer under the following conditions:

**i.** An application for subdivision of site plan approval is submitted before July 1, 2008 and legally recorded by July 1, 2010.

**ii.** The subdivision or site plan receives growth allocation.

**i.** If the maximum density (1 dwelling unit per 20 acres) cannot be achieved on site using minimum lot sizes and standard County setbacks without impacting the 200 foot buffer, then minimal impacts to the 200-foot Buffer may be approved.

**j.** An intrafamily transfer allowed under Section 22-4.I is disallowed. The minimum reduction in the Buffer necessary to accommodate the proposed development shall be applied as determined by the Zoning Officer after consultation with the Critical Area Planner, but not to impact the 100-foot Buffer.

## **7. Buffer Regulations and Mitigation**

Development activity that results in disturbance in the Buffer shall require mitigation for impacts. The following regulations govern activities within the Critical Area Buffer.

**a.** The Buffer shall be maintained in natural vegetation and managed to achieve or enhance the purpose of Section 22-6.D.1.

**i.** Except as authorized in Section 22-6.D.7.b below, disturbance in the Buffer is prohibited.

**ii.** Any unauthorized disturbance including cutting, clearing, or topping of trees and any removal of existing vegetation, including shrubs and ground cover (including fallen trees), within the Buffer is prohibited.

**iii.** On areas of the property where land disturbance or clearing comes within 50 feet of the Critical Area Buffer, the Buffer shall be demarcated using snow fencing or a silt fence prior to clearing, grading, or construction and these protective devices shall remain until construction is complete.

**iv.** A 10-foot building setback shall be maintained from the edge of the vegetated buffers. A reduction of the setback may be obtained through either an administrative variance or a variance from the Board of Appeals after review and recommendation by the Environmental Planner. The setback reduction may only be granted to allow activities permitted for the construction of primary residences which could not normally be built because of unusual lot configuration or other site constraints.

**v.** The installation or cultivation of new lawn or turf in the Buffer is prohibited.

**b.** Notwithstanding the prohibitions of Section 22-6.D.7.a above, the following activities shall be allowed with an approved BMP and a grading permit. Tree replacement is required at the ratios in Table 22-3.

**i.** Tree or vegetation removal may be permitted for water access. No more than one access through the Buffer shall be permitted per waterfront lot or parcel. A 4-foot wide pedestrian access is allowed, such as steps or a pathway. A 12 foot wide vehicular access shall be allowed to a boat ramp.

- ii. Individual trees, living or dead, may be removed which are in imminent danger of falling and causing damage to dwellings or other structures, or which are in imminent danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion (mitigation ratio = 1:1, except that no mitigation or BMP is required for the removal of a tree within ten feet of a cliff, which is in imminent danger of falling and has a diameter at four feet above the ground of four inches or greater.
- iii. Appropriate horticultural practices may be used to maintain the health of individual trees, including removal of noxious, invasive, and exotic species which impair the function and growth of a forested buffer. Inappropriate horticultural practices such as topping, girdling, over pruning or severely damaging existing vegetation, are prohibited.
- iv. Other cutting techniques may be undertaken within the Buffer under the advice and guidance of the Department of Agriculture or Natural Resources, if necessary, to preserve the forest from extensive pest or disease infestation, threat from fire, or to remove invasive species.
- v. Selective thinning and cutting may be approved by the Department of Planning & Zoning if the Department determines that the function of the Buffer will not be impaired.
- vi. Mitigation as required within this Article shall be cumulative in nature. Example: Clearing or disturbance violations shall be mitigated at 4:1. After-the-fact projects that require a variance(s) shall mitigate an additional 3:1 for a total mitigation requirement of 7:1.
- vii. Removal of vegetation for permitted development or redevelopment activities in the Buffer may be permitted. The mitigation ratio is 3:1 outside Special Buffer Management Areas, unless otherwise specified (See Table 22-3). See Section 22-6.D.13.d for required mitigation in Special Buffer Management Areas.

Table 22-3 - Buffer Mitigation Ratios	
Activity	Mitigation Ratio
Septic on a lot or parcel created before December 13, 1988 if located in existing grass or if clearing is not required	Not Applicable
Septic system in a forest or developed woodland on a lot or parcel created before December 13, 1988 if clearing is required	1:1
Invasive Plant/Pest Control	1:1
Shore Erosion Control	1:1
Slope Stabilization	2:1
Riparian Water Access	2:1
Water-dependent Facility or Activity	2:1
Variance	3:1
Violation	4:1

- c. As long as there is no removal of trees or existing vegetation, the following activities do not require a permit.
  - i. Maintenance of existing lawns and gardens.
  - ii. Removal of foundation plantings such as ornamental shrubs, as long as replacement occurs within 30 days.
  - iii. Pruning of trees provided appropriate horticultural pruning techniques are used and according to the latest edition of the American National Standards Institute Inc. (ANSI) A300 as follows:
    - (1) No more than 20% of the canopy leaf area or root area is removed.
    - (2) Pruning is limited to branches on the lower one-third of the tree.
    - (3) The pruning will not jeopardize the health of the tree.
    - (4) Inappropriate practices, such as topping, girdling, over pruning, or severely damaging the canopy, trunk or roots of trees which leads to the death of the tree, are prohibited in the Buffer, and shall be considered a violation subject to 4:1 mitigation requirements.

- d. A permit is required for the removal of a dead tree. If the tree is completely dead, mitigation is not required but the affected area shall be stabilized with native groundcover or other native vegetation as necessary.
- e. When homeowner actions are necessary in emergency situations to remove a tree(s) in the Buffer, i.e., the tree poses an imminent danger of falling and causing damage to a dwelling or other structure, the homeowner shall take photographs of the tree before cutting it, remove the tree that poses imminent danger, and submit a permit application (a grading permit application or Critical Area vegetation removal permit application as applicable) with the photo documentation and plan within seven days of removal.
- f. The removal of a diseased, dying invasive or hazardous tree requires a permit and shall be mitigated with one tree of at least ¾-inch caliper for each tree removed.
- g. Any unauthorized development activity, including clearing, in the Buffer is a zoning violation. Unauthorized clearing requires mitigation at a ratio of four times the area disturbed (4:1) and surety as described in Section 22-3.J.
- h. Fences, four feet or less in height, are permitted in the Critical Area Buffer provided that the owner or the owners' agent obtains a permit and the fence is made of wood, a material that has a wood-like appearance, chain-link, or wire. Fences that require a foundation are prohibited.
- i. On grandfathered lots or parcels in the Critical Area, additions to the principal structure of less than 50 square feet of lot coverage are permitted in the Critical Area Buffer provided:
  - i. No trees are removed during construction.
  - ii. The addition is more than 50 feet from mean high water, the edge of tidal wetlands, or tributary streams.
  - iii. The addition is not on slopes 15% and greater.
  - iv. The addition is not within the cliff setbacks.
  - v. A permit shall be obtained and mitigation will be at a 1:1 ratio.
  - vi. When grading or clearing is allowed in the Buffer, super silt fencing shall be installed and a vegetative mat shall be installed at finished grade.
- j. Planting location priorities are as follows:
  - i. First priority: On-site in the Critical Area Buffer. Other priorities can only be considered when all area in the Buffer has been planted.
  - ii. Second priority: On-site and adjacent to the Buffer.
  - iii. Third priority: A fee-in-lieu payment (2:1) at a rate set by the Board of County Commissioners.
- k. As applicable to a site, an area in the Critical Area Buffer that is temporarily disturbed by a development activity shall be restored to pre-disturbance conditions.
- l. All bonds or fees shall be in compliance with COMAR and as approved by the Board of County Commissioners.

**8. Buffer Management Plan Submittal Requirements**

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall submit a BMP in accordance with COMAR 27.01.09.01-3. The provisions of this section do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

- a. Any permit for a development activity that requires Buffer establishment or mitigation shall not be issued until a BMP is approved by the Department of Planning & Zoning.

- b. An applicant shall not obtain final approval of a subdivision application until the BMP has been reviewed and approved by the Department of Planning & Zoning.
- c. A BMP shall not be approved unless:
  - i. The plan clearly indicates that all planting standards under this will be met; and
  - ii. Appropriate measures are in place for the long-term protection and maintenance of the Buffer.
- d. For a BMP that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy shall not be issued until the applicant:
  - i. Completes the implementation of a BMP; or
  - ii. Provides financial assurance at a rate set by the Board of County Commissioners for the long term survivability requirements as set forth in COMAR 27.01.09.01-2.
- e. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
- f. Failure to implement a BMP shall constitute a violation of this Ordinance and no permits for any development activity shall be issued until the applicant comes into to compliance.
- g. A BMP that includes natural regeneration shall follow the provisions of COMAR 27.01.09.01-4 with a five-year surety requirement.
- h. In accordance with COMAR 27.01.09.01-2 before recordation of a final subdivision:
  - i. Permanent signs delineating the upland boundary of the Buffer at a ratio of at least one sign per lot or parcel, or per 200 linear feet of shoreline, whichever is greater, shall be posted.
  - ii. The signs shall be designed to be at least 11 inches wide and 15 inches in height, placed at a height of 21.5 feet (but not attached to a tree), and state "*Critical Area Buffer-No clearing or disturbance permitted.*"
  - iii. Concurrent with the recordation of a final plat, an applicant shall record a protective easement for the Buffer.
- i. When a Buffer Management Plan (BMP) is required, a final subdivision application shall not be approved and a permit for a development activity shall not be issued until the County has reviewed and approved the BMP.

**9. Buffer Management Plan Standards**

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall apply the following standards:

- a. If planting to meet a mitigation requirement, the following combination of plantings shall be used:
  - i. If required to plant less than one acre, the entire requirement shall be met using landscape stock as noted in Table 22-5.
  - ii. If required to plant 1 acre or more, at least 50% of the planting requirement shall be met in landscape stock and the remainder may be met in flexible stock as noted in Table 22-6.

Requirement	Amount	Options
<b>Establishment</b>	Less than 1/4 acre	Landscaping stock according to Table 22-5 for the entire area
	1/4 acre to less than or equal to 1 acre	At least 50% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
	Greater than 1 acre to less than or equal to 5 acres	At least 25% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
	Greater than 5 acres	At least 10% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
<b>Mitigation</b>	Less than 1 acre	Landscaping stock according to Table 22-5 for the entire area
	1 acre or greater	At least 50% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6

Vegetation Type <i>Refer to Calvert County Native Plant List</i>	Minimum Size Eligible for Credit	Maximum Credit Allowed (square feet)	Maximum Percent of Credit
<b>Canopy tree</b>	2-inch caliper and 8 feet high	200	Not applicable
<b>Canopy tree</b>	3/4-inch caliper and 6 feet high	100	Not applicable
<b>Understory tree</b>	3/4- inch caliper and 6 feet high	75	Not applicable
<b>Large species shrub</b>	3 feet high	50	30
<b>Small species shrub</b>	18 inches high	25	20
<b>Herbaceous perennial</b>	1 quart or based on the area covered by plugs or seed mix	2	10
<b>Planting Cluster 1*</b> <i>Option only available only for buffer establishment &amp; buffer mitigation of less than 1/2 acre</i>	1 canopy tree; and 3 large species shrubs or 6 small species shrubs of sizes listed above	300	Not applicable
<b>Planting Cluster 2*</b> <i>Option only available only for buffer establishment &amp; buffer mitigation of less than 1/2 acre</i>	2 understory trees; and 3 large species shrubs or 6 small species shrubs of sizes listed above	350	Not applicable

Stock Size of Trees Only	Required Number of Stems Per Acre	Survivability Requirement	Minimum Financial Assurance Period After Planting
<b>Bare-root seedling or whip</b>	700	50%	5 years
<b>1/2" to 1" container grown trees</b>	450	75%	2 years
<b>1" or more container grown trees</b>	350	90%	2 years

- b.** If planting to meet an establishment requirement, the following combination of plantings shall be used as noted in Table 22-4:
- i.** If required to plant less than one-quarter acre, the entire requirement shall be met using landscape stock (Table 22-5).
  - ii.** If required to plant at least one-quarter acre and up to one acre, at least 25% of the requirement shall be met using landscape stock according and the remainder may be met in flexible stock (Table 22-6)
  - iii.** If required to plant more than one acre, at least 10% of the requirement shall be met using landscape stock and the remainder may be met in flexible stock.
- c.** The percentage of shrubs or herbaceous perennials in Table 22-5, for the land scape stock component of Buffer establishment or mitigation, may be increased, as specified in COMAR 27.01.09.01-2:

- i. If the Buffer has existing canopy coverage of at least 50%.
- ii. If site constraints preclude canopy planting, including severely eroding slopes, saltwater intrusion, predominately sandy soils, or unconsolidated fill.
- iii. To allow buffer planting in shrubs and herbaceous perennials, rather than trees, within an area no wider than 15 feet located immediately adjacent to a marsh creation.
- d. All landscaping stock planted shall be 100% guaranteed for at least two years after planting is completed.
- e. A variance to the Critical Area Buffer planting and mitigation standards shall not be permitted.
- f. A BMP shall include the following:
  - i. Limits of disturbance (LOD), including the entire area of all vegetation being removed. This includes trees, shrubs and ground cover being removed.
  - ii. Planting schedule, which includes species, number of each species, size and spacing of proposed plantings to mitigate removals.
  - iii. Maintenance plan, including invasive species control, watering and monitoring for at least a period of 2 years.
  - iv. Estimated amount and type of surety bond (Section 22-3.J).

**10. Types of Buffer Management Plans**

- a. A Simplified Buffer Management Plan (SBMP) shall be required for these activities as follows:
  - i. Access to a private pier or shoreline that is up to 4-feet wide.
  - ii. Manual removal of non-native, invasive or noxious vegetation.
  - iii. Filling to maintain an existing grass lawn.
  - iv. Managing storm damage.
  - v. Repairing or replacing a septic system.
  - vi. Cutting up to five trees that are diseased, dying, invasive, or hazardous trees.

A SBMP shall include: a brief narrative describing the proposed activity and method(s) to be used, the anticipated start date, proposed mitigation and planting date, photo documentation and the signature of the party responsible for the proposed activity and for ensuring the survival of the mitigation planting.

- b. Minor Buffer Management Plan (MiBMP) is required when buffer establishment or required mitigation (planting) is less than 5,000 square feet. A MiBMP shall include:
  - i. A scaled plan that shows the proposed LOD.
  - ii. The total number of trees and square footage of areas of vegetation to be removed and their location within the LOD.
  - iii. The information on which the calculation of the amount of buffer to be mitigated was based.
  - iv. A mitigation plan, to scale, and landscape schedule showing the plant species and quantity, size, location and estimated planting date.
  - v. A maintenance plan for the control of invasive species, pests, and predation including invasive species and pest control practices.

- vi. The provision of at least two years of monitoring, a reinforcement planting provision if survival falls below the standards set in Section 22-6.D.9 above.
  - v. An inspection agreement that grants permission to the County to inspect the plantings at appropriate times.
  - vi. The signature of the party responsible for the proposed mitigation and for ensuring the survival of the planting.
- c.** Major Buffer Management Plan (MaBMP) is required when buffer establishment or required mitigation (planting) is equal to or greater than 5,000 square feet. A MaBMP shall be prepared by a landscape design professional or site design engineer and shall include:
- i. A scaled plan that shows the proposed LOD.
  - ii. The total number of trees and square footage of areas of vegetation to be removed and their location within the LOD.
  - iii. The information on which the calculation of the amount of Buffer to be mitigated was based.
  - iv. A mitigation plan, to scale, and landscape schedule that shows the plant species and quantity, the quantity of plants, the size of plants, installation location and estimated planting date.
  - v. A maintenance plan for the control of invasive species, pests, and predation including invasive species and pest control practices.
  - vi. The provision of at least two years of monitoring; and a reinforcement planting provision if survival falls below the standards set in Section 22-6.D.9 above.
  - vii. A long-term protection plan that includes evidence of financial assurance, an anticipated planting date before construction or the sale of the lot or parcel.
  - viii. An inspection agreement that grants permission to the County to inspect the plantings at appropriate times.
  - ix. The signature of the party responsible for the proposed activity and for ensuring the survival of the planting.

#### **11. BMP Installation Standards**

- a. Beneath required plantings, vegetated ground cover or mulch shall be required until buffer plantings are established. No bare soil is permitted.
- b. Mitigation is meant to offset area disturbed and to restore the ecological function.
- c. Mitigation requires planting of canopy and understory unless otherwise approved by the Department of Planning & Zoning.
- d. Individual trees removed will be mitigated based on canopy coverage lost in square feet.
- e. Forested areas will be mitigated based on square footage of forest removed. Where canopy does not exist, mitigation will be based on the square footage of subcanopy or herbaceous coverage.
- f. The *Calvert County Native Plant List* indicates the acceptable tree and shrub species that can be used to satisfy planting mitigation. This list is available from the Department of Planning & Zoning Office or on the County's Critical Area webpage.
- g. Single species shall not exceed 20% of the total planting requirement, except as allowed in Section 22-6.D.9 above.
- h. Large and small shrubs may not exceed 50% of the total planting requirement, except as allowed in Section 22-6.D.9 above.

- i. Buffer stocking standards are given in Tables 22-5 and 22-6.

## **12. Fee-In-Lieu of Buffer Mitigation**

- a. The County shall collect a fee-in-lieu of buffer mitigation when planting requirements cannot be met onsite.
- b. The fee-in-lieu rate shall be set by the Board of County Commissioners for mitigation not accommodated onsite and shall be held in the Critical Area Fee in Lieu Special Revenue Fund.

## **13. Special Buffer Management Areas**

- a. The location of Special Buffer Management Areas are designated by the Board of County Commissioners and approved by the Critical Area Commission and are depicted on Figures 22-1 and 22-2.
- b. New development or redevelopment is permitted provided that the development and redevelopment rules and offsetting requirements set forth in Section 22-6.D.13.h below are observed.
- c. Shore erosion protection measures are permitted provided that such measures are consistent with the shore erosion protection policies described in Section 22-7 below and provided that the measures have all applicable state and federal permits.
- d. Cutting or clearing of trees and removal of vegetation is permitted as described in Section 22-3.I. Mitigation ratio is 2:1 inside of Special Buffer Management Areas, unless otherwise specified (See Table 22-3).
- e. In the Solomons Town Center, the minimum Critical Area Buffer is 30 feet. Outside the Solomons Town Center, the minimum Critical Area Buffer is the average of the setbacks of structures on adjacent properties or 50 feet, whichever is greater and offsets described in Sections 22-6.D.13.h and i below are required.
- f. Subdivision within LDA and LDA-3 Special Buffer Management Areas may be subdivided and retain its status if it meets all of the following criteria:
  - i. The original parcel is less than five acres and it is designated LDA.
  - ii. Structures, roads, and parking areas shall be a minimum of 50 feet from tidal waters, the edge of wetlands, or the edge of tributary streams. The total area of existing and new accessory structures per lot in the Buffer in the subdivision cannot exceed 1,000 square feet.
  - iii. Community sewer shall serve the property.
  - iv. Offsetting requirements listed in Section 22-6.D.13.h below shall be met.
  - v. Housing density does not exceed two dwelling units per acre.
  - vi. Any future shore erosion control on the property shall be non-structural if it is practical and effective at the proposed site.
  - vii. A 10% reduction in pollutants from stormwater will be met on-site through the implementation of Best Management Practices (BMPs) unless findings are made by the Department of Planning & Zoning or the Planning Commission that the implementation of BMPs on site is not feasible because of site conditions such as soil type or depth to water table. This requirement applies to all subdivisions in Special Buffer Management Areas in the Critical Area. If the 10% reduction cannot be obtained, the offsets as described in Sections 22-6.D.13.h and i below shall be required.
  - viii. If land is subdivided, but does not meet the criteria of this section for subdivision, only the parcel or lot that retains the original primary structure will remain in Special Buffer Management Area status. Any new lots shall fully comply with the provisions of this Ordinance.

FIGURE 22-1

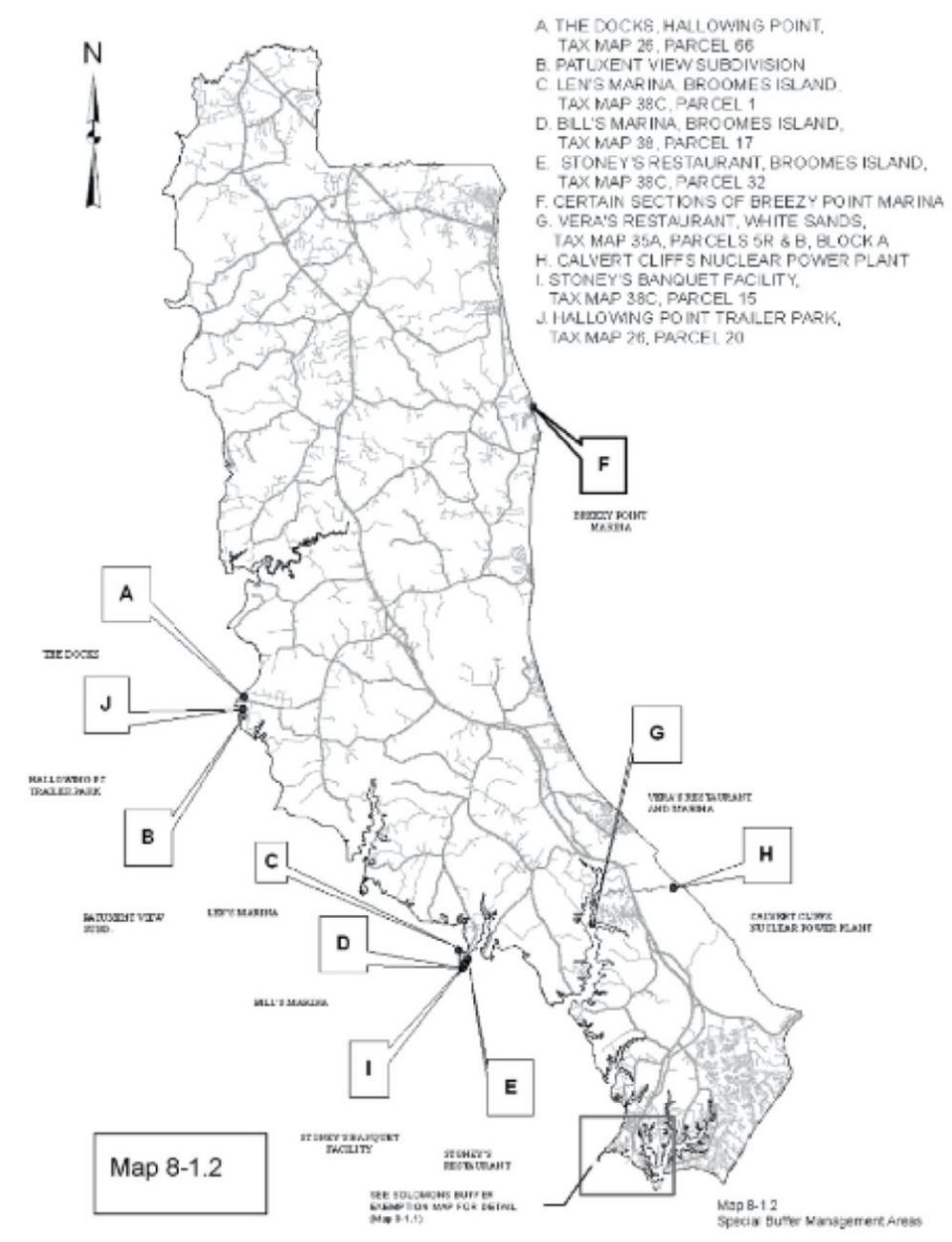


Map 8-1.1 Solomons Special Buffer Management Areas

Special Buffer Management Areas

Prepared by Calvert County  
Dept. of Planning and Zoning, 6/26/2003

**FIGURE 22-2**



- g. Subdivision within IDA Special Buffer Management Areas may be subdivided and retain its status if it meets all of the following criteria:
  - i. Any development activity, including structures, roads, and parking areas, shall be set back a minimum of 50 feet from tidal waters, tidal wetlands, or tributary streams. Accessory structures may be permitted within the Buffer, but not within the minimum 50 foot setback.
  - ii. Community sewer shall serve the property.
  - iii. The stormwater management plan for a development shall meet the Intensely Developed Area stormwater criteria for development, except that 20% reduction in pollutants is required (rather than the 10% specified in the section).
  - iv. The development activity within the Special Buffer Management Area shall minimize impact to the Buffer.
  - v. Development or redevelopment within the Special Buffer Management Areas requires that at least 15% of the total acreage of the lot or parcel be in forest or developed woodland.
  - vi. Existing vegetation may not be removed from the Special Buffer Management Area except in accordance with an approved Buffer Management Plan designed to enhance the Buffer.
  - vii. The offset requirements of Section 22-6.D.13.h below are required.
- h. Offset requirements are as follows:
  - i. Except for authorized proposed or existing access to the water, the extent of the lot or parcel shoreward of the new development or redevelopment is required to remain, or established and maintained, in natural vegetation.
  - ii. Natural vegetation of an area twice the extent of the lot coverage created or altered shall be planted on-site or in an offset area or other location as may be determined by the Department of Planning & Zoning. The Department of Planning & Zoning may collect fees in lieu of such planting for purposes described in the Buffer Offset Program described in Section 22-6.D.13.i below.
  - iii. A landscape plan showing existing and proposed vegetation within the Buffer shall be submitted and approved as part of the subdivision review process. For projects that are required to be submitted to the Critical Area Commission for review and comment, the landscape plan shall be part of the submittal.
  - i. Buffer offset program: Fees-in-lieu of planting, as described in this section, shall only be used for replanting through the annual County Critical Area Conservation Landscape Project.

**E. Other Habitat Protection Areas**

Other Habitat Protection Areas (HPAs) in the Critical Area include, but are not limited to, nontidal wetlands; rare, threatened, and endangered species and species in need of conservation; plant and wildlife habitat; and anadromous fish propagation waters. Maps identifying these specific Habitat Protection Areas are maintained by the Department of Natural Resources Wildlife and Heritage Division. The most recent updated inventory was completed on March 10, 2021 and recommendations contained within WHS's report *Habitat Protection Areas for the Calvert County Critical Area* and associated maps are hereby incorporated into this Ordinance. Additional HPAs could be designated in the future, and if so, would require development criteria. All applications for a development activity, redevelopment activity or change in land use shall identify HPAs and prepare a Habitat Protection Plan (HPP) if required.

**1. HPP Process**

- a. If the proposed development activity impacts a designated HPA, the applicant shall coordinate technical review with the Department of Natural Resources, Wildlife and Heritage Service, and, as necessary, the United States Fish and Wildlife Service. Agency review letter(s) shall be submitted to the Department of Planning & Zoning at the earliest stage of development. Review by the Department of Natural Resources may not be required for bald eagle protection zones.

- b.** If the presence of an HPA is confirmed, the applicant shall be required to develop an HPP that provides for the protection and conservation of the species and habitats identified.
- c.** The habitat protection plan shall:
  - i.** Delineate the boundaries of the habitat protection area, as well as a 10-foot setback from the habitat protection area.
  - ii.** Propose management guidelines in accordance with the guidelines provided by the Department of Natural Resources, and other agencies as applicable.
  - iii.** Contain a detailed plan of the proposed activity and an analysis of possible adverse impacts associated with the proposed activity.
  - iv.** The Planning & Zoning Department, in consultation with appropriate local, State, or Federal agencies, will review the proposed protection measures to determine if the measures are adequate for the species and/or habitat area.
  - v.** Revisions by the applicant to the HPP may be necessary to incorporate the comments of the reviewing agencies.
  - vi.** Once all of the requirements and comments have been adequately addressed, submit the draft HPP to the Planning & Zoning Department so it can be submitted to the Critical Area Commission for review and approval.
  - vii.** The HPP shall be incorporated into the proposed development proposal. No preliminary subdivision plan, final plat, site plan, infrastructure or building/grading permit shall be approved until the HPP has been approved and incorporated into the development plan.
  - viii.** The HPP shall be recorded in the Land Records of Calvert County and on a record plat, where applicable.

## **2. HPA Objectives**

- a.** Establish buffer areas as recommended by DNR, including for colonial water bird nesting sites so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season.
- b.** Provide that new water-dependent facilities do not disturb sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.
- c.** Provide protection measures, including buffer areas where appropriate, for the plant and wildlife habitat.
- d.** Protect and conserve those forested areas required to support wildlife species identified in this section by developing management programs which have as their objective, conserving the wildlife that inhabit or use the areas. The programs should assure that development activities, or the clearing or cutting of trees which might occur in the areas, is conducted so as to conserve riparian habitat, forest interior wildlife species, and their habitat. Management measures may include incorporating appropriate wildlife protection elements into forest management plans, and cluster zoning or other site design criteria which provide for the conservation of wildlife habitat. Measures may also be included in soil conservation plans which have wildlife habitat protection provisions appropriate to the areas defined in this section, and incentive programs containing the acquisition of easements and other similar techniques.
- e.** Require that, when development activities or the cutting or clearing of trees occur in forested areas, corridors of existing forest or woodland vegetation be maintained to provide effective connections between wildlife habitat areas.
- f.** Protect, by appropriate means, those plant and wildlife habitats designated and mapped by the County as Locally Significant Habitat. Examples of these areas are those whose habitat values may not be of statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction, or because the species are found in unusually high concentrations.

- g. Protect Natural Heritage Areas from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas is maintained.
- h. If the State proposes new HPA and protective measures, these shall be adopted within one year in accordance with procedures required by the Maryland Department of Natural Resources.

**3. HPP Criteria**

- a. Minimization of the removal of vegetation.
- b. Plant and wildlife habitat protection.
- c. Reduction of the runoff of pollutants.
- d. Required reforestation and/or afforestation including a planting plan and other mitigation measures.
- e. Protection of the area during development activities.

**4. Wetlands**

The provisions of this Section apply to tidal and non-tidal wetlands within the Critical Area. Any filling or destruction of wetlands may only occur if required County, State, and Federal permits are obtained.

**a. Purpose**

Regulations governing development in and adjacent to wetlands are intended to protect wetlands from the negative effects of siltation and nitrification caused by development. The County's intent is to suffer no significant loss of wetlands.

**b. Applicability**

Boundaries are as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State or Federal regulation. A MDE license or authorization is required for all regulated activities within nontidal wetlands in the Critical Area.

**c. Delineation**

i. Wetlands and buffers shall be delineated on all site plans, subdivision plats, and grading and building permit applications by qualified professionals. Delineation as per the applicable "Federal Manual for the Identifying and Delineating of Jurisdictional Wetlands", as amended from time to time, may be required. The delineation shall be made using the best available and most current information from state and federal sources. The delineation shall be made within five years of any site plan, subdivision plat, grading and building permit application. A wetland report compiled by a qualified expert shall be submitted to confirm the delineation. The Zoning Officer, or its designee, shall determine if the wetland report and delineation are acceptable and may also require a Jurisdictional Determination by the U.S. Army Corps of Engineers to verify wetland location.

ii. If a development is a minimum of 100 feet from a wetland, the delineation may be waived by the Zoning Officer, upon a recommendation by the Environmental Planner that the development will not impact the wetlands or buffers and the project will not affect the lot density.

iii. If it is determined prior to final site plan or subdivision approval that more wetlands exist on the site than originally delineated on the preliminary site plan or plat, preliminary approval of the original submittal granted by the Planning Commission shall lapse. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.

d. All site plan, subdivision plat, building and grading permits shall have a disclaimer placed on them that reads: "*The issuance of County permits or approvals is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR; the Federal Water Pollution Control Act; or the Rivers and Harbors Act.*" The disclaimer shall be signed by the applicant.

e. If a site plan or subdivision has received preliminary approval and the site plan or subdivision is changed as a result of the Federal or State wetland permitting process, the preliminary approval previously

granted is null and void. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.

**f. Filling of wetlands:**

i. Land cannot be subdivided in a manner that requires filling of wetlands for any activities except to provide access to property that is otherwise inaccessible or to provide for stormwater management outside the wetlands. In these instances, approval from the Planning Commission is required.

ii. Filling of wetlands for the construction of single-family detached residential dwellings is prohibited. Filling of wetlands and impacts to wetland buffers for commercial, industrial and institutional uses requires Planning Commission Conceptual Site Plan approval as well as appropriate Federal, State and County permits.

iii. For development activities that require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required. For development activities that do not require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required prior to application for County permits.

iv. For development activities that require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required. For development activities that do not require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required prior to application for County permits.

v. Wetlands that are filled after receiving Federal, State and County approval will no longer be defined as wetlands and will not require wetland buffers.

**g. Wetland buffers:**

i. A buffer of 50 feet is required adjacent to nontidal wetlands. For nontidal wetlands adjacent to steep slopes, highly erodible soils, or wetlands of special state concern, the buffer shall be expanded as per COMAR § 26.23.01.04 or as required by the Maryland Department of the Environment.

ii. These areas shall be designated on the preliminary and final subdivision plat or site plan or plot plan, with a note included on each stating the following: "*These areas are to be left undisturbed in perpetuity and to serve for water quality benefits.*"

iii. When any disturbance is proposed within 100 feet of the edge of the wetlands buffer, enhanced sediment and erosion control protective measures must be placed along the limit of disturbance.

iv. A ten foot building setback shall be maintained from the edge of the wetland buffer.

v. The tidal wetland buffer shall be expanded when required by this Article.

vi. Existing vegetation in the nontidal wetland buffers shall be maintained except for approved wetland fill, crossings, and stormwater management that is located outside of the wetland. In addition, trees that are a threat to structures and invasive species may be removed within the Buffer with a vegetation removal permit. Mitigation as required by the Critical Area is required for the removal of vegetation for any of these approved activities in the nontidal wetland buffer but on a 2:1 basis unless within the Critical Area Buffer or expanded buffer, then the required mitigation shall be on a 3:1 basis.

**5. Rare, Threatened, and Endangered Species and Species in Need of Conservation**

**a. Purpose**

To provide protection for those species in need of conservation and rare, threatened, and endangered species, and their habitats which occur in the Critical Area.

**b. Administration**

i. Development activities and other disturbances shall be prohibited in HPAs unless it can be shown that these activities or disturbances will not have or cause adverse impacts on these habitats.

ii. At such time as an activity is proposed which might adversely affect a HPA, protection measures will be developed using the expertise of the Maryland Department of Natural Resources and other appropriate public agencies and private organizations as documented in the HPP.

iii. Bald eagles are federally regulated and any disturbance of a bald eagle nest from June 16<sup>th</sup> to December 14<sup>th</sup> of any year shall be reported to the United States Fish and Wildlife Service (USF&WS).

## **6. Plant and Wildlife Habitat**

### **a. Purpose**

- i. Conserve wildlife habitat in the Critical Area.
- ii. Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue.
- iii. Protect those wildlife habitat types which are required to support the continued presence of various species.
- iv. Protect those wildlife habitat types and plant communities which are determined by the Board of County Commissioners to be of significance to Calvert County, including Kings Landing Park, Battle Creek Cypress Swamp Sanctuary, and Flag Ponds Nature Park.
- v. Protect Natural Heritage Areas, including Briscoe Gray Heritage Farm and Jefferson Paterson Park.

### **b. Boundaries**

Boundaries of HPAs are as determined by the State of Maryland, except for Forest Interior Dwelling Birds (FID) habitat and the Critical Area Buffer. HPAs, excluding Critical Area Buffers, are identified on the official County Critical Area Habitat Protection Area map. Any impacts to FID habitat in the Critical Area shall be minimized and mitigated as prescribed in a document entitled, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" prepared by and available from the Critical Area Commission. FID habitat disturbed under a Timber Harvest Plan shall follow the guidelines of the approved plan. FID habitat is defined as follows:

- i. Forests of at least 50 acres in size with ten or more acres of "forest interior habitat" (i.e., forest greater than 300 feet from the nearest forest edge). The majority of the forest tract should be dominated by pole-sized timber (5 inches in diameter or more at breast height (DBH) or have a closed canopy; or
- ii. Riparian forests of at least 50 acres in size with an average total width of at least 300 feet. The stream within the riparian forest should be perennial. The majority of the forest tract should be dominated by pole-sized or larger trees or have a closed canopy; or
- iii. Any forested habitat until documented otherwise as required by "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" June 2000.

### **c. Habitat Protection Plans**

The following types of habitats shall require an HPP be developed prior to any development plans or permits being approved.

- i. Colonial water bird nesting sites.
- ii. Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and non-tidal wetlands.
- iii. Existing riparian forests (for example, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline and which are documented breeding areas).
- iv. Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species shown on the Calvert County FID Bird Habitat Map.

- v. Other areas which may in the future be identified by state and federal agencies as important plant or wildlife habitat areas.
- vi. Other plant and wildlife habitats determined to be of significance to Calvert County.
- vii. Natural Heritage Areas.
- viii. State-listed species sites.

**7. Anadromous Fish Propagation Waters**

**a. Purpose**

- i. Protect the instream and streambank habitat of anadromous fish propagation waters.
- ii. Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of the streams.
- iii. Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.

**b. Boundaries**

Boundaries of Anadromous Fish Propagation Waters are as determined by the State of Maryland.

**c. Administration**

The following regulations apply:

- i. The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams is prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
- ii. Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish, is prohibited.
- iii. The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams is prohibited. If practical, the removal of existing barriers shall be affected.
- iv. The construction, repair, or maintenance activities associated with bridges, or other stream crossings or with utilities and roads, which involve disturbance within the Buffer, or which occur instream, is prohibited between March 1 and June 14.
- d. The County shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
  - i. Minimize development activities or land disturbances within the watershed.
  - ii. Maintain, or if practicable, improve water quality in affected streams or other water bodies.
  - iii. Minimize to the extent possible the discharge of sediments into affected streams or other water bodies.
  - iv. Maintain, or if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams.

**8. Appeals**

Appeals of decisions made by the Department of Planning & Zoning with regard to HPPs, including Buffer Management Plans for subdivisions and site plans, as well as Buffer Management Plans for other activities proposed in the Critical Area Buffer, may be appealed to the Board of Appeals.

## 22-7 SHORELINE AND CLIFF AREAS ON THE CHESAPEAKE BAY, PATUXENT RIVER, AND THEIR TRIBUTARIES

### A. Purpose

1. The shorelines are a significant part of the character of the County and State. The cliffs provide natural heritage, scenic vistas, paleontological resources, and habitat for endangered species. Their preservation is vital to our current and future identity.
2. The geology of the shorelines of Calvert County and the naturally occurring erosion processes combine to present landowners with three complex problems: the possibility of moderate to severe shoreline erosion, greater exposure to storms, and cliff failure.
3. Regulations governing development along the shoreline are designed to allow development in a manner that will protect the property and the lives of residents, reduce various forms of pollution (sediment/ pesticides/ herbicides/ septic leachate) and protect the scenic, paleontological, and natural resource values of the shoreline.
4. There are many factors to be considered when dealing with shore erosion control measures. By allowing shore erosion control within the cliff and shoreline areas, the risk of altering many of the existing features increases. For example, shore erosion control stops the natural erosion process which supplies sand to Calvert County beaches. The Puritan Tiger Beetle, an endangered species, depends on the natural erosion process for its survival. Shore erosion control allows the cliffs to reach a natural angle of repose which will become vegetated and destroy the paleontology, natural beauty and scenic vistas of the cliffs.

### B. Boundaries

Boundaries include all cliff and shoreline areas on the Chesapeake Bay, Patuxent River, and their tidal tributaries. The cliff areas have been separated into three categories based on their priority for preservation. Category 1 is given the greatest priority. Category 1 and 2 areas are listed in Sections 22-7.B.1 and 2 below and are shown on the Cliff Category Overlay Map. Category 3 includes all remaining cliff areas along tidal waters.

1. Category 1 is designated for undeveloped cliff sections with significant preservation needs requiring the highest priority for total preservation:
  - a. All park and preserved land with cliffs fronting on the Chesapeake Bay and Patuxent River
  - b. Cove Point LNG Plant to Calvert Cliffs Nuclear Power Plant
  - c. Parkers Cliffs including the Parkers Creek mouth shoreline
  - d. Randle Cliffs
  - e. Matoaka Cliffs (partial: area north of jetties)
  - f. Governors Run Cliffs
  - g. Cliffs north of Willows Beach Colony
  - h. Roosevelt Cliffs Subdivision
2. Category 2 is designated for developed cliff sections with significant preservation needs:
  - a. Scientists Cliffs
  - b. Little Cove Point
  - c. Plum Point South Cliffs
  - d. Matoaka Cliffs (partial: in area of jetties)
  - e. Camp Roosevelt Cliffs
3. Category 3 is any cliff sections not placed in Category 1 and 2. These sections are mostly developed.

**C. Conditions for Development: Existing Lots and Parcels**

1. The minimum cliff setbacks as measured from the top edge of the cliff for primary structures including septic systems and accessory structures over 150 square feet are:

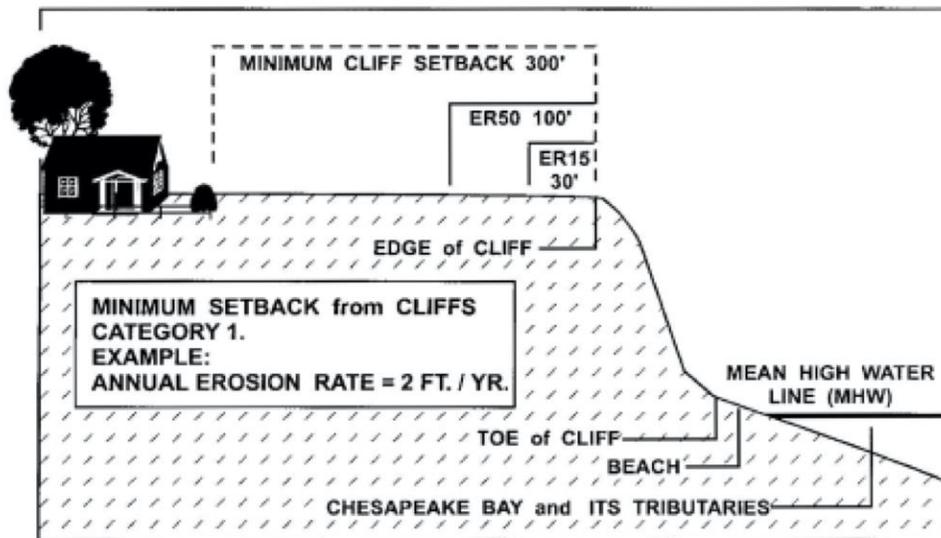
a. Category 1: 300 feet or the ER50 line, whichever is greater (Figure 22-3). The ER50 line is established by multiplying the annual average erosion rate (Maryland Geological Survey, Erosion Rate Maps, or recent survey data over at least a 10- year period) for the area multiplied by 50. This line represents where the shoreline is estimated to be in 50 years. Shore erosion control measures are not permitted.

b. Category 2: 200 feet or the ER50, whichever is greater (Figure 22-4). Moving or relocating of structures should be considered before permitting shore erosion control devices to be installed. Shore erosion control will only be permitted if it is the only way to protect the structure. New structures will not be permitted to use shore erosion control.

c. Category 3: 100 feet or the ER50, whichever is greater (Figure 22-5).

d. Categories 1, 2, and 3: If the toe of the cliff is greater than 100 feet from the mean high water line, then the minimum setback is 60 feet from the edge of the cliff (Figure 22-6).

**FIGURE 22-3**



**FIGURE 22-4**

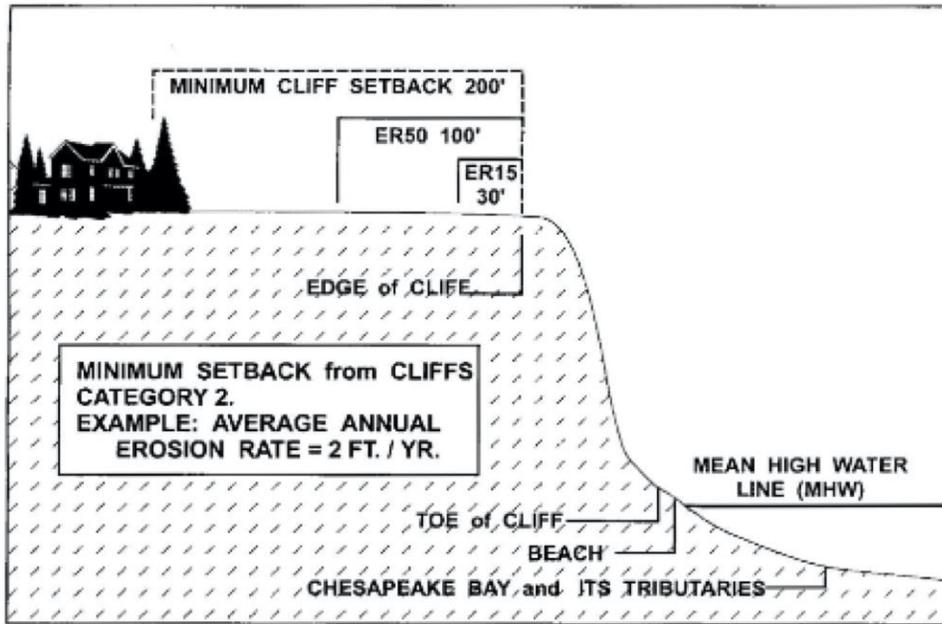


FIGURE 22-5

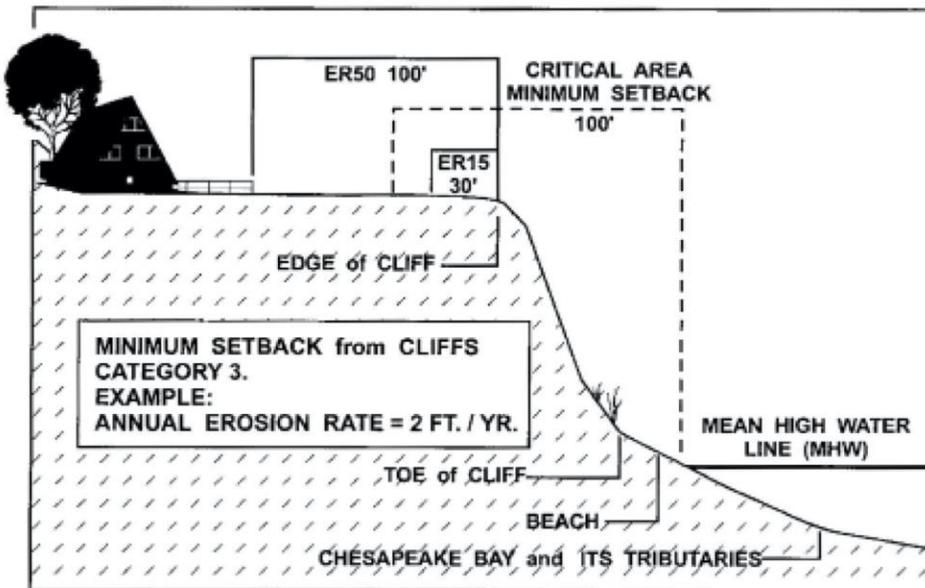
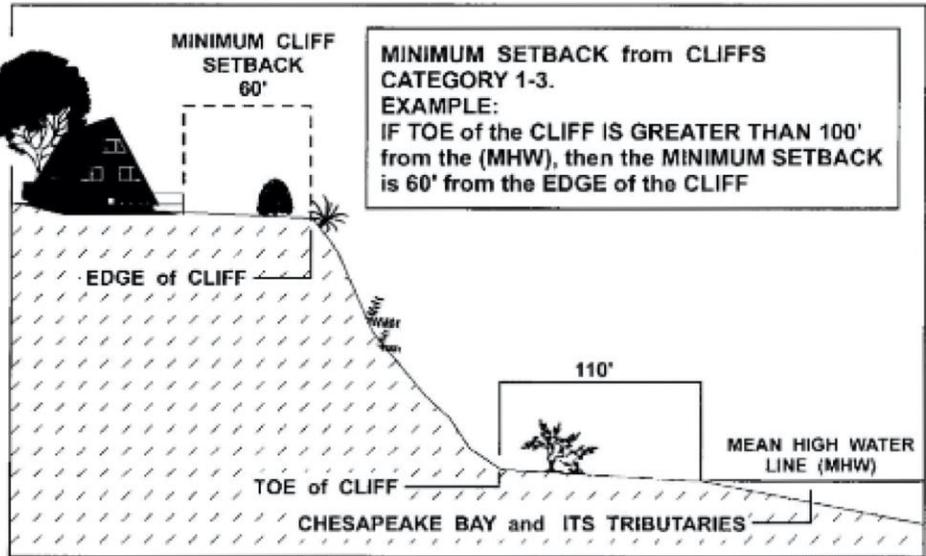


FIGURE 22-6



2. The minimum cliff setbacks as measured from the top edge of the cliff for accessory structures less than 150 square feet are:
  - a. Category 1: 300 feet or the ER50 whichever is greater.
  - b. Category 2: 200 feet or the ER50, whichever is greater.
  - c. Category 3: The ER15 line or 60 feet whichever is greater. The ER15 is established by multiplying the annual average erosion rate for the area multiplied by 15. This setback will be measured from the top edge of the cliff. No primary or accessory structure (except for access) will be permitted within the ER15.
3. In cases where shore erosion control measures are established and functional (erosion rate considered zero) the cliff setback will be 1.5 times the cliff height plus 20 feet measured from the toe of slope.
4. Readily movable structures and special construction techniques are required if an entire site is within or if any part of a proposed structure (including septic system and well) is within the ER50 zone.
  - a. Readily movable structures are:
    - i. On masonry piers or crawlspaces, with no walls below grade
    - ii. Steel beam base or modular construction
    - iii. Stud wall (not masonry) construction
  - b. Special construction techniques are:
    - i. Gutters and roof runoff is piped away from cliff edge; and
    - ii. Septic systems are landward as far as possible from the structure and cliff edge; and
    - iii. Excavation is minimized by flush cutting trees except in septic system trenches; and
    - iv. Runoff is directed away from the cliff areas or into stormwater management facilities to reduce the amount of surface and ground water runoff directed toward the cliff unless otherwise indicated by the Department of Public Works.
5. If structures on a property are damaged due to cliff failure or shoreline erosion, property owners are financially liable for all cleanup costs.

6. If a cliff setback has been previously recorded on a plat of a property, then the recorded setback applies.
7. Applicants shall sign a Cliff Liability Waiver, approved by the County Attorney, to hold the Board of County Commissioners, employees, and representatives harmless for any personal injury or property damage sustained by result of construction, development, building or building permit issued or allowed by the County. The Waiver shall be recorded in the Land Records of Calvert County prior to issuance of a building permit.

**D. Conditions for Subdivisions**

All lots shall be set back 300 feet from the cliff edge for land in Category 1, and 200 feet for land in Category 2. Shore erosion control is prohibited.

**22-8 RENEWABLE ENERGY GENERATING SYSTEMS**

**A. Application Requirements**

1. To ensure compliance with the requirements of this Article for a major solar energy generating system in a resource conservation area the Department of Planning & Zoning shall require a site plan that addresses the requirements of COMAR 27.02.07 and includes the following:
  - a. Calculations of any required reservation of resource conservation area density development rights; and
  - b. The identification and location of property restrictions including the boundary and area of a conservation easement, restrictive covenant, or other protective instrument.
2. The Department of Planning & Zoning may require a site plan for a minor solar energy generating system.

**B. Authority of the Public Service Commission; Applicability**

1. The provisions of this chapter may not be construed to limit the authority of the Public Service Commission under Public Utilities Article, § 7-207, Annotated Code of Maryland.
2. The requirements of this Article are applicable to major, minor, and small residential accessory solar energy generating systems, where not superseded by State law.

**C. General Provisions**

1. The Department of Planning & Zoning may authorize:
  - a. A major or minor solar energy generating system within the Critical Area in accordance with Section 22-8.D below;
  - b. A major solar energy generating system in the resource conservation area without growth allocation in accordance with this Article and COMAR 27.01.14; and
  - c. A small residential accessory solar energy generating system in the Buffer or in a modified buffer area if:
    - i. There is not an alternative location outside the Buffer;
    - ii. The lot or parcel is 1/4 acre or less in size and created before December 13, 1988; and
    - iii. Provided mitigation is required at a 1:1 ratio.
2. The Department of Planning & Zoning may authorize a major and minor solar energy generating system in a Special Buffer Management Area in accordance with the Calvert County Critical Area program provided the project is located over existing legally developed lot coverage as described in Section 22-3.H above.
3. In addition to meeting the requirements of this Article, the Department of Planning & Zoning may not authorize a growth allocation to accommodate a major or a minor solar energy generating system in the limited development area or the resource conservation area.

4. Except for a regulated activity that is authorized by the Maryland Department of the Environment in accordance with COMAR 26.23.02, the Department of Planning & Zoning may not authorize a major or minor solar energy generating system:

- a. In a habitat protection area designated under Section 22-6 of this Article except as described in item 2 above; or
- b. On a steep slope or a highly erodible soil.

5. The Department of Planning & Zoning may not authorize a variance, modification, waiver, or other local procedure or approval that alters the requirements of this Section.

**D. Criteria for a Solar Energy Generating System**

1. Except for a small residential accessory solar energy generating system as provided in Section 22-8.C above, the provisions of this regulation are applicable to a major and minor solar energy generating system in an Intensely Developed Area, a Limited Development Area, and a Resource Conservation Area.

2. The Department of Planning & Zoning shall not count the area of a solar panel as lot coverage and:

- a. For a minor solar energy generating system, the solar panel is:
  - i. Located over existing, legally developed lot coverage as described in Natural Resources Article, § 8-1808.3, Annotated Code of Maryland; or
  - ii. Elevated above the ground and the area under the solar panel is maintained as an area of existing grass, established grass, or other natural vegetation, or as an agricultural use; and
- b. For a major solar energy generating system, the solar panel is:
  - i. Located over existing, legally developed lot coverage as described in Natural Resources Article, § 8-1808.3, Annotated Code of Maryland; or
  - ii. Elevated above the ground and the area under the solar panel is maintained in accordance with the planting plan requirements of Section 22-8.F below as pollinator habitat, native vegetation other than pollinator habitat, or an agricultural use.

3. The Department of Planning & Zoning shall require the following minimum standards for the Critical Area Buffer:

- a. Measure and delineate the Buffer in accordance with Section 22-6.D.2 above;
- b. Unless there is no feasible alternative, prohibit access through the Critical Area Buffer to the project area; and
- c. When there is no feasible alternative to access through the Critical Area Buffer, authorize one point of access through the Buffer to the project area, or where a project includes noncontiguous parcels, minimize the number of access points through the Buffer if:
  - i. The disturbance inside the Buffer is replanted at a 2.5:1 ratio; and
  - ii. A buffer management plan is required in accordance with Section 22-6.D above.

4. Except when a project area is in an Intensely Developed Area, the Department of Planning & Zoning shall minimize the clearing of forest and developed woodlands and not exceed the following standards:

- a. In a Limited Development Area, limit clearing of forest and developed woodlands to 20 percent of the entirety of the forest and developed woodlands on the parcel or parcels on which the project area is located; and

- b. In a Resource Conservation Area, limit clearing of forest to 10 acres or 20 percent of the entirety of the forest and developed woodlands on the parcel or parcels on which the project area is located, whichever is less.
- 5. The applicant shall replace cleared forest and developed woodlands on an equal area basis by square foot of tree canopy.
- 6. For a major solar energy generating system, the Department of Planning & Zoning shall require on-site or off-site planting in accordance with the following:
  - a. 15 percent of the total project area in a Limited Development Area; and
  - b. 20 percent of the total project area in a Resource Conservation Area.
- 7. The applicant shall provide a planting plan for mitigation in accordance with Section 22-8.F below.
- 8. The applicant shall provide stormwater management in accordance with Environment Article, §§ 4-201-4 - 215, Annotated Code of Maryland, and COMAR 26.17.02.
- 9. Except for a small residential accessory solar energy generating system, the Department of Planning & Zoning shall require a decommissioning plan if one is not otherwise required as a result of obtaining a Certificate of Public Convenience and Necessity from the Public Service Commission.

**E. Criteria for a Major Solar Energy Generating System in the Resource Conservation Area**

- 1. In addition to the requirements of this regulation, the Department of Planning & Zoning shall also apply the standards under Section 22-8.D above when authorizing a major solar energy generating system in the Resource Conservation Area.
- 2. Except for access allowed in accordance with Section 22-8.D.3 above and in accordance with the provisions in COMAR 27.01.06, the Department of Planning & Zoning shall restrict forest clearing within 300 feet beyond the landward boundary of tidal waters or tidal wetlands, or the edge of each bank of a tributary stream.
- 3. In addition to any applicable local land recordation requirements, the applicant shall record a Reservation of Resource Conservation Area Density Rights Agreement in accordance with Sections 22-8.E.4 and 5 below.
- 4. The number of density rights reserved is equal to:
  - a. The permitted density associated with the project area of each parcel as calculated under Section 22-4.E above; and
  - b. The number of density rights that are attributable to the project area, with a minimum of one density right reserved.
- 5. The Reservation of Resource Conservation Area Density Rights Agreement shall remain in effect until:
  - a. The decommissioning plan, as required in Section 22-8.D above, has been implemented and completed; and
  - b. The Department of Planning & Zoning confirms the implementation of the decommissioning plan is complete and the termination of the Reservation of Resource Conservation Area Density Rights Agreement is reflected in the land records.
- 6. The remaining land unencumbered by the solar energy generating system or lands not otherwise restricted by the Reservation of Resource Conservation Area Density Rights Agreement may be developed in accordance with Natural Resources Article, § 8-1808.1, Annotated Code of Maryland, and COMAR 27.01.02.05C(4).
- 7. A lot, a parcel, or a portion of a lot or parcel is not eligible for a major solar energy generating system if the density rights associated with that lot, parcel, or portion of a lot or parcel have been:
  - a. Utilized for an intrafamily transfer;

- b. Transferred through a transfer of development rights program;
- c. Preserved or conserved through an easement; or
- d. Otherwise reserved in association with an area of land to be utilized for the solar energy generating system.

8. The Department of Planning & Zoning may propose alternatives to a Reservation of Resource Conservation Area Density Rights Agreement in the Resource Conservation Area if the Department of Planning & Zoning submits those standards to the Commission and they are approved as part of the Calvert County Critical Area program. The standards may include:

- a. A transfer of development rights program; or
- b. A permanent restriction of development rights of other lands that proffer water quality and habitat benefits such as wetland migration areas.

#### **F. Planting Plan Requirements**

1. Based on the constraints and opportunities presented by a project area, the Department of Planning & Zoning shall select from the following options to address the requirements for a planting plan in Sections 22-8.D.4 and 6 above:

- a. Plant on-site in one of the following planting areas:
  - i. The area within 300 feet beyond the landward boundary of tidal waters or tidal wetlands, or the edge of each bank of a tributary stream;
  - ii. Contiguous to or within a designated forest interior dwelling bird habitat; or
  - iii. A wildlife corridor;
- b. If the Department of Planning & Zoning has in a place an agreement with the Critical Area Commission:
  - i. Plant off-site in accordance with the options specified in Section 22-8.F.1.a above;
  - ii. Create a wetland migration area, nonstructural shoreline erosion control project, or other nature-based practice that naturally adjusts to changing environmental conditions through the lifespan of the practice and is designed to address future sea level rise, precipitation-induced flooding, or other climate change impacts;
  - iii. Create, restore, or enhance a nontidal wetland that results in habitat and water quality benefits provided it is authorized by the Maryland Department of the Environment; or
  - iv. Propose alternative mitigation options that include provisions for Critical Area Commission review; or
- c. Collect a fee in lieu in accordance with Section 22-8.G below.

2. The Department of Planning & Zoning shall ensure that any general landscape screening requirements for an energy generating system are not included as part of the mitigation planting required in Section 22-8.D above.

3. The Department of Planning & Zoning shall require a planting plan for:

- a. The area under the solar panels; or
- b. Replanting required in Section 22-8.D.4 and 6 above.

4. The Department of Planning & Zoning shall ensure long-term maintenance of the plantings through financial assurance measures.

5. The Department of Planning & Zoning shall require that all planting is in accordance with local reforestation and planting plan requirements, including protecting all planted areas through conservation easements, restrictive covenants, or other protective instruments.

**G. Fee In Lieu**

1. All fees in lieu for mitigation required in Section 22-8.F above shall be in compliance with COMAR 27.01.14.07 and as approved by the Board of County Commissioners;
2. Ensure the fee is adequate to cover the cost associated with administration, acquisition, planting, monitoring, and maintenance for the required mitigation or required planting requirements of Section 22-8.D.4 and 6 above;
3. Establish a separate account independent of other Critical Area funds, which may not revert to the Department of Planning & Zoning's general fund, for the collection of the fee in lieu;
4. Prohibit the use of the fees to meet other landscaping requirements; and
5. Use the fees to accomplish:
  - a. Off-site plantings in accordance with the options provided in Section 22-8.F.1a above; or
  - b. Other water quality and habitat enhancement projects provided in Section 22-8.F.1.b above, and as described in the Calvert County Critical Area program approved by the Critical Area Commission or in an agreement between the Department of Planning & Zoning and the Critical Area Commission.

**22-9 VARIANCES**

**A. Authority**

The Board of Appeals has the authority to grant variances from the Critical Area requirements within this Ordinance, unless otherwise stated.

**B. Applicability**

The County has established provisions where, owing to special features of a site or other circumstances, implementation of this Ordinance or a literal enforcement of provisions within this Ordinance would result in unwarranted hardship to an applicant; a Critical Area variance may be obtained.

1. In considering an application for a variance, The Board of Appeals shall presume that the specific development activity in the Critical Area, that is subject to the application and for which a variance is requested, does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of this Ordinance.
2. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

**C. Standing**

In accordance with Natural Resources Article 8-1808(d)(2), Annotated Code of Maryland, if a person meets the threshold standing requirements under Federal law, the person shall have standing to participate as a party in a local administrative proceeding.

**D. Criteria**

The provisions for granting such a variance shall include evidence demonstrated by the applicant that the standards of COMAR 27.01.12.04 are met, in addition to the standards of Section 30-6.C of this Ordinance.:

**E. Process**

Applications for a variance shall be made in writing. The County shall provide a copy of the application package to the Critical Area Commission. The County shall follow its established procedures for advertising and notification of affected property owners.

1. After hearing an application for a Critical Area Program variance, the Board of Appeals shall make written findings reflecting analysis of each standard. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
  - a. The applicant.
  - b. County or any other government agency.
  - c. Any other person deemed appropriate by the County.
2. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, the County shall consider that fact.
3. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance.
4. The County shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.

#### **F. After-the-Fact Requests**

1. The Department of Planning & Zoning may not accept an application of a variance to legalize a violation of this Ordinance, including an unpermitted structure or other development activity until the County:
  - a. Issues a Notice of Violation.
  - b. Assesses a citation for the violation.
2. The County may not approve an after-the-fact variance unless an applicant has:
  - a. Fully paid all mitigation bonds, fees and fines imposed under Section 22-10 below and the adopted fee schedule.
  - b. Prepared a restoration or mitigation plan, approved by the local jurisdiction, to abate impacts to water quality or natural resources as a result of the violation.
  - c. Performed the abatement measures in the approved plan in accordance with the local Critical Area program.
3. If the Board of Appeals denies the requested after-the-fact variance, then the County shall:
  - a. Order removal or relocation of any structure.
  - b. Order restoration of the affected resources.
4. Application for a variance pursuant to violation constitutes a waiver of the right to appeal the terms of a Notice of Violation and its final adjudication including the payment of any assessed penalties and costs.

#### **G. Conditions and Mitigation.**

The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of this Ordinance is maintained, including, but not limited to, the following:

1. For any variance granted by the Board of Appeals, mitigation by planting on the site at a rate of 3:1 per square foot of the disturbance shall be required at minimum.
2. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

#### **H. Commission Notification**

Within ten working days of the date a written decision is issued, a copy of the decision shall be sent to the Critical Area Commission. Within 30 days after the date the Critical Area Commission receives the order or decision of the

Board of Appeals, the Commission may file a petition for judicial review of that decision. The County may not issue a permit for the activity that was the subject of the order or decision until the Commission's 30 day appeal period has elapsed.

- I. See Section 30-5 for Board of Appeals procedure.

## **22-10 ENFORCEMENT**

A violation of any provision of this Article or a failure to comply with any requirement of this Article by any person, corporation, association, partnership, or the agent of any such person, may be processed as a zoning violation under this Ordinance (see Article 33 for additional enforcement regulations).

### **A. Consistency**

The Critical Area provisions of this Ordinance, in accordance with the Critical Area Act and criteria supersede any inconsistent Law, Chapter or Plan of Calvert County's Code. In the case of conflicting provisions, the stricter provisions shall apply.

### **B. Violations**

1. No person shall violate any provision of this Article. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.
2. Each person who violates a provision of this Article shall be subject to separate civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit, notice of violation or citation issued by the County related to the Critical Area shall be a violation of this Article and shall be enforced as provided herein.

### **C. Responsible Persons**

The following persons may each be held jointly or individually responsible for a violation:

1. Persons who apply for or obtain any permit or approval
2. Contractors
3. Subcontractors
4. Property owners
5. Managing agents
6. Any person who has committed, assisted, or participated in the violation

### **D. Required Enforcement Action**

In the case of zoning violations of this Ordinance, the County shall take enforcement action including:

1. Conduct and assess civil penalties necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying and citing the violation, issuing abatement and restoration orders, reviewing mitigation plans, and ensuring compliance with these plans. Mitigation is calculated at 4 times the area disturbed (4:1).
2. Issue abatement, restoration, and mitigation orders as necessary to:
  - a. Stop work on unauthorized activity.
  - b. Restore and stabilize the site to its condition prior to the violation, or to a condition that provides the same water quality and habitat benefit.
3. Require the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

### **E. Administrative Civil Penalties**

In addition to any other penalty applicable under State or County law, every violation of a provision of the Critical Area provisions of this Ordinance shall be punishable by a fine in accordance with Article 33 of this Ordinance for each violation per calendar day.

#### **F. Cumulative Remedies**

The remedies available to the County under this Ordinance are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

#### **G. Injunctive Relief**

1. The County is authorized to institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Ordinance, an administrative order, a permit, a decision, or other imposed condition.
2. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the County from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

#### **H. Variances Pursuant to a Violation**

The County may accept an application for a variance regarding a parcel or lot that is subject to a current violation of this subtitle or any provisions of an order, permit, plan, or this Ordinance in accordance with the variance provisions of this Ordinance. However, the application shall not be reviewed, nor shall a final decision be made, until all abatement, restoration, and mitigation measures have been implemented and inspected and approved by the County.

#### **I. Appeals**

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the County in connection with the administration and enforcement of this Ordinance.

1. An appeal is made by filing a written notice of appeal with the Board of Appeals in accordance with the provisions in the Calvert County Zoning Ordinance and accompanied by the appropriate filing fee.
2. An appeal shall be filed within 30 days after the date of the decision or order being appealed.
3. An appeal stays all actions by the County while seeking enforcement or compliance with the order or decisions being appealed, unless the County certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the County shall not be stayed except by order of the Board of Appeals or a Court, upon application of the party seeking the stay.
4. Application for a variance pursuant to a violation constitutes a waiver of the right to appeal the terms of a notice of violation and its final adjudication including the payment of any penalties and costs assessed.
5. The Board of Appeals shall be divested of any jurisdiction or authority to adjudicate any matter for which there is a pending criminal or civil enforcement proceeding or enforcement action for injunctive relief before a court of competent jurisdiction.

## **Article 23. Marine & Water-Dependent Facilities**

- 23-1 PURPOSE AND APPLICABILITY OF MARINE FACILITIES REGULATIONS**
- 23-2 LOCATION OF ESTABLISHED HARBOR LINES AND SHORELINES**
- 23-3 LOCATION OF UNMAPPED HARBOR LINES**
- 23-4 WATERFRONT USES**
- 23-5 USABLE WATERWAY AREA**
- 23-6 PIERS**
- 23-7 WATER-DEPENDENT FACILITIES**
- 23-8 SHORE EROSION PROTECTION WORKS**

### **23-1 PURPOSE AND APPLICABILITY OF MARINE FACILITIES REGULATIONS**

#### **A. Purpose**

1. The purpose of this Article is to provide regulations for the orderly development of the waterfront areas of the County.
2. Except as specifically provided in this Article, an owner of waterfront property may not be deprived of any right, privilege, or enjoyment of such ownership (as access to or use of a waterway) legally exercised prior to April 21, 1981. The provisions of this Article do not transfer the title or ownership of any waterway or interest in a waterway.

#### **B. Applicability**

1. The provisions of this Article are applicable to, and govern, the construction of all marine facilities within Calvert County.
2. This Article is in addition to existing federal and state regulations governing the same matters and is not intended to preempt other valid laws. The more restrictive regulations control.

### **23-2 LOCATION OF ESTABLISHED HARBOR LINES AND SHORELINES**

#### **A. Location of Established Harbor Lines and Shorelines and Encroachments on the Harbor Line**

1. The location of harbor lines and shorelines established herein are as shown on Maps C- 19, 20, 21-A, 25, 26; D-26; E-30; F-30, 31, 32; G-32, 33, 34; H-32, 33, 34; I-35; J-35, 36, 37, 38; K-38, 39; L-39, 40, 41, 42; M-39, 40, 41, 42, entitled "County Harbor Lines", which is Appendix A of the Official County Zoning Map.
2. Amendments to the established harbor lines, as shown on the above-referenced maps, may only be made through the map amendment process.
3. Harbor lines cannot be amended through the variance process, however encroachments on the harbor line may be approved through the variance process by the Board of Appeals.
  - a. Harbor Lines may only be encroached when the harbor line in conjunction with water depth prevents docking within the useable waterway area.
  - b. In no case shall the harbor line be encroached to allow a pier or any other marine on more than 25% of the width of the subject waterway.
  - c. In no case shall the encroachment of a harbor line impede use of the main navigable channel of a water way.
  - d. When considering the limitation to a maximum of 25% the width of the waterway and the prohibition on impeding the main navigable channel the most restrictive shall apply.
  - e. All applications shall be subject to approval by Environmental staff and the Zoning Officer prior to proceeding with the variance process. The applicant shall be required to provide bathometric data and a cross section or sections of the body of water where the pier is proposed. If staff finds that the application if approved, would impede the main navigable channel, they shall deny the application.

f. The harbor line may only be encroached if a plat is prepared by a registered engineer, landscape architect or registered land surveyor, indicating the purpose of the plat and depicting the encroached harbor line and associated setback, along with the appropriate recording forms. The plat shall be recorded in the land records of Calvert County with signatures of all the owners of the lots or parcels affected by the change and the Secretary to the Planning Commission.

g. The variance shall not alter the mapped harbor line. It shall allow for an encroachment on the harbor line up to the approved amount. The plat shall clearly depict both the approved encroachment and the mapped harbor line.

i. If the approved encroachment on the harbor line is extended up to the United States Army Corps of Engineers Harbor Line, under no circumstances may the area which was protected be utilized for dockage or other marine related purposes. Compensation will already have been provided by extending the usable waterway area.

h. Affected property owners shall include everyone upstream unless determined otherwise by the Zoning Officer with consultation from Environmental staff.

#### **B. Amendments to Harbor Line in the Solomons Town Center**

1. In the undeveloped portions of Back Creek, the harbor line may be extended from the adopted Harbor Line Map up to the Corps of Engineers Harbor Line only to the extent necessary to recapture the number of slips actually lost due to the protection of identified submerged aquatic vegetation.

2. If the harbor line is extended up to the United States Army Corps of Engineers Harbor Line, under no circumstances may the area which was protected be utilized for dockage or other marine related purposes. Compensation will already have been provided by extending the usable waterway area.

### **23-3 LOCATION OF UNMAPPED HARBOR LINES**

The Department of Planning & Zoning and the Department of Public Works will determine the harbor line for any tributary, or portion thereof, which is not mapped, at the time of subdivision or application for a pier permit.

### **23-4 WATERFRONT USES**

#### **A. Permitted Uses**

The following marine facilities are permitted in the usable waterway area provided that the use is consistent with the zoning of the adjacent land:

1. Piers
2. Bulkheads
3. Private Boat launch ramps for the use of the lot or parcel owner only
4. Mooring piles
5. Mooring and anchorages
6. Floats
7. Vessel service areas & equipment
8. Accessory uses approved by the Zoning Officer after referral to the Planning Commission

#### **B. Boathouse - Allowed with Conditions**

A boathouse may be approved in the usable waterway, subject to the following conditions:

1. No submerged aquatic vegetation (SAVs) is located at the site of the proposed boathouse as field verified in May through June

2. No sides (walls extending below the rafters) are permitted
3. The property is an approved commercial marina
4. A permit from the Maryland Department of the Environment is obtained

#### **C. Prohibited Uses**

The following uses are prohibited:

1. Residential structures and commercial structures other than vessel service areas on piers, floating piers, or pilings over a waterway
2. Abandoned or sunken craft
3. Private boat ramps used as community or commercial boat launching ramps
4. Covered piers or roofed structures over piers

#### **D. Pre-Existing Uses**

1. Any marine facility lawfully existing on or before May 1, 2006 may continue to be used even though such marine facility or use does not conform to the current use or dimensional regulations.
2. Any alteration of an existing nonconforming marine facility or use is subject to the provisions of Article 32, except that the setbacks of this Article apply.

#### **E. Permits Required for Waterfront Uses**

1. Building Permit: A County building permit is required to construct, modify, enlarge, rebuild, or repair any marine facility.
2. Grading Permit: A grading permit is required for any placement of dredge spoils, filling, or other activity which would result in impacts any waterway bottom, shoreline modification, or critical area buffer.
3. State and federal permits, approvals or authorization applicable to construction, modification, enlargement, reconstruction, repair, etc. of marine facilities shall be obtained and submitted to the Division of Inspections and Permits as a prerequisite to issuance of a County building permit.

### **23-5 USABLE WATERWAY AREA**

The usable waterway area is the area enclosed by the harbor line, shoreline, and lateral lines. It is defined and regulated to prevent one property owner from infringing upon the rights of another.

#### **A. Lateral Lines**

The lateral lines separate adjacent usable waterway areas and are determined by bisecting the angles formed by the shoreline at property corners. The following procedures shall be followed to determine the location of lateral lines:

1. Prepare a scale drawing plot plan showing the applicant's property and all adjacent waterfront properties within a 200-foot radius of the shoreline owned by the applicant (See Figure 23 -1).
2. On the scale drawing, add the shorelines and harbor lines as shown on the appropriate Zoning Map for Harbor Lines.
3. Intersect all property lines with the shoreline (Points A, B, C, D, E, F, on Figure 23-1).
4. From the applicant's property line-shoreline intersections (Point D, E, on Figure 23-1) intersect a 200-foot radius with the shoreline (Points 1 and 2 on Figure 23-1).
5. 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 23-1).

6. Bisect the angle 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 23-1).

7. If a marine facility is proposed within 50 feet of a lateral line, the plot plan shall be prepared by a registered engineer, landscape architect or registered land surveyor.

**B. 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 (See Figure 23 -1) shall be met:

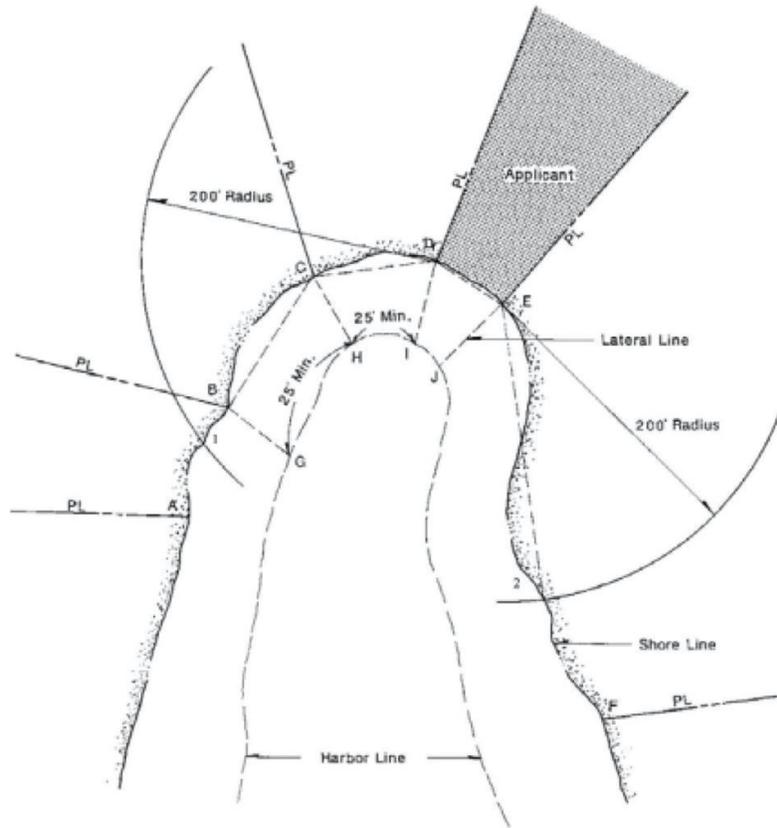
1. If any pair of lateral lines extended to the harbor line results in a distance of 25 feet or more on the harbor line (Lines G-H, H-I, I-J) these lines and the harbor and shorelines define the usable waterway area for the applicant.
2. If any pair of lateral lines extended to the harbor line results in a harbor line segment (G-H, H-I, I-J, Figure 23-1) of less than 25 feet, the lateral lines are unacceptable and shall be modified in accordance with Section 23-5.C below.
3. If any pair of extended lateral lines intersect before reaching the harbor line, the lateral lines are unacceptable and shall be modified in accordance with item Section 23-5.C below.

**C. Amendments to Lateral Lines**

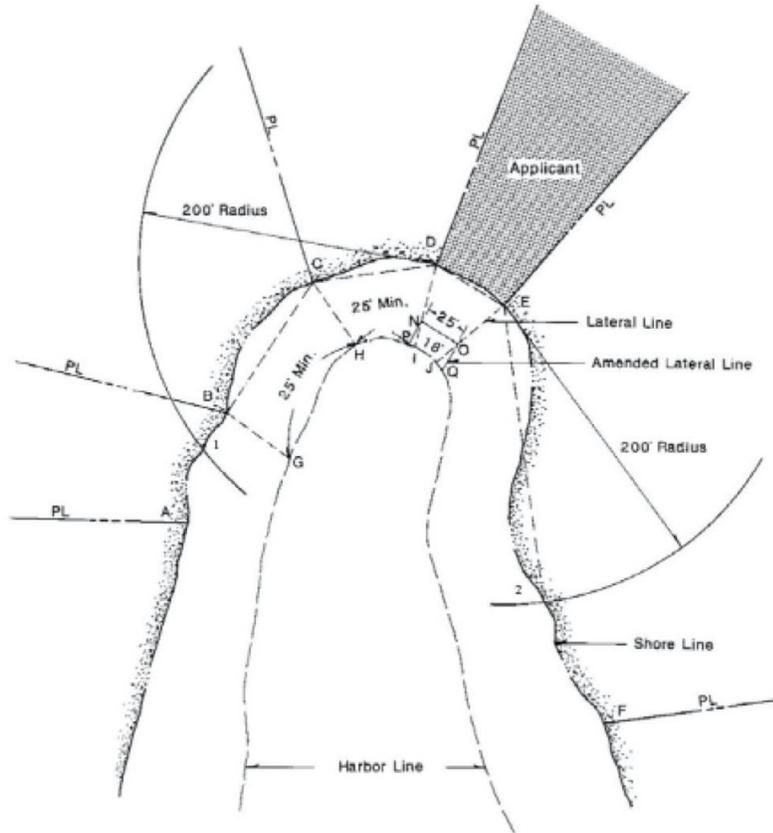
When lateral lines are amended in accordance with the following requirements, the amended lateral line(s), the harbor line and the shoreline shall define the usable waterway area for the property.

1. Where a conflict occurs as outlined in Section 23-5.B above, the lateral lines shall be modified as shown on Figure 23-2. A line is moved toward the shoreline and parallel to line D-E, (Figure 23-2) until a 25-foot clearance is obtained (Line N-O, Figure 23-2).
2. Two additional lateral lines N-P and O-Q will be drawn perpendicular to line N-O 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 the 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 (Figure 23-2). This procedure will insure adequate clearances for adjacent piers.
4. When a lateral line restricts the amount of useable waterway area, the lateral line may be amended if a plat is prepared by a registered engineer, landscape architect or registered land surveyor, indicating the purpose of the plat and depicting the amended lateral line(s), along with the appropriate recording forms. The plat shall be recorded in the land records of Calvert County with signatures of all the owners of the lots or parcels affected by the change and the Secretary to the Planning Commission.

FIGURE 23-1 - DETERMINATION OF LATERAL LINES



**FIGURE 23-2 - DETERMINATION OF LATERAL LINES**



**D. Setbacks**

**1. Harbor Line Setbacks**

Any piers, "T" heads, "L" heads, mooring piles, mooring or anchorages shall be set back at least ten feet from the harbor line to assure that no moored vessel or permanent or temporary obstruction extends beyond the harbor lines.

**2. Fuel Dock Setback**

Docks used to provide a fueling station for vessels shall be set back a minimum distance of 20 feet from the harbor line. A clear space of 200 feet by 20 feet be provided for parallel berthing at "T" or "L" head fuel docks.

**3. Lateral Line Setback**

No marine facility, permanent or temporary, may be located within 25 feet of a lateral line. No vessel may be moored so as to cause an obstruction within ten feet of a lateral line.

**4. Adjacent Property Owners Agreement**

The lateral line setback may be reduced if a plat is prepared by a registered engineer, landscape architect or registered land surveyor, indicating the purpose of the plat and depicting the reduced lateral line setbacks, along with the appropriate recording forms. The plat shall be recorded in the land records of Calvert County with signatures of all the owners of the lots or parcels affected by the change and the Secretary to the Planning Commission.

**5. Board of Appeals**

If the adjacent property owner will not agree to modify the lateral line setbacks, an application for a variance may be made to the Board of Appeals.

## **23-6 PIERS**

All piers shall be of the open pile design. Filled piers are not permitted. The provisions of this section apply to all applications for subdivision of land and applications for pier permits. The mutual use of piers or mooring piles by adjacent property owners is permitted and encouraged whenever possible.

### **A. Private Piers**

1. Subject to the provisions of this Article, one private pier is permitted as an accessory structure to a single - family dwelling on a buildable lot or parcel on any waterfront lot or parcel for the use of the lot or parcel owner or his/her tenant only. Exception: If an undeveloped lot or parcel with a riparian right is in contiguous ownership with a lot or parcel that has a single-family dwelling but lacks a riparian right, a pier may be built on the lot or parcel with a riparian right, provided it meets applicable setback requirements (lateral line & harbor line).
2. Requirements for private piers:
  - a. No more than four slips are allowed in the useable waterway area of any waterfront parcel or lot of record.
  - b. If the lot or parcel lies within a subdivision created after April 21, 1981 (date of original legislation on community piers) which contains a community pier, no private piers are permitted.
3. All construction shall comply fully with the requirements for determination of usable waterway as per Section 23-5.B. For new lots created after April 21, 1981, no private piers shall be permitted where the waterfront lot width is reduced to less than that required by the district, unless the reduction is approved by the Board of Appeals.
4. No part of the pier or slips shall be covered or enclosed.

### **B. Community Piers and Other Related Non-Commercial Boat Docking and Storage Facilities**

A community pier for a subdivision replaces the private piers ordinarily permitted for waterfront land owners, thereby protecting the sensitive aquatic environment, saving the waterfront from a proliferation of piers, and preserving the aesthetics of the waterfront. The provisions of this section are in addition to the provisions of Section 23-7 below.

1. The developer shall indicate a desire to provide a community pier for the proposed subdivision and include a proposed site for the community pier on the preliminary plan.
2. Community piers are expressly for the use of the lot owners or their tenants within the subdivision having the community pier and shall not be used or rented by any person other than a bona -fide buildable lot owner or tenant of said subdivision. Allocation of these allowable slips shall be at the discretion of the developer or the subdivision lot owners association responsible for the community pier. A covenant shall be placed on the plat prohibiting piers on individual lots.
3. No more than one community pier shall be permitted per subdivision. Individual sections or phases shall not be counted as separate subdivisions.
4. Community piers shall be at least 200 feet (in a straight line distance, not shoreline) away from an adjacent subdivision's community pier.
5. A waterfront site shall be provided for the subdivision's community pier. The waterfront site may be utilized towards satisfying the recreation and open space requirements of Article 25 of this Ordinance, upon recommendation by the Director of Parks & Recreation. However, in no case can the area used for parking be used to satisfy the recreation and open space requirements.
6. The waterfront site provided for the community pier shall be of sufficient size to provide for placement of the community pier, an access road or drive, a turn-around area, and at least one parking space for every three slips provided. The parking area, the access road or drive, and the turn-around area shall be stabilized.
7. At the time of subdivision approval, the Department of Planning & Zoning, with the recommendation of the Department of Public Works, will determine the type of stabilization to be used on the parking area, turn-around, and access drive or road. In the subdivision, the proximity of the pier to the homes may eliminate the need for the parking spaces if walkways allow adequate access.

8. A parking area is required where a boat ramp is provided. A minimum of 4 parking spaces shall be provided, each space shall measure at least 12 feet by 30 feet.

9. New or expanded community marinas, piers, and other non-commercial boat docking and storage facilities may be permitted in the Critical Area Buffer, subject to MC District rezoning standards (Section 30-13.F of this Ordinance), and Section 23-6.B.9 below provided that:

- a. The owner or operator of the pier or facility does not offer food, fuel, or other goods and services for sale in the buffer or on the community pier; and as applicable, complies with the requirements of COMAR 26.24.04.03.
- b. The pier or facility is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision.
- c. The pier or facility is associated with residential development approved by the County as consistent with all State and County requirements.
- d. Disturbance to the Critical Area Buffer shall be the minimum necessary to provide a single point of access to the pier or facility.
- e. If community piers, slips, or moorings are provided as part of a new residential project, private piers are prohibited in that residential project.

10. The number of slips permitted at a pier or facility is the lesser of a, b, or c below:

- a. One slip for each 50 feet of shoreline in a residential project in the Intensely Developed and Limited Development Areas and one slip for each 300 feet of shoreline in a residential project in the Resource Conservation Area.
- b. A density of slips to platted lots or dwellings within a residential project in the Critical Area according to the Table 23-1: Number of Permitted Slips:

Table 23-1: Number of Permitted Slips	
Platted Lots or Dwellings in the Critical Area	Slips and Moorings
Up to 15	One for each lot
23-40	15 slips or 75% of platted lots or dwellings, whichever is greater
41-100	30 slips or 50% of platted lots or dwellings, whichever is greater
101-300	50 slips or 25% of platted lots or dwellings, whichever is greater
Over 300	75 slips or 15%, of platted lots or dwellings whichever is greater

c. A maximum of two slips may be provided for each waterfront lot. The maximum number of slips permitted cannot exceed the number of private slips which would otherwise be allowed if the community pier provision were not used, based on the minimum lot width provisions of the district.

**C. Commercial Piers, Marinas, and Other Water-Dependent Maritime Facilities and Activities**

- 1. All commercial marine facilities shall have plans and details of proposed construction certified by a licensed engineer for County Engineer approval.
- 2. All marine facilities shall conform to the requirements of NFPA-303, Fire Protection Standard for Marinas and Boatyards of the Maryland Fire Prevention Code. Fire protection devices shall have the approval of the Fire Marshal having jurisdiction.
- 3. All commercial marine facilities shall provide sanitary facilities in accordance with the applicable federal, state, and local requirements.

4. New or expanded commercial marinas and related commercial maritime facilities or activities may be permitted in the Critical Area Buffer within Intensely Developed Areas and Limited Development Areas subject to the requirements of Section 23-7.
5. The redevelopment or expansion of a commercial marina or other related commercial maritime facility or activity may be permitted in the Critical Area Buffer of a Resource Conservation Area subject to the requirements of Section 23-7 below and Article 18 of this Ordinance.
6. New marinas or related maritime facilities or activities are not permitted in the Critical Area Buffer within Resource Conservation Areas, except as provided in Section 23-7.
7. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
8. New or expanded marinas and related facilities or activities shall meet the MC District rezoning standards (Section 30-13.F of this Ordinance).

## **23-7 WATER-DEPENDENT FACILITIES**

### **A. Regulation of Water-Dependent Facilities and Activities**

1. In accordance with Natural Resources Article, §8-1808.3, Annotated Code of Maryland, if applicable, and COMAR 27.01.09, development in the Critical Area Buffer shall be limited to the minimum lot coverage necessary to accommodate each water-dependent facility or activity.
2. Except as otherwise provided in this section, a water-dependent facility or activity may be permitted in the Critical Area Buffer of an Intensely Developed and Limited Development Areas provided that:
  - a. The facility or activity is water-dependent.
  - b. The facility or activity meets a recognized private right or public need.
  - c. Adverse impacts on water quality, and fish, wildlife, and plant habitat are first avoided or, if unavoidable, minimized.
  - d. Non-water-dependent facilities associated with the water-dependent facility or activity shall be located outside the Critical Area Buffer. Examples of non-water dependent facilities include but are not limited to parking, non-fueling related storage, and retail facilities.
3. Except as otherwise provided in this regulation, a water dependent facility or activity may not be permitted in those portions of the Critical Area Buffer which occur in Resource Conservation Areas.
4. The placement of dredged material in the buffer or a portion of the Critical Area that has been designated as a habitat protection area may not be permitted, except as necessary for:
  - a. A beneficial use approved by the Board of Public Works or the Maryland Department of the Environment, such as:
    - i. Backfill for a shoreline stabilization measure;
    - ii. Use in a nonstructural shoreline stabilization measure, including a living shoreline;
    - iii. Beach nourishment;
    - iv. Restoration of an island;
    - v. The creation, restoration, or enhancement of a wetland, or a fish, wildlife, or plant habitat; or
    - vi. Any other approved beneficial use.
  - b. Placement in an area that was approved for the disposal of channel maintenance dredged material before June 11, 1988.

5. The Department of Planning & Zoning shall review application to ensure:
  - a. The avoidance, or, in the alternative, the minimization of impacts to fish, wildlife, or plant habitat; and
  - b. Mitigation at a ratio of 2:1 based on the square footage of the area of the canopy coverage removed.

**B. Industrial and Port-Related Water-Dependent Facilities and Activities**

New, expanded, or redeveloped industrial or port-related facilities or activities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas designated as Special Buffer Management Areas by the County and approved by the Critical Area Commission. Such facilities or activities are subject to the requirements set forth in COMAR 27.01.03.05, Section 23-7.A above, and MC District rezoning standards (Section 30-13.F of this Ordinance).

**C. Public Beaches and Other Public Water-Oriented Recreation or Education Areas or Activities**

1. The provisions of this section are in addition to the provisions of Section 23-7.A above.
2. The Department of Planning & Zoning may approve the location of a public beach or other public water-oriented recreation or education area or activity in the Critical Area Buffer of an Intensely Developed Area, Limited Development Area, or Resource Conservation Area if:
  - a. Adequate sanitary facilities exist.
  - b. Sanitary and service facilities are, to the extent possible, located outside the Critical Area Buffer.
  - c. A permeable surface is used to the extent practicable, if no degradation of groundwater would likely result.
  - d. Areas for passive recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Critical Area Buffer within Resource Conservation Areas, if service facilities for these uses are located outside of the Critical Area Buffer.
  - e. Disturbance to natural vegetation is first avoided or, if unavoidable, minimized.
3. The Department of Planning & Zoning may approve a public passive outdoor recreation or education area, such as for hiking, hunting, trapping, or nature study, in the Critical Area Buffer of a Limited Development Area or a Resource Conservation Area if sanitary and service facilities to support these uses are located outside the buffer.

**D. Research Areas or Activities**

Water-dependent research facilities or activities operated by state, federal, or local agencies, or educational institutions, may be permitted in the Critical Area Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Critical Area Buffer and comply with the requirements of Section 23-7.A above.

**E. Aquaculture and Fishery Facilities and Activities; Water Quality Restoration**

The Department of Planning & Zoning may approve the location of the following facilities and activities in the Critical Area Buffer subject to the requirements of Section 23-7.A above:

1. A shore-based facility or activity necessary for a commercial aquaculture operation.
2. A commercial water-dependent fishery facility or activity, including structure for crab shedding, a fish off-loading dock, and shellfish culture operation.
3. A facility or activity that supports water quality restoration in the Chesapeake Bay or their watersheds.

**23-8 SHORE EROSION PROTECTION WORKS**

**A.** Nonstructural shoreline stabilization measures, including beach nourishment, marsh creation, and other measures that encourage the preservation of the natural environment, shall be used to control erosion, except in the following areas:

1. Areas permitted for structural control measures by MDE based on the areas identified by Maryland Department of the Environment (MDE) in coordination with the Maryland Geological Survey and shown on maps approved by MDE as appropriate for structural Shoreline stabilization measures.
2. Areas permitted for structural control measures where the applicant has obtained a waiver from MDE by demonstrating that nonstructural shoreline stabilization measures are not feasible for the site.

**B.** If MDE approves a structural erosion control measure, the following is the order of preference. The County will consider the method approved by MDE in the State Permit.

1. Shoreline revetments
2. Breakwaters
3. Groins or jetties
4. Other methods approved by MDE

**C.** Development criteria is as follows:

1. Prior to submittal of the shore erosion control plans to MDE, the applicant shall submit the plans, MDE required studies, photographs, and findings relative to shore erosion control applications, and associated Buffer Management Plan or Habitat Protection Plan to the County for review and preliminary approval of the Buffer Management or Habitat Protection Plan.
2. No shore erosion control structures are allowed in Level 1 Cliff Areas and are only allowed in Level 2 Cliff Areas for existing structures.
3. Submit a joint federal-state permit application to MDE with County approved Buffer Management or Habitat Protection Plan.
4. Apply to the County for grading and building permits, and include the following information:
  - a. Approved state/federal permit with associated site drawings, and state required studies, photographs, and finding relative to the erosion control project.
  - b. Comments from the Critical Area Commission, DNR Natural Heritage Division, and U.S. Fish and Wildlife Service.
  - c. The final Buffer Management or Habitat Protection Plan.
  - d. A list of all changes made to the original plans submitted to the Department of Planning & Zoning for initial review of the Buffer Management or Habitat Protection Plan.
5. Minimizes grading and other disturbance on the adjacent riparian area.
6. Minimizes impacts to adjoining properties.
7. Minimizes the impact on the littoral movement of sand.
8. Bonding or payment of fees in lieu based on required mitigation shall be accomplished prior to issuing of any County permits.

**D.** Structural erosion measures are not permitted in areas where significant erosion has not occurred.

**E.** If significant alteration in the characteristics of a shoreline occurs, the measure that best fits the change shall be used for sites in that area.

## **Article 24. Floodplain**

- 24-1 GENERAL PROVISIONS**
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- 24-3 REQUIREMENTS IN ALL FLOOD HAZARD AREAS**
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### **24-1 GENERAL PROVISIONS**

#### **A. Findings**

1. The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Calvert County. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to flood losses.
2. The Board of County Commissioners by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on September 28, 1984. As of that date or as of September 28, 1984 the initial effective date of the Calvert County Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with these regulations.

#### **B. Statutory Authorization**

The Maryland General Assembly, in Md. Code Ann., Land Use Article, Title 4, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning & zoning control, and that planning & zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources. Therefore, the Board of County Commissioners does hereby adopt the following floodplain management regulations.

#### **C. Purpose**

It is the purpose of these regulations to promote the public health, safety, and welfare, and to:

1. Protect human life, health and welfare.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize flooding of water supply and sanitary sewage disposal systems.
4. Maintain natural drainage.
5. Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding.
6. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
7. Minimize prolonged business interruptions.
8. Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges.
9. Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions.

10. Minimize the impact of development on adjacent properties within and near flood-prone areas.
11. Provide that the flood storage and conveyance functions of floodplains are maintained.
12. Minimize the impact of development on the natural and beneficial functions of floodplains.
13. Prevent floodplain uses that are either hazardous or environmentally incompatible.
14. Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.

**D. Areas to Which These Regulations Apply**

These regulations shall apply to all special flood hazard areas within the jurisdiction of the Calvert County, and identified in Section 24-1.E below.

**E. Basis for Establishing Special Flood Hazard Areas and Base Flood Elevation (BFE)**

1. For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study for Calvert County, Maryland dated March 28, 1984, or the most recent revision thereof, and the accompanying Flood Insurance Rate Map(s) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the Department of Planning & Zoning.
2. Where field surveyed topography or digital topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard on the FIRM, the area shall be considered as special flood hazard area.
3. To establish base flood elevations in special flood hazard areas that do not have such elevations shown on the FIRM, the Floodplain Administrator may provide the best available data for base flood elevations, may require the applicant to obtain available information from Federal, State or other sources, or may require the applicant to establish special flood hazard areas and base flood elevations as set forth in Section 24-2.B.

**F. Abrogation and Greater Restrictions**

These regulations are not intended to repeal or abrogate any existing regulations and ordinances, including subdivision regulations, zoning ordinances, building codes, or any existing easements, covenants, or deed restrictions. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

**G. Interpretation**

1. In the interpretation and application of these regulations, all provisions shall be:
  - a. Considered as minimum requirements.
  - b. Liberally construed in favor of the governing body.
  - c. Deemed neither to limit nor repeal any other powers granted under State statutes.
2. Notes referencing publications of the Federal Emergency Management Agency refer to the most recent edition of those publications, are intended only as guidance, and do not bind or alter the authority of the Floodplain Administrator to interpret and apply these regulations.

**H. Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage.

These regulations shall not create liability on the part of Calvert County, any officer or employee thereof, the Maryland Department of the Environment (MDE) or the Federal Emergency Management Agency (FEMA), for any flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

## 24-2 ADMINISTRATION

### A. Floodplain Administrator

#### 1. Designation

The Director of the Department of Planning & Zoning is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- a. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- b. Enter into a written agreement or written contract with another Maryland community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.

#### 2. Duties and Responsibilities

The duties and responsibilities of the Floodplain Administrator include, but are not limited to:

- a. Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
- b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- c. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing nontidal waters of the State.
- d. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities and MDE (NFIP State Coordinator) and have submitted copies of such notifications to FEMA.
- e. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- f. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met or disapprove applications if the provisions of these regulations have not been met.
- g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- h. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Calvert County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations or boundaries.
- j. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

- i. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change.
- ii. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- l. Advise the Board of Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- m. Administer the requirements related to proposed work on existing buildings:
  - i. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - ii. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- n. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage under NFIP flood insurance policies.
- o. Notify the Federal Emergency Management Agency when the corporate boundaries of the Calvert County have been modified and:
  - i. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - ii. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation and a copy of the amended regulations shall be provided to MDE (NFIP State Coordinator) and FEMA.
- p. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

**B. Use and Interpretation of FIRMs**

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- 1. Where field surveyed topography indicates that ground elevations:
  - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
  - b. Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map or a Preliminary Flood Insurance Study has been provided by FEMA:
  - a. Upon the issuance of a Letter of Final Determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 24-1.E.3 and used where no base flood elevations or floodway areas are provided on the effective FIRM.
  - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change or appeal to FEMA.

#### **C. Permits Required and Expiration**

1. It shall be unlawful for any person to begin any development or construction which is wholly within, partially within, or in contact with any flood hazard area established in Section 24-1.E, including but not limited to: filling; grading; construction of new structures; the substantial improvement of buildings or structures, including repair of substantial damage; placement or replacement of manufactured homes, including substantial improvement or repair of substantial damage of manufactured homes; erecting or installing a temporary structure, or alteration of a watercourse, until a permit is obtained from the Calvert County. No such permit shall be issued until the requirements of these regulations have been met.
2. In addition to the permits required in item 1 above, applicants for permits in nontidal waters of the State are advised to contact MDE. Unless waived by MDE, pursuant to Code of Maryland Regulations 26.17.04, Construction on Nontidal Waters and Floodplains, MDE regulates the "100-year frequency floodplain of free-flowing waters," also referred to as nontidal waters of the State. To determine the 100-year frequency floodplain, hydrologic calculations are based on the ultimate development of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different than the special flood hazard areas established in Section 24-1.E of these regulations. A permit from Calvert County is still required in addition to any State requirements.
3. A permit is valid provided the actual start of work is within 180 days of the date of permit issuance. Requests for extensions shall be submitted in writing and justifiable cause demonstrated. The Floodplain Administrator may grant, in writing, one or more extensions of time, for additional periods not exceeding 90 days each and provided there has been no amendment or revision to the basis for establishing special flood hazard areas and BFEs set forth in Section 24-1.E.

#### **D. Application Required**

Application for a permit shall be made by the owner of the property or the owner's authorized agent (herein referred to as the applicant) prior to the start of any work. The application shall be on a form furnished for that purpose.

##### **1. Application Contents**

At a minimum, applications shall include:

- a.** Site plans drawn to scale showing the nature, location, dimensions, and existing and proposed topography of the area in question, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- b.** Elevation of the existing natural ground where buildings or structures are proposed, referenced to the datum on the FIRM.
- c.** Delineation of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks. Base flood elevations shall be used to delineate the boundary of flood hazard areas and such delineations shall prevail over the boundary of SFHAs shown on FIRMs.
- d.** Where floodways are not delineated or base flood elevations are not shown on the FIRMs, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from Federal, State, or other sources, or to determine such information using accepted engineering practices or methods approved by the Floodplain Administrator.
- e.** Determination of the base flood elevations, for development proposals and subdivision proposals in special flood hazard areas where base flood elevations are not shown on the FIRM; if hydrologic and hydraulic engineering analyses are submitted, such analyses shall be performed in accordance with the requirements and specifications of MDE and FEMA.
- f.** Hydrologic and hydraulic engineering analyses for proposals in special flood hazard areas where FEMA has provided base flood elevations but has not delineated a floodway; such analyses shall demonstrate that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot, or a lower increase if required by MDE.
- g.** For encroachments in floodways, an evaluation of alternatives to such encroachments, including different uses of the site or portion of the site within the floodway, and minimization of such encroachment. If fill is proposed to be placed for a purpose other than to elevate structures, the applicant shall indicate the intended purpose for the fill.
- h.** For proposed buildings and structures, including substantial improvement and repair of substantial damage, and placement and replacement of manufactured homes, including substantial improvement and repair of substantial damage:
  - i.** The proposed elevation of the lowest floor, including basement, referenced to the datum on the FIRM and a signed Agreement to Submit an Elevation Certificate.
  - ii.** The signed Declaration of Land Restriction (Nonconversion Agreement) that shall be recorded on the property deed prior to issuance of the Certificate of Occupancy, if the application includes an enclosure below the lowest floor or a crawl/underfloor space that is more than four (4) feet in height.
  - iii.** A written evaluation of alternative methods considered to elevate structures and manufactured homes, if the location is in nontidal waters of the State and fill is proposed to achieve the elevation required in Section 24-4.D.1 and Section 24-4.E.1.
- i.** For accessory structures that are 300 square feet or larger in area (footprint) but no larger than 600 square feet in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Section 24-6. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
- j.** For temporary structures and temporary storage, specification of the duration of the temporary use.
- k.** For proposed work on existing buildings, structure, and manufactured homes, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement or repair of substantial damage, including but not limited to:

- i. If the existing building or structure was constructed after September 28, 1984, evidence that the work will not alter any aspect of the building or structure that was required for compliance with the floodplain management requirements in effect at the time the building or structure was permitted.
  - ii. If the proposed work is a horizontal addition, a description of the addition and whether it will be independently supported or structurally connected to the base building and the nature of all other modifications to the base building, if any.
  - iii. Documentation of the market value of the building or structure before the improvement or, if the work is repair of damage, before the damage occurred.
  - iv. Documentation of the actual cash value of all proposed work, including the actual cash value of all work necessary to repair and restore damage to the before-damaged condition, regardless of the amount of work that will be performed. The value of work performed by the owner or volunteers shall be valued at market labor rates; the value of donated or discounted materials shall be valued at market rates.
  - v. The substantial improvement calculations shall be cumulative for a ten year period after the first expenditure.
- I. Certifications or technical analyses prepared or conducted by a licensed professional engineer or licensed architect, as appropriate, including:**
- i. The determination of the base flood elevations or hydrologic and hydraulic engineering analyses prepared by a licensed professional engineer that are required by the Floodplain Administrator or are required by these regulations in: Section 24-3.B for certain subdivisions and development; Section 24-4.C.1 for development in designated floodways; Section 24-4.C.3 for development in flood hazard areas with base flood elevations but no designated floodways; and Section 24-4.C.5 for deliberate alteration or relocation of watercourses.
  - ii. The Floodproofing Certificate for non-residential structures that are floodproofed as required in Section 24-4.E.2.
  - iii. Certification that engineered flood openings are designed to meet the minimum requirements of Section 24-4.D.3.c to automatically equalize hydrostatic flood forces.
  - iv. Certification that the proposed elevation, structural design, specifications and plans, and the methods of construction to be used for structures in coastal high hazard areas (V Zones) and Coastal A Zones, are in accordance with accepted standards of practice and meet the requirements of Section 24-5.C.3.
  - m. For non-residential structures that are proposed with floodproofing, an operations and maintenance plan as specified in Section 24-4.E.2.c.
  - n. Such other material and information as may be requested by the Floodplain Administrator and necessary to determine conformance with these regulations.

**2. New Technical Data**

- a. The applicant may seek a Letter of Map Change by submitting new technical data to FEMA, such as base maps, topography, and engineering analyses to support revision of floodplain and floodway boundaries or base flood elevations. Such submissions shall be prepared in a format acceptable to FEMA and any fees shall be the sole responsibility of the applicant. A copy of the submittal shall be attached to the application for a permit.
- b. If the applicant submits new technical data to support any change in floodplain and designated floodway boundaries or base flood elevations but has not sought a Letter of Map Change from FEMA, the applicant shall submit such data to FEMA as soon as practicable, but not later than six months after the date such information becomes available. Such submissions shall be prepared in a format acceptable to FEMA and any fees shall be the sole responsibility of the applicant.

### **E. Review of Application**

The Floodplain Administrator shall:

1. Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information that is required to support the application.
2. Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and other State and Federal authorities may be required.
3. Review all permit applications to assure that all necessary permits have been received from the Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including permits issued by:
  - a. The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
  - b. MDE pursuant to COMAR 26.23 (Nontidal Wetlands) and Section 401 of the Clean Water Act.
  - c. MDE for construction on nontidal waters of the State pursuant to COMAR 26.17.04.
  - d. MDE pursuant to COMAR 26.24 (Tidal Wetlands).
4. Review applications for compliance with these regulations after all information required in Section 24-2.E of these regulations or identified and required by the Floodplain Administrator has been received.

### **F. Inspections**

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

- a. Stake-out inspection, to determine location on the site relative to the flood hazard area and designated floodway.
- b. Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- c. Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to determine compliance with applicable provisions.
- d. Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- e. Final inspection prior to issuance of the certificate of occupancy.

### **G. Submissions Required Prior to Final Inspection**

Pursuant to the Agreement to Submit an Elevation Certificate submitted with the application, the permittee shall have an Elevation Certificate prepared and submitted prior to framing the structure, the final inspection and issuance of a Certificate of Occupancy for elevated structures and manufactured homes, including new structures and manufactured homes, substantially improved structures and manufactured homes, and additions to structures and manufactured homes.

## **24-3 REQUIREMENTS IN ALL FLOOD HAZARD AREAS**

### **A. Applicability**

The general requirements of this section apply to all development proposed within all special flood hazard areas identified in Section 24-1.E.

### **B. Subdivision Proposals and Development Proposals**

1. In all flood zones:
  - a. Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
  - b. Subdivision proposals and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - c. Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.
  - d. Subdivision proposals and development proposals that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of base flood elevations as required in Section 24-1.E of these regulations.
  - e. Subdivision access roads shall have the driving surface at or above the flood protection elevation. The access road shall not be approved unless analysis demonstrates no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent structures.
2. In special flood hazard areas of nontidal waters of the State:
  - a. Subdivision proposals shall be laid out such that proposed building pads are located outside of the special flood hazard area and any portion of platted lots that include land areas that are below the base flood elevation shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.
  - b. Subdivision access roads shall have the driving surface at or above the flood protection elevation. The access road shall not be approved unless analysis demonstrates no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent structures. .

**C. Protection of Water Supply and Sanitary Sewage Systems**

1. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

**D. Buildings and Structures**

New buildings and structures (including the placement and replacement of manufactured homes) and substantial improvement of existing structures (including manufactured homes) that are located, in whole or in part, in any special flood hazard area shall:

1. Be designed (or modified) and constructed to safely support flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from flooding equal to the flood protection elevation or the elevation required by these regulations or the building code, whichever is higher.
2. Be constructed by methods and practices that minimize flood damage.
3. Use flood damage-resistant materials below the elevation of the lowest floor required in Section 24-4.D.1 or Section 24-4.E.1 (for A Zones) or Section 24-5.C.2 (for V Zones and Coastal A Zones).
4. Have electrical systems, equipment and components, and mechanical, heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the lowest floor required in Section 24-4.D.1 or Section 24-4.E.1 (for A Zones) or Section 24-5.C.2 (V

Zones and Coastal A Zones). Electrical wiring systems are permitted to be located below elevation of the lowest floor provided they conform to the provisions of the electrical part of the building code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section.

5. If located in flood hazard areas (A Zones) that are not identified as Coastal A Zones and coastal high hazard areas (V Zones), comply with the specific requirements of Section 24-4.
6. If located in Coastal A Zone, comply with the specific requirements of Section 24-5 for new construction and placement of new manufactured homes; or Section 24-4 for substantial improvements (including repair of substantial damage) and replacement manufactured homes).
7. If located in coastal high hazard areas (V Zones), comply with the specific requirements of Section 24-4.
8. Comply with the requirements of the most restrictive designation if located on a site that has more than one flood zone designation (A Zone, designated floodway, Coastal A Zone, V Zone).

#### **E. Placement of Fill**

1. Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
2. Fill shall not be placed in Coastal A Zones or coastal high hazard areas (V Zones) except as provided in Section 24-5.B.
3. Fill proposed to be placed to elevate structures in flood hazard areas (A Zones) that are not Coastal A Zones or coastal high hazard areas (V Zones) shall comply with the floodways requirements in Section 24-4.C.1, Section 24-4.C.2, and Section 24-4.C.3 and the limitations of Section 24-4.D.2.
4. Wherever fill is used to raise the ground level to support a building or structure, a structural or geotechnical engineer licensed by the State of Maryland shall certify that soil conditions will support the proposed construction.

#### **F. Historic Structures**

##### **1. Substantial Improvement**

Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall be subject to the requirements of these regulations if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as a historic structure.

#### **G. Manufactured Homes**

1. New manufactured homes shall not be placed or installed in floodways or coastal high hazard areas (V Zones).
2. For the purpose of these regulations, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).
3. New manufactured homes located outside of floodways and coastal high hazard areas (V Zones), replacement manufactured homes in any flood hazard areas, and substantial improvement (including repair of substantial damage) of existing manufactured homes in all flood hazard area, shall:
  - a. Be elevated on a permanent, reinforced foundation in accordance with Section 24-4 or Section 24-5, as applicable to the flood zone.
  - b. Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.
  - c. Have enclosures below the lowest floor of the elevated manufactured home, if any, including enclosures

that are surrounded by rigid skirting or other material that is attached to the frame or foundation, that comply with the requirements of Section 5.0 or Section 6.0, as applicable to the flood zone.

#### **H. Recreational Vehicles**

Recreational vehicles shall:

1. Meet the requirements for manufactured homes in Section 24-3.G above; or
2. Be fully licensed and ready for highway use; or
3. Be on a site for less than 180 consecutive days.

#### **I. Critical and Essential Facilities**

Critical and essential facilities shall:

1. Not be located in coastal high hazard areas (V Zones), Coastal A Zones or floodways.
2. If located in flood hazard areas other than coastal high hazard areas, Coastal A Zones and floodways, be elevated to the higher of elevation required by these regulations plus one (1) foot, the elevation required by the building code, or the elevation of the 0.2% chance (500-year) flood.

#### **J. Temporary Structures and Temporary Storage**

In addition to the application requirements of Section 24-1.E, applications for the placement or erection of temporary structures and the temporary storage of any goods, materials, and equipment, shall specify the duration of the temporary use. Temporary structures and temporary storage in floodways shall meet the limitations of Section 24-4.C.1 of these regulations. In addition:

1. Temporary structures shall:
  - a. Be designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic loads and hydrostatic loads during conditions of the base flood.
  - b. Have electric service installed in compliance with the electric code.
  - c. Comply with all other requirements of the applicable State and local permit authorities.
2. Temporary storage shall not include hazardous materials.

#### **K. Gas or Liquid Storage Tanks**

1. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
2. Above-ground tanks in flood hazard areas shall be anchored to a supporting structure and elevated to or above the base flood elevation, or shall be anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
3. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
  - a. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
  - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

#### **L. Functionally Dependent Uses**

Applications for functionally dependent uses that do not conform to the requirements of these regulations shall be approved only by variances issued pursuant to Section 24-6. If approved, functionally dependent uses shall be protected by methods that minimize flood damage during the base flood, including measures to allow floodwaters to enter and exit, use of flood damage-resistant materials, and elevation of electric service and equipment to the extent practical given the use of the building.

## **24-4 REQUIREMENTS IN FLOOD HAZARD AREAS (A ZONES) THAT ARE NOT COASTAL HIGH HAZARD AREAS (V ZONES) OR COASTAL A ZONES**

### **A. General Requirements**

In addition to the general requirements of Section 24-3, the requirements of this section shall:

1. Apply in flood hazard areas that are not identified as coastal high hazard areas (V Zones) and Coastal A Zones. These flood hazard areas, referred to collectively as "A Zones," include special flood hazard areas along nontidal waters of the State, landward of coastal high hazard areas (V Zones), and landward of Coastal A Zones (if delineated).
2. Apply to all development, new construction, substantial improvements (including repair of substantial damage), and placement, replacement, and substantial improvement (including repair of substantial damage) of manufactured homes.

### **B. Flood Protection Setbacks**

Within areas defined by flood protection setbacks along nontidal waters of the State:

1. No new buildings, structures, or other development shall be permitted unless the applicant demonstrates that the site cannot be developed without such encroachment into the flood protection setback and the encroachment is the minimum necessary after consideration of varying other siting standards such as side, front, and back lot line or parcel line setbacks.
2. Disturbance of natural vegetation shall be minimized and any disturbance allowed shall be vegetatively stabilized.
3. Public works and temporary construction may be permitted.

### **C. Development that Affects Flood-Carrying Capacity of Nontidal Waters of the State**

#### **1. Development in Designated Floodways**

For proposed development that will encroach into a designated floodway, the applicant is required to submit an evaluation of alternatives to such encroachment, including different uses of the site or the portion of the site within the floodway, and minimization of such encroachment. This requirement does not apply to fences that do not block the flow of floodwaters or trap debris. Proposed development in a designated floodway may be permitted only if:

- a. The applicant has been issued a permit by MDE; and
- b. The applicant has developed hydrologic and hydraulic engineering analyses and technical data prepared by a licensed professional engineer reflecting such changes, and the analyses, which shall be submitted to the Floodplain Administrator, demonstrate that the proposed activity will not result in any increase in the base flood elevation; or
- c. If the analyses demonstrate that the proposed activities will result in an increase in the base flood elevation, the applicant has obtained a Conditional Letter of Map Revision and a Letter of Map Revision from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

#### **2. Development that Includes the Placement of Fill in Nontidal Waters of the State**

For proposed development that includes the placement of fill in nontidal waters of the State, other than development that is subject to paragraph (D), a hydraulically-equivalent volume of excavation is required. Such excavations shall be designed to drain freely.

#### **3. Development in Areas with Base Flood Elevations but No Designated Floodways**

For development in special flood hazard areas of nontidal waters of the State with base flood elevations but no designated floodways:

a. The applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

b. The proposed development may be permitted if the applicant has received a permit by MDE and if the analyses demonstrate that the cumulative effect of the proposed development, when combined with all other existing and potential flood hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point.

#### **4. Construction of Roads, Bridges, Culverts, Dams and In-Stream Ponds**

Construction of roads, bridges, culverts, dams, and in-stream ponds in nontidal waters of the State shall not be approved unless they comply with this section and the applicant has received a permit from MDE.

#### **5. Alteration of a Watercourse**

For any proposed development that involves alteration of a watercourse not subject to Section 24-4.C.3 above, unless waived by MDE, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes, including the floodway analysis required in Section 24-2, and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by MDE and by FEMA for a Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant. Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:

a. A description of the extent to which the watercourse will be altered or relocated.

b. A certification by a licensed professional engineer that the flood-carrying capacity of the watercourse will not be diminished.

c. Evidence that adjacent communities, the U.S. Army Corps of Engineers, and MDE have been notified of the proposal, and evidence that such notifications have been submitted to FEMA.

d. Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the applicant to enter into an agreement with Calvert County specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

#### **D. Residential Structures and Residential Portions of Mixed Use Structures**

New residential structures and residential portions of mixed use structures, and substantial improvement (including repair of substantial damage) of existing residential structures and residential portions of mixed use structures shall comply with the applicable requirements of Section 24-3 and this section. See Section 24-4.F below for requirements for horizontal additions.

##### **1. Elevation Requirements**

a. Lowest floors shall be elevated to or above the flood protection elevation in all zones. In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus four feet, or at least five feet if a depth number is not specified.

b. Enclosures below the lowest floor shall meet the requirements of Section 24-4.D.3 below.

c. Basement floors that are below grade on all sides are prohibited.

##### **2. Limitations on Use of Fill to Elevate Structures**

Wherever fill is used to raise the ground level to support a building or structure, a structural or geotechnical engineer licensed by the State of Maryland shall certify that soil conditions will support the proposed construction. In addition, unless otherwise restricted by these regulations, especially by the limitations in subsections C.1, C.2, and C.3 above, fill placed for the purpose of raising the ground level to support a building or structure shall:

- a. Consist of earthen soil or rock materials only.
- b. Extend laterally from the building footprint to provide for adequate access as a function of use. The Floodplain Administrator may seek advice from the State Fire Marshal's Office or the local fire services agency.
- c. Comply with the requirements of the building code and be placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.
- d. Be sloped no steeper than one vertical to two horizontal, unless approved by the Floodplain Administrator.
- e. Be protected from erosion associated with expected velocities during the occurrence of the base flood; unless approved by the Floodplain Administrator, fill slopes shall be protected by vegetation if the expected velocity is less than five feet per second, and by other means if the expected velocity is five feet per second or more.
- f. Be designed with provisions for adequate drainage and no adverse effect on adjacent properties.

### 3. Enclosures Below the Lowest Floor

- a. Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawl/underfloor spaces, or limited storage.
- b. Enclosures below the lowest floor shall be constructed using flood damage-resistant materials.
- c. Enclosures below the lowest floor shall be provided with flood openings which shall meet the following criteria:
  - i. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
  - ii. The total net area of all flood openings shall be at least one square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
  - iii. The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
  - iv. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
  - v. If installed in doors, flood openings that meet requirements of the above items (i through iv) are acceptable; however, doors without installed flood openings do not meet the requirements of this section.

### E. Non-residential Structures and Non-residential Portions of Mixed Use Structures

New non-residential structures and non-residential portions of mixed use structures, and substantial improvement (including repair of substantial damage) of existing non-residential structures and non-residential portions of mixed use structures shall comply with the applicable requirements of Section 24-3 and the requirements of this section. See Section 24-4.F below for requirements for horizontal additions.

#### 1. Elevation Requirements

Elevated structures shall:

- a. Have the lowest floor (including basement) elevated to or above the flood protection elevation; or

- b. In areas of shallow flooding (Zone AO), have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus four feet, or at least five feet if a depth number is not specified; and
- c. Have enclosures below the lowest floor, if any, that comply with the requirements of Section 24-4.D.3 above, or if proposed to be elevated on fill, meet the limitations on fill in Section 24-4.D.2 above.
- d. Basement floors that are below grade on all sides are prohibited.

**2. Floodproofing Requirements**

- a. Floodproofing of new non-residential buildings:
  - i. Is not allowed in nontidal waters of the State (COMAR 26.17.04.11(B)(7)).
  - ii. Is not allowed in Coastal A Zones.
- b. Floodproofing for substantial improvement of non-residential buildings:
  - i. Is allowed in nontidal waters of the State.
  - ii. Is allowed in Coastal A Zones.
- c. If floodproofing is proposed, structures shall:
  - i. Be designed to be dry floodproofed such that the building or structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the flood protection elevation plus 1.0 foot; or
  - ii. If located in an area of shallow flooding (Zone AO), be dry floodproofed at least as high above the highest adjacent grade as the depth number specified on the FIRM plus three feet, or at least five feet if a depth number is not specified; and
  - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - iv. Have floodproofing measures that are designed taking into consideration the nature of flood-related hazards; frequency, depth and duration of flooding; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at least 12 hours of flood warning time from a credible source; and time necessary to implement any measures that require human intervention;
  - v. Have at least one door above the applicable flood elevation that allows human ingress and egress during conditions of flooding;
  - vi. Have an operations and maintenance plan that is filed with local emergency management officials and that specifies the owner/occupant's responsibilities to monitor flood potential; the location of any shields, doors, closures, tools, or other goods that are required for implementation; maintenance of such goods; methods of installation; and periodic inspection; and
  - vii. Be certified by a licensed professional engineer or licensed architect, through execution of a Floodproofing Certificate that states that the design and methods of construction meet the requirements of this section. The Floodproofing Certificate shall be submitted with the construction drawings as required in Section 24-2.

**F. Horizontal Additions**

- 1. A horizontal addition proposed for a building or structure that was constructed after the date specified in Section 24-1.A shall comply with the applicable requirements of Section 24-3 and this section.
- 2. In nontidal waters of the State that are subject to the regulatory authority of MDE, all horizontal additions shall comply with the applicable requirements of Section 24-3 and this section and:

- a. If the addition is structurally connected to the base building, the requirements of subsection 3 apply.
  - b. If the addition has an independent foundation and is not structurally connected to the base building and the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.
3. For horizontal additions that are structurally connected to the base building:
- a. If the addition combined with other proposed repairs, alterations, or modifications of the base building constitutes substantial improvement, the base building and the addition shall comply with the applicable requirements of Section 24-3 and this section.
  - b. If the addition constitutes substantial improvement, the base building and the addition shall comply with all of the applicable requirements of Section 24-3 and this section.
4. For horizontal additions with independent foundations that are not structurally connected to the base building and the common wall with the base building is modified by no more than a doorway, the base building is not required to be brought into compliance.
5. A horizontal addition to a building or structure that is not substantial improvement, and is not located in nontidal waters of the State, is not required to comply with this section.

**G. Accessory Structures**

- 1. Accessory structures shall be limited to not more than 300 square feet in total floor area.
- 2. Accessory structures shall comply with the elevation requirements and other requirements of Section 24-4.D above, the floodproofing requirements of Section 24-4.E.2 above, or shall:
  - a. Be useable only for parking of vehicles or limited storage.
  - b. Be constructed with flood damage-resistant materials below the base flood elevation.
  - c. Be constructed and placed to offer the minimum resistance to the flow of floodwaters.
  - d. Be anchored to prevent flotation.
  - e. Have electrical service and mechanical equipment elevated to or above the base flood elevation.
  - f. Have flood openings that meet the requirements of Section 24-4.D.3 above.

**24-5 REQUIREMENTS IN COASTAL HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES**

**A. General Requirements**

In addition to the general requirements of Section 24-3, the requirements of this section shall:

- 1. Apply in flood hazard areas that are identified as coastal high hazard areas (V Zones) and Coastal A Zones (if delineated).
- 2. Apply to all development, new construction, substantial improvements (including repair of substantial damage), and placement, replacement, and substantial improvement (including repair of substantial damage) of manufactured homes.
- 3. Exception: In Coastal A Zones, the requirements of Section 24-4 shall apply to substantial improvements (including repair of substantial damage), and substantial improvement of manufactured homes (including repair of substantial damage) and replacement manufactured homes.

**B. Location and Site Preparation**

- 1. The placement of structural fill for the purpose of elevating buildings is prohibited.

2. Buildings shall be located landward of the reach of mean high tide.
3. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
4. Site preparations shall not alter sand dunes unless an engineering analysis demonstrates that the potential for flood damage is not increased.

### **C. Residential and Non-residential Structures**

New structures and substantial improvement (including repair of substantial damage) of existing structures shall comply with the applicable requirements of Section 24-3 and the requirements of this section.

#### **1. Foundations**

- a. Structures shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by applicable building codes. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling.
- b. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of structures and their foundations to prevent transfer of flood loads to the structures during conditions of flooding, scour, or erosion from wave-velocity flow conditions, and shall be designed to minimize debris impacts to adjacent properties and public infrastructure.

#### **2. Elevation Requirements**

- a. The bottom of the lowest horizontal structural member that supports the lowest floor shall be located at or above the flood protection elevation.
- b. Basement floors that are below grade on all sides are prohibited.
- c. The space below an elevated building shall either be free-of-obstruction or, if enclosed by walls, shall meet the requirements of subsection 4 below.

#### **3. Certification of Design**

As required in Section 24-2, the applicant shall include in the application a certification prepared by a licensed professional engineer or a licensed architect that the design and methods of construction to be used meet the requirements of subsections 1 and 2 above, subsection 4 below, and the building code.

#### **4. Enclosures Below the Lowest Floor**

- a. Enclosures below the lowest floor shall be used solely for parking of vehicles, building access or limited storage.
- b. Enclosures below the lowest floor shall be less than 299 square feet in area (exterior measurement).
- c. Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are designed to break away under flood loads and are not part of the structural support of the building or structure.
- d. Electrical, mechanical, and plumbing system components shall not be mounted on or penetrate through walls that are designed to break away under flood loads.
- e. Walls intended to break away under flood loads shall be constructed with insect screening or open lattice, or shall be designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 pounds per square foot and no more than 20 pounds per square foot; or

- f. Where wind loading values of the building code exceed 20 pounds per square foot, the applicant shall submit a certification prepared and sealed by a licensed professional engineer or licensed architect that:
  - i. The walls and partitions below the lowest floor have been designed to collapse from a water load less than that which would occur during the base flood.
  - ii. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood; wind loading values used shall be those required by the building code.
  - iii. In Coastal A Zones, in addition to the requirements of this section, walls below the lowest floor shall have flood openings that meet the requirements of Section 24-4.D.3.c.

**D. Horizontal Additions to Structures**

- 1. A horizontal addition proposed for a building or structure that was constructed after the date specified in Section 24-1.A shall comply with the applicable requirements of Section 24-3 and this section.
- 2. For horizontal additions, whether structurally connected or not structurally connected, to the base building:
  - a. If the addition combined with other proposed repairs, alterations, or modifications of the base building constitutes substantial improvement, the base building and the addition shall comply with the applicable requirements of Section 24-3 and this section.
  - b. If the addition constitutes substantial improvement, the base building and the addition shall comply with all of the applicable requirements of Section 24-3 and this section. [Note: The base building is required to comply otherwise it is an obstruction that does not comply with the free-of-obstruction requirement that applies to the elevated addition, see Section 24-5.C.2.c above]
- 3. A horizontal addition to a building or structure that is not substantial improvement is not required to comply with this section.

**E. Accessory Structures**

- 1. Accessory structures shall be limited to not more than 300 square feet in total floor area.
- 2. Accessory structures shall comply with the elevation requirements and other requirements of Section 24-5.C above or, if not elevated, shall:
  - a. Be useable only for parking of vehicles or limited storage.
  - b. Be constructed with flood damage-resistant materials below the base flood elevation.
  - c. Be constructed and placed to offer the minimum resistance to the flow of floodwaters.
  - d. Be anchored to prevent flotation.
  - e. Have electrical service and mechanical equipment elevated to or above the base flood elevation.
  - f. If larger than 100 square feet in size, have walls that meet the requirements of Sections 24-5.C.4.c through f above, as applicable for the flood zone; and if located in Coastal A Zones, walls shall have flood openings that meet the requirements of Section 24-4.D.3.c).

**F. Other Structures and Development**

**1. Decks and Patios**

In addition to the requirements of the building code or the residential code, decks and patios shall be located, designed, and constructed in compliance with the following:

- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the flood protection elevation and any supporting members that

extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

**b.** A deck or patio that is located below the flood protection elevation shall be structurally independent from structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during base flood conditions or to break apart into small pieces that will not cause structural damage to adjacent structures.

**c.** A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill that is necessary for site drainage shall not be approved unless an analysis demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent structures.

**d.** A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

## **2. Other Development**

Other development activities shall be permitted only if located outside the footprint of, and not structurally attached to, structures, and only if an analysis demonstrates no harmful diversion of floodwaters or wave runup and wave reflection onto adjacent structures. Other development includes but is not limited to:

**a.** Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures.

**b.** Solid fences, privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under base flood conditions.

**c.** Mounded septic systems.

## **24-6 VARIANCES**

### **A. Authority**

1. The Board of Appeals shall have the power to consider and authorize or deny variances from the strict application of the requirements of these regulations. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in an exceptional hardship.

### **B. General**

1. No variance shall be granted for an accessory structure exceeding 600 square feet. A signed Declaration of Land Restriction (Nonconversion Agreement) is required as a condition of receiving the variance. The Agreement shall be recorded with the Deed. If a variance is granted and the accessory structure is not elevated or dry flood proofed, the conditions in Section 24-4.G or Section 24-5.E apply.

2. The Board of Appeals shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the elevation required by these regulations that the variance is to the floodplain management requirements of these regulations only, and that the cost of Federal flood insurance will be commensurate with the increased risk, with rates up to \$25 per \$100 of insurance coverage.

3. A record of all variance actions, including justification for issuance, shall be maintained pursuant to Section 24-2 of these regulations.

### **C. Conditions**

1. Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this section, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

**D. Application for a Floodplain Variance**

1. The owner of property, or the owner's authorized agent, for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
2. At a minimum, the application shall contain the following information: name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks; description of the variance sought; and reason for the variance request. Variance applications shall specifically address each of the considerations in Section 24-6.D.4. below.
3. If the application is for a variance to allow the lowest floor (A Zones) or bottom of the lowest horizontal structural member (V Zones and Coastal A Zones) of a building or structure below the applicable minimum elevation required by these regulations, the application shall include a statement signed by the owner that, if granted, the conditions of the variance shall be recorded on the deed of the property.
4. The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Board of Appeals. In considering variance applications, the Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:
  - a. The danger that materials may be swept onto other lands to the injury of others.
  - b. The danger to life and property due to flooding or erosion damage.
  - c. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
  - d. The importance of the services to the community provided by the proposed development.
  - e. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
  - f. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
  - g. The compatibility of the proposed use with existing and anticipated development.
  - h. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
  - i. The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - l. The comments provided by MDE (NFIP State Coordinator).

**E. Criteria**

The Board of Appeals shall make an affirmative decision on a variance request only upon:

1. A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
4. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
5. A determination that the building, structure or other development is protected by methods to minimize flood damages.
6. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

F. See Section 30-5 for Board of Appeals procedure

#### **24-7 ENFORCEMENT**

A violation of any provision of this Ordinance or a failure to comply with any requirement of this Ordinance by any person, corporation, association, partnership, or the agent of any such person, may be processed as a zoning violation under this Ordinance (see Article 33 for additional enforcement regulations).

##### **A. Compliance, Violations, and Penalties**

1. No building, structure or development shall hereafter be located, erected, constructed, reconstructed, improved, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations.
2. Failure to obtain a permit shall be a violation of these regulations and shall be subject to penalties in accordance with this Ordinance (See Article 33).
3. Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that are contrary to that authorization shall be deemed a violation of these regulations.

#### **24-8 SUBSEQUENT AMENDMENTS AND EFFECTIVE DATE**

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be amended as required by the Federal Emergency Management Agency, Title 44, Code of Federal Regulations. All subsequent amendments to this ordinance are subject to the approval of the Federal Emergency Management Agency and the Maryland Department of the Environment.

## **Article 25. Site Development and Design Standards**

- 25-1 SITE CIRCULATION STANDARDS FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT**
- 25-2 DESIGN OF SINGLE-FAMILY DETACHED RESIDENTIAL COMMUNITIES**
- 25-3 TOWNHOUSE, ATTACHED DWELLING, MULTI-FAMILY, AND MIXED RESIDENTIAL DEVELOPMENT**
- 25-4 ON-SITE RESIDENTIAL RECREATION REQUIREMENTS**
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### **25-1 SITE CIRCULATION STANDARDS FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT**

#### **A. On-Site Pedestrian and Bicycle Circulation**

The purpose of these requirements is to ensure adequate and safe pedestrian and bicycle circulation. Sites shall be designed to discourage pedestrians and vehicles from sharing the same pathways and provide for walkable access and bicycle access.

1. In single family detached residential developments, sidewalks shall be required along both sides of any proposed public road and along at least one side and preferably both sides of any proposed private road. Family conveyance access roads and residential developments in the Farm and Forest District and Rural Community District with fewer than 25 lots are exempt from this requirement, and item 4 below.
2. In non-residential developments and townhouse, attached dwelling, multi-family, and mixed residential developments, sidewalks shall be required along both sides of any proposed road.
3. The minimum width for sidewalks is five feet but a greater width may be required where necessary to accommodate anticipated traffic. The minimum width for multi-use paths shall be eight feet, except when adjacent to arterial or collector roads where it shall be ten feet.
4. Sidewalks or multi-use paths shall be provided adjacent to residential units and along pedestrian circulation routes, connecting units with each other and to link residences with parking lots, recreation facilities, open space, parks, schools, other institutional uses, commercial developments, and town centers.
5. Sidewalks or multi-use paths are required along the site frontage of existing or proposed public roads, from parcel line to parcel line, to connect with subdivisions or other destinations located along the public roads.
6. Non-residential developments shall provide sidewalks or multi-use paths between multiple buildings on a single site.
7. The design and construction of sidewalks, multi-use paths, and trails will be evaluated on the basis of safety, accessibility, suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements. Sidewalks, multi-use paths, and trails shall be hard surface. In woodland reserves, conservation open space, and the Critical Area other pervious and non-erodible surface materials may be substituted and approved.
8. Sidewalks or multi-use paths shall be indicated by a change in surface material or height difference from the travel lane, striping, or a narrowing of the travel lanes.
9. Cross-walks are required wherever pedestrian circulation routes extend across a road right-of-way or travel way.
10. Sidewalks, multi-use paths, or trails along public and private roads shall be located outside the county right-of-way or per the Calvert County Construction Standards as currently amended and in effect at time of development. Maintenance (including repair, replacement, snow removal, etc.) of sidewalks, multi-use paths, and trails is the responsibility of property owners.
11. Additional sidewalk requirements are outlined in the Calvert County Sidewalk Policy (The Sidewalk Policy is on file with the Department of Public Works).

12. Sites shall be designed to provide access for persons with disabilities in compliance with the Americans with Disabilities Act (ADA) and Maryland Accessibility Code (MAC).

13. Outdoor lighting in support of on-site pedestrian circulation is required as per Article 26 of this Ordinance.

14. For sites located within a Town Center, the location of such dedicated pedestrian walkways, sidewalks, or multi-use paths shall be in accordance with the Town Center Master Plan and constructed in accordance with the requirements of the Town Center Zoning Ordinance. If requirements are not specified in the Town Center Zoning Ordinance, sidewalks or multi-use paths shall be constructed in accordance with this Article and the Calvert County Road and Site Development Ordinance.

#### **B. Vehicular Circulation and Road Design**

All roads shall be constructed to the standards of the Calvert County Road and Site Development Ordinance and shall be completed or bonded prior to the issuance of building permits.

1. Internal streets, alleys, and aisles shall be interconnected to provide an internal street network. The County shall require construction of cross access roads and easements to adjacent development sites to limit access points on public roads and streets to the maximum extent possible.

2. Sites shall be designed to maximize traffic que lengths, ensure adequate sight lines and right-angle intersections as much as possible to promote safe, efficient movement of vehicles.

3. A travel way should be located at least ten and preferably fifteen feet from a building corner to maximize intersection sight distance. At no time shall the travel way be closer than six feet from a building corner.

#### **C. Road Classifications and Minimum Standards**

##### **1. Townhouse/Attached Dwellings/Multi-Family/Mixed Residential Collector Road: Public**

a. A public collector road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development which provides access to through-traffic.

b. Minimum standards are as specified in the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards as currently amended and in effect at time of site development.

##### **2. Townhouse/Attached Dwellings/Multi-Family/Mixed Residential Local Road: Private**

a. A private road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development unless Section 25-1.C.1.a above applies. The private road serves as direct access from dwelling units to higher classification roads.

b. Minimum standards are as specified in the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards as currently amended and in effect at time of site development.

#### **D. Drive-Through Facilities and Stacking**

1. The following requirements apply to uses involving stacking for drive through facilities:

a. A traffic analysis shall be required for a development that requires at least one drive through facility. The analysis shall include estimates of peak queue estimates for the drive through lane and stacking lanes and other stacking areas to ensure they are adequate to accommodate the 95<sup>th</sup> percentile during the business peak period. Stacking spaces provided for drive through uses shall be a minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall. The horizontal curvature of the drive through lane design shall accommodate a single unit vehicle. Minimum vertical clearances shall be clearly marked.

b. Drive through lanes shall be designed so that flow is in a counter-clockwise direction. Stacking spaces shall begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a restaurant menuboard). Spaces shall be placed in a single line behind each lane or bay.

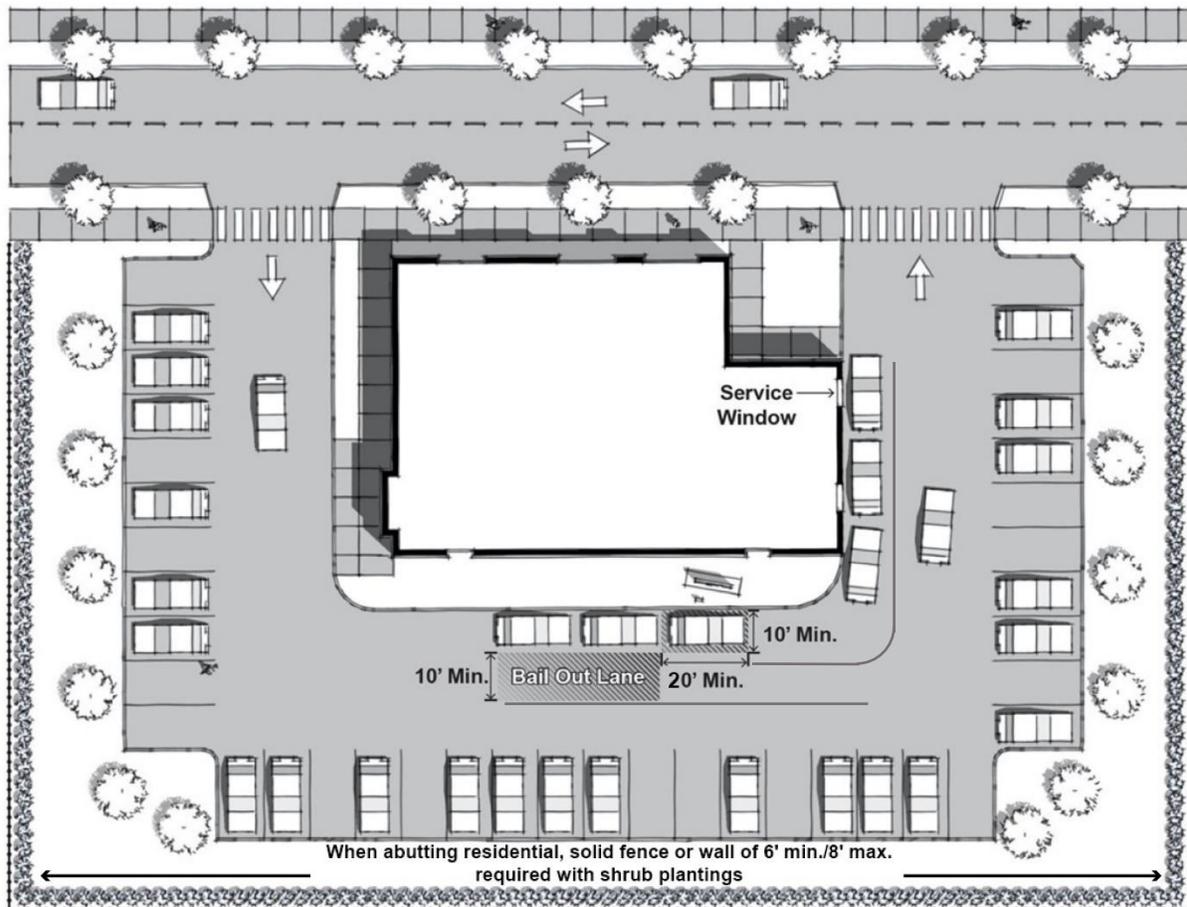
c. A drive through lane shall have bail out capability provided through a by-pass lane for all vehicles that enter the drive through lane. The by-pass lane shall have a minimum width of ten feet and run parallel to and to the right (outer side) of the drive through lane. The by-pass lane is limited to a one-way traffic pattern following the direction of the drive through lane. The by-pass lane shall remain parallel and separate and shall not merge with the drive through lane.

d. The drive through lane, stacking, and by-pass lane shall not negatively impact or block site circulation, including but not limited to designated fire lanes, loading zones, parking spaces or pedestrian crosswalks or back up into a road right-of-way.

e. If more than one drive through lane is provided, stacking for the lane adjacent to the drive-through facility shall meet the requirements of item a above. Additional drive-through lanes shall contain adequate room for stacking a minimum of five vehicles (20 feet x 10 feet per vehicle).

f. When a drive-through facility is adjacent to the lot line or property boundary of a residential use, it shall be screened along the side or rear lot lines or property boundaries adjacent to the residential lot or property. Screening required shall be a solid fence or wall, a minimum of six feet and a maximum of eight feet in height along the common boundary line adjacent to the residential use. Shrubs shall be planted along the fence or wall and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

### DRIVE THROUGH FACILITY



2. The following stacking requirements apply to automobile filling stations:
  - a. Pump islands shall be capable of accommodating a minimum of three vehicles beyond the termini of the physical pump island. Additional space may be needed if the filling stations accommodate larger than single unit vehicle types.
  - b. The stacking shall not negatively impact or block the circulation, including but not limited to designated fire lanes, loading zones, parking or pedestrian crosswalks or back up into a road right-of-way.

#### **E. Delivery Trucks and Trash Collection**

1. One or more trash collection facility shall be provided for multi-family residential and all non-residential uses.
2. Trash boxes shall be capable of being readily accessible to collection vehicles when all vehicle parking spaces are filled.
3. Loading and unloading spaces for delivery trucks are required and shall not block major pedestrian circulation routes or vehicular travel ways, or create blind spots when trucks are loading and unloading. Loading and unloading spaces shall be shown on the site plan.

#### **F. Site Access**

Site access is subject to the following regulations in order to help ensure traffic safety and alleviate traffic congestion. The proposed development shall be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the development.

1. Where a property abuts an arterial and a secondary or collector road, access to the property shall be by way of the secondary or collector road.
2. Where one or more contiguous parcels abutting an arterial road are under the same ownership and any one of the parcels abuts a secondary or collector road, access to all parcels under the same ownership shall be by way of the secondary or collector road. A shared access easement shall be recorded, unless the properties are consolidated.
3. Residential developments that exceed 50 dwelling units or lots shall provide a minimum of two access points that can be accessed by all units or lots. Residential developments that exceed 150 dwelling units or lots shall provide a minimum of three access points that can be accessed by all units or lots. The Planning Commission may waive this requirement due to environmental constraints.
4. No more than one direct access approach onto an arterial road is allowed to any individual parcel of record as of May 8, 1984. However, the following exceptions may be allowed with approval by the State Highway Administration:
  - a. The Planning Commission or its designee may approve additional access if any movement to or from the single access is Level of Service (LOS) E or worse and by granting the additional access the LOS would improve to a LOS "D" or better. Other conditions for granting multiple access include restricted sight distance from a single access or conflicts with adjacent traffic flow.
  - b. The Planning Commission or its designee may approve additional access when the parcel is bisected by steep slopes or wetlands in such a manner as to render some portion(s) of the property inaccessible without additional road access.
5. Existing and proposed accesses shall be consolidated to minimize access along arterial roads to improve sight distance or control traffic.
6. For non-residential developments, the number of entrances shall be kept to a minimum by utilizing existing entrances and connecting parking lots where possible.
7. Non-residential development access through an existing residential development shall not be permitted with the exception of where the development is part of an overall planned development.

8. If access to the development is proposed through one or more adjacent properties, a subdivision or administrative plat may be required to meet the access, frontage, and Road and Site Development Ordinance requirements.

9. Where a future roadway is designated on an approved County map, site plans or subdivisions for development adjacent to the designated roadway shall provide a platted connection to the future roadway and transfer that area by deed to the Board of County Commissioners for future development. If the future roadway is located within the parcel, it shall be platted and transferred by deed to the Board of County Commissioners at the time of final plat recordation.

10. If the adjacent property is not fully developed, adequate access shall be provided by a reserved platted future right-of-way with temporary construction easements and amenities easements for future road extension. The right-of-way for public or private road construction shall extend to the adjacent property. Upon development of the adjacent property, the developer of that adjacent parcel shall be responsible for building the road connection. Temporary easements for turn-arounds shall be provided at the boundary lines.

## **25-2 DESIGN OF SINGLE-FAMILY DETACHED RESIDENTIAL COMMUNITIES**

Single-family detached residential communities shall be designed in a manner which preserves forest and wildlife habitat, prevents soil erosion, provides open space, including recreational open space when required, and contributes to maintaining clean water. Site disturbance shall be held to a minimum.

### **A. Required Clustering**

All single-family detached subdivisions outside Town Centers shall be clustered with the following exceptions:

1. Clustering is not required in the Residential District and Rural Neighborhood District.
2. Clustering is not required in Agricultural Preservation Districts from which transferable development rights have been sold.
3. In the Farm and Forest District, clustering is not required for new lots created that are at least 25 acres in size.
4. In cases where the parcel is less than 30 acres, clustering is not required, provided that a note is recorded on the plat stating that no further subdivision of lots is permitted.

### **B. Site Design - Clustered and Non-Clustered Subdivisions**

#### **1. Setbacks, Lot Area, Lot Width**

Minimum standards for setbacks, lot area, and lot width for each zoning district are found in Articles 4 through 8 of this Ordinance and the Town Center Zoning Ordinances. All required setbacks for parcels shall also apply to buildings, structures, or uses permitted in designated open space.

#### **2. Lot Frontage, Private Lanes, Fire and Safety Protection**

In addition to subdivision requirements, the following requirements apply:

- a. Minimum lot frontage shall be 25 feet. All lots shall have at least 25 feet of frontage onto a public or private right-of-way, except for adjacent flag lots where the minimum lot frontage for each lot may be reduced to 12.5 feet as provided in item b below.
- b. The fee simple strip (lot stem) of a flag lot shall be at least 25 feet wide over its entire length, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip shall be at least 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. When there is a shared driveway an easement and maintenance agreement shall be placed over the combined 25-foot area until each lot stem or driveway divides off separately. A note shall be placed on the subdivision plat stating that such driveways are not petitionable into the County road system or eligible for County maintenance.
- c. The fee simple strips of no more than two flag lots shall be adjacent to each other.

- d. A private lane may be provided to serve three to seven lots, per the Calvert County Road and Site Development Ordinance. A private lane may not be located adjacent to another existing or proposed private lane, private right-of-way, or lot stem.
- e. To ensure adequate fire and safety protection, all buildings shall be accessible to emergency vehicles.

### **3. Archaeological Resources and Historic Significance**

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions.

### **4. Front Roadway Buffer**

Building sites shall be designed to afford the least visibility of the development from existing public roads. A front roadway buffer shall be provided along all public roads in the Farm and Forest District, Rural Community District, Rural Neighborhood District, and the Residential District except along those roads that are internal to the subdivision. The front roadway buffer shall meet one or more of the following requirements. Buffering along Rt. 4 and Rt. 2/4 shall be increased as indicated. The Planning Commission or its designee may modify these provisions to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints.

- a. If a naturally vegetated buffer exists, it shall be maintained at a minimum of 100 feet in width from the right-of-way line to the closest lot line (200 feet in width from Rt. 4 and Rt. 2/4) into the parcel.
- b. In instances where only part of a naturally vegetated buffer exists, the existing buffer shall be enhanced to a 100-foot wide buffer (200 feet buffer from Rt. 4 and Rt. 2/4) with additional plantings as approved by the Planning Commission or its designee.
- c. If a naturally vegetated buffer does not exist, the applicant shall plant a 100-foot wide vegetated buffer (200-foot wide vegetated buffer adjacent to Rt. 4 and Rt. 2/4) with plantings as approved by the Planning Commission or its designee.
- d. No plantings are required if a minimum depth of 200 feet of open space is provided from the edge of the road right-of-way to the closest lot line (300 feet from Rt. 4 and Rt. 2/4). Dwellings adjoining the open space shall be arranged so that the rears of the dwelling are not visible from the road.
- e. Exceptions:
  - i. The Planning Commission or its designee may reduce or waive the front roadway buffer for lots where the front roadway buffer would impact the front yard of existing dwellings.
  - ii. The front roadway buffer shall not be required in the Residential District for the following roads:
    - Boys Turn Road
    - Cove Point Road
    - Dowell Road
    - Fifth Street in the North Beach area
    - Little Cove Point Road
    - Olivet Road
    - Rousby Hall Road
  - iii. The front roadway buffer shall not be required on property that is designated as an Agricultural Preservation District (APD) or a family conveyance lot or on land which is actively being farmed.

### **5. Potential Trails, Greenways, or Parks**

In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners and for the use of the public.

### **6. Stormwater Management**

All stormwater management requirements shall be met. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

### **7. Cluster Box Units**

If required by the United States Postal Service, cluster box units shall meet the requirements of Section 25-3.E below.

### **C. Site Design - Clustered Subdivisions**

1. The percentage of land to be clustered is based on the zoning of the property, as follows:

a. In the Farm and Forest District, at least 80% of the site shall be designated open space and lots and roads shall be clustered onto the remainder of the site.

b. In the Rural Community District, at least 60% of the site shall be designated open space and lots and roads shall be clustered onto the remainder of the site.

2. Stormwater management may be located within open space, but the area where stormwater management devices are located shall not count towards the minimum open space requirements.

#### **3. Designation, Preservation, and Ownership of Open Space**

Open space shall be protected by legal arrangements which are adequate to assure the preservation and continued maintenance of the open space for its intended purposes in perpetuity. Covenants or other legal arrangements shall specify ownership of the open space. The legal arrangements shall also include any other matters deemed necessary to carry out the purposes of the development.

##### **a. Designation of Open Space**

To qualify as part of the required open space, the land shall be capable of the majority of the area meeting the criteria of one or several of the following categories and be labeled as such on the preliminary plat and recorded on the final plat. Land that is designated as open space within any of these categories may be retained as part of an undivided open space parcel, or may be subdivided as individual open space parcels, provided that each parcel is capable of meeting one or several of the criteria listed below and is at least 20 acres in size. Open space parcels cannot be re-subdivided by plat or deed into smaller parcels than originally recorded.

##### **i. Farm Reserve**

Land that has been cleared for use as cropland, pasture, or meadow and which shows up as cleared area on the most recent aerial photography and which is of adequate size and configuration to continue to function as cropland, pasture, or meadow. The farm reserve area shall have a minimum of three acres of suitable space for agricultural related uses.

##### **ii. Woodland Reserve**

The portion of a pre-existing or afforested forest that is to remain contiguous and undisturbed by roads, buildings, and lawns and which is of sufficient acreage to allow for timber production or wildlife management. Structures in support of trails may be approved, but otherwise no new structures are permitted.

##### **iii. Conservation Open Space**

Natural resource protection areas, wetlands, floodplains, steep slopes, streams and their buffers. Structures in support of trails may be approved, but otherwise no new structures are permitted.

##### **iv. Community Recreation Open Space**

Recreational open space as required in Section 25-4 below.

##### **v. Public Access Open Space**

Land that is to be conveyed by deed of easement or conveyed by fee-simple to a government agency or non-profit land trust which agrees to provide public access to any dedicated open space it owns or manages for the purpose of providing space for parks, playgrounds, green spaces, or other recreational purposes or for the protection of sensitive areas. The land shall be conveyed at time of final plat recordation.

##### **vi. Historic Reserve**

Land that is set aside for the protection of historic features, cultural resources, or to preserve and support historic viewsheds including views of historic features, cultural resources, and landscapes.

##### **b. Preservation of Open Space**

**i. Conservation Easements for the Retention of Open Space**

**(A)** Concurrent with the recording of a subdivision, a conservation easement on any land designated as public or private open space under the provisions of this section shall be deeded to the County or a County-approved designee to further ensure that the designated open space will remain undeveloped in perpetuity, with exception to the limited permissible development described in item ii below.

**(B)** The conservation easement is solely for the purpose of ensuring that the land remains undeveloped and will not, in any way, imply the right of access onto the property or any other right or obligation not expressly defined under the terms of the easement.

**ii. Deed Covenants and Owner's Certificate**

Covenants in the deeds of all property owners (including owners of lots and owners of open space) and an owner's certificate on the recorded plat shall state that the open space will not be used as building sites for residential development and the property shall not be subdivided for the creation of residential lots. No industrial or commercial activities except as directly related to on-premise farming or forestry shall be conducted on the property except for activities that can be carried out from a residential or farm building and do not necessitate obtaining a special exception from applicable zoning law, including sales of farm products by the owner to the public. Only structures appropriate for the designated open space category may be permitted. Any changes in the acreage or configuration of the open space shall require a revised deed of conservation easement to be recorded in the land records of Calvert County.

**c. Ownership and Management of Open Space for Subdivisions with Fewer than 25 Lots**

**i.** The owner of record at the time of subdivision shall have the option of retaining title or conveying, at their discretion, any and all parcels of open space created through the subdivision process.

**ii.** Any parcel of open space which is not retained by the owner of record at time of subdivision may be sold or otherwise conveyed to an individual, organization or governmental entity provided the open space is conveyed in sections not less than 20 acres in size (unless the total sum of the open space is less than 20 acres, in which case the open space is required to be conveyed in whole). Open space may be conveyed by deed after it is recorded.

**iii.** Any individual, organization or governmental entity which holds title to any parcel of open space may elect to grant community or public access to that parcel or may elect to convert that parcel into any one of the various categories of open space for which it qualifies.

**iv.** The disposition of all open space parcels shall be determined and designated on the final plat. If any portion or portions of the open space are to be held by a Homeowners' Association, it shall be governed by covenants addressing the method of maintenance, maintenance fee and insurance arrangements, mandatory membership and assessment requirements, sales disclosure (public offering statement), improvement of common property, timing of conveyance of common property, timing of governance transition to the Homeowners, and maximum assessments.

**d. Ownership and Management of Open Space for Subdivisions with 25 or More Lots**

**i.** Upon recommendation by the Planning Commission, if the size, location, type, or cost of the development, maintenance of such open space, or the availability of public open space would benefit the public, the developer may convey the open space by deed of easement or by fee-simple to the Board of County Commissioners.

**ii.** If the open space is not conveyed to the County, the developer shall convey the open space on the final plat to the subdivision's incorporated homeowners' association and ensure that the open space will be protected by legal arrangements sufficient to assure their maintenance and preservation for their intended purpose. Those covenants or other legal arrangements with such homeowners' association shall specify ownership of the open space, method of maintenance, payment of taxes and insurance, compulsory membership and compulsory assessment provisions, and guarantees that the association formed to own and maintain open space will not be dissolved without the providing for the perpetual care, maintenance, upkeep and safety of the facilities.

iii. The developer shall certify that the open space will be maintained and cared for by the homeowners' association. The developer shall also certify that the homeowners' association for the ownership, maintenance and preservation of open space has been established in conformance with the following standards and procedures:

(A) The homeowners' association shall be established by the developer before the final approval of the plat. Establishment of homeowner's association documents shall be required to be reviewed by the County Attorney's Office for sufficiency purposes.

(B) The financial and organizational structures, rules of membership, and methods of cost assessment of the homeowners' association shall be devised to ensure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.

(C) The homeowners' association shall be responsible for maintenance, preservation, and improvement of open space lands and all property owners within the development shall be permitted to participate in such organization.

(D) Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions or covenants shall be provided to ensure the purpose for which the open space is provided will be achieved.

**e. Exception to Open Space Requirements**

In the event the applicant is not proposing to create all of the lots permitted on the parcel and wishes to reserve the right to develop the additional lots at a later time, up to three lots may be created from the parcel as of January 1, 1993 prior to meeting the provisions in this section provided that:

i. A note is placed on the plat indicating the number of lots to which the residue is entitled.

ii. The residue includes enough acreage to meet the minimum open space requirements for the lots created and the number of permitted lots remaining on the residue.

iii. All of the other provisions in this section are met.

**D. Construction and Covenants of Common Facilities**

1. In cases where common area or facilities are required, all required common area facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all open space requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits.

2. Prior to the transfer of title of any individual units or lots, the applicant shall submit verification to the Department of Planning & Zoning that covenants are incorporated and in effect and that they contain the following provisions:

a. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan or subdivision. Common areas are not to be deeded to the association until they are fully completed.

b. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.

c. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.

d. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The County will not be liable for recreation facilities or common areas.

e. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.

f. A statement that the Calvert County government has the right, but not the obligation, where the owners are unable or unwilling to perform their responsibility to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management.

g. A statement on the plat or a document submitted with the site plan or subdivision shall be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities, and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

**25-3 TOWNHOUSE, ATTACHED DWELLING, MULTI-FAMILY, AND MIXED RESIDENTIAL DEVELOPMENT**

The provisions in this Section apply to all residential projects involving townhouse, attached dwellings, or multi-family units or a mix of housing types that includes single-family detached. Townhouse, attached dwelling, multi-family, and mixed residential developments shall be designed in a manner which preserves forest and wildlife habitat, prevents soil erosion, provides open space, including recreational open space when required, and contributes to maintaining clean water. Site disturbance shall be held to a minimum.

**A. Building Arrangement and Site Design**

**1. Lot Area, Lot Width, and Setbacks**

Minimum standards for lot area, lot width, and setbacks are established in Table 25-1 below. All required setbacks for parcels shall also apply to buildings, structures, or uses permitted in designated open space.

Table 25-1: Lot Area, Lot Width, and Setbacks for Townhouse, Attached Dwelling, and Multi-Family Development	
Minimum Lot Area	No minimum lot area is required
Minimum Lot Width	No minimum lot width is required
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231 <sup>[1]</sup>	100'
Front Setback: Local Road	25'
Front Setback: All Other Public Roads <sup>[1]</sup>	60'
Side Setback	10'
Rear Setback	35'
Setback from an adjacent property outside of the development	50'
Setback between buildings	25'

[1] Note also front roadway buffer requirements of Section 25-2.B.4 if located in the Residential District.

**2. Size, Scale, and Building Mass**

a. The number of units in a row is limited to a maximum of eight units. There shall be at least 25 feet between unit rows.

b. For townhomes and attached dwellings, offsets of 18 inches or more adjacent to party walls along facades and rear exterior walls or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.).

**3. Fire and Safety Protection**

To ensure adequate fire and safety protection, all buildings shall be accessible to emergency vehicles.

**B. Archaeological Resources and Historic Significance**

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions and development requiring site plan approval.

**C. Front Roadway Buffer**

The front roadway buffer provisions of Section 25-2.B.4 above apply to townhouse, attached dwelling, and mixed residential development in the Residential District.

**D. Stormwater Management**

All stormwater management requirements shall be met. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

**E. Cluster Box Units (CBU)**

If required by the United States Postal Service (USPS), CBUs for residential developments shall meet or exceed the standards of the USPS and meet the following additional requirements. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance. The installation of required CBUs is the responsibility of the developer.

**1. Location**

a. CBUs shall be located as follows:

- i. Within a principal building, such as an apartment building, or an accessory facility serving the development such as a clubhouse;
- ii. Stand-alone within 25 feet of the parking area servicing such buildings or facilities; or
- iii. Located along right-of-way and common access drives at least 50 feet interior to the development.

**2. Parking**

No parking is required for CBUs located within a facility with parking or within 25 feet of a parking area serving another facility. In all other cases, the number of motor vehicle parking spaces shall be provided per CBU in accordance with Table 25-2 below, which shall include at least one space meeting handicap accessibility requirements.

Table 25-2: Parking Spaces Required for CBUs	
Number of Mailboxes per CBU	Minimum Number of Parking Spaces
50 or less	2
51 – 80	3
80 – 110	4
111 or more	4 plus 1 per each additional 25 mailboxes

**3. Pedestrian Access**

Sidewalks or multi-use paths shall connect CBUs to parking areas and the overall pedestrian circulation system of the development. All CBUs shall be accessed by sidewalks or multi-use paths meeting handicap accessibility width and paving requirements.

**F. Refuse and Recycling Containers**

In multi-family developments, the provisions of Section 25-5.E below apply to the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

**G. Open Space Requirement**

A minimum of 0.05 acres (2,178 square feet) of common open space per dwelling unit shall be required of which a minimum of 950 square feet per dwelling unit shall be developed for recreation. (See Section 25-4 below).

- 1. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners and for the use of the public.
- 2. The developer shall convey the open space on the final plat to the development’s incorporated homeowners’ association and ensure that the open space will be protected by legal arrangements sufficient to assure their maintenance and preservation for their intended purpose. Those covenants or other legal arrangements with such homeowners’ association shall specify ownership of the open space, method of maintenance, payment of taxes and insurance, compulsory membership and compulsory assessment provisions, and guarantees that the association formed to own and maintain open space will not be dissolved without the providing for the perpetual care, maintenance, upkeep and safety of the facilities.
- 3. The developer shall certify that the open space will be maintained and cared for by the homeowners’ association. The developer shall also certify that the homeowners’ association for the ownership, maintenance and preservation of open space has been established in conformance with the following standards and procedures:

- a. The homeowners' association shall be established by the developer before the final approval of the plat or site plan. Establishment of homeowner's association documents shall be required to be reviewed by the County Attorney's Office for sufficiency purposes.
- b. The financial and organizational structures, rules of membership, and methods of cost assessment of the homeowners' association shall be devised to ensure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.
- c. The homeowners' association shall be responsible for maintenance, preservation, and improvement of open space lands and all property owners within the development shall be permitted to participate in such organization.
- d. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions or covenants shall be provided to ensure the purpose for which the open space is provided will be achieved.

**H. Construction and Covenants of Common Facilities**

- 1. In cases where common area or facilities are required, all required common area facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all open space requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits. The number of units in a section may be no more than the number of units allocated for sewerage each year.
- 2. Prior to the transfer of title of any individual units or lots, the applicant shall submit verification to the Department of Planning & Zoning Department that covenants are incorporated and in effect and that they contain the following provisions:
  - a. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan or subdivision. Common areas are not to be deeded to the association until they are fully completed.
  - b. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.
  - c. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.
  - d. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The County will not be liable for recreation facilities or common areas.
  - e. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.
  - f. A statement that the Calvert County government has the right, under extreme circumstances, where the owners are unable to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management.
  - g. A statement on the plat or a document submitted with the site plan or subdivision shall be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities, and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

**25-4 ON-SITE RESIDENTIAL RECREATION REQUIREMENTS**

**A. Purpose**

The purpose of these requirements is to ensure that basic recreational facilities are available on suitable land at appropriate locations within single-family detached, townhouse, attached dwelling, multi-family, and mixed residential

developments. Provisions requiring specific types of recreational facilities have been kept to a minimum in order to allow for a variety of options when designing recreational facilities that will best serve the community.

**B. Basic Minimum Standards**

1. Single-family detached developments with 25 or more lots shall provide neighborhood recreation on-site. Land suitable for neighborhood recreation shall be provided at a minimum of 950 square feet per lot in total.
2. For townhouse, attached dwelling, multi-family, and mixed residential developments the land suitable for recreation shall be provided on-site at a minimum of 950 square feet per dwelling unit in total.
3. A portion of the total square footage required shall be developed as recreational green space as required in Sections 25-4.C through D below. The remaining square footage shall be developed as other recreational facilities in accordance with Section 25-4.G below.
4. Recreational facilities shall be designed to provide access for persons with disabilities in compliance with the Americans with Disabilities Act (ADA) to the maximum extent practicable.
5. For the purposes of determining minimum residential recreation requirements, individual sections or phases shall not be counted as separate subdivisions or developments. Following the adoption of this ordinance, when a parcel is broken up into multiple parcels for development, the minimum requirements shall be determined by the cumulative total of all parcels.

**C.** Recreational green space and other recreational facilities, as described in Section 25-4.G below, shall be provided on land as described in this section.

1. The land shall not contain any sensitive environmental features, including but not limited to floodplains, natural resource protection areas, forest retention areas, critical area buffers, front roadway buffers, and conservation areas.
2. The land shall contain no slopes greater than 15% and shall have good drainage.
3. The land shall be visible from some of the residential units they are intended to serve or public areas.
4. The land shall be accessible to residents without having to cross arterial or collector roads.
5. The land shall not be adjacent to public roads (or private roads in townhouse, attached dwelling, multi-family, and mixed residential developments) unless adequate measures for protection such as fences, berms, hedges, etc. are provided.
6. The land shall not be located in the center of cul-de-sacs or traffic circles.

**D. Recreational Green Space**

Recreational green space shall be provided on land described in Section 25-4.C above. Recreational green space provides fields for general recreation on grass lawns and can also serve as a central focal point and outdoor gathering space for the community.

1. Minimum standards:
  - a. 10,000 square feet per field.
  - b. Dimensions: 100 feet by 100 feet.
  - c. For each field two permanently installed benches; seating for each bench at least 80 inches wide.
2. The number of fields required for recreational green space shall be determined as follows:

Multiply the total number of lots or dwelling units by 400 square feet. Divide total by 10,000 square feet. The total number of required fields equals the whole number in the dividend. The remaining acreage shall be applied to other recreational facilities.

*Example: 112 lots multiplied by 400 square feet equals 44,800 square feet. 44,800 square feet divided by 10,000 equals 4.48, which equates to four fields required. The remaining 0.48 equates to 4,800 square feet which shall to be applied to other recreational facilities.*

3. Fields designated as recreational green space should generally be consolidated into a single area but may be divided for more equitable distribution into two areas if the subdivision contains 50 or more residential lots.
4. Recreational green space shall be located on cleared land and level to a degree suitable enough for playing on the field. The grade shall have a maximum 3 percent slope.
5. Townhouse, attached dwellings, multi-family, and mixed-residential developments of less than 25 dwelling units are exempt from items 1 and 2 above but have the following requirements:
  - a. 1-5 units: No recreational green space is required
  - b. 6-24 units: One field with a minimum size of 5,000 square feet and minimum dimensions of 70 feet by 70 feet including two permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
6. If athletic fields (such as baseball fields, soccer fields, etc.) are proposed to meet the recreational green space requirements, development plans including but not limited to field dimensions and field specifications shall be approved by the Director of the Department of Parks and Recreation or their designee.

#### **E. Pathways**

Hard surface multi-use paths shall be provided as an interconnected system linking residential units with recreational facilities, parks, and the various categories of open space. Hard surface paths a minimum of five feet in width may be approved where appropriate, such as where environmentally sensitive features or existing forest are present. In woodland reserves, conservation open space, and the Critical Area other pervious and non-erodible surface materials may be substituted and approved. These pathways shall not be counted towards the requirements of Section 25-4.G below, with the exception of those hard surface multi-use paths as described in Section 25-4.G.7.

#### **F. Indoor Community Space**

Residential developments with 100 or more lots or dwelling units shall provide a minimum of 10 square feet of indoor community space per lot or dwelling unit. This space is for the use and enjoyment of the community. The indoor community space shall be reserved for community recreation purposes. Uses including but not limited to daycares, commercial retail, business or personal services shall be prohibited.

#### **G. Other Recreational Facilities**

The remaining required acreage shall be utilized to provide a variety of active and passive recreational facilities. Active recreational facilities include but are not limited to hard surface courts, playgrounds, picnic pavilions, outdoor exercise equipment/fitness trails, piers, waterfront parks, outdoor amphitheaters, pump tracks, skateboard parks, garden plots, putting greens, and swimming pools. Approval will be based on appropriateness with the age groups and population to be served, location and design, and construction and maintenance standards. Passive landscaped recreation facilities, such as green lawns, miniparks/sitting areas, and butterfly gardens, are limited to a maximum of 25% of this acreage unless there are site constraints or if the development is age restricted.

1. If hard surface courts are provided, they shall meet the requirements of Section 25-4.H below.
2. If playgrounds are provided, they shall meet the requirements of Section 25-4.I below.
3. Active recreational facilities shall be provided on land as described in Section 25-4.C above. Fitness trails, waterfront parks, and piers are exempt from Section 25-4.C.1.
4. Facilities where the recreational activity can generate excessive noise shall be required to be located a minimum of 200 feet from any residence.
5. Any parks or miniparks shall be required to provide at minimum two permanently installed benches. Seating for the benches shall have a minimum width of 80 inches.
6. For each active recreational facility, a minimum of two bicycle racks shall be provided.

7. Hard surface multi-use paths that connect cul-de-sacs and dead-end roads with other roads in order to create a more complete pedestrian circulation system may receive credit towards the requirements of this section. This does not include sidewalks or multi-use paths required by Sections 25-1.A.1 and 2 above.

#### **H. Hard Surface Courts**

Hard surface courts provide facilities and space for recreational activities including but not limited to basketball, tennis, pickleball, racquetball, shuffleboard, and four square. Hard surface courts shall be provided on land described in Section 25-4.C above.

1. The hard surface court shall be designed to support at least one designated recreational activity (such as basketball, tennis, etc.) and equipment in support of the designated activity (such as two basketball backboards and nets for a full basketball court, net poles and nets for tennis, etc.) shall be installed. A north/south orientation is strongly encouraged. Multi-purpose courts are encouraged. Half courts may be approved when appropriate.
2. The dimensions of the hard surface court shall be standard dimensions in support of the recreational activity. The dimensions and construction materials of the hard surface court shall require the approval of the Department of Parks and Recreation. Appropriate surfacing and markings of the hard surface court in support of the recreational activity shall be required.
3. For half courts, two permanently installed benches shall be provided. For whole courts, three permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
4. The hard surface court shall be level and have good drainage. Sub-surface conveyances underneath hard surface courts shall be required.
5. The hard surface court shall be located a minimum of 200 feet from any residence.

#### **I. Playgrounds**

Playground sites shall provide a safe, clean and comfortable environment for children and adults. Playgrounds provided shall meet the following requirements.

1. Playgrounds shall be provided on land described in Section 25-4.C above.
2. The minimum size of a playground shall be 1,800 square feet.
3. Play structures and/or equipment shall be provided for children 2-12 years of age.
4. Playground sites, structures, and equipment shall be designed to comply with the most current ASTM safety standards and guidelines. Safe surface material such as mulch, rubber mulch or other related materials shall be required and shall comply with the most current ASTM safety standards and guidelines.
5. Play equipment shall be constructed of durable materials designed for frequent exterior use and high resistance to varied climates. Wood and wood products shall not be used as materials.
6. For each playground two permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
7. The playground shall have good drainage. Sub-surface conveyances underneath playgrounds shall be required.
8. The playground shall be located a minimum of 200 feet from any residence.

**J.** Wherever permanently installed benches are provided or required, two canopy trees per bench shall be required in order to provide shading for the benches. The canopy trees shall have a minimum clear trunk height of six feet from the ground with a two-inch diameter, measured at 4.5 feet above the ground. If the benches are located within a shaded structure (such as a gazebo), canopy trees are not required.

**K.** All playing fields, paved courts, playgrounds, and other required recreation facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all recreation requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits.

L. All recreational facilities and any outdoor lighting provided shall be included in the public works agreement. All outdoor lighting shall comply with Article 26 of this Ordinance.

**M. Maintenance**

1. If developed lands or facilities are deeded to and accepted by the County, supervision and maintenance of such areas are the responsibility of the County. Indoor community space and aquatic facilities will not be accepted by the County.

2. When areas are reserved for common use by all residents in the development, covenants, and homeowners' association documents shall be provided for recordation with the final plats that provide for construction (by the developer), supervision, and maintenance of such areas.

**25-5 GENERAL DESIGN REQUIREMENTS**

The provisions of this section apply to both residential and non-residential development, unless specified otherwise.

A. Minimum standards for lot area, lot width, and setbacks for each zoning district are found in Articles 4 through 8 of this Ordinance and the Town Center Zoning Ordinances.

B. No building or structure shall exceed 40 feet in height, including the roof, except as follows

1. Unless otherwise specified in a Town Center Zoning Ordinance.

2. In the I-2 District, no building or structure shall exceed 75 feet, including the roof. The building shall be set back a distance double the height of the building from all property lines except for adjacent properties under common ownership.

3. Fire towers, hose towers, cooling towers, steeples, chimneys, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, and monuments, and any structure accessory to an active agricultural use are exempt from height restrictions unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Wireless towers, antennas, and wind energy systems (i.e., windmills) are subject to the requirements of Section 18-11 and 18-12 of this Ordinance.

4. A clock tower or cupola containing no more than 150 square feet may exceed the height regulations by no more than 12 feet.

5. See Chapter 95 Public Safety of the Calvert County Code for regulations regarding noninterference with Emergency Communication's microwave system.

C. The front of a principal building in non-residential developments shall be oriented to face the front lot line or parcel line.

D. For indoor commercial recreation facilities, a designated indoor waiting area, a minimum of 100 square feet with a minimum depth of 8 feet, shall be provided for facilities greater than 1,000 square feet. Upon written application, the Zoning Officer may reduce or waive the waiting area requirements if the applicant demonstrates that the facility to be served would not require in its day-to-day operation a full waiting area.

E. The following apply to the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

1. Refuse and recycling containers are prohibited in the front yard.

2. Refuse and recycling containers shall be located so as to provide easy truck access and not conflict with through traffic and shall not be located in residential parking spaces.

3. Refuse and recycling containers shall be located on concrete or asphalt pads large enough to accommodate trash pick-up trucks.

4. All refuse and recycling containers shall be fully enclosed on three sides by a solid fence, wall, or wall extension from the principal building and shall be a minimum of six feet and a maximum of eight feet in height. The

fence, wall, or wall extension shall be constructed of wood, brick, masonry, or stone. If a wall or wall extension is used, it shall be constructed as an integral part of the building's architectural design.

5. Where walls or fencing are utilized, a minimum five-foot strip outside the fencing or walls shall be landscaped with clusters of trees and shrubs with a maximum spacing between clusters of 25 feet. Vegetative screening shall be a minimum of four feet in height at installation.

6. The enclosure shall be gated. Such gate shall be solid and a minimum of five feet and a maximum of eight feet in height. The gate shall be architecturally compatible with other buildings and structures on the site.

F. In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions and development requiring site plan approval.

G. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway, or park, these areas shall be included as designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners and for the use of the public.

**25-6 RESIDENTIAL DEVELOPMENT OF PREVIOUSLY RECORDED LOTS AND PARCELS**

For lots and parcels recorded prior to the adoption of this Ordinance, the requirements of Sections 25-1 through 25-4 above do not apply for residential development that does not require site plan approval.

A. For lots and parcels of record as of June 29, 1967, the following shall apply:

**1. Setbacks**

Front, side, and rear setbacks recorded on plats or in covenants shall be applied. If no setbacks are recorded, the following setbacks shall apply:

Table 25-3: Setbacks on Previously Recorded Residential Lots or Parcels			
Lot or Parcel Size	Front Setback	Side Setback	Rear Setback
20,000 Sq. Ft. or Less	25 Feet	6 Feet	20 Feet
> 20,000 Sq. Ft. and ≤ 1 acre	35 Feet	10 Feet	35 Feet
> 1 acre and ≤ 3 acres	100' from Rt. 2, 4, 2/4, 260, 261, 263 & 231 25' from interior subdivision roads 60' from all other roads	10 Feet	35 Feet
> 3 acres	100' from Rt. 2, 4, 2/4, 260, 261, 263 & 231 60' from interior subdivision roads 60' from all other roads	30 Feet	60 Feet

**2. Lot or Parcel Size**

If a lot or parcel was legally recorded prior to the adoption of the Zoning Ordinance on June 29, 1967 or if it met the lot size requirements at the time it was recorded, that lot or parcel is buildable if:

- a. The building can meet the minimum setbacks for a lot or parcel of equivalent size (as per Section 25-6.A.1 above) and the lot or parcel has sufficient buildable area for a dwelling to be constructed.
- b. The lot or parcel receives Health Department approval.
- c. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
- d. The lot or parcel has not been reduced in size for residential development purposes.

B. For a lot or parcel properly recorded in the Land Records on or after June 29, 1967 and before October 21, 1974, the lot or parcel is buildable if:

- 1. The lot or parcel met the lot size requirements at the time it was recorded.
- 2. The dwelling can meet the minimum setbacks for a lot or parcel of equivalent size (as per Section 25-6.A.1 above) and the lot or parcel has sufficient buildable area for a dwelling to be constructed.

3. The lot or parcel receives Health Department approval.
  4. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
  5. In major subdivisions recorded on or after April 2, 1972, the lot or parcel is only buildable if it was approved by the Planning Commission.
- C. For a lot or parcel recorded in the Land Records on or after October 21, 1974, it is buildable if:
1. The lot or parcel has sufficient buildable area for a dwelling to be constructed.
  2. The lot or parcel receives Health Department approval.
  3. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
  4. The lot or parcel was given final subdivision approval by the Planning Commission or its designee.
- D. Development on Properties Where Two or More Lots or Parcels are Required to Establish an Approved Building Site
1. If a lot or parcel is determined to be unbuildable as a result of failure to meet the minimum standards for residential construction, and combination with one or more other lots or parcels is required for standards to be met, the lots or parcels combined to meet this standard shall be contiguous along a common boundary for a minimum distance of 20 feet. If more than two lots or parcels are being combined, each lot or parcel shall be contiguous along a common boundary of at least one other lot being combined for a minimum distance of 20 feet. A plat showing the newly created lot shall be prepared by a licensed surveyor, approved by the Planning Commission or its designee, and recorded among the land records before a building permit will be issued for construction thereon. Septic fields (primary and back-up) shall be located within the boundaries of the new lot.
  2. If a lot or parcel is to be divided for the purpose of adding to adjoining lots so as to create one or more buildable lots from the combined properties then the revised lot or parcel shall meet subdivision regulations currently in effect or the portion of the existing cannot count towards meeting the requirements of Section 25-6 during the administrative plat process.
  3. Once the lots or parcels have been combined by recorded plat, they cannot be replatted to separate the original lots or parcels. Any additional division shall require the full subdivision review and approval process.
  4. Once combined only one residential primary structure may be placed on the combined lot.
- E. Retirement of Existing Lots and Creation of Transferable Development Rights (TDRs)
1. No new TDRs shall be created except as provided in the Calvert County Agricultural Preservation Rules and Regulations. Certified TDRs for which covenants have been recorded prior to April 15, 2016, created under this Section from a recorded, unimproved subdivision lot, shall be used in the same manner as those created pursuant to the Calvert County Agricultural Preservation Rules and Regulations.
  2. Prior to conveyance of one or more TDRs certified under this Section, the owner of the lot or parcel from which the TDRs were certified shall record restrictive covenants, as prescribed by the Board of County Commissioners, on the lot or parcel from which the TDRs were certified.

## **25-7 GENERAL REQUIREMENTS FOR AGE-RESTRICTED HOUSING COMMUNITIES**

- A. Single-family detached age-restricted housing communities shall comply with the requirements for standard development contained in Section 25-2 above.
- B. Townhouse, single-family attached, multi-family, and mixed residential age-restricted housing communities shall comply with Section 25-3 above.

C. The Planning Commission may adjust the minimum active recreational requirements of Section 25-4 for age restricted communities to ensure that the recreation facilities meet the needs of the people living in the development.

D. The following additional requirements shall apply to age-restricted housing communities:

1. The development shall include at least 20 residential units.

2. All units shall be universally accessible or adaptable.

3. Covenants shall be placed on the property that specify the age-restricted nature of the proposed community. Such covenants shall require the prior approval of the Board of County Commissioners and the Planning Commission or its designee and shall be in accordance with the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., State Gov't Art. 49B, § 20-701., and this Zoning Ordinance, as amended from time to time. The covenants shall provide:

a. That at least 80% of the dwelling units are to be occupied by at least one Age-Qualified Resident, being a resident 55 years of age or older.

b. That persons, at least 19 but under 55 years of age, may reside in a dwelling unit provided the person resides with the Age-Qualified Resident or occupies one of the 20% of dwelling units not required to be occupied by an Age Qualified Resident.

c. That a person under 19 years of age may visit a dwelling unit as the guest of the occupants of a dwelling unit, provided that no person under the age of 19 may stay overnight in a dwelling unit for more than two consecutive weeks or for a total of more than 30 days in any 12-month period.

d. That except as otherwise required by the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., State Gov't Art. § 20-701 et seq., no persons under 19 years of age may reside in any unit.

e. That any provision of the covenants pertaining to the age-restricted nature of the community may not be amended without the approval of the Board of County Commissioners.

f. That none of the units may be converted to general housing unless: (i) conversion is approved by all unit owners, the Board of County Commissioners and the Planning Commission, (ii) all of the units are converted, (iii) all Adequate Public Facilities requirements are met at the time of conversion, (iv) the building excise tax in effect at the time of conversion for the type of dwelling into which the units are converted shall be paid, less the amount of excise tax originally paid, and (v) all recorded documents with age-restrictions are re-recorded.

## 25-8 MANUFACTURED HOME COMMUNITIES

### A. Applicability

1. This section applies to the expansion of manufactured home communities in existence as of May 1, 2006. Such communities are considered nonconforming uses and the number of approved units in existence as of the effective date of this amendment may be permitted to expand up to 50% percent with Board of Appeals approval. However, the expansion cannot exceed the maximum density of six units per acre, excluding rights-of-way.

2. All units located within existing manufactured home communities shall conform to the definition of manufactured home contained in Article 2. Conversion of any manufactured home to another type of housing requires compliance with the density, lot size, and setback requirements for a single-family detached dwelling units in the district.

3. Site plan approval is required in order to alter or expand a manufactured home community. A building permit is required to install, alter, or extend a manufactured home.

### B. Manufactured Home Community Development Requirements

#### 1. Density

The overall density of the manufactured home community is limited to a maximum of six units per acre, excluding rights-of-way.

## **2. Lot Size**

Lots shall be at least 5,000 square feet for single-wide homes and 6,000 square feet for double-wide homes.

## **3. Parking Requirements**

Two parking spaces shall be provided for each unit. The space shall be located for convenient access to the home stands and constructed with crushed rock or pavement.

## **4. Setbacks and Screening**

### **a. Distance to Development Boundaries**

The distance from the line or corner of any home to a boundary line of the development shall meet the following minimum:

- i. Where the adjoining land use (existing or permitted) is either a similar or higher density residential use or is a minor or collector street, not less than 50 feet containing a minimum of a 70% visually solid year-round landscape buffer a minimum of six feet in height.
- ii. Where the adjoining land use is an arterial street, a residential use of lower density, or a non-residential use, a 100-foot wide buffer area is required containing earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or visually solid year-round landscape buffer, a minimum of six feet in height.

### **b. Distance Across Driveways**

The distance from the line or corner of any manufactured home to any manufactured home on the opposite side of a driveway shall be a minimum of 60 feet.

### **c. Distance to Common Areas**

The distance from the line or corner of the manufactured home to a driveway pavement, a common parking area, a common walk or other common area shall be a minimum of 15 feet.

### **d. Distances Between Homes**

The distance between home manufactured home shall be a minimum of 20 feet. If structural additions to a home are anticipated in the planning program, design distances between homes shall be computed on the assumption that the addition is already a part of the manufactured home.

## **5. Buffer Areas**

Off-site views shall be screened by visual buffers within the property boundary perimeter setback area. These regulations do not apply to the first initial expansion of up to ten units.

- a. Screen plantings consisting of a mixture of evergreen and deciduous trees or shrubs which will be at least six feet in height and 70% solid within five years of planting.
- b. Screen fences a minimum of six feet in height shall be visually attractive structures and constructed of durable, weather resistant materials.
- c. Earth mounds shall be limited to slopes which can be easily maintained (3:1 for grassed slopes) and be used in combination with screen planting.

## **6. Access**

### **a. General**

All manufactured home communities shall be provided with safe and convenient vehicular access from abutting public roads to each unit. Such access shall be provided by roads or driveways. Roads shall be designed and constructed in accordance with the Calvert County Road and Site Development Ordinance.

### **b. Entrance Roads**

Entrances to manufactured home communities shall have direct connections to a public street and designed to allow free movement of traffic on such adjacent public streets. These regulations do not apply to expansions of up to ten units.

- i. No parking is permitted on the entrance road for a distance of 100 feet from its point of beginning.

- ii. The number of lanes, lane widths, and turning lanes shall be adequate for the anticipated traffic generated by the development during peak hours.
- iii. Signs for a manufactured home park, landscape, and lighting should be integrated in a coordinated manner.
- iv. Entrances should be focused on community buildings, facilities or natural features rather than on residential living areas.

**c. Circulation**

The street system shall provide convenient and safe access to individual lots and community facilities and ensure safe pedestrian conditions within living areas. These regulations do not apply to the first initial expansion of up to ten units.

- i. A hierarchy of entrance, collector, and local streets shall be provided.
- ii. Entrance points shall be well-defined, uncluttered, safe, and attractive.
- iii. The street systems should relate logically to topographic conditions of the site.
- iv. Lot frontage on entrance or collector streets should be minimized.
- v. Curvilinear road systems with flowing horizontal and vertical alignments, designed for slow moving vehicles shall be encouraged.
- vi. Street systems shall be developed in consideration of reasonable movement and placement of manufactured homes on individual sites.

**7. Manufactured Home Community Designs**

The manufactured home community shall be designed to encourage accessibility to community recreation and service buildings. All manufactured home lots shall be served by surfaced sidewalks. Community buildings shall have parking spaces nearby.

**8. Rights-of-way and Pavements**

All rights-of-way within the manufactured home community are intended to remain private and shall be constructed in accordance with the Calvert County Road and Site Development Ordinance.

**a. Recognition of Existing Facilities**

The street system shall be designed to recognize existing easements, utility lines, etc. which are to be preserved, and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

**b. Access to Lots**

The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the stand and other important facilities on the property, adequate connection to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.

**9. Street Lights**

Lighting shall meet the standards of Article 26. The design of a manufactured home community expansion for up to ten units may maintain the existing conditions in the manufactured home community.

**10. Walks**

The design of a manufactured home community expansion for up to ten units may maintain the existing conditions in the manufactured home community.

**a. General Requirements**

All walks shall be convenient, of adequate width for intended use, durable, and convenient to maintain.

**b. Common Walks**

Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance, and to the office and other important facilities. Common walks may be through interior areas removed from the vicinity of streets or along collector and entrance roads.

**c. Width, Alignment, and Gradient**

- i. Width, alignment, and gradient of walks shall be appropriate for safety, convenience, and appearance, and shall be suitable for pedestrian use and for the circulation of small-wheeled vehicles such as baby carriage and service carts.
- ii. Width shall generally be at least 3.5 feet for common walks.
- iii. Sudden changes in alignment and gradient shall be avoided.
- iv. Gradients should be between one-eighth inch per foot (1%) and five-eighths inch per foot (5%) wherever possible, especially in areas subject to ice conditions.
- v. Cross-slope generally shall be not more than one-quarter inch per foot (2%) and not less than one-eighth inch per foot (1%).
- vi. Walks cannot be used as drainage ways.
- vii. Individual walks may be of paving stone, brick pavers, or concrete block to facilitate relocation (i.e., replacement of unit).

**C. Individual Site Planning and Improvements**

**1. General**

**a. Site Planning**

Site planning shall adapt to individual site conditions, reflect advances in site planning techniques, and be adaptable to the trends in design of the home itself. Site planning shall recognize and utilize terrain, existing trees and shrubs, and rock formations.

**b. Arrangement of Structures and Facilities**

The site, including manufactured home stand, patio structures, and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures. Full attention shall be paid to use, appearance, and livability. Special attention will be given to new home designs and appurtenances that are available.

**c. Protection from Adverse Influences**

Adequate protection shall be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.

**2. Lot Markers and Manufactured Home Stands**

- a. The limits of each lot shall be clearly marked on the ground by permanent flush stakes or markers.
- b. Location of lot limits on the ground shall be approximately the same as shown on the accepted plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground.
- c. Provisions for supports shall be made every 12 feet on centers beginning from the front of the stand. Opened spacing at the rear line of the stand cannot exceed three feet.
- d. The stand shall include provisions for utility connections at locations specified in the appropriate utility standard.

**3. Orientation of Home**

While orientation of homes perpendicular to the road is common practice, homes angled or parallel to the street are visually preferable.

#### **4. Outdoor Living Area**

Private outdoor living and service space shall be provided for each home. It shall be walled, fenced, or planted to create privacy. These regulations do not apply to the first initial expansion of up to ten units.

##### **a. Location**

The home shall be located for privacy, convenience, and optimum use.

##### **b. Size**

The minimum area of the home shall be not less than 400 square feet with a minimum dimension of 20 feet.

##### **c. Grading**

Adequate crown or cross-gradient shall be provided for surface drainage.

#### **5. Landscaping of the Individual Site or Lots**

These regulations do not apply to the first initial expansion of up to ten units.

**a.** Lots shall have basic landscape improvements in keeping with the character of single-family residential neighborhoods. A reasonable amount of shade and visual relief shall be assured by tree preservation or planting, and lawns shall be established to prevent erosion of the soil.

**b.** Screen planting or fencing shall screen objectionable views and shall be 70% visually solid, and attain a height of six feet within three years. Views from outdoor living areas to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties.

**c.** Each lot shall have at least one canopy tree, hardy to the region, of 2.5 to three inches in caliper minimum at time of planting.

**d.** Each lot shall have an even lawn cover established on all portions of the site not landscaped in another manner.

**e.** Lawn and groundcover shall be provided where needed to prevent erosion of swales and slopes.

**f.** Acceptable as required planting to the extent that is equivalent suitable and preserved in good condition.

#### **6. Skirting**

Skirting is required and shall be of durable all-weather construction as manufactured specially for the purpose of covering the undercarriage area. Skirting shall be fastened in accordance with manufacturer's instructions and provide for adequate ventilation as necessary.

#### **7. Low Profiling**

Low profiling or the lowering of the home to the ground by depressing the supporting foundation below grade will aid in concealing the undercarriage. It reduces the height of skirting required and eliminates the need of step arrangements for access to the unit. It is recommended that at least six inches of height be maintained between the ground and frame to allow adequate ventilation and that 24 inches be maintained to service all utility lines. Provisions shall also be made to ensure the area under the unit is maintained in a relatively dry condition.

#### **8. Accessory Structures**

##### **a. Scope**

Accessory structures shall be dependent upon the home and cannot be used as complete independent living units with permanent provisions for sleeping, cooking, and sanitation. Accessory structures cannot have enclosed spaces such as pantries, bath, toilet, laundries, closets, or utility rooms. Accessory structures cannot obstruct required openings for light and ventilation of the home and cannot prevent inspection of equipment and utility connections.

##### **b. Awnings or Carports**

An awning or carport may be erected, constructed, or maintained on a lot only as an accessory to a home located on the same lot. An awning cannot be enclosed with rigid materials or walls or converted for use as a habitable room.

**c. Location**

An awning or carport may be erected on a lot line provided the awning or carport is constructed of material which does not support combustion. No separation is required between a freestanding awning or carport and an awning or carport located on the same lot, provided they are not structurally interconnected.

**d. Dimensions**

An awning or carport supported in part by a home cannot exceed 12 feet in width (projection) without additional supports as measured from the wall of the home to the outer edge of the awning or carport roof or cannot exceed the bearing capacity of the home and structural limits of the awning.

**e. Exits from Awning Enclosures**

An awning with enclosures of non-rigid materials shall have at least one door in the enclosure opening directly to the outside of the enclosure. The opening shall be no less than 28 inches in width nor less than six feet two inches in height. Two such door openings shall be provided from the enclosure when it encloses two doors of the home.

**9. Home Additions**

Homes on lots containing at least 6,000 square feet in size may be enlarged subject to the following requirements and issuance of a building permit:

**a. Design and Construction**

All additions shall be designed and constructed as a freestanding structure subject to the County Building Code. An addition shall be attached to a home with appropriate flashing or sealing materials to provide a weather seal.

**b. Dimensions**

i. The height of the addition cannot exceed the height of the home and shall be at least 20 feet from the nearest home.

ii. The addition shall have a minimum ceiling height of seven feet from the finished floor. If the ceiling or roof is sloped, one-half of the sloped ceiling area shall meet the minimum ceiling height. No portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum area recommended of this section.

iii. Habitable rooms shall be no less than seven feet in any horizontal dimension.

**c. Foundation and Floors**

i. An addition may be set on piers and girders in lieu of continuous footings.

ii. Piers and girders and floors shall be designed and constructed to support the live and dead loads imposed on them in accordance with the County Building Code.

**d. Walls and Roofs**

Walls and roofs shall be designed and constructed to withstand vertical, horizontal, and lateral forces in accordance with standard engineering practice and the design criteria established by the County.

**10. Storage**

These regulations do not apply to the first initial expansion of up to ten units.

**a. Design, Location and Size of Storage Facilities**

i. Unless provided in current models, storage facilities shall be provided on the lot, or in compounds located within a reasonable distance, generally not more than 100 feet from each stand.

ii. It is recommended that storage sheds be placed to appear as an extension of the home, and to serve the multiple purpose of screening the outdoor living area or utility connections but cannot be placed under awnings.

iii. Storage facilities shall be designed in a manner that will enhance the appearance of the development and constructed of suitable weather resistant materials appropriate under the use and maintenance contemplated. They shall provide a minimum of 90 cubic feet of space.

**b. Fuel Oil Storage**

In areas where oil heating of a home is customary, a minimum 50-gallon fuel storage facility shall be provided in each lot.

**D. Community Facilities**

These regulations do not apply to the first initial expansion of up to ten units.

**1. General**

Community facilities should be provided to supplement the deficiencies caused by limited interior and exterior space of the manufactured home unit and its site. Storm shelter for park or subdivision residents shall be provided in indoor space. Care shall be taken in locating these facilities to ensure that they are safely accessible and convenient to all residents.

**2. Location**

i. Major community buildings and features to be used by all residents should be centrally located within the parks or subdivision development or easily accessible and convenient to all residents.

ii. Minor recreation areas such as tot-lots should be located at scattered sites close to the groupings of homes they will serve.

iii. School bus stops with adequate lighting and centralized mail boxes shall be located in safe convenient areas.

iv. Leisure areas should incorporate unique natural features such as streams, trees, and variations in topography.

**C. Access**

i. Walkways along collector streets or internal pathways linking residential areas to community facilities should be provided.

ii. Separate off-street parking areas near community facilities should be provided. Normally no more than one parking space for each ten dwelling units is needed.

**D. Ownership, Maintenance and Preservation of Common Open Space**

The developer shall make provisions which ensure that the common open space land shall continue as such and be properly maintained.

**E. Recreation Facilities**

Recreation facilities shall be provided in accordance with Section 25-4.

**F. Responsibilities of the Management**

1. The management of the manufactured home community shall provide adequate supervision to maintain the Manufactured Home Community in compliance with this Ordinance and to keep its facilities and equipment in good repair and in a clean and sanitary condition.

2. The management shall notify the manufactured home community residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

3. The management shall supervise the placement of each manufactured home including securing its stability and installing all utility connections.

4. The management shall maintain a register containing the names of all manufactured home community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the manufactured home community.

## 25-9 ARCHITECTURAL DESIGN REQUIREMENTS

### A. Authorization

The Board of County Commissioners is authorized to adopt provisions to, among other things, regulate design in accordance with the provisions of Title 4 of the Land Use Article of the Maryland Annotated Code.

### B. Purpose

Architectural requirements and guidelines are based on the premise that the overall appearance of a community bears a direct relationship to the social well-being of its residents, affects property values, and provides economic opportunities. The purpose of architectural review in town centers is to ensure that new development and exterior modifications to existing structures enhance the overall aesthetic, cultural, and historical character of each of the town centers

### C. Applicability

1. Projects located within a Town Center requiring architectural review, as well as the Appearance Code and architectural design standards, shall be determined by the associated Town Center Zoning Ordinance.
2. Rural Commercial Districts shall comply with the Appearance Code standards of the nearest Town Center where buildings and accessory structures are visible from public roads, waterfront and adjacent residential properties.
3. Employment Center Districts shall comply with the Appearance Code standards of the nearest Town Center, where applicable.

### D. Process

Applicants for architectural review shall submit applications, elevations, and relevant information regarding building materials to the Department of Planning & Zoning in compliance with the Appearance Code standards contained in the applicable Town Center Zoning Ordinance.

1. Architectural review approval is required for applicable exterior Appearance Code elements, excluding signs, for Category I and II Detailed Site Plans prior to final site development plan approval.
2. Architectural review approval is required for applicable exterior Appearance Code elements for building permits prior to permit issuance.

### E. Variances

Variance may be sought in accordance with Section 30-6 of this Ordinance.

## 25-10 ARCHAEOLOGICAL RESOURCES AND HISTORIC SIGNIFICANCE

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of this section apply to all subdivisions and development requiring site plan approval.

**A.** In the event existing farm structures (such as barns, outbuildings, and fences) are located on the site or within the boundaries of a proposed subdivision, they shall be retained. The Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.

**B.** In the event that a building, or buildings, 50 years old or older is located within the boundaries of a proposed development project or subdivision, the Historic Preservation Planner will conduct an assessment of the building(s) to estimate its historic significance based on criteria in established use by the county and will advise the Historic District Commission accordingly.

1. If the Historic District Commission determines that the building has historic merit, coordination with historic preservation staff is required to determine the feasibility of retaining the building(s) and incorporating it into the site design or subdivision.
2. Where feasible to retain the building(s) on site, coordination with the Historic Preservation Planner is required to develop an appropriate preservation strategy whereby views of the building(s) from roads, adjacent properties and proposed building sites shall be protected. The Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.

3. In the event it is not feasible to retain the building(s) or make it available for removal to another site, the applicant shall be required to document the structure(s) prior to destruction in accordance with criteria established by the Department of Planning & Zoning. Removal of a building 50 years old or older prior to approval of a site design or subdivision may be grounds for denial of the application.

C. An inventory of existing on-site archaeological resources may be required prior to preliminary approval of subdivision or any proposed ground disturbance. The Historic Preservation Planner will review plans and/or applications to determine if the property has been surveyed for archaeological resources, if previously identified archaeological sites have been identified on the property, and to estimate the potential for archaeological resources. If previously identified significant archaeological resources are located on the property, the applicant may be required to preserve the resources in place. If preservation is not feasible, the Department of Planning & Zoning will determine the extent and level of investigation necessary to mitigate impacts to significant archaeological sites resulting from proposed subdivision. If the property has been judged to possess a high archaeological potential and has not been the subject of previous archaeological inventory, the applicant may be required to conduct an archaeological survey to determine the presence or absence of potentially significant archaeological sites. Avoidance is always the preferred option.

D. In the event that a known cemetery exists on the property, the applicant shall visually delineate cemetery boundaries, avoid ground disturbing activity within 25 feet of the cemetery boundaries during construction, place an easement over the cemetery, prepare and maintain a 15-foot right of way providing for public or family access, and designate an individual or entity responsible for maintenance and protection. If review of relevant documentary and cartographic materials indicates a high probability for an unmarked cemetery, the Department of Planning & Zoning may require cemetery identification either through survey utilizing professionally accepted methods or visual inspection for common cemetery indicators.

E. Subdivisions or development occurring along a designated Historic Roadway shall maintain the historic character of the landscape as viewed from the road. This should be accomplished through site design and vegetative screening. Tree removal and roadside grading should be avoided to the extent possible. When feasible, primary access should not be via a historic roadway. When unavoidable, primary access should be sited to minimize impact to the historic landscape to the greatest extent possible.

F. Fences and buffers in subdivisions adjacent to farms, Agricultural Preservation Districts and Historic Districts:

1. Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts to provide protection from intruders that can cause damage to crops, farm machinery, or historic sites and structures.

2. Additionally, the Planning Commission or its designee may require a wooded or landscaped buffer measuring a minimum of 100 feet in width along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts.

## **25-11 COMMUNITY ENHANCEMENT DISTRICTS**

A Community Enhancement District (CED) is a planning tool for commercial, industrial, and mixed-use developments to provide flexibility of design elements. The CED is like other land development projects but requires Planning Commission and Board of County Commissioner approval to achieve substantially higher-quality development that provides a public benefit that would otherwise not be obtained.

### **A. Scope**

This section applies to Community Enhancement Districts, referred to in this section as a CED. Land use development standards and requirements established herein for a CED are intended to:

1. Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of commercial, industrial, and mixed uses in growth areas.

2. Encourage mixed development patterns and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.

3. Allow a developer to take advantage of special site characteristics, locations, or land uses.

4. Provide for relief from the strict application of the land use standards, development regulations, and performance standards found in the base zoning districts.
5. Decrease the burden created by new development on utilities and other infrastructure systems.
6. Provide a mechanism for increasing development in growth areas, where the Comprehensive Plan directs additional development be accommodated, without adversely affecting traffic circulation, infrastructure, and public services, or existing or planned adjacent development.

## **B. General Principles**

1. A CED shall be developed in accordance with the following general principles:
  - a. Provisions concerning public improvements, such as sewer laterals, roads, and sidewalks, shall be applied to the development in its entirety.
  - b. The developer shall demonstrate unified control of the entire development and the capability to provide for completion and continuous operation and maintenance of the development.
2. Approval of application of a CED shall be permitted only in accordance with a development plan reviewed for compliance with the standards in this section, and upon a recommendation by the Planning Commission to the Board of County Commissioners and approved by the Board of County Commissioners in accordance with the procedures set forth herein.
3. Any use within the use tables of Article 18 of this Ordinance and any town center zoning ordinance that may be applicable to the land subject to the CED may be included in a CED plan, with the exception of residential and institutional uses, provided that the use and the intensity of the use is consistent with the Comprehensive Plan's land use concept for the area, and the provisions of this Ordinance.
4. Mixed-use development included in a CED plan shall be limited to a maximum density of four dwelling units per acre.
5. All uses in a CED shall be in accordance with the approved CED Plan. Uses not specifically allowed under an approved CED Plan are prohibited.

## **C. Submission Requirements**

1. The CED submission shall include a Pattern Book, described below, as the principal element. In addition, the following shall be included:
  - a. An explanation of how the project meets the CED criteria.
  - b. A statement of benefit to the community.
  - c. A statement outlining how the CED process is superior in this instance to base zoning.
2. A Pattern Book shall be included as the main element of the Concept Plan submission. It shall be either 8½"x 11", 8½"x 14", or 11"x 17" in size, bound and in color, and include the following:
  - a. Cover page including project name, date, and contact information of principle parties involved.
  - b. Vicinity map, including site address, acreage, current zoning and land use, and proposed use.
  - c. Aerial photo of the site including existing conditions and boundary.
  - d. Photographs of the site including significant built, natural, and topographical features.
  - e. Narrative detailed description of the proposal.
  - f. Site plan at a standard scale meeting the site plan checklist.

- g.** Architectural code with illustrations, and typical elevations, including materials, colors, roofs, openings, porches, and other design details, for all building types.
- h.** Landscape plan.
- i.** Proposed fencing and screening details.
- j.** Illustrations of street furniture and lighting.
- k.** Streetscape design, including dimensions and cross sections.
- l.** Elements relative to green and sustainability design components.

**D. Processing**

The CED in addition to the process listed below which entails the process for public input and Planning Commission and Board of County Commissioner approval, the CED site plan will then follow the approved Technical Evaluation Group (TEG), Subdivision Evaluation Group (SEG), and site plan review processes.

- 1.** Prior to the submittal, the applicant shall hold a public meeting with affected property owners, County staff, representatives of businesses and community organizations to discuss the CED project, potential concerns and/or site design alternatives. The purpose of the public meeting is to generate ideas and provide assistance. Decisions are non-binding and cannot overrule the provisions of this Ordinance or the town center ordinances.
  - a.** Applicant shall schedule the public meeting 30 days in advance of meeting date.
  - b.** Applicant shall post two advertisements in a newspaper, within the county, a week apart.
- 2.** The developer of a CED shall provide to the Department of Planning & Zoning:
  - a.** A site plan.
  - b.** A report on the proposed development.
- 3.** The Department of Planning & Zoning shall review the developer's submittal and determine whether it considers the proposed CED to be compatible with existing development in the surrounding area and applicable comprehensive and small area plans.
- 4.** The Department of Planning & Zoning shall issue in writing a recommendation that the CED be approved as submitted, approved with specified conditions, or denied. The Department shall transmit the recommendation to the Board of County Commissioners and Planning Commission.
- 5.** Upon receipt of the Staff recommendation, the Planning Commission shall schedule and conduct a public hearing upon the CED application, following which the Planning Commission shall make a recommendation to the Board of County Commissioners regarding the consistency of the CED to the applicable comprehensive and small area plans.
- 6.** Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall hold a public hearing, which may be held jointly with the Planning Commission, for further action.

## **Article 26. Outdoor Lighting**

- 26-1 PURPOSE**
- 26-2 APPLICABILITY**
- 26-3 STANDARDS**
- 26-4 PLAN SUBMISSION**
- 26-5 POST-INSTALLATION INSPECTION**
- 26-6 MODIFICATIONS**
- 26-7 MEASUREMENT INSTRUMENT**

### **26-1 PURPOSE**

The purpose of this Article is to require and set minimum standards for outdoor lighting in order to:

- A.** Provide a safe environment for use of outdoor public places.
- B.** Protect drivers and pedestrians from the glare of non-vehicular light sources that impair safe traverse.
- C.** Protect neighbors and the night sky from nuisance glare and stray light.
- D.** Provide outdoor lighting that is dark sky friendly (outdoor luminaires that minimize glare while reducing light trespass and skyglow).
- E.** Protect and retain the established character of the County.

### **26-2 APPLICABILITY**

- A.** Outdoor illumination is required for safety and personal security for uses where there is public assembly or significant on-site pedestrian or vehicle circulation.
- B.** The glare control requirements of this section apply to the uses in item A above as well as, but not limited to, sign, architectural, landscape, recreational, and marine facility illumination.
- C.** Compliance with the purpose in Section 26-1 is required for vehicular and pedestrian access.
- D.** The following are exempt from these outdoor lighting requirements:
  - 1.** Temporary use of low wattage luminaires for public festivals, celebrations, and seasonal or holiday observances.
  - 2.** Temporary emergency illumination used by a public safety agency during an emergency.
  - 3.** Temporary illumination for community celebrations or events.
  - 4.** Temporary illumination for county or state public works projects.
  - 5.** Outdoor illumination for single-family detached dwellings.
  - 6.** Temporary illumination used for private emergencies.
  - 7.** Temporary illumination used for construction with an approved building permit.
  - 8.** Flagpole illumination, provided it is not a safety hazard. All lighting shall be directed upward upon the flag and extinguished when a flag is not present.
  - 9.** Luminaires used for emergency or signaling purposes.
  - 10.** Emergency illumination as required by the Calvert County Building Code.
- E.** In this section, temporary is defined as lasting no longer than 180 days.

## 26-3 STANDARDS

### A. Illumination Levels

1. Lighting, where required or permitted by these regulations, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook or separately in IESNA Recommended Practices.
2. As the County recognizes future editions, amendments, or updates to said IESNA Lighting Handbook/recommended practices of the IESNA, any outdoor luminaires or luminaire installation that was installed in conformance with the IESNA Lighting Handbook that was in effect at the time will become a nonconforming site element and is subject to Section 32-4.C.3 of this Ordinance.
3. The minimum candle provided shall be 0.3 except along boundaries where it should taper to 0.1 in accordance with Section 26-4.A.3 below.

### B. Luminaire Design

1. Luminaires shall be of a type and design appropriate to the lighting application.
2. For illuminating roadways, sidewalks, paths, entrances and parking areas, luminaires shall be aimed straight down, shall have flat lenses, and meet IESNA full cutoff criteria, and, if applicable, meet the design standards of the Town Center Zoning Ordinances.
3. Luminaires shall be equipped with light directing or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution or to reduce direct or reflected glare. Glare control may include but is not limited to refractive globes and internal cutoff reactors.
4. NEMA-head (National Electrical Manufacturers Association) luminaires, a.k.a. barn luminaires/dusk-to-dawn luminaires/security yard luminaries, that are non-cutoff or wall packs that are non-cutoff are prohibited except for use in agricultural activities.
5. NEMA-head luminaires that are full cutoff and wall packs that are full cutoff are permitted.

### C. Control of Nuisance and Disabling Glare

1. In no case can the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 horizontal footcandle measured line-of-site from any point on the adjacent residential property.
2. All outdoor luminaires on commercial, industrial, county government, recreational, institutional property, or residential developments for multi-family dwellings or single-family attached dwellings or used for marine facilities shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers, pedestrians, or boat operators by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting light onto a neighboring use or property. All outdoor luminaires shall be full cutoff except as noted in item B above.
3. All outdoor luminaires that illuminate the area under outdoor canopies shall be flat lens so that no illumination is emitted above a horizontal plane passing through the lowest point of the light-emitting element, so that direct illumination emitted above the horizontal plane is eliminated. In addition, luminaires mounted beneath canopies shall be recessed so that the lens cover is recessed or flush with the bottom of the surface (ceiling) of the canopy or shielded by the luminaire or the edge of the canopy so that illumination is cut-off at less than 90 degrees. Luminaires cannot be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy cannot be illuminated. Outdoor canopies include, but are not limited to, the following applications:
  - a. Fuel Island canopies associated with service stations and convenience stores
  - b. Exterior canopies above storefronts in shopping centers and malls
  - c. Exterior canopies above driveways and building entrances
  - d. Pavilions and gazebos

4. Externally illuminated signs and billboards shall be illuminated by luminaires mounted at the top of the sign and aimed downward or can be ground-mounted provided that they have glare shields. All such luminaires shall be so designed or fitted to concentrate the illumination output onto and not beyond the sign or billboard.
5. Directional luminaires, e.g., floodlights or spotlights, for such applications as facade, fountain, feature, recreational and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated.
6. Vegetation screens cannot be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of such means as cutoff luminaires, shields, and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

#### **D. Installation**

1. Electrical feeds for luminaires mounted on poles shall run underground, not overhead, except for temporary illumination as specified in Section 26-2.D above.
2. Poles supporting luminaires for the illumination of parking areas and located directly behind parking spaces, shall be placed a minimum of five feet outside paved area, curbing, or tire stops, or on concrete pedestals at least 30 inches high above the pavement or suitably protected by other approved means.
3. The top of luminaires meeting IESNA full-cutoff criteria shall not be mounted in excess of 32.5 feet above finished grade. The top of luminaires meeting IESNA cutoff criteria cannot be mounted in excess of 16 feet above grade. Sports field and sports court illumination is exempt from these height restrictions.

#### **E. Maintenance**

Luminaires and ancillary equipment shall be maintained so as to meet the requirements of these regulations.

### **26-4 PLAN SUBMISSION**

**A.** For applications where site lighting is required or proposed, lighting plans shall be submitted to the Department of Planning & Zoning for review and approval with the detailed site development plan, plot plan, or building permit, and shall include:

1. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed luminaires by location, mounting height, and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.
2. A description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail shall be provided on the plan.
3. Ten feet by ten feet point-by-point illuminance-grid plot (also known as the photometric plan) of maintained footcandles, carried out to 0.1 footcandles, which demonstrates compliance with the light trespass, intensity, and uniformity requirements as set forth in these regulations. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.

**B.** Within Town Centers, luminaires shall meet Architectural Design Standards of the applicable Town Center prior to submittal of the detailed site development or plot plan. Within the Rural Commercial zoning district, luminaires shall meet Architectural Design Standards of the nearest applicable Town Center prior to submittal of the detailed site development or plot plan.

**C.** Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be either:

1. Submitted to the Department of Planning & Zoning for review and approval prior to the alteration or substitution.

2. The applicant shall submit a statement from the manufacturer certifying compliance of construction and performance of the specified luminaires. Substitutions shall comply with these outdoor lighting regulations. A note to that effect shall be placed on the lighting plan.

#### **26-5 POST-INSTALLATION INSPECTION**

The County reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of these regulations, and if appropriate, to require remedial action at no expense to the County. A note to that effect shall be placed on the lighting plan.

#### **26-6 MODIFICATIONS**

**A.** Where in the case of a particular lighting application, it can be shown that strict compliance with the IESNA lighting intensities, light trespass, and uniformity ratios cannot be met because of unusual topography, shape of the parcel, specialized use, existing lighting, or other such non-self-inflicted condition the applicant may apply for a modification or waiver. Any modification or waiver shall be the minimum necessary to afford relief from these regulations. The Planning Commission or its designee may grant modifications or waivers on a case-by-case basis and only if they are consistent with the purpose in Section 26-1. In granting modifications or waivers, the Planning Commission or its designee may require such conditions, that in its judgment, secure substantially the objectives of the requirements so waived or modified.

**B.** The use of floodlighting, spotlighting, wall-mounted luminaires, internally illuminated decorative globes and spheres, and other luminaires not meeting IESNA full-cutoff criteria, shall be permitted only with the approval of the Planning Commission, or its designee, on a case-by-case basis and shall be consistent with the purpose of this Article.

#### **26-7 MEASUREMENT INSTRUMENT**

The light meter used for verification of illuminance levels shall be certified by the manufacturer as meeting National Institute of Standards and Technology (N.I.S.T.) standards for light meters.

## **Article 27. Off-Street Parking and Loading**

- 27-1 GENERAL REQUIREMENTS**
- 27-2 LOCATION OF OFF-STREET PARKING SPACES**
- 27-3 OFF-STREET PARKING DESIGN STANDARDS**
- 27-4 REQUIRED PARKING SPACES**
- 27-5 SHARED PARKING**
- 27-6 REQUIRED BICYCLE PARKING**
- 27-7 REQUIRED OFF-STREET LOADING FACILITIES**
- 27-8 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE**

### **27-1 GENERAL REQUIREMENTS**

#### **A. Application**

The provisions of this Article shall apply to all new construction, to additions to existing buildings and structures, and to buildings for which the primary use is being changed or accessory uses are being changed or added.

#### **B. Existing Facilities**

1. The existing number of off-street parking and loading spaces shall not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it shall not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element (subject to Article 32). A change in use shall meet the required parking for such use.
3. If a building permit for a structure was issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces shall be provided in the amount required at the issuance of the building permit unless the amount required by this Ordinance is less, in which case only the number required by this Ordinance needs to be installed.

#### **C. Completion of Off-Street Parking and Loading Facilities**

All off-street parking and loading facilities shall be completed prior to the issuance of the certificate of occupancy for the use.

#### **D. Use of Parking Facilities**

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited. The sales and display of goods in off-street parking areas is also prohibited unless permitted by Article 18, or Article 19, of this Ordinance.
2. Temporary uses may be permitted in an off-street parking area if allowed by Article 18.
3. The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors, or other authorized persons.
4. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

#### **E. Maintenance**

Parking areas shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition and functioning properly (free from potholes, trash, etc.), and parking space lines or markings shall be kept clearly visible and distinct.

#### **F. Occupancy Permits**

Occupancy permits will not be granted until parking and loading facilities required by this Article are constructed and available.

## 27-2 LOCATION OF OFF-STREET PARKING SPACES

- A.** All required parking spaces shall be located on the same lot or parcel as the use unless a recorded shared parking arrangement per Section 27-5 is in place or for required guest and overflow parking as specified in Table 27-1.
- B.** Individual garages are not counted when calculating the number of parking spaces for duplex, triplex, fourplex, and townhouse developments but may be counted for single-family detached dwellings provided parking space size requirements are met. Individual driveways may be counted as parking spaces provided parking space size requirements are met and provided the spaces do not intersect sidewalks and planting strips so as to obstruct the sidewalks.
- C.** Parking spaces allowed on residential driveways shall measure 9 feet by 23 feet, at a minimum, for a single driveway space, and nine feet by 18 feet for each additional in-line, tandem space.
- D.** When required, accessible spaces shall be closest to the entrance of the structure and connected by a paved surface designed to provide safe and easy access in compliance with the Maryland Accessibility Code (MAC).

## 27-3 OFF-STREET PARKING DESIGN STANDARDS

### A. Dimensions

- 1. Off-street parking space shall be 9 feet in width by 18 feet in length, at a minimum, exclusive of access drives. Parallel parking spaces shall be 7 feet in width by 23 feet in length, at a minimum. Angled and parallel parking requirements shall comply with the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards as currently amended.
- 2. All parking spaces and passenger loading zones, including size and number, and signs for accessible parking spaces shall comply with the Maryland Accessibility Code (MAC). All current federal and state accessibility guidelines for site design also apply.
- 3. Drive aisles in parking facilities shall meet the following minimum width requirements:
  - a. 25 feet wide for two-way traffic adjacent to one or more rows of parking spaces
  - b. 20 feet wide for two-way traffic when not adjacent to one or more rows of parking spaces
  - c. 18 feet wide for one-way traffic with or without angled parking
- 4. Parking lots shall meet the following setback requirements:
  - a. 35 feet from an arterial road
  - b. 20 feet from all other roads
  - c. Rear setback of 20 feet
  - d. Side setback of 20 feet
  - e. Rear and side setbacks may be reduced by the Planning Commission Administrator to zero only when a shared driveway is proposed.
- 5. No more than eight parking spaces in a row are permitted in a continuous row and the break between rows (island) shall be landscaped in accordance with Section 28-5 of this Ordinance.

### B. Access

- 1. All required off-street parking facilities shall have vehicular access from a street, driveway, alley, or cross-access connection.

2. All required off-street parking facilities shall have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
3. All parking facilities shall be designed with vehicle egress and ingress points that least interfere with traffic movement.
4. Dead end parking lots without a turnaround space are prohibited. A turnaround space shall have a minimum depth and width of nine feet, and shall be designated with signs stating, "No Parking" and painted to indicate parking is prohibited.

### **C. Surfacing**

1. Parking, loading, and driveway surfaces shall meet the standards of the Calvert County Road and Site Development Ordinance (Chapter 104 of the Code of Calvert County).
2. Alternative surface materials may be approved by the County Engineer where they equal or exceed these standards.

### **D. Striping**

1. Off-street parking lots of five or more spaces shall delineate parking spaces with paint or other permanent materials, which shall be maintained in clearly visible condition.
2. Accessible spaces shall be identified by a sign and pavement markings indicating parking for the disabled only, including any requirements of the Maryland Accessibility Code (MAC) or the Americans with Disabilities Act (ADA).

### **E. Curbing (Internal to Parking Facility)**

Curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. In gravel parking lots, wheelstops are required for all parking spaces. Breaks in curbing may be provided to allow for drainage into landscaped areas that can absorb water. Such curbing shall be constructed of permanent materials, such as concrete or masonry, a minimum height of six inches above ground level, and permanently affixed to the paved parking area.

### **F. Lighting**

Parking lot and structure outdoor lighting shall be in accordance with Article 26 of this Ordinance.

### **G. Landscape**

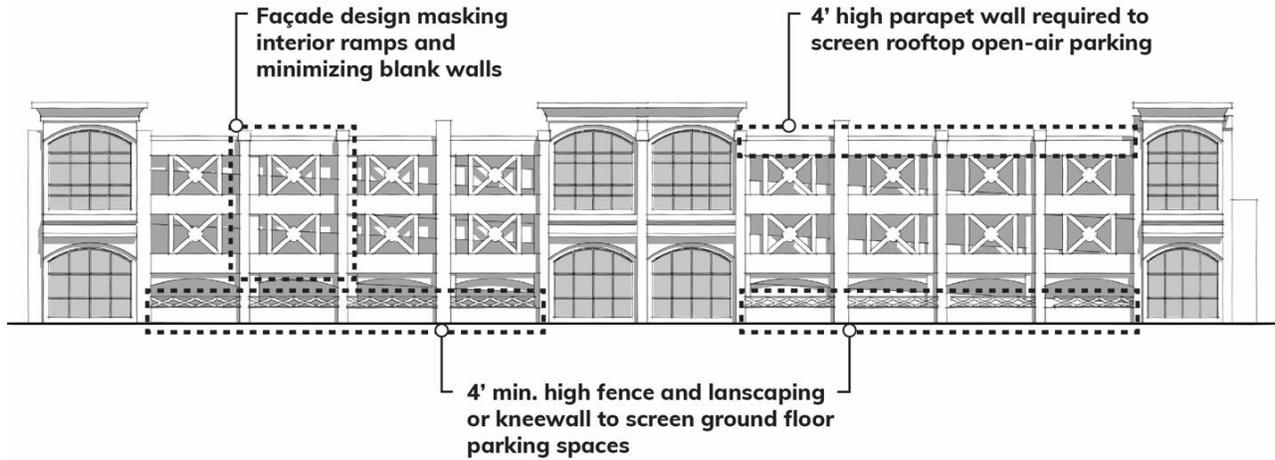
All parking lots and structures shall be landscaped in accordance with Article 28 of this Ordinance.

### **H. Parking Structure**

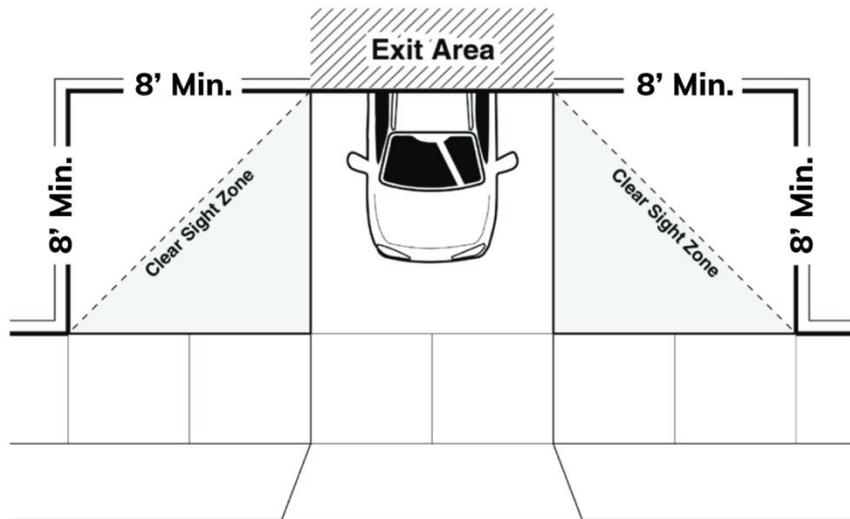
1. Parking structures shall be designed to minimize blank exterior walls and mask interior ramps through architectural detail or public art and landscape.
2. On portions of the ground floor exterior walls where parking spaces are visible, a decorative fence and landscape is required to screen parking spaces. Such fence shall be a minimum of four feet in height.
3. For parking structures with rooftop open-air parking, a four foot parapet wall is required for screening.
4. A vehicular clear sight zone shall be included at vehicular exit areas as follows:
  - a. The vehicular exit area of the parking structure shall be set back eight feet from any pedestrian walkway from each side of the exit opening.
  - b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the edge of the abutting pedestrian walkway eight feet to the side of the exit lane.
  - c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall shall be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall shall not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.

- d. The upper story exterior walls of the parking structure may overhang the vehicular clear sight zone.
- 5. All levels of the parking structure shall have a minimum clearance of 8 feet - 2 inches (8'-2").

**PARKING STRUTCURE DESIGN**



**PARKING STRUCTURE - CLEAR ZONE**



**I. Driveway**

A driveway shall be set back at least six feet from a building corner to reduce blind spots.

**27-4 REQUIRED PARKING SPACES**

**A. Required Off-Street Parking**

- 1. Table 27-1 provides the minimum number of required parking spaces. Parking spaces shall be required for each individual use on the parcel as indicated in Table 27-1.

2. When calculating the number of parking spaces, fractions are rounded up.
3. When a minimum parking requirement is based on square footage it shall be based on the gross floor area of the use including all indoor and outdoor patron areas.
4. Additional parking spaces from the minimum established in Table 27-1 may be required as determined as part of the review and approval of the use or development so that there is no parking on the right-of-way.
5. Upon written application, the Zoning Officer may reduce the minimum parking requirements of this Article if the applicant demonstrates that the facility to be served would not require in its day-to-day operation a full complement of parking. The application shall be accompanied by a parking needs study that includes an estimate of the parking needs for the use, a thorough explanation of the basis for the estimate, any data used in calculating the estimate, including parking generation studies and previous experience with similar uses, and an explanation of any other relevant considerations, such as availability of commercial or public parking areas.

#### **B. Parking Maximums**

The maximum number of non-residential parking spaces cannot exceed the required amount without written request and approval by the Planning Commission or its designee.

#### **C. Bus Parking and Drop-Offs**

1. Bus parking shall be provided, where designated, for uses which will accommodate school field trips and bus tours.
2. Bus drop-offs and pick-ups shall be provided for uses including but not limited to multi-family residential development, commercial centers, eating establishments, parks, and cultural resources.
3. Elementary, secondary schools, and places of worship shall provide a pickup/drop-off area that accommodates a minimum of four cars. Commercial recreation facilities shall provide a pickup/drop-off area that accommodates a minimum of two cars. The pickup/drop-off area shall be located in front of the building and not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
4. Home day cares and day care centers with 12 or fewer clients shall provide a pickup/drop-off area that accommodates a minimum of one car. Day care centers with more than 12 clients shall provide a pickup/drop-off area that accommodates a minimum of four cars. The pickup/drop-off area shall be located in front of the building and not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

#### **D. Boat Parking**

If the business is a water dependent facility that caters to boat traffic, up to 30% of the number of spaces required may be satisfied by providing an equal number of boat slips reserved exclusively for that purpose. Signs shall be provided for the transient slips.

#### **E. Electric Vehicle Charging Stations**

1. Any electric vehicle charging station parking space that meets the standards for a parking space shall be considered a parking space in all respects.
2. No charging devices shall be placed within the dimensions of a parking space on the sides or the entrance to a parking space.
3. An incentive to reduce the required number of parking spaces by two spaces per charging station is available for parking areas requiring 50 or more spaces, when an electric vehicle charging station is provided to serve a minimum of two vehicles.

#### **F. Minimum Parking Space Requirements by Use Type**

The minimum number of off-street parking spaces required for new uses shall be based upon the use type, listed in Table 27-1 below. For shared parking requirements see Section 27-5 below.

Table 27-1: Minimum Required Off-Street Parking Spaces	
USES	MINIMUM REQUIRED PARKING SPACES
<b>AGRITOURISM, ECOTOURISM, &amp; HERITAGE TOURISM</b>	
Agritourism Enterprise	4 spaces
Campground, Farm	4 spaces
Canoe or Kayak Launching Site, Commercial	4 spaces
Commercial Kitchen, Farm	4 spaces
Ecotourism Enterprise	4 spaces
Farm Support Business	4 spaces
Hunting Service, Farm	4 spaces
<b>AGRICULTURAL</b>	
Animal Husbandry	4 spaces
Aquaculture, Freshwater and Land-based	4 spaces
Aquaculture, Marine/Estuarine	4 spaces
Commercial Greenhouse, Retail	1 space/250sf
Commercial Greenhouse, Wholesale	4 spaces
Commercial or Non-Profit Stable or Horseback-Riding Club	8 spaces
Commercial Raising of Dangerous or Wild Animals	4 spaces
Commercial Raising of Fur-bearing Animals	4 spaces
Farm	2 spaces
Farm Alcohol Production Facility	4 spaces
Farm Alcohol Production Facility (with tasting room)	1 space/250sf
Farm Stand	2 spaces/250sf
Farm, Tree/Forestry	1 space
Forest Product Processing	4 spaces
Garden Center or Farm Supply Store	1 space/250sf
Livestock Auction or Sales Barn, Commercial	4 spaces
Nursery, Retail	1 space/300sf
Nursery, Wholesale	4 spaces
<b>RESIDENTIAL</b>	
Assisted Living Facility	1 space/5 beds + 1 per on-duty employee
Bed and Breakfast Facility	2 spaces plus 1 per rented bedroom
Dormitory	2 spaces/dwelling unit
Dwelling, Accessory to a Residence	1 space
Dwelling, Attached: Duplex, Triplex or Quadraplex <sup>1,2</sup>	2 spaces/dwelling unit
Dwelling, Attached: Multi-Family <sup>1,2</sup>	2 spaces/dwelling unit
Dwelling, Attached to a Non-Residential Building	1 space/dwelling unit + plus an additional 20% for overflow/visitor parking + parking requirements for the non-residential use
Dwelling, Attached: Townhouse <sup>1,2</sup>	2 spaces/dwelling unit
Dwelling, Detached: Single-Family <sup>3</sup>	2 spaces/dwelling unit
Group Home	2 spaces plus 1 per 2 rented bedrooms
Liveaboard	Included in required marina parking
Manufactured Home Community <sup>1</sup>	2 spaces per manufactured home site
Manufactured Home on Individual Lot or Parcel	2 spaces
Tenant House	2 spaces
<b>COMMERCIAL RETAIL</b>	
Agricultural Machinery, Service or Supplies	1 space/300sf
Antiques Sales	1 space/250sf
Art Gallery	1 space/250sf
Auction Building	1 space/250sf
Boat Dealership	1 space/300sf
Home Improvement Center	1 space/250sf
Manufactured Home Dealer	1 space/300sf
Market, Artisans' and Crafters'	1 space/250sf
Market, Farmers'	1 space/250sf
Market, Flea	1 space/250sf
Market, Watermen's	1 space/250sf
Retail, General (Includes Uses with Drive-up Facilities) <sup>3</sup>	Less than 10,000sf: 1 space/200sf

<b>Table 27-1: Minimum Required Off-Street Parking Spaces</b>	
<b>USES</b>	<b>MINIMUM REQUIRED PARKING SPACES</b>
	Between 10,000sf and 75,000sf: 1 space/250sf 75,000sf or More: 1 space/300sf
<b>BUSINESS &amp; PERSONAL SERVICE</b>	
Animal Shelter	1 space/500sf
Boat Service or Repair	1 space/300sf
Boat Storage, Commercial	1 space/300sf
Boatel	1 space/300sf
Commercial Kennel	4 spaces
Commercial Kitchen	1 space/300sf
Commercial Pier	4 spaces
Commercial Trade or Business School	1 space/250sf
Crematorium	4 spaces
Eating Establishment (on an individual parcel)	1 space/60sf
Eating Establishment (within a shopping center, mall, plaza or similar multi-service retail commercial use, excluding in-line stores)	1 space/90sf
Entertainment Business, Adult Enterprises	1 space/200sf
Funeral Home	1 space/4 seats of public assembly room(s)
Home Occupation A (In addition to residential parking requirements)	2 spaces
Home Occupation B (In addition to residential parking requirements)	2 spaces + 1 space per non-resident employee
Laundry/Laundromat	1 space/300sf
Medical Office or Clinic	1 space/250sf
Motel or Hotel	1 per overnight lodging unit
Non-Farm Alcohol Production Facility	1 space/250sf
Office	1 space/300sf
Personal Services	1 space/250sf
Pet Grooming Establishment	1 space/250sf
Tavern, Bar, or Nightclub	1 space/50sf
Veterinary Hospital or Clinic, Livestock	4 spaces
Veterinary Hospital or Clinic, Small Animals and Household Pets	1 space/300sf
<b>RECREATION</b>	
Amphitheater	1 space per 4 attendants
Campground or Recreational Vehicle Camp, Non-Farm	4 spaces
Commercial or Non-Profit Meeting Hall or Banquet Hall	1 space/200sf
Convention Center	1 space/100sf
Country Club/Sportsman Club	1 space/60sf
Drive-In Theatre	25 spaces per screen
Golf Course	3 spaces/hole
Golf - Driving Range	1 space/teeing area
Golf, Miniature	1 space/2 holes
Marina	1 space/2 boat slips + 1 overflow space/4 slips (grass permitted) + 5 spaces/boat ramp + 10 overflow spaces/ 1 boat ramp (grass permitted) <sup>4</sup>
Recreation Facility, Indoor Commercial	1 space/200sf of all indoor and outdoor areas Theater/Movie Theater: 1 per 4 seats Studio: 1 space/300sf
Recreation Facility, Outdoor Commercial	4 spaces
Retreat, Day	1 space/250sf
Target Range, Indoor	1 space/shooting alley
Target Range, Outdoor	4 spaces
Target Range, Institutional	4 spaces
<b>COMMERCIAL WHOLESALE</b>	
Mini-Storage	1 per 5 storage units
Warehouse, Indoor	1 space/1,500sf
Warehouse, Outdoor	1 space/1,500sf
Wholesale Lumber or Other Building Materials	1 space/1,500sf
Wholesaling, Indoor Only	1 space/1,500sf
<b>MOTOR VEHICLE &amp; RELATED SERVICE</b>	
Automobile Filling Station	2 spaces/pump island + 3 spaces/service bay

<b>Table 27-1: Minimum Required Off-Street Parking Spaces</b>	
<b>USES</b>	<b>MINIMUM REQUIRED PARKING SPACES</b>
Automobile Filling Station with retail or eating establishment	2 spaces/pump island + 3 spaces/service bay + 1 space/200sf
Automobile Parking Lot/Garage (Principal Use)	No additional parking required
Automobile Parts Dismantling or Storage	4 spaces
Automobile Repair/Service Shop - No Fuel Sales	3 spaces/service bay + 1 space/tow truck
Bus Lot or Garage	No additional parking required
Car Wash	4 spaces
Commuter Parking Lot	No additional parking required
Impound Lot	1 space/1,500sf
Inoperative Motor Vehicle - 1 per lot or parcel	No additional parking required
Inoperative Motor Vehicle - 2 per lot or parcel	No additional parking required
Motor Vehicle Accessory Shop	1 space/250sf
Motor Vehicle Dealership - New or Used <sup>5</sup>	1 space/300sf + 3 spaces/service bay
Park-And-Sell Lot	1 space/300sf
Storage of Motor Vehicles (does not apply to Motor Vehicle Dealership)	4 spaces
Truck, Bus, and Diesel Service and Repair Shop	3 spaces/service bay + 1 space/tow truck
Truck Terminal	1 space/300sf
Vehicle Ferry Service	4 spaces
Vehicle Operations Service	4 spaces
<b>INDUSTRIAL</b>	
Airport or Landing Field	4 spaces
Agricultural/Seafood/Livestock Processing Plant	1 space/500sf gross floor area
Asphalt Plant	4 spaces
Commercial Fuel Storage Business	4 spaces
Commercial Recycling Facility	4 spaces
Data Center	1 space/4,500sf
Distillation of Alcohol as a Fuel	4 spaces. If located on a farm for farm use only, no additional parking is required.
Grain Elevator	4 spaces
Heliport	4 spaces
Landfill, Land-Clearing Debris	4 spaces
Landfill, Rubble	4 spaces
Landfill, Sanitary	4 spaces
Manufacturing or Assembly, Heavy	1 space/1,000sf
Manufacturing or Assembly, Light	1 space/500sf
Manufacturing or Assembly, Marine-Related	1 space/500sf
Power Generating Facility, Commercial	1 space/1,000sf
Research & Development Facility	1 space/300sf
Salvage or Junk Yard	4 spaces
Sand, Gravel or Mineral Extraction and Processing	4 spaces
Sand, Gravel or Mineral Extraction (No Processing)	4 spaces
Sawmill, Commercial	4 spaces
Solar Energy Generating Systems, Major	4 spaces
Solar Energy Generating Systems, Minor	4 spaces
Solid Waste Collection Site	4 spaces
Storage of Machinery and Equipment in Connection with Excavation or Contracting Business	No parking required
Wind Energy System, On-Site Service Only	4 spaces
<b>INSTITUTIONAL</b>	
Cemetery or Memorial Garden	4 spaces
College or University	8 spaces per teaching station or 1 space per 4 seats in auditorium (whichever is greater)
Communications Towers & Antennas (Government, Commercial, and Private)	No parking required
Cultural Facility/Library/Museum	1 space/300sf
Day Care Center	2 spaces/teaching station
Elementary or Secondary School	Elementary: 3 spaces/teaching station

Table 27-1: Minimum Required Off-Street Parking Spaces	
USES	MINIMUM REQUIRED PARKING SPACES
	Middle: 3 spaces/teaching station or 1 space/4 seats in auditorium, whichever is greater High: 5 spaces/teaching station or 1 space/4 seats in auditorium, whichever is greater
Fire or Rescue Service	Without banquet hall: 2 spaces/vehicle bay With banquet hall: 1 space/200sf of meeting/banquet hall
Hospital	7 spaces/bed <sup>6</sup>
Nursing or Convalescent Home	4 spaces/bed
Place of Worship	1 space/4 seats of maximum seating capacity in main assembly area and 1 space/300sf gross floor area in accessory buildings or expansions to existing buildings not part of the main assembly area
Public or Governmental Building	1 space/300sf
Public Recreation Area	4 spaces + 50 spaces per athletic field
Solid Waste Collection Site	4 spaces
Treatment Facility, Wastewater	4 spaces
Treatment Facility, Water	4 spaces
<b>TEMPORARY</b>	
Classroom Relocatable	3 spaces/teaching station
Model Home/Model Unit	4 spaces
Real Estate Project Sales Office	4 spaces
Temporary Contractor's Office and Contractor's Yard	4 spaces
Emergency Manufactured Home or Recreational Vehicle	2 spaces
Food Truck	No parking required
Livestock Auction by a Non-Profit Organization or Farm Owner	4 spaces
Carnival, Fair, or Circus; on Less than 5 Acres	No parking required
Carnival, Fair, or Circus; on More than 5 Acres	No parking required
Public Events/Public Assemblies on Farmland	1 space/200sf (grass permitted)
Rental Facilities on Farmland	1 space/200sf (grass permitted)
Garage Sale, Yard Sale, or Estate Sale	No parking required
Temporary or Seasonal Outdoor Sales – General	Adequate parking for the primary use of the property must be demonstrated. No additional parking required for the sales/display area.
<b>ACCESSORY</b>	
Outdoor Sales and Display (Accessory)	1 space/250sf

- <sup>1</sup> In addition, a minimum of an additional 25% of the total number of required spaces provided for the attached and detached dwelling units shall be provided for guests and overflow parking. Such parking shall be provided as a separate parking area(s) located within 0.25 mile from the furthest units within the development.
- <sup>2</sup> The Planning Commission or its designee may grant a reduction in the number of parking spaces required for single-family attached dwelling developments for an Age-Restricted Housing Community or an Affordable Housing Community if the community is located within a Town Center that is served by a public transportation system.
- <sup>3</sup> Retail, General includes development of multiple businesses on one or multiple adjoining parcels shown on a single site plan including shopping center, mall, plaza or similar multi-service retail commercial uses.
- <sup>4</sup> For boat ramps, the parking space size shall be 12 feet by 40 feet.
- <sup>5</sup> Gross floor area to be calculated based on interior and exterior vehicle display areas
- <sup>6</sup> Required parking spaces include staff, visitors and all uses within the proposed hospital building.

### 27-5 SHARED PARKING

Shared parking is permitted within or among multiple adjoining or adjacent parcels for uses shown on a site plan.

**A.** For mixed use development, the following shared parking reduction factor is applied. The number of parking spaces required is calculated by adding the total number of spaces required by each separate use and dividing the total by the appropriate factor from the Table 27-2: Shared Parking Reduction Factor Matrix. When more than two of the uses below share parking, the highest factor is used. All fractions are rounded up.

Table 27-2: Shared Parking Reduction Factor Matrix				
	Retail Commercial	Office	Hotel/Motel	Residential
Residential	1.2	1.4	1.1	1.1
Hotel/Motel	1.3	1.7	1.1	1.1
Office	1.2	1.1	1.7	1.4
Retail, General	1.2	1.2	1.3	1.2

**Example Calculation:**

30,000sf non-medical office parked at 1 space per 300sf = 100 spaces  
 100 multi-family attached dwelling units parked at 2 per dwelling unit = 200 spaces  
 Total of 300 spaces  
 Reduction Factor per Table 27-2 = 1.4  
 Therefore 214 spaces required (300 spaces divided by 1.4 = 214 spaces)

**B.** For multiple uses involving uses not listed in the matrix above, the Planning Commission Administrator will determine the appropriate reduction factor based on the specific characteristics of such uses. Such characteristics include whether the individual establishments sharing parking spaces are not normally opened or used during the same operating hours.

**C.** A written irrevocable agreement between the owners of the establishments which will share parking spaces shall be provided to the Planning Commission Administrator. To implement such a reduction, the following information shall be provided as determined applicable by the Planning Commission Administrator:

1. The number of hotel/motel rooms
2. The number of residential units and the number of bedrooms
3. The square footage of each use
4. The business hours of each establishment
5. The seating capacity of each establishment (if applicable)
6. The number of parking spaces reserved for employees
7. Provisions for maintenance
8. Provisions for change of use
9. Capacity
10. Number of employees
11. Any other provision which, the Planning Commission Administrator requires to review and approve the agreement

**D.** The County Attorney will review the agreement for legal sufficiency. The agreement transfers with the land and shall be recorded in the Land Records and a recorded copy submitted to the Planning Commission Administrator.

**E.** Each shared parking space fulfills the requirement for one off-street customer parking space required for each establishment bound by the agreement.

**F.** A change of use requires a new shared parking agreement.

**27-6 REQUIRED BICYCLE PARKING**

Bicycle parking is required in the following developments. All retail, office, institutional, and multi-family residential developments are required to provide bicycle parking spaces. Bicycle parking spaces shall include one bicycle parking rack or bicycle stand per space. Bicycle parking shall not impede on-site pedestrian access.

**A.** A minimum of two bicycle parking spaces or one bicycle parking space for every 5,000 square feet (gross floor area) of retail space shall be required, whichever is greater.

- B.** A minimum of two bicycle parking spaces or one bicycle parking space for every 5,000 square feet (gross floor area) of office space shall be required, whichever is greater.
- C.** A minimum of two bicycle parking spaces or one bicycle parking space for every 2,500 square feet (gross floor area) of institutional space shall be required, whichever is greater.
- D.** A minimum of one bicycle parking space for every five dwelling units in multi-family residential developments shall be required.
- E.** If the number resulting from the calculations in items A through D above is not a whole number, the result shall be rounded up to the next whole number.

**27-7 REQUIRED OFF-STREET LOADING FACILITIES**

**A. Required Number of Off-Street Loading Spaces**

Off-street loading spaces shall be provided in accordance with Table 27-3: Off-Street Loading Requirements.

Table 27-3: Off-Street Loading Requirements				
Use	# of Loading Areas	Length	Width	Height, If Covered
Industrial, wholesale, manufacturing, warehousing, or storage uses	20,000 sf and less = 1 Each additional 40,000sf or fraction thereof = 1	45'	15'	15'
Commercial retail uses; business and personal service uses that receive products or make shipments	25,000 sf and less. = 1 Each additional 25,000sf or fraction thereof = 1	35'	12'	15'

**B. Design**

1. All off-street loading spaces shall be located on the same lot or parcel as the use served and cannot be located in a required setback or buffer area.
2. All off-street loading spaces shall be improved with a hard surfaced, all-weather dustless material.
3. Outdoor lighting shall be in accordance with Article 26 of this Ordinance.
4. Loading and unloading areas shall be located so as not to impede pedestrian or vehicular traffic.
5. The loading lane shall be reserved as a drive aisle. It cannot be shared or cross any drive-through lanes.

**C. Shared Loading**

Off-street loading and unloading spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces, including the following:

1. Each individual establishment sharing the joint loading and unloading spaces normally receives shipments at different times.
2. There is a binding written agreement between the owners of the establishments that share loading and unloading spaces. The agreement shall state the normal hours for shipment, provisions for stacking, provisions for maintenance, provisions for change of use, number and times of delivery and any other provision which the County Attorney may require in order to approve the agreement for legal sufficiency. The County Attorney shall approve the agreement in writing.

## 27-8 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE

### A. Commercial Vehicles

#### 1. Residential Lots or Parcels

a. No commercial vehicle may be parked outdoors on a residential lot or parcel, with the following exceptions:

- i. Vehicles engaged in loading or unloading, or current work being done to the adjacent premises.
- ii. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots or parcels in residential districts.
- iii. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

b. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot or parcel.

#### 2. Non-residential Lots or Parcels

On non-residential lots or parcels, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot or parcel in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles shall be in operable condition.

### B. Recreational Vehicles

1. No stored recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and shall not be hooked up to any public or private utilities excluding electric.

2. All recreational vehicles shall be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot or parcel where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

3. Maximum storage of recreational vehicles on any residential property is limited to no more than two.

## **Article 28. Landscape**

- 28-1 PURPOSE AND APPLICATION**
- 28-2 SELECTION, INSTALLATION, AND MAINTENANCE**
- 28-3 LANDSCAPE DESIGN STANDARDS**
- 28-4 PARKING LOT PERIMETER LANDSCAPE**
- 28-5 PARKING LOT INTERIOR LANDSCAPE**
- 28-6 BUFFER AREAS**
- 28-7 SITE LANDSCAPE**
- 28-8 SCREENING OF ANCILLARY USES**
- 28-9 STREET LANDSCAPE**
- 28-10 MONUMENT TREES**

### **28-1 PURPOSE AND APPLICATION**

Landscaping is required to create attractive development, to protect and preserve the appearance and character of the surrounding area, to soften the transition between changes of uses, and to help delineate and define vehicular and pedestrian passageways and open space within the development. The provisions of this Article apply to residential and non-residential development.

### **28-2 SELECTION, INSTALLATION, AND MAINTENANCE**

#### **A. Selection**

1. All plant materials shall be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. A minimum of 75% of required plantings shall be native plants, indigenous to the Maryland region. The Department of Planning & Zoning maintains a list of native plants that are acceptable and appropriate for landscaping of sites. Non-native plants will be reviewed with each plan submittal and approval by the Department of Planning & Zoning is required.
3. Invasive species are prohibited.

#### **B. Installation**

1. Plant material shall be bonded for one year from the date of installation. A planting schedule shall be included in the bond and shall be based on seasonal considerations. A planting plan must be approved by Planning & Zoning prior to submittal of the bond and installation.
2. All landscape materials shall be installed in accordance with current nursery industry standards and shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with pedestrian or vehicular movement.
3. All plant material installed shall be balled and burlapped or container grown.
4. No plantings shall be installed that impede water flow unless part of an approved stormwater plan.
5. No landscape should be located within any public utility easement, with the exception of lawn grass or other resilient groundcover. If landscape material is located within a utility easement and repair or replacement of the utility is needed, the County or utility is not responsible for the replacement of any landscape that may be damaged.
6. No trees shall be planted within 20 feet of an horizontal overhead power line. The County or utility is not responsible for the replacement of any tree within 20 feet of an overhead power line that may be damaged.
7. All plant materials shall be alive, free of disease, and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.
8. No plantings shall be installed that will restrict sight distance needed for vehicular safety.

**C. Maintenance**

1. Sites shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved.
2. A maintenance agreement for the plant material shall be included in the property covenants.
3. If any of the plant materials required on the final approved detailed site development plan die or are seriously damaged or diseased, they shall be replaced within 90 days.
4. The Department of Planning & Zoning shall be notified before the removal of live and healthy trees required on the final approved detailed site development plan which includes the reason why tree removal is necessary. Every tree shall be replaced in accordance with the approved detailed site development plan. If removal of live and healthy trees required on the site plan are not replaced within 90 days a violation shall be issued.
5. Failure to maintain the site in accordance with the final approved detailed site development plan and this article constitutes a zoning violation and will be enforced in accordance with this Ordinance.

**28-3 LANDSCAPE DESIGN STANDARDS**

**A. Minimum Planting Sizes**

Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at 4.5 inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.

1. Evergreen trees shall have a minimum height of six feet from the top of the burlap ball or root ball.
2. Canopy trees shall have a minimum clear trunk height of six feet from the top of the burlap ball or root ball with a 2 inch caliper.
3. Understory trees shall have a minimum height of six feet from the top of the burlap ball or root ball with a 1.5 inch caliper.
4. Evergreen or deciduous shrubs shall have a minimum size of a three gallon container.

**B. Species Diversity**

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 28-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 canopy trees, no more than 18 trees (40%) can be of one species, and there shall be a minimum of five different species within the 45 trees). When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up. Street landscaping required in Section 28-9 below may be exempted from these species diversity requirements.

<b>Total Number of Plants per Plant Type</b>	<b>Maximum Number of One Species</b>	<b>Minimum Number of Species</b>
1-4	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

**C. Stormwater Management**

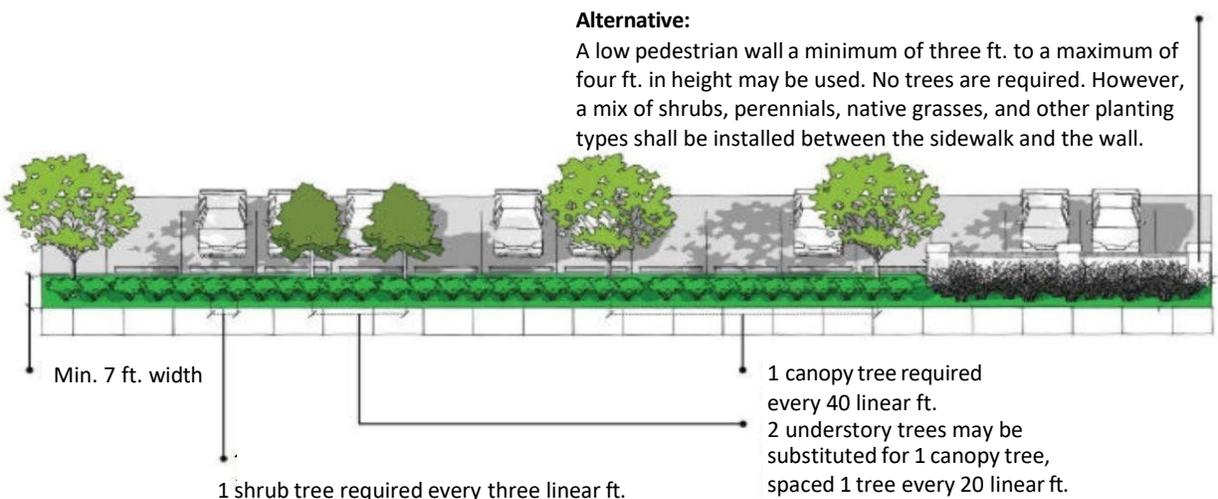
1. Stormwater management devices, when appropriately landscaped, may be used to meet landscaping requirements. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.
2. Parking lot islands and landscaped areas are encouraged to be designed to accommodate stormwater detention and infiltration.

#### 28-4 PARKING LOT PERIMETER LANDSCAPE

Perimeter landscaping shall be established along the edge of the parking lot to create a visually attractive environment. Perimeter landscaping is required for all parking lots that abut a street or travel way. Perimeter landscaping is also required where a parking lot abuts adjacent features such as a plaza, public seating area, or park. The landscaped area shall be improved as follows:

- A. Perimeter landscaping shall run the full length of the parking lot. It shall be located between the lot or parcel line and the edge of the parking lot, with the exception of pedestrian accessways. The perimeter landscape area shall be a minimum of seven feet in width.
- B. Shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity and achieve a minimum of three feet in height within three years. The minimum number of shrubs required is one shrub for every three linear feet. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide a continuous screening of a minimum of three feet in height within three years may be used.
- C. A minimum of one canopy tree shall be provided for every 40 linear feet of perimeter landscape area. Two understory trees may be substituted for one canopy tree and shall be spaced one understory tree every 20 feet. Trees may be spaced linearly on-center or grouped to complement an overall design concept.
- D. The landscape area outside of shrub and tree masses shall be maintained with a uniformed stand of grass unless otherwise approved.
- E. The following alternatives to the planting requirements of items A through D above are allowed (one of the two):
  - 1. A low pedestrian masonry, brick, or stone wall a minimum of three feet to a maximum of four feet in height may be used. No trees are required. A mix of shrubs, perennials, native grasses, and other planting types shall be installed between the sidewalk and the wall to provide a softening effect.
  - 2. A landscaped berm may be used. The height of the berm shall be a minimum of two feet and the width of the berm shall be at least twice the height. A mix of shrubs, perennials, native grasses, and other planting types shall be installed within the landscaped area on the berm and the total height of screening shall be a minimum of four feet, with a minimum height of screening by plantings of two feet.
- F. The Planning Commission Administrator may waive all or part of the above provisions if natural slopes and existing vegetation on the subject property may be substituted for some or all of the requirements above, provided that these features serve to screen the parking area from motorists, pedestrians and adjoining property owners.

#### PARKING LOT PERIMETER LANDSCAPE



## 28-5 PARKING LOT INTERIOR LANDSCAPE

The purpose of parking lot interior landscape is to help delineate vehicular and pedestrian passageways, minimize the negative visual impact of large expanses of pavement, provide shade and reduce heat and glare, and accommodate stormwater management techniques. All parking lots of 16 or more spaces are required to have parking lot interior landscape installed as follows:

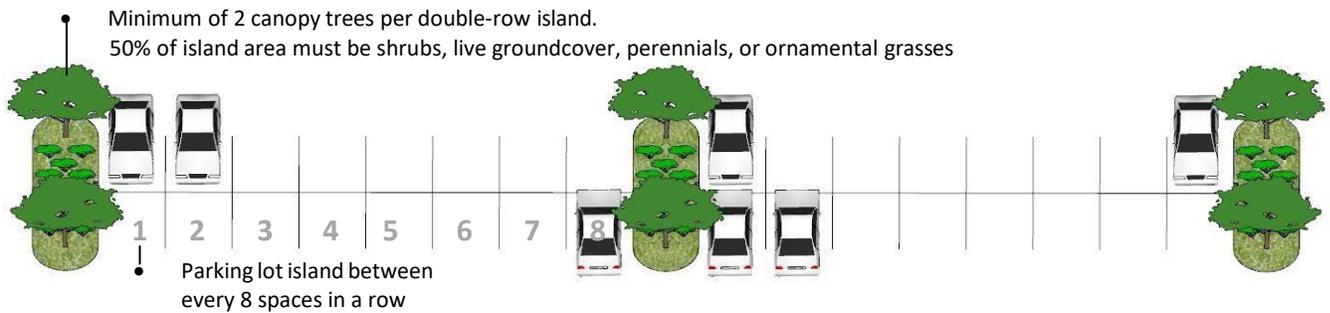
### A. All Parking Lots Except I-2 District

1. A parking lot island shall be provided between every eight parking spaces in a continuous row. A parking lot island shall also be provided at the ends of parking rows. As part of the development plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required of one island for every eight spaces.
2. Parking lot islands shall be at least the same dimension as the parking space. Double rows of parking spaces shall provide parking lot islands that are the same dimension as the double row.
3. A minimum of one canopy tree shall be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two canopy trees are required. In addition to the required canopy trees, a minimum of 50% of the area of every parking lot island shall be planted in shrubs, live groundcover, perennials, or ornamental grasses. In parking lot islands, canopy trees cannot be substituted with understory trees as the purpose is to provide shade.
4. In addition to parking lot islands, additional landscaped areas shall be provided within the interior of parking lots when the parking area is 15,000 square feet or more in area, which includes parking spaces, islands, and area for vehicular circulation. The minimum total landscaped area of a parking lot, including parking lot islands, shall be a minimum of 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

### B. Parking Lots in I-2 District

Landscaping shall be provided within the interior of parking lots in the I-2 District when the parking area is 15,000 square feet or more in area, which includes parking stalls, islands, and area for vehicular circulation. The minimum total landscape area of a parking lot, including parking lot islands, shall be a minimum of 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

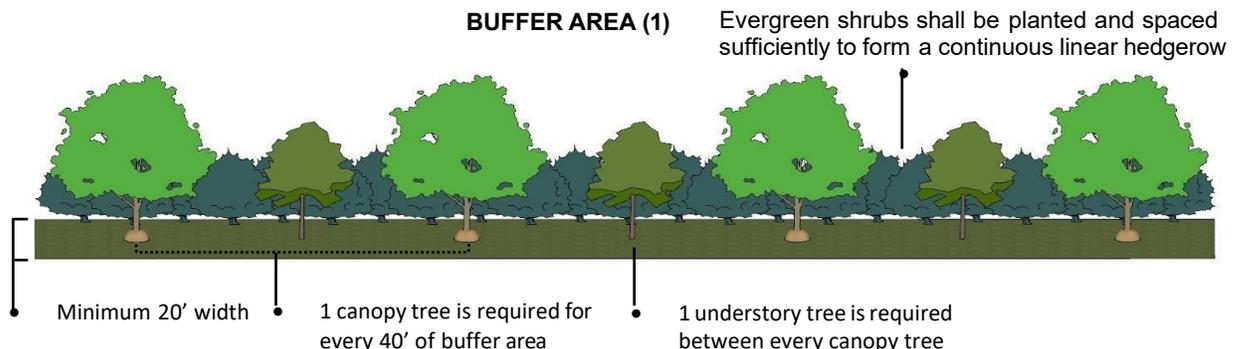
## PARKING LOT INTERIOR LANDSCAPE



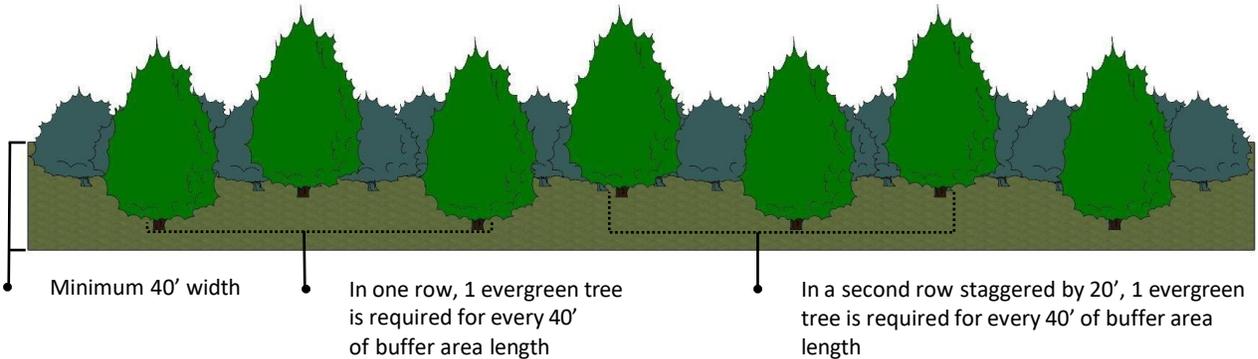
## 28-6 BUFFER AREAS

This section establishes standards for the dimension and required landscape for buffer areas between landuses within the rear or side yard. Nothing in this section prevents the applicant's voluntary installation of buffer areas where they are not required.

- A.** Buffer areas are required between the side and/or rear setbacks and property lines in the following cases:
1. Where a multi-family or townhouse development abuts a single-family or duplex development.
  2. Where a non-residential use is adjacent to an existing residentially used property, a property with an active residential building permit, or a property with a non-compatible use. This does not include public parks.
- B.** Buffer areas may be located within required setbacks but shall be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer area.
- C.** The required design of buffer areas for development as described in item A.1 above is as follows:
1. The buffer areas shall be a minimum of 20 feet in width.
  2. One canopy or evergreen tree shall be planted for every 40 linear feet of buffer area length. One understory tree shall be planted evenly spaced between canopy or evergreen trees. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted shall be no less than one canopy/evergreen tree and one understory tree per 40 linear feet of buffer area length.
- D.** The required design of buffer areas for development as described in item A.2 above is as follows:
1. The buffer areas shall be a minimum of 40 feet in width.
  2. Two staggered rows of evergreen trees are required within the buffer area. One evergreen tree shall be planted for every 40 linear feet of buffer area length in one row. In the second row, one evergreen tree shall be planted, centered and evenly spaced, between the trees planted in the first row. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted shall be no less than two per 40 linear feet of buffer area length.
- E.** Additional requirements for the design of all buffer areas for development as described in Section 28-6.A above is as follows:
1. Existing mature, native, and healthy trees in the buffer area may count toward the buffer area tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree).
  2. Evergreen shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted shall be no less than one per three linear feet of buffer area length.
  3. The buffer area outside of shrub and tree masses shall be maintained with a uniformed stand of grass unless otherwise approved.



## BUFFER AREA (2)



F. The Planning Commission Administrator may waive all or part of the above provisions in the following instances:

1. The required 20 foot landscaped buffer may be reduced to a minimum of 15 feet with the use of a landscaped berm at least three feet in height at finished grade elevation, prior to the application of mulch to the berm.
2. Natural slopes and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to buffer the area from adjoining properties.
3. When a screen is required as per Section 28-8 below, that portion of the property which is screened may be fully or partially exempted from the requirements of this section.

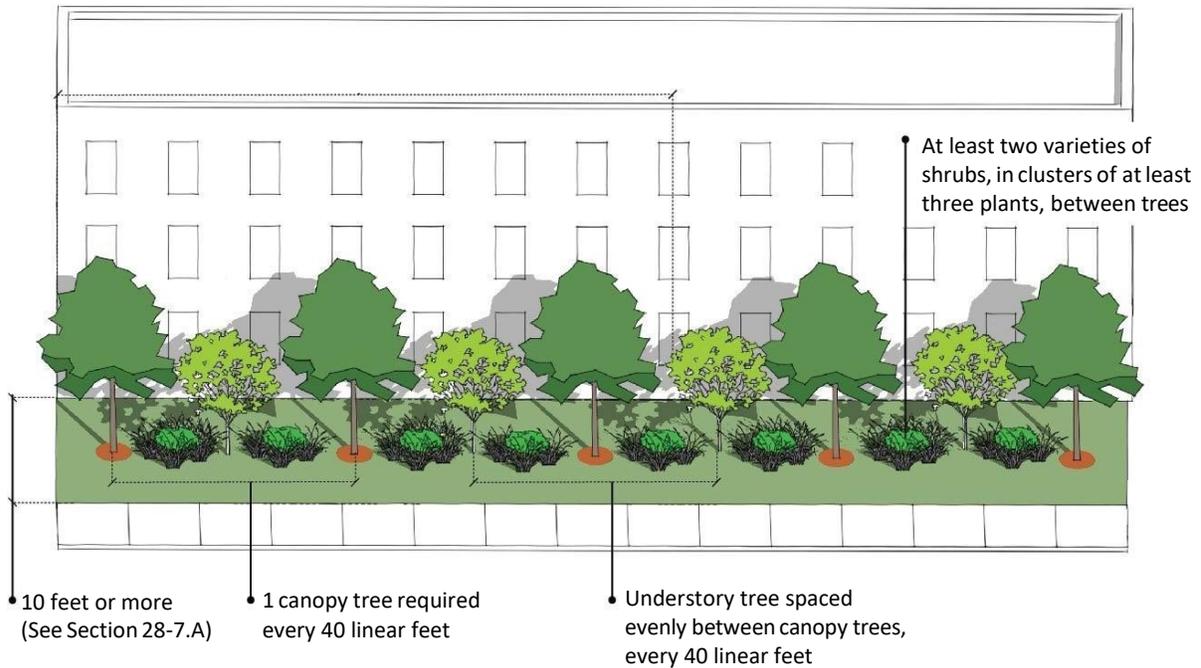
### 28-7 SITE LANDSCAPE

A. Where townhouse, multi-family, and non-residential developments are located ten feet or more from a street and where a building abuts a parking area, site landscape shall be planted as described below. This planting area is required along 60% of the area between the building and street or parking area, or a minimum of ten feet in width, whichever is greater.

1. The planting area shall not be located within any proposed or existing easements unless it's a planting or landscape easement.
2. Canopy and/or evergreen trees shall be planted every 40 linear feet.
3. Understory trees shall be evenly spaced between canopy trees every 40 linear feet.
4. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted shall be no less than one canopy/evergreen tree and one understory tree per 40 linear feet of site landscape area length.
5. At least two varieties of shrubs shall be planted in clusters of at least three plants between trees.
6. 50% of the landscape area outside of shrub and tree masses shall be planted in live groundcover, perennials, or ornamental grasses. Mulch, stone, grass, or other permeable landscape materials are required for any remaining area.
7. If existing or proposed utility lines, structures, or facilities conflict with landscaping requirements, the applicant may propose an alternative landscaping plan for approval by the Planning Commission Administrator.

B. For non-residential and multi-family residential development, landscaping around the foundation of a building is required. The amount and type of foundation plantings should be adequate to reduce the appearance of building mass, accent buildings, or promote sound stormwater management.

## SITE LANDSCAPE



### 28-8 SCREENING OF ANCILLARY USES

- A.** Screening is required on any portion of a non-residential development which involves loading and unloading areas.
- B.** Screening is required when outdoor storage areas are visible from roadways, sidewalks, nearby residential or agricultural properties, or properties with noncompatible uses.
- C.** Screening is required when business lighting will project into the interiors of nearby residential properties or adjacent roadways.
- D.** The screening material may be composed of trees or a solid fence or wall constructed of wood, brick, masonry, or stone used with or without berms. The screening material shall be capable of providing year-round screening. In cases where security fencing (such as chain link) is needed and cannot be substituted by any other fencing, it shall be black and screened by vegetation or a wood, brick, masonry, or stone wall or fence.
- E.** Where walls or fencing are utilized, a minimum five-foot strip outside the fencing or walls shall be landscaped with clusters of trees and shrubs with a maximum spacing between clusters of 25 feet. Vegetative screening shall be a minimum of four feet in height at installation.
- F.** The height of any wall or fence shall be a minimum of six feet and a maximum of eight feet. If constructed on a berm the combined minimum height of the berm, fence, or wall is six feet and the combined maximum height is eight feet.
- G.** Natural slopes and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the ancillary uses from general view.

### **28-9 STREET LANDSCAPE**

Roadways in residential and non-residential developments shall be landscaped as follows:

- A.** Canopy trees shall be planted within a minimum five foot planting strip on both sides of the road or as otherwise approved by the Planning Commission or its designee.
- B.** The spacing between canopy trees shall not be less than 30 feet on center and no more than 60 feet on center, unless a greater or lesser distance is beneficial to a particular species. The spacing between trees shall allow for adequate sight line and sight distance.
- C.** In non-residential developments, understory trees shall be planted and evenly spaced between shade trees or as otherwise approved by the Planning Commission or its designee.
- D.** Tree species that bear fruit or nuts are prohibited.

### **28-10 MONUMENT TREES**

- A.** Preservation of monument trees is encouraged. A monument tree is defined as one or more of the following:
  - 1.** A national, state, or local champion tree.
  - 2.** A tree having a diameter of at least 24 inches (measured at 4.5 feet above the ground).
  - 3.** A tree having a diameter that is at least 75% of the diameter of the current state champion of that species (measured at 4.5 feet above the ground).
- B.** If a monument tree is to be preserved within a required site landscape area, buffer area, parking lot interior area, or parking lot perimeter area the landscaping requirements for an area equal to the diameter of the drip line of the tree plus 20 feet may be waived.
- C.** If monument trees are to be preserved and incorporated into the parking lot design, the number of required parking spaces may be reduced by an area equal to the diameter of the drip line of the tree plus 20 feet.
- D.** If a monument tree that was included in an approved landscaping plan is removed without the approval of a vegetation removal permit, it shall be considered a violation and a fine of \$10,000 may be imposed for each violation.

## **Article 29. Signs**

- 29-1 PURPOSE**
- 29-2 GENERAL PROVISIONS**
- 29-3 PROHIBITED SIGNS**
- 29-4 SIGNS PERMITTED WITHOUT A PERMIT**
- 29-5 PERMITTED SIGNS**
- 29-6 PERMANENT FREESTANDING SIGN REGULATIONS**
- 29-7 BUILDING SIGNS (PERMANENT)**
- 29-8 ELECTRONIC MESSAGE CENTERS (EMC) AND READER BOARDS**
- 29-9 MASTER SIGN PLAN**
- 29-10 PORTABLE SIGNS**
- 29-11 TEMPORARY SIGNS**

### **29-1 PURPOSE**

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

- A.** To allow businesses, institutions, and individuals to exercise their right to free speech by displaying messages on a sign, and to allow audiences to receive such information.
- B.** To foster successful businesses by providing those businesses with the means for reasonable and appropriate communication and identification.
- C.** To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- D.** To allow and promote positive conditions for communication by sign.
- E.** To reflect and support the desired ambience and development patterns of the various zoning districts, overlay districts, planning areas, and sub-areas and promote an attractive built environment.
- F.** To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a road.

### **29-2 GENERAL PROVISIONS**

- A.** Sign regulations apply to each zoning district within Calvert County, excluding any municipality that has its own zoning authority. Permanent signs in the Town Centers and the RC, EC, and MC Districts are subject to architectural review according to applicable design guidelines.
- B.** Where federal or state laws or regulations or standards control certain signs or messages by virtue of location, funding for improvements, or regulation of a commercial or industrial enterprise, those laws, regulations, and standards control. Where minimum signage is required by federal or state law, that signage does not count toward the signage allowed by this Ordinance.
- C.** Unless permitted by these regulations, no sign may be erected, affixed, or displayed without a sign permit.
- D.** No sign may obstruct or interfere with ingress or egress from any door, window, or fire escape. No sign may resemble or imitate signs or signals erected by the County or other governmental agency for the regulation of traffic or parking.
- E.** No part of a sign may have animation, moving parts, flashing lights, or changing colors unless specifically permitted for electronic message centers in this Article.

**F.** No sign may be located where it will interfere with the sight distance on the right-of-way of any road, public or private, and cannot impair or impact minimum sight distance required by the Calvert County Road Ordinance and the current American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual.

**G.** No sign or structure to which a sign is affixed is allowed to remain if it is unsafe or endangers the safety of a building, premises, person, or structure to which a sign is affixed. The Zoning Officer may order such signs, or structures to which a sign is affixed, to be made safe, repaired, or removed as necessary to address the condition subject of the order. The absence of an order by the Zoning Officer does not relieve any person of any obligation hereunder.

**H.** Any sign proposed to be located or replaced in a designated Calvert County Historic District shall be approved by the Historic District Commission in accordance with the provisions of County Code Chapter 57, Sections 57-12 and 57-13.

**I.** All external illumination shall be in accordance with Article 26.

**J.** Messages and structures shall be constructed in accordance with all applicable codes and maintained in good repair and condition at all times. Maintenance includes replacing or repairing of worn or damaged parts of a sign or sign structure in order to maintain the message and structure in good repair and condition at all times.

**K.** Signs that cannot be seen from a public or private right-of-way, waterway, or an adjoining property are exempt from the regulations of this Article.

**L.** Inward-facing signs within a stadium, open-air theater, park, arena, or other similar use facility, which can only be viewed by persons within such stadium, open-air theater, parks, arena or other similar facility are exempt from the regulations of this Article.

**M.** Signs will be removed when the circumstances leading to its erection/installation no longer apply.

**N.** This Ordinance does not apply to any traffic control devices (TCD) as identified in the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) and other state and county design standards related to traffic control or management that are installed by the Calvert County Department of Public Works or the Maryland State Highway Administration.

**O.** For standards for sign measurements and calculations, including sign height and sign area, see Section 2-3.J of this Ordinance.

### **29-3 PROHIBITED SIGNS**

The following types of signs are specifically prohibited within the County:

**A.** Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this Ordinance. Vehicles or trailers cannot be parked to be used as advertising signs. This does not apply to a vehicle parked at a place of business or an owner's/driver's residence and is the primary means of transportation to and from his or her place of employment. Furthermore, this does not apply to any signs for vehicles required by state or federal law.

**B.** Billboards, with the exception of billboards established prior to February 27, 1992 (see Section 32-5.E of this Ordinance).

**C.** Signs that are affixed to any structures, trees or other natural vegetation, rocks, or poles or otherwise placed in or overhang into the public right-of-way.

**D.** Any sign erected or placed on or above a traffic control device or its supporting structure not placed by a governmental agency or with the permission of a governmental agency:

- 1.** Any sign so placed, unless previously approved by the Calvert County Department of Public Works, may be removed by the County.

2. If the placement or removal of any sign damages the traffic control device or its supporting structure, that person or entity found responsible for the placement of such sign is responsible for repairing or replacing the traffic control device and its supporting structure at no additional cost to the County or State.

E. Signs that extend above the top of the roofline of the building to which it is affixed.

#### **29-4 SIGNS PERMITTED WITHOUT A PERMIT**

Each sign exempt from the permit process shall still comply with all applicable safety, height, area, and location standards established in this Article. The following signs do not require a sign permit:

A. Any signs installed by County governmental agencies on its own property.

B. Flags.

C. Signs or notices issued by or required by any court, officer, or other person or organization in performance of a public duty or required by law to be posted.

D. Certain temporary signs, as established in this Article.

E. Window signs are allowed if they comply with all other sign regulations of this Ordinance.

F. Properties with agricultural use assessment from the Maryland Department of Assessments and Taxation may have individual non-illuminated signs not exceeding six square feet where seeds or crops are planted in a specific field.

G. Official signs erected by public utility, oil, gas, mining, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

#### **29-5 PERMITTED SIGNS**

A. Table 29-1: Summary of Permitted Sign Types identifies where different types of signs are permitted in each of the Town Centers, districts, or areas.

B. Each sign type shall comply with its sign type-specific standards established in this Article.

C. Illumination of permanent freestanding or building signs:

1. Illuminated signs are permitted in all zoning districts, except in Calvert County Historic Districts and as otherwise provided herein, where internally illuminated signs are prohibited. Signs shall comply with Article 26, including glare control requirements.

2. For signs in the Solomons Town Center, south of Lore Road, signs may only be illuminated by an external light source.

D. Signs may be constructed of any durable materials with the exception that:

1. Permanent signs in the Solomons Town Center north of Lore Road shall be constructed of any durable, nonreflective, matte-finish materials.

2. Permanent signs in the Solomons Town Center south of Lore Road shall be constructed of wood or those materials with a wood-like appearance. Materials other than wood may be used for signposts, frames, and supporting structures.

Table 29-1: Summary of Permitted Sign Types

ADR = Architectural Design Review

P-A = Permitted with ADR // P= Permitted without ADR //

X = Not Permitted // S= Permitted with Special Exception // S-A = Permitted with Special Exception with ADR

	Dunkirk Town Center	Huntingtown Town Center - Mixed Use District	Huntingtown Town Center - All Other Districts	Lusby Town Center	Owings Town Center	Prince Frederick Town Center	Saint Leonard Town Center	Solomons Town Center - North of Lore Road	Solomons Town Center - South of Lore Road	Signs Outside of Town Centers
<b>Permanent Freestanding Signs</b>										
Directional Sign	P	P	P	P	P	P	P	P	P	P
Drive-Through Sign	P	P	P	P	P	P	P	P	P	P
Other Freestanding Signs	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
Subdivision Signs	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
<b>Permanent Building Sign</b>										
Awning or Canopy	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
Projecting Sign	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
Wall Sign	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
<b>EMC &amp; Reader Boards <sup>2</sup></b>										
Electronic Message Centers (EMC)	X <sup>5</sup>	X <sup>5</sup>	X <sup>5</sup>	X <sup>5</sup>	X <sup>5</sup>	P-A <sup>3</sup>	X <sup>5</sup>	X <sup>5</sup>	X <sup>5</sup>	P-A <sup>3</sup>
Reader Boards	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A	P-A
<b>Portable Signs</b>										
A-Frame or T-Frame	P	P	P	P	P	P	P	P	P	P
<b>Temporary Signs <sup>4</sup></b>										
Air-Activated Signs	P	P	P	P	P	P	P	P	P	P
Balloon Signs	P	P	P	P	P	P	P	P	P	P

**Table 29-1: Summary of Permitted Sign Types**

**ADR = Architectural Design Review**

**P-A = Permitted with ADR // P= Permitted without ADR //**

**X = Not Permitted // S= Permitted with Special Exception // S-A = Permitted with Special Exception with ADR**

	Dunkirk Town Center	Huntingtown Town Center - Mixed Use District	Huntingtown Town Center - All Other Districts	Lusby Town Center	Owings Town Center	Prince Frederick Town Center	Saint Leonard Town Center	Solomons Town Center - North of Lore Road	Solomons Town Center - South of Lore Road	Signs Outside of Town Centers
Banner Signs	P	P	P	P	P	P	P	P	P	P
Blade Signs	P	P	P	P	P	P	P	P	P	P
Pennants	P	P	P	P	P	P	P	P	P	P
Yard Signs	P	P	P	P	P	P	P	P	P	P

**FOOTNOTES**

<sup>1</sup> Non-residential permitted uses in the other Huntingtown Town Center districts (Neighborhood District and Residential District) shall comply with all the requirements of the Mixed Use District. Non-residential uses allowed by conditional use or special exception shall comply with the sign requirements of the Mixed Use District unless more stringent requirements are set as part of the conditional use or special exception approval.

<sup>2</sup> This section of Table 29-1 identifies where electronic message centers and reader boards are permitted as a portion of a permitted freestanding or building sign. Such signs are not permitted in addition to any other permitted signs.

<sup>3</sup> Building signs and freestanding signs with EMCs are allowed on sites having frontage along Route 2/4, Dares Beach Road West, or Route 231 west of Route 2/4 in Prince Frederick Town Center and properties zoned EC (Employment Center). For sites that do not have frontage along Route 2/4, Dares Beach Road West, or Route 231 west of Route 2/4, EMCs are also permitted for places of worship with reader boards in existence as of the adoption of this Ordinance in any district. The sign face of the reader board may be replaced in-kind with an EMC.

<sup>4</sup> For additional limitations on types of temporary signs, see Section 29-11.

<sup>5</sup> EMCs are only permitted for places of worship with reader boards in existence as of the adoption of this Ordinance. The sign face of the reader board may be replaced in-kind with an EMC.

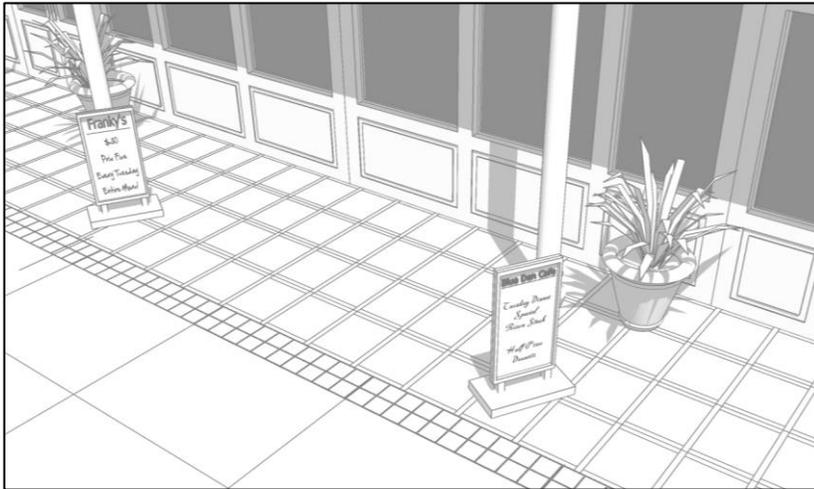
ILLUSTRATIONS OF SELECT PERMITTED SIGN TYPES

A-Frame Sign and T-Frame Sign

*A-Frame Sign*



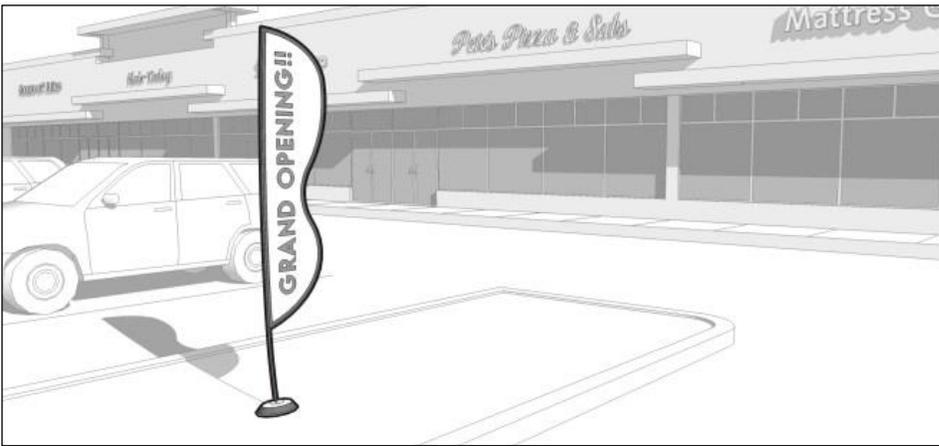
*T-Frame Sign*



**Awning Sign**



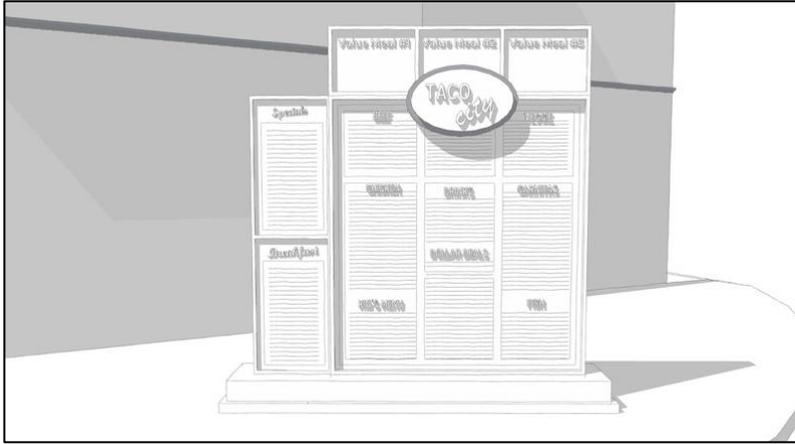
**Blade Sign**



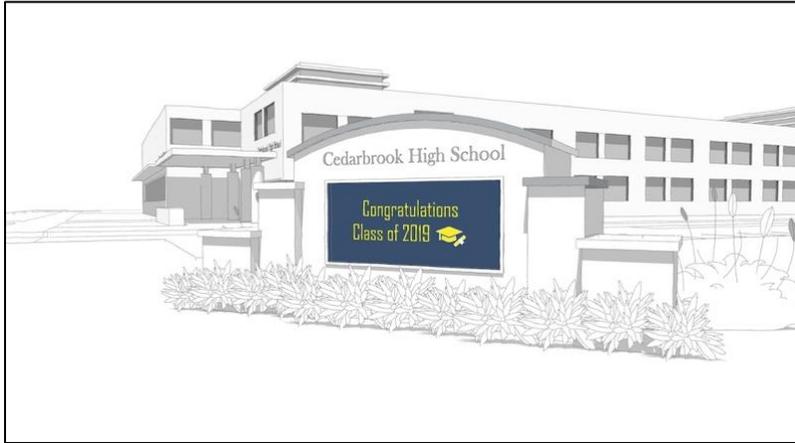
**Canopy Sign**



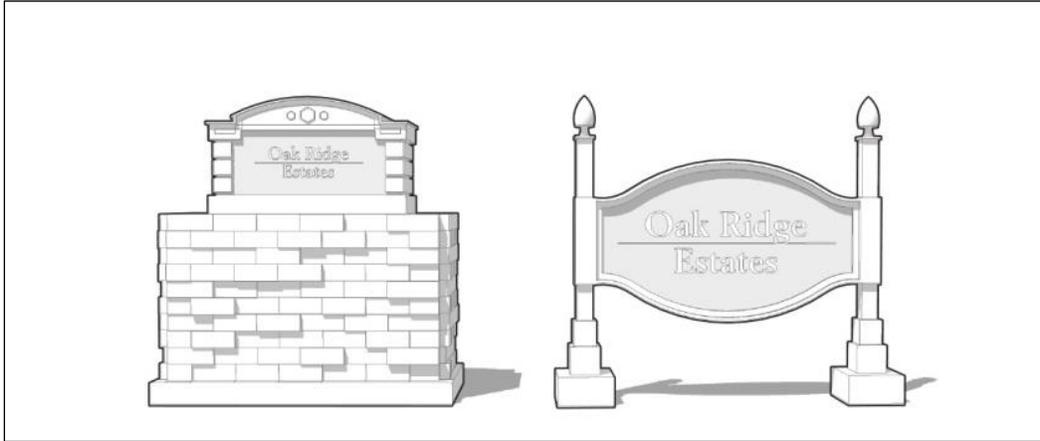
**Drive-Through Sign**



**Electronic Message Center (EMC)**



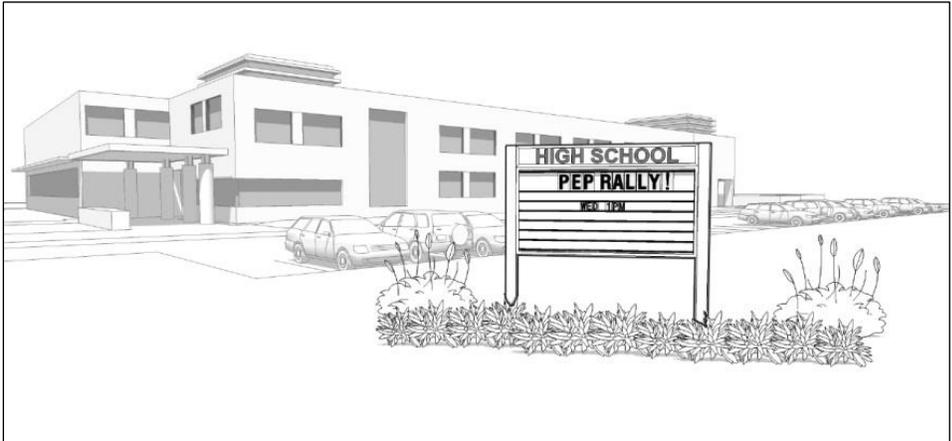
**Freestanding Signs**



**Projecting Sign**



**Reader Board**



**Wall Signs**



## Window Sign



### 29-6 PERMANENT FREESTANDING SIGN REGULATIONS

- A. The sign shall be affixed to a permanent foundation or structure.
- B. An approved sign permit is required prior to installing for all permanent signs unless otherwise specified.
- C. Permanent freestanding signs shall comply with the following regulations based upon their classification.
  1. **Directional Signs (Permanent)**
    - a. One sign may be permitted per individual driveway intersection with any public road.
    - b. The maximum sign area is five square feet.
    - c. The maximum sign height is three feet.
  2. **Drive-Through Signs (Permanent)**
    - a. One drive-through sign is permitted for each drive-through lane with a maximum sign area of 36 square feet each.
    - b. The above maximum sign area does not apply to any drive-through signs not visible from a public right-of-way or screened with a fence, wall, landscaping, or other screening methods that fully block the view of the drive-through signage from view of all public rights-of-way.
    - c. Drive-through signs may be internally illuminated and comply with the requirements of Article 26 except as restricted by Section 29-5.C above.
  3. **Other Freestanding Signs (Permanent)**

Other types of freestanding signs may be permitted upon property for which the use is non-residential and upon properties for which the use is residential if a home occupation has been approved by the Department of Planning & Zoning in accordance with the following regulations.

    - a. For the purposes of this Article, non-residential properties include lots and parcels of record with agricultural, business and personal service, commercial, recreational, industrial, public, or institutional uses.
    - b. One freestanding sign not to exceed four square feet in size and six feet in height may be approved on residential properties that contain an approved home occupation.

c. For freestanding signs proposed to be located upon properties for which a building or structure has been constructed and the use for which is non-residential, the sign area and sign height for freestanding signs permitted on any non-residential property cannot exceed that set forth at Table 29-2 and:

i. Except as otherwise provided herein, only one freestanding sign is permitted per lot or parcel of record existing as of January 31, 2018.

ii. Parcels that have frontage on two or more roadways may have a freestanding sign along each roadway.

iii. For lots or parcels of record existing as of January 31, 2018, with greater than 500 feet of road frontage, additional freestanding signs may be approved for every additional 500 feet of road frontage subject to the following criteria:

(A) Materials, landscaping, and design for multiple freestanding signs shall be similar.

(B) The location of the multiple signs shall be shown on a site plan or plot plan.

(C) Each freestanding sign shall meet all other requirements of this Ordinance.

iv. If a use is situated on a lot or parcel of record existing as of January 31, 2018 with a narrow road frontage of less than 50 feet or is of a shape that prevents the establishment of a freestanding sign along the road, the applicable freestanding sign may be located on an adjacent lot or parcel without affecting the sign area allowed on the adjacent lot or parcel of record existing as of January 31, 2018 without being subject to the multiple sign rules of Section 29-6.C.3.c.i above provided that:

(A) A special exception is granted by the Board of Appeals.

(B) The height and area of the freestanding sign is based on the zoning district of the property to which it serves, as determined by the Zoning Officer.

(C) The freestanding sign shall either be located on a separate sign structure from any signage allowed on the lot or parcel of record existing as of January 31, 2018 where it is to be located, or will be incorporated into the sign structure allowed on the lot or parcel of record existing as of January 31, 2018 where it is to be located.

(D) If signage from the adjacent properties are to be located on one freestanding sign, then the sign area cannot exceed the combined maximum freestanding sign area of what would be allowed for the individual signs.

(E) The sign owner is required to obtain, record, and submit proof of an easement from the person or entity who owns the property where the sign is to be located to demonstrate that the property owner has authorized placement of the sign in the applicable location. Such easement shall either be permanent, allowing placement of such sign in perpetuity, or if temporary, establish an expiration date for the easement. For a temporary easement, the sign shall be removed on or before the expiration date of the easement. Failure to remove the sign on or before the expiration date is considered a violation of this Ordinance.

v. For non-residential properties having no permanent buildings, a maximum of 50 square feet of signage is permitted with a maximum height as established in Table 29-2.

vi. The setback requirement for freestanding signs is a minimum of ten feet from the right-of-way except in the following instances:

(A) Any freestanding sign located along an arterial road and within 40 feet of the side lot line or parcel line shall adhere to the front setback requirement for the district in which it is located.

(B) If located along a collector or local road and within 30 feet of the side lot line or parcel line, the sign shall conform to the front setback requirement for the district in which it is located

#### 4. Subdivision Signs (Permanent)

Not more than two subdivision signs meeting the following minimum requirements and limitations may be permitted at each subdivision entrance:

- a.** Such signs shall be set back 15 feet from the right-of-way of any adjoining arterial or collector roads, five feet from the right-of-way of a subdivision road, and five feet from all other property lines.
- b.** The size of each sign face is limited to 36 square feet in area.
- c.** The size of the structure containing a sign face cannot exceed 200 square feet in area, excluding the sign face.
- d.** The height of the structure containing a sign face cannot exceed eight feet, and shall comply with the measurement calculations for sign height in Section 2-3.J of this Ordinance.
- e.** Maintenance of the sign is the responsibility of the developer or homeowners association of the subdivision, which obligation may be assigned.

Table 29-2: Freestanding Signs - Maximum Sign Area and Maximum Sign Height										
	Dunkirk Town Center	Huntingtown Town Center - Mixed Use District	Huntingtown Town Center - All Other Districts	Lusby Town Center	Owings Town Center	Prince Frederick Town Center	Saint Leonard Town Center	Solomons Town Center - North of Lore Road	Solomons Town Center - South of Lore Road	Signs Outside of Town Centers
<b>Freestanding Sign General</b>										
Max. Sign Area	50	20	20	20	20	See Footnote 1	20	50	20	50
Max. Sign Height	10	8	8	8	8	See Footnote 2	8	10	10 - except see footnote 2	18
<b>Commercial Business on Residential Property</b>										
Max. Sign Area	4	4	4	4	4	4	4	4	4	4
Max. Sign Height	6	6	6	6	6	6	6	6	6	6
<b>Directional Signs</b>										
Max. Sign Area	5	5	5	5	5	5	5	5	5	5
Max. Sign Height	3	3	3	3	3	3	3	3	3	3
<b>Drive-Through Signs</b>										
Max. Sign Area	36	36	36	36	36	36	36	36	36	36
Max. Sign Height	--	--	--	--	--	--	--	--	--	--
<b>Subdivision Signs</b>										
Max. Sign Area	36	36	36	36	36	36	36	36	36	36
Max. Sign Height	8	8	8	8	8	8	8	8	8	8

**FOOTNOTES**

<sup>1</sup> The maximum sign area in Prince Frederick Town Center is: 1) 90 square feet along MD 2/4; 2) 50 square feet along 231, Dares Beach Road and all other existing and future roads within Entry District, Village District, New Town District and Forest District; and 3) 20 square feet along Armory Road, Church Street, Duke Street and Main Street, all other existing and future roads within the Old Town District & Old Town Transition District and Fairground District.

<sup>2</sup> The maximum sign height for selected special areas in the Prince Frederick and Solomons Town Centers is: 1) 22 feet in Prince Frederick along MD 2/4; 2) 14 feet in Prince Frederick in all other areas; and 3) 8 feet in the Solomons C1 Sub-area.

## 29-7 BUILDING SIGNS (PERMANENT)

### A. General Provisions

Permanent building signs shall comply with the following regulations based upon their classification:

1. Table 29-3: Permanent Building Sign - Sign Area Allowed establishes the maximum amount of permanent building sign area allowed on any single building wall.
2. The building sign area allowed on each individual building wall in Table 29-3 cannot be aggregated and placed on a single building wall (e.g., if each wall is 30 feet long, a maximum of 70 square feet of building sign area may be placed on each wall).
3. The building sign area allowed in Table 29-3 includes the total amount of all awning, canopy, projecting, or wall signs on each wall. Standards for each individual building sign type follow Table 29-3.
4. For buildings with multiple uses, the building sign shall be calculated using the building frontage, signs for individual store fronts shall be calculated using the individual store frontage only.
5. Buildings with separate uses on two or more stories are allowed 50% more building area signage than specified in Table 29-3.

Table 29-3: Permanent Building Sign - Sign Area Allowed	
Length of Front Building Wall (Feet)	Maximum Square Footage of all Building Signs (Square Feet)
10-19	30sf
20-29	50sf
30-39	70sf
40-49	90sf
50-59	110sf
60-69	125sf
70-79	140sf
80-89	155sf
90-99	170sf
100 or Greater	For building walls that are longer than 100 feet, add one square foot of maximum sign area for every linear foot over 100 feet

### B. Building Sign Types (Permanent)

#### 1. Awning or Canopy Signs (Permanent)

The construction of the awning or canopy structure shall comply with the current International Building Code in effect with the applicable local and state amendments.

#### 2. Projecting Signs (Permanent)

- a. A projecting sign may be attached to the ceiling or wall if it complies with the height clearance of this subsection.
- b. All components of the projecting sign shall have a minimum height clearance of eight feet above the sidewalk and 15 feet above any driveway or vehicular use area.
- c. Projecting signs cannot extend above the roofline of the building.
- d. All projecting signs shall be separated from other projecting signs by a minimum of five feet.

#### 3. Wall Signs (Permanent)

- a. A wall sign may be painted directly on a building wall, mounted on the facade wall, or mounted on a raceway.

- b. A wall sign cannot protrude more than 18 inches from the wall or face of the building to which it is attached, regardless of whether a raceway is used.
- c. Wall signs cannot extend above the roofline of the building or past the sides of a facade to which it is attached.
- d. Wall signs may not be attached to a penthouse or any roof structure including, but not limited to, mechanical equipment or roof screening.

## **29-8 ELECTRONIC MESSAGE CENTERS (EMC) AND READER BOARDS**

- A. Where permitted, as indicated in Table 29-1 of this Ordinance, up to 50% of any permitted freestanding sign, canopy sign, wall sign or window sign may be composed of a reader board or an electronic message center (EMC).
- B. Except as otherwise provided herein, only one EMC is permitted on any single lot or parcel of record existing as of January 31, 2018. Parcels that have frontage on two or more roadways may have one EMC sign along each roadway.
- C. EMC are prohibited in Historic Districts.
- D. EMC signs, when allowed by Table 29-1, are subject to the following conditions:
  - 1. One EMC per side of the sign structure, but no more than two sides.
  - 2. The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous without any special effects.
  - 3. EMCs shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays shall also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner shall immediately stop the dynamic display when notified by the Zoning Officer that it is not complying with the standards of this Ordinance.
  - 4. The EMC shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - 5. The brightness level cannot exceed 0.3 foot candles over ambient levels as measured in accordance with the procedure and distances for measurement of brightness specified by the International Sign Association in its Night-Time Brightness Level Recommendations for On-Premise Electronic Message Centers (August 2016, as updated from time to time).
  - 6. EMCs cannot be located within 200 feet of the property line of a residential structure. This setback does not apply to residential structures on mixed use properties.
  - 7. All EMCs shall be shielded from view of residential structures on adjacent properties through the use of a fence, wall, or vegetative buffer that is installed to shield the view of the sign from the residential structure. Such fence, wall, or vegetative buffer shall comply with any applicable regulations in this Ordinance and shall be shown in the permit application.

## **29-9 MASTER SIGN PLAN**

The master sign plan allowance provides for additional permanent signage for large-scale non-residential, mixed-use, or residential developments and is to allow creativity and flexibility in establishing a cohesive and aesthetically pleasing overall design of signage within a development. The master sign plan provides a review process where any development that includes one building of 25,000 square feet or more of gross floor area, or multiple buildings, on a single parcel, with cumulative total of 25,000 square feet of gross floor area or more can submit a master sign plan package that illustrates all the signage that will be used on the lot or parcel of record as of the effective date of this amendment and the relationships of all these signs to the development.

- A. Master sign plans shall be submitted to the Department of Planning & Zoning for any non-residential development which meets the square foot threshold, and where the applicant wishes to submit a single, comprehensive sign plan for review.

- B.** A master sign plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.
- C.** A master sign plan may include more than one freestanding sign per development or other deviations from the standards of this Ordinance.
- D.** An application for review of a master sign plan shall include:
  - 1.** A master sign plan, drawn to scale, delineating the site proposed to be included within the master sign plan and the general locations of all permanent signs including freestanding and building signs and the property lines, buildings, roadways, and rights-of-way.
  - 2.** Drawings or sketches indicating the dimensions, location, and sign area for all the permanent signs.
  - 3.** Drawings or sketches indicating the exterior surface details of all buildings on the site on which wall signs, awning signs, canopy signs, projecting signs, window signs, or other building signs are proposed.
  - 4.** Information regarding the illumination of any signs.
- E.** In order for the Planning Commission to approve a master sign plan, the Commission shall find all of the following:
  - 1.** That the plan's contribution to the design of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this Ordinance.
  - 2.** That the signs proposed as part of the master sign plan will create a uniform sign package for the site related to materials, lighting, design, and other features of the individual signs.
  - 3.** That the proposed signs are compatible with the style or character of improvements and are well-related to each other in terms of location and spacing.
- F.** The Planning Commission may grant approval subject to conditions as it deems necessary to carry out the intent of this Article.
- G.** Upon approval of a master sign plan, permits will be issued only for those signs approved under the master sign plan, subject to all conditions of approval.

#### **29-10 PORTABLE SIGNS**

Portable signs shall be constructed and maintained according to the following standards, specifications and regulations:

- A.** Each sign board face cannot exceed 12 square feet with a maximum width of three feet and a maximum height of four feet.
- B.** The sign may only be displayed outside during hours of operation.
- C.** An applicant may apply and receive approval for not more than one portable sign for one premises.
- D.** If placed on a sidewalk, the sign shall be placed in such a manner as to maintain a minimum of four feet of sidewalk clearance for the safe passage of pedestrians.
- E.** The sign shall be located in front of the establishment which the sign serves.
- F.** The sign shall be freestanding and cannot be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- G.** The sign shall not obstruct entry or exit doors, parking meters, bicycle racks, and other features legally in the right-of-way or required as part of any building, fire, or other safety code.

- H. The sign shall not interfere with the opening of car doors in legal parking spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones, or bus stops.
- I. The sign shall be weighted so that it is stable and windproof.
- J. The sign shall be constructed of durable, weather-proof materials, such as slate, marker board, stainless steel, aluminum, aluminum composite, laminate plastic, or medium density overlay plywood painted with enamel paint. Rough cut plywood is not an acceptable material for the sign.
- K. The sign cannot have sharp edges or any protrusions or features that could be a hazard to pedestrians.
- L. Calvert County Government shall be indemnified and held harmless from any liability resulting from accident or injury caused by erection and maintenance of such signs.

**29-11 TEMPORARY SIGNS**

**A. General Provisions**

Temporary signs shall be constructed and maintained according to the following standards, specifications and regulations:

1. Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
2. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a building.
3. Temporary signs cannot be illuminated.
4. With the exception of portable (A-Frame and T-Frame) signs, all temporary signs, regardless of the message, are prohibited in the public or private road right-of-way.
5. All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind.
6. Because of the nature of materials typically used to construct temporary signs and to avoid deteriorating signs and all safety concerns that accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated as determined by the Department of Planning & Zoning.
7. Temporary signs shall not be posted on any non-designated public property including, but not limited to, rights-of-way, utility poles, sign posts, or landscaping. For the purposes of this Section, "non-designated" shall mean that public property for which the poster has not received express written permission to post the temporary sign from the appropriate governing authority for the public property.

**B. Temporary Signs on Properties for Sale or Lease**

1. Table 29-4: Temporary Signs on Properties for Sale or Lease establishes the maximum area and height of temporary signs allowed on properties that are for sale or lease.

Table 29-4: Temporary Signs on Properties for Sale or Lease		
Parcel Size	Maximum Sign Area	Maximum Height
Less than 2 acres	10sf	4'
2 acres to 10 acres	16sf	6'
Over 10 acres	32sf	6'

2. Only one sign is permitted at any single time for each road on which the property fronts.
3. The sign is limited to yard signs subject to the sign type standards in Section 29-11.D.4 below.

**C. Temporary Signs on Residential Property**

1. Residential lots or parcels of record existing as of January 31, 2018 may have a maximum of 20 square feet of temporary signage.
2. Such signs are limited to banner signs or yards signs.
3. Banner signs may be attached to a building, fence, or other similar structure. A banner sign attached to posts and mounted in a yard or landscape area are regulated as a temporary yard sign. There are no maximum height standards but a banner sign cannot be mounted in a manner that extends above the roofline if attached to a building.
4. The maximum height of a temporary yard sign is six feet.
5. Such signs with a sign area of 16 square feet or more are only permitted for up to 180 days in a single calendar year and require a sign permit.

#### **D. Temporary Signs on Non-residential Property**

For the purposes of this section, non-residential properties include lots and parcels of record with agricultural, business and personal service, commercial, recreational, industrial, public, or institutional uses. Non-residential lots or parcels of record existing as of January 31, 2018 may have a maximum of two temporary signs from the following temporary sign types:

##### **1. Air-Activated or Balloon Signs**

- a. Only one balloon or air-activated sign is allowed on any parcel, at any given time.
- b. The maximum height is 15 feet.
- c. The sign shall be securely anchored to the ground.
- d. The sign shall be set back from any right-of-way, roadway, or any parking space a minimum distance equal to its height. Such setback shall include any wires, rope, or other materials used to securely fasten the sign to the ground.
- e. The sign cannot obstruct sidewalks.

##### **2. Banner Signs**

- a. Banner signs may be attached to a building, fence, or other similar structure. A banner sign attached to posts and mounted in a yard or landscape area shall be regulated as a temporary yard sign.
- b. The maximum sign area of any single banner sign shall be 20 square feet.
- c. A banner sign cannot be mounted in a manner that extends above the roofline if attached to a building.

##### **3. Blade Signs**

- a. Up to two blade signs are permitted at any one time, but each blade sign shall be separated from another blade sign by 50 lineal feet. For parcels longer than 50 lineal feet, one additional blade sign is permitted for each additional 50 lineal feet.
- b. The maximum height of a blade sign is 12 feet with a maximum width of two feet at its widest dimensions.
- c. The signs shall be securely anchored in the ground or within a portable base designed to securely anchor the sign.
- d. The sign shall be set back ten feet from any right-of-way, roadway, sidewalk, or any parking space.

##### **4. Yard Signs**

- a. There may be a maximum of two faces to the sign, mounted back-to-back.

- b.** The maximum height of a temporary yard sign is six feet.
- c.** The maximum sign area of a yard sign is 20 square feet.

## **Article 30. Zoning Approvals, Variances, and Appeals**

- 30-1 APPLICATION
- 30-2 PERMITS AND ZONING APPROVALS REQUIRED
- 30-3 DEVELOPMENT PLANS
- 30-4 ADMINISTRATIVE VARIANCES
- 30-5 BOARD OF APPEALS
- 30-6 VARIANCES
- 30-7 SPECIAL EXCEPTIONS
- 30-8 EXPIRATION AND REVOCATION OF APPROVALS FOR ADMINISTRATIVE VARIANCES, VARIANCES, AND SPECIAL EXCEPTIONS
- 30-9 DECISIONS ON ALLEGED ERRORS
- 30-10 SPECIAL ACCOMMODATIONS
- 30-11 RECONSIDERATIONS AND APPEALS OF BOARD OF APPEALS DECISIONS
- 30-12 APPEAL OF PLANNING COMMISSION DECISIONS
- 30-13 ZONING TEXT AND MAP AMENDMENTS
- 30-14 ZONING INTERPRETATIONS
- 30-15 ZONING VERIFICATIONS
- 30-16 PUBLIC HEARINGS
- 30-17 REVOCATION OF PERMITS

### **30-1 APPLICATION**

#### **A. Filing and Pre-Application Conference**

1. All zoning applications shall be filed with the Department of Planning & Zoning. The application shall be on forms provided by the County and filed as required by the instructions on said forms.
2. Prior to formal submittal of an application, a pre-application conference with the Department of Planning & Zoning is encouraged, but not required. The purpose of a pre-application conference, which does not require a formal application or fee, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. However, certain applications may require a pre-application conference if specified by the established policies or procedures.

#### **B. Completeness Review**

1. The application shall include all information, plans, and data as specified in the application requirements or established checklists. Any required plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Department of Planning & Zoning will examine all applications within 3 business days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Department of Planning & Zoning will reject the application and provide the applicant with the reasons for the rejection. The Department of Planning & Zoning will take no further steps to process the application until all deficiencies are remedied.

#### **C. Fees**

Each application shall be accompanied by the required filing fee. If such fee is not paid when the application is submitted, it will be rejected. If an application is submitted by any County agency, board, or commission then fee requirements are waived.

#### **D. Withdrawal of Application**

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a commission, board, or official. The applicant shall submit a request for withdrawal in writing or make a request to withdraw orally during the hearing. There will be no refund of fees.

#### **E. Consideration of Successive Applications**

The following restrictions apply to the applications and approvals addressed in this Article.

1. Within one year of the date of a denial, a subsequent application for the same zoning approval will not be accepted for review and consideration unless there is substantial new information available or if there is a substantial change from the previous design or proposal, or if a mistake of law or of fact affected the prior denial.

2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application shall include a detailed statement of the grounds justifying its reconsideration.

3. The Zoning Officer, Board of Appeals Administrator, or Planning Commission Administrator, where applicable, will determine whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Officer, Board of Appeals Administrator, or Planning Commission Administrator finds that there are no new grounds for consideration of the subsequent application, they will summarily, and without hearing, deny the request.

### **30-2 PERMITS AND ZONING APPROVAL REQUIRED**

This Section describes the instances when permits or zoning approval are required. If a building permit is required, zoning approval will be addressed during the building permit process.

**A.** Except as provided in paragraph 'B' below, building permits shall be obtained before:

1. constructing or erecting residential or non-residential buildings or structures;
2. moving, adding to, or extending residential or non-residential buildings or structures; or
3. constructing residential or non-residential buildings or structures, regardless of size, in the Critical Area, wetland or stream buffer, or cliff setback.

**B. Exceptions to Building Permit Requirements**

If a proposed residential structure consists of less than 200 square feet and is not located in the Critical Area, stream buffers, or cliff setbacks, then a building permit is not required.

**C.** Building permits will be issued only for construction on buildable lots or buildable residue which meet the requirements of this Ordinance and other applicable agency requirements.

**D.** A grading permit, grading permit exemption, and or zoning approval is required for any grading, clearing or excavating.

**E.** Zoning approval is required in the following instances to ensure that a building, structure, or use conforms to the requirements of this Ordinance:

1. Any change in the use of a building or premises from one use listed in the Land Use Tables of Article 3 to another use listed, regardless of size.
2. If a building, structure, or use, regardless of size, will be within:
  - a. a recorded Forest Retention Area;
  - b. a wetlands buffer;
  - c. a floodplain area;
  - d. a recorded Conservation Area; or
  - e. a recorded access easement.

**F.** Setback requirements shall be met for any building, structure, or use, regardless of its size.

**G.** A temporary occupancy permit may be issued, at the sole discretion of the Zoning Officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

**H.** A plat, or a stamped survey, from a Registered Surveyor or Engineer may be required when zoning approval or the approval of all or part of a permit requires the determination of the location of, or relationships among, existing and proposed physical or legal site conditions. Such physical conditions include, but are not limited to, structures,

roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.

### **30-3 DEVELOPMENT PLANS**

#### **A. Purpose**

Development plan approval is required in order to ensure that new development complies with all Ordinance and agency requirements, promoting the health, safety, and general welfare of Calvert County residents. Development plans are reviewed for compliance with the Zoning Ordinance, Subdivision Regulations, and Town Center Zoning Ordinances, and consistency with the Comprehensive Plan, Town Center Master Plans, and design standards.

#### **B. Applicability**

Three types of development plans are subject to review: Category I site plans, Category II site plans, and plot plans. Where there is question regarding which category applies to the development, the Zoning Officer or the Planning Commission Administrator will make the determination.

#### **1. Site Plans (Conceptual and Detailed Site Development Plans)**

##### **a. Development Requiring Site Plan Review**

- i. All commercial, industrial, and institutional development except those requiring a plot plan is required by Section 30-3.B.2 below.
- ii. Commercial uses that intensify the use or alter the traffic pattern.
- iii. Adaptive re-use from residential to commercial.
- iv. Multi-family dwellings, townhomes, attached dwellings (three units or more), assisted living facilities, and manufactured home communities.
- v. Places of worship.
- vi. Public facilities and quasi-public facilities.
- vii. Development requiring site plan review as per the conditions of the use in Articles 18 and 19 of this Ordinance.

##### **b. Category I Site Plans**

Category I site plans are site plans for multi-family, townhouse, single-family attached (three units or more), and manufactured home communities. Institutional, local governmental, commercial, mixed-use, and industrial development are also Category I site plans if any of the following criteria are met:

- i. The cumulative square footage of any new construction (new buildings and additions to existing buildings and parking areas) is more than 7,500 square feet.
- ii. The vehicular traffic within an existing development project will be altered.
- iii. An automobile filling or service station.
- iv. A use with a drive-through/drive-up service.

##### **c. Category II Site Plans**

Category II site plans are for all other development not specified in Section 30-3.B.1.b above or in Section 30-3.B.2 below, and shall include but not be limited to:

- i. Telecommunications facilities, which may include such structures as communication towers, antennas, and accessory structures thereto.
- ii. Farm buildings and any structures for commercial, agritourism, ecotourism, and heritage tourism uses.

- iii. Parking lot modifications.

## **2. Plot Plans**

The following development requires plot plan review:

- a. Single-family homes and single-family attached dwellings (two units only);
- b. Single-family residential structures or additions;
- c. Residential accessory uses;
- d. Home occupations;
- e. Minor commercial remodeling without additions;
- f. Minor commercial accessory uses (a minor accessory use does not intensify a use or alter the traffic pattern);
- g. Farm buildings and any structures not for commercial, agritourism, ecotourism, and heritage tourism uses;
- h. Development requiring plot plan review as per the conditions of the use in Articles 18 and 19 of this Ordinance.

## **C. Authority**

### **1. Planning Commission Review of Category I and Category II Conceptual and Detailed Site Development Plans**

- a. The Planning Commission reviews and either approves or denies all Category I and Category II site plans, and any major revisions thereto, as described in Section H.3 below.
- b. The Planning Commission may delegate to the Planning Commission Administrator the authority to review and either approve or deny Category I detailed site development plans and any revisions thereof, Category II conceptual site plans and Category II detailed site development plans and any revisions thereof subject to the following:
  - i. The Category I detailed site development plans shall reflect the approved Category I conceptual plan and any conditions imposed by the Planning Commission.
  - ii. Any major modifications or deviations in the submitted detailed site development plan from its approved conceptual site plan shall require approval by the Planning Commission or its designee.
- c. If the Planning Commission delegates authority, the Planning Commission shall review the decision of the Planning Commission Administrator upon the written request of any person aggrieved by the decision. Such request shall be received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision.

### **2. Department of Planning & Zoning Review of Plot Plans**

- a. The Zoning Officer or its designee will review and either approve or deny plot plans and revisions to plot plans. The Zoning Officer shall determine when a plot plan requires site plan review, based upon the criteria in Section 30-3.B above.
- b. The Zoning Officer or its designee will determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections and Permits for distribution of the revised plans to appropriate agencies for comments and consideration.

## **D. General Design Standards**

Minimum design standards and alternatives are established to protect and preserve the appearance, character, and value of surrounding properties and neighborhoods. Article 25 of this Ordinance establishes design standards for residential and non-residential developments.

#### **E. Procedure**

1. The Planning Commission Administrator, in cooperation with the Director of the Department of Public Works and the Director of Planning & Zoning, will establish appropriate procedures and application forms necessary to ensure adequate review and processing of conceptual or detailed site development plans in a timely manner, including a submittal timeframe. Procedures shall be approved by the Planning Commission. Review fees are set by the Board of County Commissioners.
2. The Department of Planning & Zoning shall establish and make available a detailed checklist of all items to be submitted with conceptual site plans, detailed site development plans, and plot plan applications. The application shall include all information, plans, and data as specified in the application requirements and established checklists.
3. Conceptual site plan review and approval is mandatory for all development listed in Section 30-3.B.1 above. A conceptual site plan shall be approved for all Category I and Category II development prior to submittal of a detailed site development plan application. Recommendations and comments received during conceptual review may change during subsequent review of the detailed site development plan.
4. When a development is required to obtain both site plan and subdivision approval, the applicant shall combine the conceptual site plan and conceptual subdivision plan into one joint application as an initial or revised concept application. If a joint application is required, the subdivision plan must be approved and recorded prior to final site plan signature.
5. Detailed site development plan review and approval is mandatory for all development listed in Section 30-3.B.1 above. Final detailed site development plan approval shall be obtained prior to the issuance of any building permits for all Category I and Category II development. No permits are allowed to be issued until site plan approval is finalized.
6. No structural development or site improvements associated with a site plan or plot plan may be constructed under a grading permit alone (e.g., parking lots, ball fields, playground bathrooms, accessory structures, etc.) prior to receiving final plan approval.
7. Prior to approval of any Category I or Category II site plan by either the Planning Commission, or its designee, and in accordance with the Land Use Article of the Annotated Code of Maryland, comments shall be requested from the review agencies included in the Technical Evaluation Group (TEG) as maintained by the Department of Planning & Zoning.
8. A plat or a stamped survey from a Registered Surveyor or Engineer may be required when zoning approval or the approval of all or part of a site plan or plot plan requires the determination of the location of, or relationships among, existing and proposed physical or legal site conditions. Such physical conditions include, but are not limited to, structures, roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.
9. All site plans and related documents must be signed and sealed by a licensed professional per COMAR registered in the state of Maryland.

#### **F. Phased Development**

1. If a development is to be constructed in sections or phases, then those sections or phases shall be shown on the detailed site development plan for review. The sections or phases shall be numerically labeled and included in the sequence of construction. Phasing will be required for projects 10 acres or greater or 50 units or more. If a plan requires a joint site plan and subdivision application, phasing on both plans must match.
2. Bonding for the development may be in whole or by phase, provided that the bonding amounts adhere to the approved phasing plan.

3. If an applicant wishes to amend the phasing plan or sequence of construction after final approval is obtained, a revised detailed site development plan shall be submitted to the Department of Planning & Zoning for review and approval pursuant to Section 30-3.H below.
4. Building and grading permits may be issued so that two or more sections or phases are concurrently under active construction, unless otherwise specified by detailed site development plan approval.
5. Each phase shall be vested separately by meeting the requirements pursuant to Section 30-3.G.2 below.
6. All supplemental plans shall be consistent with the approved phasing plan.
7. For the purposes of determining minimum requirements, individual sections or phases shall not be counted as separate developments. Following the adoption of this Ordinance, when a parcel is divided into multiple parcels for development, the minimum requirements shall be determined by the cumulative total of all parcels.

**G. Expiration of Site Plan Approvals and Vesting**

**1. Expiration**

The following expiration provisions shall apply to all site plan applications, including site plan applications submitted prior to the adoption of this Ordinance.

**a. Conceptual Site Plans (Category I and Category II)**

- i. An application for a conceptual site plan shall expire 12 months after it has been accepted for review unless conditional approval has been granted by the Planning Commission or its designee.
- ii. Approval of a conceptual site plan shall expire 12 months after it has been granted approval, unless a detailed site development plan application has been accepted for review by the Department of Planning & Zoning.

**b. Detailed Site Development Plans (Category I and Category II)**

- i. An application for a detailed site development plan shall expire 24 months after it has been accepted for review, unless final approval is granted.
- ii. Detailed site development plans shall expire 36 months after obtaining final approval, unless the criteria for vesting through construction as set forth under Section 30-3.G.2 (Vesting) below has been met.
- iii. If final approval of a detailed site development plan application is delayed due to adequate public facilities requirements expiration of the application shall be tolled during the period of inadequacy, or as required to meet adequate public facilities requirements (See the Calvert County Code, Chapter 3, Adequate Public Facilities Requirements, as amended from time to time).

**c. Extension of Conceptual Site Plan and Detailed Site Development Plan Approvals**

- i. One 12-month extension to only one of the time periods listed in Section 30-3.G.1.a (Conceptual Site Plans) and Section 30-3.G.1.b (Detailed Site Development Plans) above may be granted by the planning commission or its designee if the applicant demonstrates that unusual and unforeseen circumstances delayed or prevented the direct review of the project, and the project has been reviewed within 6 months of the extension request.
- ii. A request for extension shall be submitted, in writing, 30 days prior to the expiration date of the applicable time period.
- iii. If an extension of a time period described in item i above is granted, the vesting period provided in Section 30-3.G.2.a (Vesting Through Construction) below, shall extend for a like period.

**2. Vesting**

**a. Vesting Through Construction**

At the end of the 36-month period described in Section 30-3.G.1.b.ii above, the applicant is vested in the detailed site development plan if there is actual physical commencement of some significant and visible construction as well as the following:

- i. The commencement shall be undertaken in good faith with the intention to continue the construction and to carry it through to completion in a commercially reasonable manner.
- ii. The commencement of construction shall be pursuant to all necessary permits that have been validly issued.

**b. Vesting Extension**

One 12-month extension to meet the vesting criteria in Section 30-3.G.2.a above may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.

**H. Revisions after Approval of Category I and Category II Conceptual or Detailed Site Development Plans**

1. When any changes are proposed to an approved site plan, a written summary of all the proposed revisions must be submitted for a determination by the Planning Commission Administrator. The Planning Commission Administrator will determine if the proposed revisions are minor or major changes to the approved site plan.

2. For revisions that do not change or intensify the existing use, vehicular access, alter traffic patterns, or increase the square footage to exceed the Category II limitations, the revised plans may be submitted as a redlined site plan.

3. For revisions that change or intensify the use, vehicular access, alter traffic patterns, or increase the square footage to exceed the Category II limitations, a revised site plan must be submitted for review and approval.

**4. Redlined Site Plans**

- a. All changes for a redlined site plan must be shown on the previously approved site plan in red.
- b. The redlined plan must be prepared and submitted by the original engineer or documentation from the licensed professional stating that the applicant has their permission to redline the plan must be provided with the submittal.
- c. Prior to the release of bonds or issuance of use and occupancy permits, an as-built is required to be submitted to the Department of Planning & Zoning.

**5. Revised Site Plans**

- a. If an approved detailed site development plan is to be revised, the applicant shall submit new plans showing the proposed revision with a summary of the changes from what was previously approved.
- b. If the proposed revision is a major revision to an approved conceptual site plan or approved detailed site development plan, the Planning Commission Administrator shall refer the revised plan to the Planning Commission for consideration and, if appropriate, approval.
- c. Prior to the release of bonds or issuance of use and occupancy permits, an as-built is required to be submitted to the Department of Planning & Zoning.

**I. Bonding**

Before the County permits a building or property to be used, either all the work shall be completed, or the remaining work shall be bonded according to the following process

1. A proposed bond package shall be submitted by the applicant to the Department of Public Works and include the following:
  - a. A written statement indicating in detail what is to be bonded and installed/constructed at a later date.
  - b. A written cost estimate of the work not yet completed, or materials not yet installed, and which are proposed to be bonded.

- c. The proposed date of completion, which shall not to exceed one year.
  - d. The method of posting bond, which may be one of the following:
    - i. A surety bond, issued by an insurance company, which indicates the length of time for which the bond or credit is good.
    - ii. A letter of credit from a financial institution authorized to do business in the State of Maryland.
    - iii. A certificate of guarantee issued pursuant to Section 1-203 of the Insurance Article of the Annotated Code of Maryland, as amended from time to time.
    - iv. Cash (currency, certified check or cashier's check). Interest earned on funds posted for a bond are retained by the County.
  - e. The bond amount shall be set at 125% of the approved written cost estimate of the work.
  - f. A temporary easement giving the County the right to enter onto the subject property and complete construction of the project in accordance with the specifications and plans. The easement can be in the form of a letter but shall be signed by all parties with a proprietary interest and notarized. The following wordage shall be included in the easement:
 

*"In the event that the \_\_\_\_\_ has not been completed and it is necessary for the Board of County Commissioners to complete or have the work completed under the aforesaid bond or letter of credit, then \_\_\_\_\_ gives the County the right to enter onto the subject property and complete the construction of the project in accordance with the approved specifications and plans."*
2. The proposed bond package will be processed as follows.
- a. Upon receipt of the proposed bond package, the Department of Public Works will review the submittal to verify that it is complete and proper. The County Attorney will review the bond package and the required access easement and any other appropriate information and then return the bond package with the written opinion to the Department of Public Works. Should the proposed bond package be acceptable, the bond package will then be forwarded to the Board of County Commissioners for approval.
  - b. The Board of County Commissioners will review the proposed bond. If approved, the applicant will be notified by the Department of Public Works that he may make application in the Division of Inspections and Permits for an Use and Occupancy Permit.
  - c. If the applicant fails to complete the work in the agreed upon time, the bond may be forfeited to the County at any time requested by the Board of County Commissioners.

### 30-4 ADMINISTRATIVE VARIANCE

#### A. Initiation

An application for an administrative variance may be filed by the owner of property to which the application applies, or other person expressly authorized by such owner in writing. However, nothing in this section prohibits an applicant from submitting an application that qualifies for an administrative variance directly to the Board of Appeals as a variance.

#### B. Authority

The Zoning Officer or its designee has the approval authority to grant administrative variances, subject to the following:

- 1. The Zoning Officer or its designee has the approval authority to grant variances from the strict application of sign height and setback requirements of this Ordinance in compliance with the thresholds of Section 30-4.C below.

2. The Zoning Officer or its designee is authorized to grant variances for disturbance of trees, shrubs, plants, and specific areas considered priority for retention and protection under the Forest Conservation regulations per Section 20-18 of this Ordinance.
3. The Zoning Officer or its designee is authorized to grant variances for disturbance to steep slopes for the purposes of slope stabilization in the Critical Area and NRPA-2 as well as for disturbance associated with a water-dependent facility or a septic system on a lot or parcel in the Critical Area created before December 13, 1988.
4. The Zoning Officer or its designee is authorized to grant variances for uses which do not have direct access to a public road.
5. Administrative variances are not allowed for variances to any floodplain regulations.
6. Nothing in this section is intended to authorize the Zoning Officer or its designee to grant variances to State or local requirements that are intended to protect environmentally sensitive areas such as streams, steep slopes, wetlands, natural heritage areas, or the Critical Area except as described in items 2 and 3 above.
7. Administrative variances shall not be granted for after-the-fact variance requests or to correct a zoning violation. Such variance requests shall be made to the Board of Appeals.
8. The Zoning Officer may delegate the authority to grant administrative variances to the Planning Commission Administrator if a request for an administrative variance is submitted with the review and approval of a site plan, subdivision, or administrative plat.

#### **C. Thresholds**

Administrative variances are subject to the following limitations:

1. A variance shall not reduce required setbacks by more than 50 percent and in no case shall the required setback be reduced to less than five feet.
2. Proposed residential accessory structures for which a setback variance is requested shall not exceed 1,000 square feet in gross floor area.
3. A variance shall not increase the maximum sign height by more than 30 percent.

#### **D. Procedure**

1. The Department of Planning & Zoning will establish and publish procedures for the processing of applications including, but not limited to, the following:
  - a. Upon acceptance of the application, the Zoning Officer or its designee shall mail a confirmatory notice to all affected property owners providing them with an opportunity to comment on the request within 20 calendar days from the date of the confirmatory notice letter.
  - b. Affected property owners for an administrative variance include all owners of all properties that abut the side or rear property line from which an administrative variance is sought with the following exceptions:
    - i. In the case of an administrative variance request for a front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across any public or private roads or rights-of-way from the subject property shall be considered affected property owners.
    - ii. For sign height and forest conservation variances, all owners of properties which abut the subject property shall be considered affected property owners.
    - iii. In the case of an administrative variance for a use that does not have direct access to a public road, affected property owners shall be all property owners who access or have right of access to the private road(s) connecting the use to the public road.

**c.** The applicant shall post the property with a notice of the variance request for a period of 10 days after acceptance of the application by the Zoning Officer or its designee. The notice shall be posted within 15 feet of the boundary line of the property that abuts the most traveled County, State, or private road. If no such road abuts the property, then the sign shall be posted facing in such a manner as may be most readily seen by the public.

**d.** The Department of Planning & Zoning shall send notice of a request for a variance to the Forest Conservation regulations to the Maryland Department of Natural Resources within 15 days of receipt of a request. In addition, a copy of the final administrative variance decision or order shall be sent to the DNR Forestry Service.

**e.** The Department of Planning & Zoning shall send notice of a request for a variance to the Critical Area regulations to the Critical Area Commission within 15 days of receipt of a request. Within ten working days of the date a written decision or order is issued, a copy of the decision or order shall be sent to the Critical Area Commission.

**f.** If adverse comments are received in writing from any affected property owners objecting to the variance request before its consideration, the administrative variance application shall be denied. The applicant may submit a variance request to the Board of Appeals.

**g.** Prior to making a decision on the administrative variance request, the Zoning Officer or its designee may visit the property to verify information contained in the application.

**2.** An administrative variance application shall contain the following:

**a.** A completed application form and application fee.

**b.** A scale-drawing of the property showing the location and size of proposed structures and any additions to existing structures, as well as the distance between those structures or additions and the two closest adjacent property lines.

**c.** A written justification stating why the variance request meets the criteria established in Section 30-4.D.3 below. The burden of establishing whether the application meets the administrative variance criteria under the provisions of this Ordinance is the responsibility of the applicant or the property owner.

**3.** The decision on an administrative variance application shall be made based on the following criteria:

**a.** An administrative variance may only be granted if peculiar and unusual practical difficulties or unwarranted hardships exist on a parcel, and such difficulties and hardships are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property. Unwarranted hardship means that without an administrative variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

**b.** An administrative variance may only be granted if the applicant demonstrates, and the Zoning Officer or its designee finds that:

**i.** The administrative variance will not result in injury to the public interest.

**ii.** Granting the administrative variance will not adversely affect the implementation of the Comprehensive Plan.

**iii.** The administrative variance is the minimum adjustment necessary to afford relief from the regulations.

**iv.** The administrative variance request is not based upon conditions or circumstances which are the result of actions by the applicant.

**c.** In addition, an administrative variance to the forest conservation priority retention requirements is subject to the requirements of Section 20-18 of this Ordinance. An administrative variance for disturbance of steep slopes for the purpose of slope stabilization in the Critical Area is subject to the standards of Section 22-9.D of this Ordinance.

4. Unless delayed by actions of the applicant or affected property owners, the Zoning Officer or its designee shall decide whether to grant or deny the request in the application after 20 calendar days from the date of the confirmatory notice letters in Section 30-D.1.a. The decision shall be in writing and shall include findings of fact that support the decision.

5. In granting an administrative variance, the Zoning Officer or its designee may impose conditions that are reasonable or necessary for the protection of surrounding and neighboring properties. When appropriate, the Zoning Officer or its designee may require that a written agreement be recorded among the land records maintained by the Clerk of the Circuit Court stipulating these conditions or restrictions. Any violation of conditions imposed by the Zoning Officer or its designee shall be a violation and subject to the enforcement provisions of this Ordinance. In addition, the Zoning Officer may rescind its approval of the variance under the provisions of this Article (See Section 30-8 below).

6. If the application is denied, all future variance applications involving substantially the same proposal on the same property shall be submitted to the Board of Appeals.

7. Appeals on decisions are allowed as follows:

a. Any applicant aggrieved by an administrative variance decision may apply for a variance from the Board of Appeals.

b. Any person or persons, other than the applicant, aggrieved by an administrative variance decision may file an appeal with the Board of Appeals Administrator or its designee no later than 30-days from the date of the administrative variance decision. The Board of Appeals Administrator or its designee will schedule the appeal for the next available Board of Appeals public hearing. Such an appeal will be heard de novo in accordance with Section 30-6 of this Article.

c. Within 30 days after the date the Critical Area Commission receives an order or decision, the Commission may file a petition for Board of Appeals review of that decision. The County may not issue a permit for the activity that was the subject of the order or decision until the Commission's 30 day appeal period has elapsed. However, administrative variances for the disturbance of steep slopes for the purposes of slope stabilization where there is an imminent danger of loss of life or property may be exempted from this requirement.

## **30-5 BOARD OF APPEALS**

### **A. Procedure**

The Board of Appeals will establish rules of procedure which shall, at a minimum, set a reasonable time for the hearing of an appeal, provide for public notice, and set a reasonable time for rendering a decision after the hearing. An application for a variance shall be filed with the Department of Planning & Zoning. The Board of Appeals Administrator, or its designee, upon acceptance of a complete application, will refer the application to the Board of Appeals.

### **B. Application for a Variance or Special Exception**

1. An application for a variance or special exception may be filed by the owner of property to which the application applies, or other person expressly authorized by such owner in writing.

2. At a minimum, the application shall contain the following information: name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use.

3. Upon acceptance of a complete application, the Board of Appeals will hold a public hearing. Notice of the public hearing shall be in accordance with the Board of Appeals Rules of Procedure. The Board of Appeals may approve, approve with conditions or modifications, table the application for additional information, or deny an application for a variance or special exception.

4. The burden of establishing whether the application meets the variance criteria under the provisions of this Ordinance is the responsibility of the applicant or the property owner.

5. A written order shall be sent to the applicant within 45 business days of the Board of Appeals rendering a decision on the variance application.

## **30-6 VARIANCES**

### **A. Purpose**

The purpose of a variance is to afford an applicant relief from the requirements of the Zoning Ordinance only when unwarranted hardship or practical difficulty exists. The variance procedure does not allow variances to the types of uses allowed within the zoning districts. For variances from the Critical Area, or Forest Conservation requirements of this Ordinance, the additional regulations of items C, and D below apply.

### **B. Authority**

The Board of Appeals shall have the authority to grant variances from the strict application of the lot area, lot width, setback, height requirements, and architectural design requirements of this Ordinance. The Board of Appeals may also grant variances from other requirements as expressly authorized in this Ordinance. Variances from lot area requirements that result in an increase in residential density shall not be granted.

### **C. Criteria**

A variance may only be granted if the applicant demonstrates, and the Board of Appeals finds that:

1. A variance may only be granted if peculiar and unusual practical difficulties or unwarranted hardships exist on a parcel, and such difficulties and hardships are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
2. The variance will not result in injury to the public interest.
3. Granting the variance will not adversely affect the implementation of the Comprehensive Plan.
4. The variance is the minimum adjustment necessary to afford relief from the regulations.
5. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant.

### **E. Conditions**

In granting a variance, the Board of Appeals may impose conditions or restrictions as it deems necessary or advisable for the protection of surrounding and neighboring properties. When appropriate, the Board of Appeals may require a written agreement to be recorded among the land records maintained by the Clerk of the Circuit Court stipulating these required conditions or restrictions. Failure to comply with of conditions imposed by the Board of Appeals shall be considered a violation and subject to the enforcement provisions of this Ordinance. In addition, the Board of Appeals may rescind its approval of the variance under the provisions of this article (See Section 30-8 below).

### **D. Forest Conservation Variances**

See Section 20-18 of this Ordinance.

### **E. Critical Area Variances**

See Section 22-9 of this Ordinance.

### **F. Floodplain Variances**

See Section 24-6 of this Ordinance for application process.

## **30-7 SPECIAL EXCEPTIONS**

### **A. Purpose**

A special exception is the granting of a specific use that would not be appropriate generally or without restriction. Approval of a special exception is based upon a finding that certain conditions as detailed in this Ordinance are met, that the use conforms to the Comprehensive Plan and is compatible with the existing neighborhood.

## **B. Authority**

The Board of Appeals has the authority to hear and decide applications for special exceptions.

## **C. Criteria**

The Board of Appeals decision shall be made based on the following standards:

1. The proposed special exception does not adversely affect the implementation of the Comprehensive Plan for the physical development of the County.
2. The proposed special exception, at the particular location proposed, would not have an adverse effect above and beyond that which is ordinarily associated with such uses, on adjacent properties, or on the health, safety, or general welfare of the County.
3. The proposed special exception will not create congestion on roads or streets, create fire hazards, tend to overcrowd land or unduly concentrate population, interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public services, or adversely interfere with the surrounding environment when compared to other permitted uses.
4. The applicant can meet the conditions required by the Board of Appeals and those specified in the Ordinance. The Board of Appeals may waive the conditions spelled out in the Ordinance only if such a waiver is expressly permitted by the Ordinance.
5. Where the special exception is a use based upon the historic district status of the property, the proposed use will not be detrimental to the historic integrity of the property.

## **D. Conditions**

In granting a special exception, the Board of Appeals may impose conditions or restrictions it deems necessary or advisable for the protection of surrounding and neighboring properties. When appropriate, the Board of Appeals may require that a written agreement be recorded among the land records maintained by the Clerk of the Circuit Court stipulating these conditions or restrictions. Any violation of conditions imposed by the Board of Appeals are considered a violation and subject to the enforcement provisions of this Ordinance. In addition, the Board of Appeals may rescind its approval of the special exception under the provisions of this article (See Section 30-8 below).

## **30-8 EXPIRATION AND REVOCATION OF APPROVALS FOR ADMINISTRATIVE VARIANCES, VARIANCES, AND SPECIAL EXCEPTIONS**

### **A. Expiration of Approvals**

1. The approval of an administrative variance, variance, or special exception expires if either:
  - a. The proposed use or the proposed construction has not commenced within a period of two years after the effective date the administrative variance, variance, or special exception was granted.
  - b. Where the granting of the variance or special exception has been appealed, the proposed use or the proposed construction has not commenced within two years of the date of a final order of the last circuit or appellate court to hear the matter including the granting of a variance or special exception upon the remand by a circuit or appellate court.
  - c. Where the granting of the administrative variance has been appealed to the Board of Appeals, the proposed construction has not commenced within two years of the date of a final decision by the Board of Appeals. If the Board of Appeals decision is appealed, item b above applies.
2. If the Board of Appeals finds that conditions unforeseeable at the time of the granting of the variance or special exception have occurred, it may grant an extension to the two-year lapse provisions above, if application for an extension is made at least 30 days prior to the expiration date of the variance or special exception.
3. If the Zoning Officer or its designee finds that conditions unforeseeable at the time of the granting of the administrative variance have occurred, it may grant an extension to the two-year lapse provisions above, if application for an extension is made at least 30 days prior to the expiration date of the administrative variance.

## **B. Violations and Revocations**

1. The Board of Appeals has the authority to rescind approval of a variance or special exception if any conditions of approval are not met. The Department of Planning & Zoning may initiate action to have the variance or special exception rescinded according to the procedures listed below, in addition to other enforcement procedures authorized in this Ordinance.
  - a. If a violation is not corrected within the time specified by a violation notice issued by the Department of Planning & Zoning, the Department may forward a copy of the violation notice to the Board of Appeals so that a public hearing can be scheduled. At said hearing, the Board of Appeals shall consider revoking the variance or special exception.
  - b. The Board of Appeals shall schedule and advertise a public hearing and notify parties of the hearing in accordance with the Board of Appeals Rules of Procedure.
  - c. The public hearing is limited to consideration of issues related to the alleged violation(s).
  - d. After holding a public hearing, the Board of Appeals shall issue a written order revoking or reaffirming the variance or special exception. If the variance or special exception is reaffirmed, the Board of Appeals may amend, add to, or delete any of the conditions of the original approval. The Board of Appeals may also reaffirm the variance or special exception subject to a schedule for correction of specified violations, including provisions for automatic revocation if the property is not brought into compliance within the period specified by the schedule.
2. The Zoning Officer has the authority to rescind approval of an administrative variance if any conditions of approval are not met. The Department of Planning & Zoning may initiate action to have the administrative variance rescinded according to the procedures listed below, in addition to other enforcement procedures authorized in this Ordinance.
  - a. If a violation is not corrected within the time specified by a violation notice issued by the Department of Planning & Zoning, the Zoning Officer may issue a written notice revoking the administrative variance.
  - b. If the administrative variance is not revoked, the Zoning Officer may amend, add to, or delete any of the conditions of the original approval. The Zoning Officer may also reaffirm the administrative variance subject to a schedule for correction of specified violations, including provisions for automatic revocation if the property is not brought into compliance within the period specified by the schedule.

## **30-9 DECISIONS ON ALLEGED ERRORS**

### **A. Initiation**

Requests for decisions on alleged errors may be filed by any person, or any officer, department, board, or bureau of the County aggrieved by any order, requirement, decision, or determination made by the Zoning Officer or any other administrative official in the administration or enforcement of this Ordinance within 30 days of issuance of the decision upon which the request is based.

### **B. Authority**

Unless otherwise provided in this Ordinance, the Board of Appeals has the authority to hear and decide appeals where it is alleged that an error has occurred:

1. In any approval or denial of an application for a building permit.
2. In any other order, requirement, decision, or determination made by the Zoning Officer or any other administrative official in the administration and enforcement of this Ordinance. This does not include decisions made by the Planning Commission or its designee. See Section 30-12 below for appeals on Planning Commission decisions.

### **C. Actions by the Board of Appeals**

The Board of Appeals has all the powers of the Zoning Officer or administrative official from whom the appeal is taken and may:

1. Wholly or partly reverse the order, requirement, decision, or determination.
2. Wholly or partly affirm the order, requirement, decision, or determination.
3. Modify the order, requirement, decision, or determination.
4. Issue a new order, requirement, decision, or determination.

### **30-10 SPECIAL ACCOMMODATIONS**

#### **A. Procedure**

1. An application for a special accommodation shall be filed with the Department of Planning & Zoning. The Board of Appeals Administrator, or its designee, upon acceptance of a complete application, will refer the application to the Board of Appeals.
2. Accommodations for the needs of persons with disabilities may be permitted if the applicant demonstrates and the Board of Appeals finds that:
  - a. The applicant or owner of the property has a physical disability.
  - b. That literal enforcement of the provisions of this Ordinance would result in discrimination by virtue of such disability.
  - c. Special accommodations would reduce or eliminate the discriminating effect of the provisions of this Ordinance.
  - d. The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Ordinance as applied to the property.
  - e. Environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the physical disability of the applicant or the owner of the property.
3. The Board of Appeals shall determine the nature and scope of a requested special accommodation and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Ordinance. The Board of Appeals may also consider the size, location, and type of accommodation proposed and whether alternatives exist which will accommodate the need with less adverse effect.
4. The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, the property be restored to comply with all applicable provisions of this Ordinance.

### **30-11 RECONSIDERATIONS AND APPEALS OF BOARD OF APPEALS DECISIONS**

#### **A. Reconsiderations**

Any person aggrieved by a decision may apply for a reconsideration of a Board of Appeals decision no later than 15 days from the date of the order.

#### **B. Appeals to Circuit Court**

Appeals from the Board of Appeal's decision concerning the granting or denial of a variance or special exception under these regulations shall be taken in accordance with all applicable laws and procedures of the County for variances and special exceptions.

1. Decisions by the Board of Appeals may be subject to judicial review by the Circuit Court in accordance with the Maryland Rules of Procedure.
2. Appeals may be filed by any person, firm, corporation or governmental agency aggrieved by any decision made by the Board of Appeals or any person with standing, as otherwise prescribed by law.

3. Appeals shall be filed, in accordance with Maryland Rules of Procedure title 7, Chapter 200, within 30 days of the Board of Appeals Order. The Department of Planning & Zoning shall not issue a permit until this appeal period has expired.

**C. Second Application**

If a request is denied by a final order of the Board of Appeals, or if appealed by a final order of the Court, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order.

**30-12 APPEAL OF PLANNING COMMISSION DECISIONS**

Decisions made by the Planning Commission Administrator may be appealed to the Planning Commission upon written request. Appeals of decisions of the Planning Commission shall be noted in the Circuit Court of Calvert County. Appeals to the Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.

**30-13 ZONING TEXT AND MAP AMENDMENTS**

**A. Purpose**

The regulations imposed, and the zoning district boundaries created under authority of this Ordinance may be amended from time to time by the Board of County Commissioners in accordance with the provisions of this section.

**B. Initiation**

1. An application for a zoning text amendment may be initiated by the Board of County Commissioners, any citizen, organization, governmental agency, or by the Planning Commission on its own initiative.
2. An application for a zoning map amendment may be filed by the owner(s) of property to which an application applies, or other person expressly authorized by such owner in writing, by the Board of County Commissioners, or by the Planning Commission.

**C. Authority**

The Planning Commission will make a recommendation and the Board of County Commissioners will decide upon an application for text or map amendment.

**D. Procedure**

Text and map amendments in the Critical Area are subject to the requirements of Section 30-13.E below, map amendments in the MC District are subject to the requirements of Section 30-13.F below, map amendments in the RC District are subject to the provisions of Section 30-13.G below, and comprehensive rezonings are subject to the requirements of Section 30-13.H below. In the case of conflict with the provisions of this section, the Sections 30-13.E through H, respectively, control.

**1. Text or Map Amendment Applications**

An application for a text or map amendment shall be filed with the Department of Planning & Zoning together with all required information and fees. The Zoning Officer, upon receipt of a complete application, will refer the application to the Planning Commission for its consideration and recommendation, to be decided upon by the Board of County Commissioners.

- a. Before any text or map amendment can be adopted, a duly advertised public hearing shall be held by the Planning Commission and the Board of County Commissioners. Such hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.
- b. The public hearing notice shall contain a summary of the proposed text or map amendment and the date, time and place of the public hearing and shall comply with the requirements of Maryland Annotated Code, Land Use Article, Section 4-203, as amended from time to time.
- c. The Planning Commission will make a recommendation on the text or map amendment. The Planning Commission's recommendation, together with any other reports and recommendations received, will be forwarded to the Board of County Commissioners. Upon receipt of the Planning Commission recommendation, the Board of County Commissioners will approve, approve with conditions or amendments, or deny an application for a text or map amendment.

## **2. Map Amendments**

- a.** At least 14 days prior to the scheduled public hearing, Department of Planning & Zoning staff shall erect a sign on the land proposed to be rezoned. Such sign shall be erected within 15 feet of the boundary line of the property that abuts the most traveled County, State, or private road. If no such road abuts the property, then the sign shall be posted facing in such a manner as may be most readily seen by the public.
- b.** The Zoning Officer shall mail copies of the public hearing notice by U.S. Mail, First Class Postage Prepaid, to all parties shown by the record of said proceedings on file at the Department of Planning & Zoning, and to all affected property owners, not less than 20 days before the date of the hearing. The applicant shall be responsible for submitting an accurate list of the names and addresses of the affected property owners.
- c.** The Board of County Commissioners decision on a map amendment shall be made based on the following standards:
  - i.** The Board of County Commissioners may grant a map amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning district classification, and that the proposed change in zoning district classification would be more desirable in terms of the objectives of the Comprehensive Plan.
  - ii.** Prior to a decision on any proposed map amendment, the Board of County Commissioners shall make findings of fact, based on the evidence presented, including the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development, the recommendation of the Planning Commission, and consistency with the Comprehensive Plan.
  - iii.** The application may be denied if the proposed amendment and possible resulting development would not be compatible with neighboring land uses.
- d.** The Board of County Commissioners, upon the approval of any map amendment by application, may impose such additional restrictions, conditions or limitations as it deems appropriate to preserve, improve or protect the general character and design of the land and improvements being rezoned, or of the surrounding or adjacent land and improvements. Conditions imposed shall not prohibit any use expressly permitted in the Zoning District to which the land is rezoned.

### **E. Critical Area Text and Map Amendments**

In addition to the text and map amendment procedures of this Ordinance, the text and map amendment requirements of Section 22-1.I of this Ordinance also apply to the Critical Area District.

### **F. MC District Map Amendments**

In considering applications for any the mapping of the MC District, the applicant shall also prove the following:

- 1.** That the activities will not significantly alter existing water circulation patterns or salinity regimes.
- 2.** That the water body upon which these activities are proposed has adequate flushing characteristics in the area.
- 3.** That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized.
- 4.** That adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized.
- 5.** That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting.
- 6.** That dredging will be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area, generally.

7. That dredged spoil will not be placed within the buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area except as necessary for:

- a. Backfill for permitted shore erosion protection measures.
- b. Use in approved vegetated shore erosion projects.
- c. Placement on previously approved channel maintenance spoil disposal areas.
- d. Beach nourishment.

8. That interference with the natural transport of sand will be minimized.

**G. RC District Map Amendments**

Any map amendments which result in an expansion of the RC District shall not be permitted.

**H. Comprehensive Rezoning**

- 1. For comprehensive rezonings, the Planning Commission and the Board of County Commissioners shall hold a duly advertised public hearing. The provisions of the Land Use Article of the Annotated Code of Maryland, as amended from time to time, concerning public hearing and official notice apply to comprehensive rezonings.
- 2. Comprehensive rezonings are not subject to the “change or mistake rule” of the Land Use Article of the Annotated Code of Maryland if they are consistent with the Comprehensive Plan.
- 3. The public hearing notice shall contain a brief description sufficient to identify the properties involved, the current and proposed Zoning District classifications, and the date, time and place of the public hearing.
- 4. Posting of property and notification of neighboring property owners shall not be required.

**30-14 ZONING INTERPRETATIONS**

**A. Initiation**

An owner of property in the County, or the County, may request that the Zoning Officer render an interpretation of the provisions of this Ordinance.

**B. Procedure**

An application for a zoning interpretation shall be filed with the Department of Planning & Zoning. The Zoning Officer, upon receipt of a complete application, will review the request for an interpretation and after consultation with the County Attorney, render a written interpretation.

**30-15 ZONING VERIFICATIONS**

The zoning verification process includes both the zoning certification and zoning determination process.

**A. Purpose**

The purpose of a zoning verification is to provide written determination of compliance with this Ordinance. The Zoning Officer will certify that an existing or proposed use of a lot or parcel, or any existing or proposed structure on a lot or parcel complies with this Ordinance.

**B. Authority**

Upon the request and application of an applicant, the Zoning Officer will issue a zoning verification.

**C. Procedure**

Upon submittal of a complete application and payment of fees, the Zoning Officer shall have 30 days to review the request and prepare a written verification of compliance, unless a longer time period of review is agreed to by the applicant and the Zoning Officer.

**D. Validity**

The validity of the zoning verification runs with the Ordinance in effect at the time of issuance of the verification. Any subsequent amendment to the specific provision(s) that is the subject of the verification application and any subsequent amendment to the related provisions associated with interpreting compliance for the verification invalidates the verification.

### **30-16 PUBLIC HEARINGS**

#### **A. Pre-Hearing Examination**

Once required public notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Maryland Public Information Act. Upon submittal of a public information request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

#### **B. Conduct of the Public Hearing**

The public hearing shall be conducted in accordance with all applicable requirements of Land Use Article of the Annotated Code of Maryland, as amended from time to time, and the rules of procedure of the body conducting the hearing.

#### **C. Continuances and Deferrals**

The body conducting the hearing may continue or defer a public hearing in accordance with the rules of procedure of the body conducting the hearing.

### **30-17 REVOCATION OF PERMITS**

**A.** The Zoning Officer has the authority to rescind approval of any permit if any conditions of approval are not met or if incorrect information was given by the applicant during the application process. The Department of Planning & Zoning may initiate action to have the permit rescinded according to the procedures listed below, in addition to other enforcement procedures authorized by this Ordinance.

1. If a violation is not corrected within the time specified by a violation notice issued by the Department of Planning & Zoning, the Zoning Officer may issue a written notice rescinding the permit.
2. If the permit is not rescinded, the Zoning Officer may amend, add to, or delete any of the conditions of the original approval. The Zoning Officer may also reaffirm the permit subject to a schedule for correction of specified violations, with provisions for automatic revocation if the property is not brought into compliance within the period specified by the schedule.

## **Article 31. Subdivision**

- 31-1 AUTHORITY AND PURPOSE**
- 31-2 APPLICATION**
- 31-3 TRANSFER OF LOTS AND ISSUANCE OF BUILDING PERMITS**
- 31-4 SUBDIVISION TYPES AND GROWTH TIERS**
- 31-5 EXCEPTION LOTS AND FAMILY CONVEYANCE LOTS**
- 31-6 SUBDIVISION REQUIREMENTS**
- 31-7 SUBDIVISION REVIEW PROCEDURES**
- 31-8 AMENITIES AND IMPROVEMENTS**
- 31-9 ADMINISTRATIVE AND AMENDED PLATS**
- 31-10 REVIEW AND APPEAL**

### **31-1 AUTHORITY AND PURPOSE**

**A.** Under the authority of the Land Use Article of the Maryland Annotated Code, the following regulations governing the subdivision of land are hereby established for all areas of Calvert County except those within Incorporated Towns of the County.

**B.** The purpose of these regulations is to regulate and control the development of land within Calvert County, in order to promote the public health, safety and general welfare, and to assure sites suitable for building purposes and human habitation in a harmonious environment.

### **31-2 APPLICATION**

#### **A. Application and Exemptions**

These regulations apply to all new subdivisions and to extensions and revisions of recorded subdivisions, except for:

1. The division of land for purposes other than building development including but not limited to agricultural land preservation.
2. That portion of a divided tract which is not to be used for the purpose of building development.
3. Subdivision of land by court order.
4. Conveyance to a governmental or quasi-governmental agency for public use.

### **31-3 TRANSFER OF LOTS AND ISSUANCE OF BUILDING PERMITS**

**A.** No lot or parcel in a subdivision subject to these regulations shall be transferred until:

1. Plat recording has been completed.
2. A public works agreement or a private public works agreement for the road improvements has been executed, if required.
3. A bond or other suitable surety is posted to warrant all required amenities and improvements.
  - a.** If requirements are bonded in whole or in part with Department of Public Works, the platted roads, sidewalks, and amenities (as required by final plat or preliminary approval letter) have been completed, or the base road construction has been completed and appropriate bond or acceptable guarantee has been provided and accepted by the Board of County Commissioners for completion of roads, sidewalks, and amenities in the subdivision or that section of the subdivision in which the lot or parcel is located.
  - b.** If requirements are bonded with the Department of Planning & Zoning in whole or in part the amount of the bond or guarantee shall be 125% of the estimated cost of completing construction with a nonrefundable Administration Fee.

**B.** No building permit shall be issued until the base road has been completed and inspected by the County Engineer or, in lieu of this, an appropriate bond has been submitted to the County Engineer as per the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).

**C.** No building permit shall be issued until an appropriate bond or acceptable guarantee has been provided and accepted by the County for completion of sidewalks, lighting, recreational facilities, landscaping, and other amenities in the subdivision or that section of the subdivision in which the lot is located.

**D.** No building permit will be issued for the use of any lot or parcel, or portion of a lot or parcel, transferred or conveyed in violation of this Ordinance.

**E.** Final subdivision plat approval shall be obtained prior to the issuance of any building permits. No permits are allowed to be issued until subdivision approval is finalized.

#### **31-4 SUBDIVISION TYPES AND GROWTH TIERS**

##### **A. Minor Subdivisions**

Minor subdivisions include the following:

1. When the total number of residential lots or other divisions of land are derived from a parcel of record is seven or less as of October 1, 2012.
2. Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane and family conveyance easement or right-of-way.

##### **B. Major Subdivisions**

Major subdivisions include the following:

1. When the total number of new residential lots or other divisions of land are derived from a parcel of record is eight or more as of October 1, 2012.
2. Any division of non-residential land for development purposes.
3. The creation of any new public rights-of-way.

##### **C. Growth Tiers**

The Sustainable Growth and Agricultural Preservation Act of 2012 requires counties to create four tiers of land use categories to identify where major and minor residential subdivisions may be located in a jurisdiction and what type of sewerage system will serve them. The Board of County Commissioners adopted the Growth Tier Map on April 25, 2017. Tier I areas are currently served by sewerage systems. Tier II areas are planned to be served by sewerage systems. Tier III areas are not planned to be served by sewerage systems. Tier IV areas are planned for preservation and conservation and prohibit residential major subdivisions. The following apply to residential subdivisions and do not apply to commercial, industrial, or other non-residential subdivisions.

1. Major subdivisions on individual on-site septic systems shall not be permitted anywhere except in a Tier III area. All proposed major subdivisions within Tier III areas shall only be approved if the Planning Commission has reviewed and approved the subdivision. The Planning Commission's review of a major subdivision in a Tier III area shall include consideration of the cost of providing local government services to the subdivision as well as potential environmental issues and the impact to natural resources caused by the subdivision. In addition, the Planning Commission shall hold at least one public hearing.
2. In a Tier IV area, only minor subdivisions shall be permitted.

#### **31-5 EXCEPTION LOTS AND FAMILY CONVEYANCE LOTS**

Exception lots and family conveyance lots are bonus lots which may be permitted through subdivision in accordance with the provisions of this Ordinance.

##### **A. Exception Lots**

Exception lots are enabled by the Ordinance for parcels of record on or before October 21, 1974. Exception lots are permitted in accordance with this Section in the FFD, RCD, and RND.

1. Parcels still eligible for the creation of exception lots must obtain preliminary approval for those exception lots within two years of the adoption of this Ordinance. Two years after the effective date of this Ordinance, the ability to create exception lots is null and void.
2. The amount of exception lots that can be created is calculated as follows:
  - a. A maximum of five exception lots may be created on a parcel of record as of October 21, 1974.
  - b. For parcels of record as of June 29, 1967, three of the five lots shall be no less than one acre in size and two of the lots shall be no less than three acres in size. If the parcel was recorded on or after June 29, 1967 and as of October 21, 1974, all five exception lots shall be no less than three acres in size.
  - c. Any lots created from the parcel after June 29, 1967 that are between 1 acre and 2.999 acres will count as a 1 acre exception lot and shall be deducted before determining the number of exception lots that can still be created.
  - d. Any lots created from the parcel after June 29, 1967 that are between 3 and 4.999 acres will count as a 3 acre exception lot and shall be deducted before determining the number of exception lots that can still be created.
  - e. To determine the total number of acres in exception lots that can still be created, multiply the number of one-acre exception lots that have not been previously created by one and multiply the number of three-acre exception lots that have not been previously created by three and add together.
  - f. Subtract the number of acres in exception lots that can still be created from the remaining gross tract acreage of the parcel of record and divide by 5.0.
  - g. To this total, add the number of exception lots that can still be created and divide by 4.0.
  - h. If the product includes a decimal of 0.5 or more, round up. If the product includes a decimal of less than 0.5, round down.
3. If there are questions about eligibility for exception lots, the burden of proof is on the applicant. Decisions concerning eligibility are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decisions based on the provisions below.
4. A title history is required to verify the number of exception lots that have been previously created and the number of exception lots that may still be created. No more than one set of exception lots shall be granted per parcel for any deed recorded as of October 21, 1974.
5. If the original property has been subdivided and the owner of record as of June 29, 1967 retains a portion of the property, that owner may designate which parcel is eligible for the one-acre lots, unless the right has already been legally conveyed by deed.
6. If there are questions concerning eligibility for one acre lots, the burden of proof is on the applicant. A title search may be required. Decisions concerning eligibility for one acre lots are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decision based on the above provisions. No more than one set of exception lots shall be granted for any parcel described in a deed recorded as of June 29, 1967.
7. Only one set of exception lots shall be granted to the parcel of record regardless of the number of property owners.

#### **B. Family Conveyance Lots**

A family conveyance lot may only be created for family members, provided that the conditions of this Section are met. Family conveyance lots are permitted in the FFD, RCD, RND, and RD. Family conveyance lots with access from a public road or a private lane constructed to Department of Public Works standards may be created from any parcel of record as of November 2, 1999. Family conveyance lots with access from a private road may be created from any parcel of record as of April 22, 1980 provided the conditions of Section 31-6.I below are met in addition to the conditions of this Section.

1. After the adoption of this Ordinance, the number of family conveyance lots that can be created is limited to one lot per parcel of record. If the parcel of record has already platted family conveyance lots permitted under past Ordinances, no additional family conveyance lots are permitted.
2. The creation of a family conveyance lot requires the purchase of five Transferable Development Rights.
3. Any lot created as a family conveyance lot may only be conveyed to a family member of the grantor being a spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, or where the parcel is undeveloped, the grantor may create a family conveyance lot for oneself, subject to the following:
  - a. Only one family conveyance lot may be derived from any parcel of record, regardless of whether the parcel is held by Tenants in Common or Joint Tenants.
  - b. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined above and has not received any other lots from the parcel of record. The affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the affidavit shall also be shown on the final plat and signed by the grantor.
  - c. Legal documentation affirming the owner's relationship to the grantee (other than self) shall be submitted to the Department of Planning & Zoning as part of the preliminary plan application. Acceptable forms of documentation include: birth, death, or marriage certificates, or other valid government issued identification.
4. A family conveyance lot created under this section shall comply with the regulations set forth in the Zoning Ordinance in effect at the time the family conveyance lot was created and shall be noted on the plat.
5. The right to create family conveyance lots from a parcel of record, remains with the land regardless of ownership.
  - a. In cases where the parcel of record has been further subdivided, an unused family conveyance lot remains with the parcel of record's residue.
  - b. An owner of the parcel of record, or its residue, may assign an unused family conveyance lot by deed, but only to another property that was derived from the parcel of record, or its residue.
  - c. A Certificate of Title may be required to verify a parcel's eligibility to create a family conveyance lot.
  - d. In no case may more than one family conveyance lot be granted from any parcel of record, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
6. If there is a question regarding the eligibility of a parcel to create a family conveyance lot, the burden of proof is on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals.
7. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot is subject to the following provisions:
  - a. The grantor shall transfer ownership of the lot to the assigned grantee listed in the family conveyance affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
  - b. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under item 8 below, unless, five Transferable Development Rights (TDRs) are applied to the lot (in addition to the five TDRs that were required to create the family conveyance lot) and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - c. A grantee may within the first seven years of ownership, transfer a family conveyance lot to another eligible family member as defined above, provided that the family conveyance affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also

complete the seven year ownership requirement of the first grantee (the seven year ownership requirement does not start over following the transfer to the newly assigned grantee) or meet the requirements of item b above, prior to transfer of the family conveyance lot.

d. This section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or deed of trust. A family conveyance lot that shall be transferred or sold as a result of foreclosure by a financial institution or court order is exempt from items a, b, and c above.

e. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this section.

8. The use of family conveyance lots created under this section is restricted to single-family detached dwellings, except that agricultural, agritourism, ecotourism and heritage tourism uses on such lots may be permitted subject to the requirements of this Ordinance, the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures, as amended from time to time, or as otherwise approved by the Department of Public Works.

9. If located in the Critical Area, the requirements of Section 22-4.I of this Ordinance shall be met.

## **31-6 SUBDIVISION REQUIREMENTS**

### **A. General**

The standards and requirements outlined herein shall be considered the minimum for the promotion of the public health, safety, and general welfare.

### **B. Standards**

1. The subdivision shall meet the goals, objectives and guidelines of the State of Maryland, the local Comprehensive Plan, any applicable Master Plans, and county zoning regulations.
2. In laying out a subdivision, the requirements of this Ordinance, the Maryland State Department of Health, the County Water and Sewerage Plan, and other applicable regulations shall be met.
3. Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the more restrictive standard shall apply.
4. Where trees, groves, waterways, scenic points, or other officially designated County assets and landmarks are located within a proposed subdivision, all practical means shall be taken to preserve these features and include them within any required open space.

### **C. Site Development and Design**

Site development and design standards are required as per Article 25.

### **D. Subdivision Control of Unsuitable Land**

1. The Planning Commission may find land unsuitable for subdivision or development due to features which will adversely affect the safety, health and general welfare of the present and future inhabitants of the subdivision or its surrounding areas. Those features may include, but are not limited to, those areas described as Forest Retention Areas (Article 20), Natural Resources Protection Areas (Article 21), Critical Area Buffers (Article 22), and Floodplain (Article 24). The Planning Commission or its designee may disapprove of the creation of lots if it finds the land unsuitable for subdivision or development due to features described in this section.
2. Each single-family detached lot shall contain sufficient contiguous land for the construction of a building or dwelling with amenities within the required setbacks of this Ordinance. Minimum sufficient contiguous suitable land area shall be exclusive of Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, septic recovery areas, and required setbacks. Minimum sufficient suitable land area shall be 20,000 square feet for single-family detached lots having individual septic systems and 10,000 square feet for single-family detached lots served by a public sewer or a community septic system. All proposed single-family detached lots below this minimum shall be considered having marginal amounts of suitable land for building purposes and may be required to provide detailed plot plans to prove suitability.

3. All Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, and all lots which have marginal amounts of suitable land for building purposes as described in item 2 above, shall be so noted on the recorded final plat.
4. The Planning Commission may require a plot plan for review and approval prior to approval of the final plat. The plot plan shall show the location of the house footprint, amenities footprint (such as deck, swimming pool, etc.), driveway, well and septic, all required setbacks, Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, required grading easements, as well as any other existing or proposed constraints to site development.
5. Development of designated floodplains shall be restricted to the uses specified in Article 24 of this Ordinance and in accordance with erosion and sediment control plans approved by the Calvert Soil Conservation District. In addition, a minimum ten-foot setback shall be established adjacent to 100-year Floodplain areas.

#### **E. Roads, General**

1. The arrangement, character, extent, and location of all roads shall conform to the provisions of the Transportation Element of the County Comprehensive Plan, the Transportation Plan and any other applicable county plan and shall be considered in their relation to the existing and planned roads, to topographical conditions, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served by such roads.
2. Proposed roads intersecting a State Road shall be approved for location and grade by the State Highway Administration prior to the final plat.
3. Where a proposed road or expansion of a road is not identified within an adopted Comprehensive Plan, Master Plan, or Transportation Plan it shall be in alignment and connect with existing, planned, or platted roads.
4. The intended type and disposition of all proposed rights-of-way shall be shown on the preliminary plan and final plat of subdivision.
5. If a portion of a tract or an adjacent tract is not subdivided, the subdivision shall provide adequate access by a reserved platted future right-of-way with temporary construction easements and amenities easements for future road extension. The right-of-way for public or private road construction shall extend to the unsubdivided tract. Upon development of the unsubdivided tract, the developer of that tract shall be responsible to build the road connection. Temporary easements for turnarounds shall be provided at the boundary lines.
6. Right-of-way widths for proposed public and private subdivision roads shall be determined by the Calvert County Road and Site Development Ordinance and Construction Standards currently in effect at time of project development.
7. The Planning Commission or its designee may require the incorporation of traffic-calming devices into proposed or existing roads within the subdivision as a means to reduce speed and increase safety. The traffic-calming devices shall be shown on road plans and submitted to the Department of Public Works for review and approval prior to approval of the final plats.
8. When a new road right-of-way is proposed within an existing subdivision recorded after June 29, 1967 that will access a new subdivision, the following criteria shall be met prior to approval by the Planning Commission:
  - a. A public hearing shall be held according to the County established criteria.
  - b. The applicant shall demonstrate, and the Planning Commission shall find that:
    - i. The new right-of-way is in compliance with all applicable adopted Comprehensive Plans, Master Plans, Transportation Plans, and Ordinances.
    - ii. The new right-of-way will not be detrimental to the use and enjoyment of property owners in the existing subdivision.
    - iii. The new right-of-way will not be detrimental to the health, safety, or general welfare of the residents thereof.

c. The provisions of this section do not apply to new rights-of-way proposed or built by Calvert County or the Maryland State Highway Administration.

d. The provisions of this section do not apply to rights-of way previously reserved, platted, or recorded within the existing subdivision.

9. Road standards: All public and private roads, private lanes, and intersections shall be designed, constructed, and maintained in accordance with the Calvert County Road and Site Development Ordinance and Construction Standards.

#### **F. Subdivision Names, Road Names, and Premise Addresses**

The purpose of these regulations is to establish a system for the uniform assignment of road names and numbering of premises in Calvert County, thereby assisting in the efficient and effective provision of emergency services. These regulations are based on the legal authority contained Chapter 95 Public Safety of the Calvert County Code. Subdivision names and road names shall be submitted as part of the Preliminary Plan process for review and approval by the Planning Commission or its designee to ensure no confusing duplication within the County.

1. The Planning Commission shall assign or approve all names of existing or proposed rights-of-way except within the limits of incorporated Towns of the County. The Planning Commission may designate the authority to assign or approve names of private roads to its secretary.

2. Owners or developers of land to be dedicated for new public rights-of-way may name the proposed roads in accordance with the provisions of this Section.

3. Owners of land fronting on an existing unnamed right-of-way may petition for naming of that road in accordance with Section 31-6.F.5 below. Such requests may be denied by the Planning Commission if it is determined that the proposed road name conflicts with any requirement of this Section.

4. Selection of Road Names. To avoid duplicating road names and to affect a uniform system of naming roads, the following principles of road name assignment procedures shall be followed:

a. An extension of an existing right-of-way shall bear the same name as the existing right-of-way.

b. Except as provided in items h and i below, the name assigned to a proposed right-of-way shall be the same name as that assigned to the right-of-way directly opposite it on an intersecting road unless the proposed right-of-way runs in a different direction.

c. Any road name assigned by the Planning Commission to an existing or proposed right-of-way shall not be a duplicate name, either in sound or spelling, of any road name already existing in the County.

d. Road names selected by owners of premises fronting on existing or proposed rights-of-way must be approved by the Planning Commission to avoid duplicating road names. Proposed road names may be submitted to the Planning Commission by one of the following methods:

i. A petition signed by more than 75 percent of those owning property on the road; or

ii. Selected names shown on a Road Name Request Form submitted with a preliminary subdivision plat.

e. A one-intersection circular road shall bear one name.

f. To maintain the hundred-block continuity within the Grid Address Numbering System, a circular road with more than one intersection may be designated "north" and "south" or "east" and "west" when its distance will encompass two or more hundred blocks. *Examples: "Drafter Circle-West" and "Drafter Circle-East"; or "Park Turn-North" and "Part Turn-South".*

**g.** Rights-of-way entering or leaving the County from either Anne Arundel County or the incorporated towns shall bear the same name.

**h.** Whenever an arterial road or historic right-of-way crosses the zero-grid hundred block (e.g., Solomons Island Road) within the Grid Address Numbering System, "north", "south", "east", or "west" may be designated as suffixes as it crosses the intersecting zero-grid right-of-way in order to distinguish between the same hundred block number on the arterial road or historic right-of-way.

**i.** Whenever local or collector roads cross the zero-grid hundred block within the Grid Address Numbering System, they shall bear different names when they cross the zero-grid hundred block intersecting rights-of-way to avoid duplicating blocks on the same named right-of-way.

**j.** When a choice is to be made between selection of "Avenue" versus "Street" as a suffix to a right-of-way, the following principles shall apply: rights-of-way going in a north-south direction may be called "Avenues"; rights-of-way going in an east-west direction may be called "Streets".

**k.** Project road names may be applied to non-dedicated private rights-of-way through apartment, commercial, industrial, manufactured or mobile home complexes whenever the quantity of structures to be erected therein will duplicate existing or projected hundred blocks within the Grid Address Numbering System.

**l.** A right-of-way may be named after a family residing on the right-of-way if 75 percent of the owners along the right-of-way approve the proposed name.

**m.** Names selected for rights-of-way shall not exceed 12 letters and spaces, in order to maintain uniformity of County street signs.

**5. Road Name Changes.**

**a.** The name of any existing dedicated right-of-way in Calvert County may be changed by the Planning Commission upon the request of 75 percent of the owners of property fronting thereon at any time.

**b.** The persons seeking the change shall submit a request to the Planning Commission which shall be signed by more than 75 percent of the owners.

**c.** The petition shall include the legal description of all properties having frontage on the right-of-way and the current mailing address of each signer, and the proposed new name of the right-of-way.

**d.** The Planning Commission shall convene a public hearing on the request and shall give notice of the hearing by publication of the place, date and time of the hearing in a newspaper of general circulation in Calvert County at least once a week for two weeks before the hearing. Notice of the public hearing shall also be sent by U.S. Mail, First Class, Postage Prepaid to all property owners having frontage on the right-of-way.

**6. Principles of Road Naming.** To eliminate unacceptable duplication of road names and to affect a uniform system of changing road names, the Planning Commission shall adhere to the following principles of road renaming procedures:

**a.** Whenever a dedicated, existing named right-of-way is relocated, the by-passed portion or portions shall be either renamed or the prefix, "old" added before the surname. However, if it is more practical and logical, the relocated portion or portions shall be renamed to avoid the necessity of changes for residents fronting on the by-passed portion or portions of the existing right-of-way, especially if they have previously had their address numbers changed and brought into the Grid Address Numbering System.

**b.** Existing numbered roads which do not conform to the Grid Address Numbering System hundred blocks shall be renamed when the hundred block on an intersecting right-of-way does not coincide with the numbered road.

**7. Public utility companies and interested Federal, State and County agencies shall be advised of road name changes. At a minimum, the Department of Planning & Zoning shall notify the following agencies; Department of Planning & Zoning Premise Addressing staff (who shall in turn notify all property owners along the affected road); Calvert County Control Center; Calvert County Department of Public Safety, Fire/Rescue/EMS Division; Calvert**

County Public Schools; Calvert County Board of Elections; Calvert County Department of Public Works (Engineering Bureau and Highway Maintenance Division); Calvert County Department of General Services; Maryland State Highway Administration; Maryland Department of Assessments & Taxation; Local Post Office; Local Electric Company; Local Phone Company; Local Cable Company.

8. Unless otherwise specified herein, any person aggrieved by any decision pertaining to the provisions of Section 31-6.F may appeal said decision to the Planning Commission. Appeals of decisions of the Planning Commission shall be noted in the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200, as amended from time to time, within 30 days of the final decision of the Planning Commission.

#### **G. Road Frontage and Lots**

1. All lots shall maintain a minimum 25 linear feet of frontage on an approved public road or private lane right-of-way unless otherwise specified in this Article or Section 25-2.B.2. Family conveyance lots are exempt from these requirements.
2. In general, side lot lines shall be at right angles or radial to the road line.
3. All widening strips, defined as the area between the front lot line and either the existing road right-of-way line, or tract line within the road right-of-way, shall be dedicated to the Board of County Commissioners of Calvert County in the form of a deed delivered and recorded prior to or simultaneous with recording the plat.
4. For State roads, the front setback shall be the more restrictive between the setback established in this Ordinance and any front setback established in adopted State Highway Administration plans.

#### **H. Streetscape and Amenities**

The Planning Commission or its designee may require sidewalks and may require other streetscape amenities (i.e. lighting, street trees, landscaping) in a subdivision created in any district to ensure connectivity and continuity. Streetscapes and streetscape amenities shall be designed, constructed, and maintained in accordance with the Calvert County Road and Site Development Ordinance and Construction Standards.

1. The site circulation standards for residential and non-residential development in Section 25-1 of this Ordinance shall apply.
2. Street landscaping is required in accordance with Section 28-9 of this Ordinance.
3. All street lighting shall comply with Article 26 of this Ordinance. In addition, for properties within Town Centers, street lighting shall comply with the Town Center Master Plan and Zoning Ordinance.

#### **I. Approvals of Family Conveyance of Lots Served by Private Roads**

The Planning Commission or its designee, may approve family conveyance subdivisions of land with access from a private road provided the requirements of Section 31-5.B above and the following are met:

1. Family conveyance lots with access from a private road may be created under this section from any parcel of record as of April 22, 1980.
2. Except as provided in this section, the maximum number of lots or buildable parcels served by the private road shall not exceed ten, including the proposed lot. The private road shall meet the Family Conveyance Road Standards set forth in the Calvert County Road and Site Development Ordinance. The number of lots or buildable parcels served by the private road shall be determined by the Department of Public Works.
3. The proposed road access shall be private, non-county owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restrictions shall be placed on the plat and signed by the property owners. The owners of the family conveyance lot shall be responsible for providing for road construction. Road maintenance, including snow removal and repairs and other improvements, as well as road services normally provided by the County, shall be the responsibility of all lot owners accessing the private road. If there is a desire to make the existing private road subject to the family conveyance easement into a County road, it shall be upgraded to County Road Standards as set forth in the Road and Site Development Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost of design, construction and bonding for any upgrades

shall be borne by the lot owners abutting such roadway prior to acceptance by the County. If upgraded to County (non-private) road standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.

4. A Family Conveyance Easement or Right-of-Way shall be provided from the family conveyance lot to a State or County road for access purposes for all lots created under this section.

a. A Family Conveyance Easement or Right-of-Way shall be provided to a minimum 30 foot width, or as otherwise approved by the Department of Public Works and shall be shown and noted on the final plat. The deed for the Family Conveyance Easement or Right-of-Way shall be made to the benefit of the lot owners and shall be submitted for recordation with the final plat.

b. A maintenance agreement for the Family Conveyance Easement or Right-of-Way shall be submitted for recordation with the final plat; unless, waived or otherwise required by the Department of Public Works.

5. Construction standards and requirements within the Family Conveyance Easement or Right-of-Way shall comply with the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time, or as otherwise approved by the Department of Public Works.

6. Private roads serving family conveyance lots shall be named. The road name shall be approved by the Calvert County Planning Commission or its designee, in accordance with Section 31-6.F above. The road name shall be posted by the lot owner(s) at their own expense, as specified by the Calvert County Road and Site Development Ordinance and Calvert County Construction Standards for Roads, Streets, and Incidental Structures.

7. Unless a traffic hazard exists or the additional lots will create a traffic hazard, or unless the topography is such as to require drainage easements or other surface treatment requirements, no additional road improvements will be required as part of the subdivision approval for family conveyance lots.

#### **J. Approvals of Private Roads for Non-residential Subdivisions**

Privately-owned roads in non-residential subdivisions may be approved in lieu of a private lane or a public road and shall meet the following conditions:

1. The proposed privately-owned road shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The right of ingress and egress extends to all lots created. The lot owners, property owner's association, or merchants association shall be responsible for providing for road construction and maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County.

2. If there is a desire to make this right-of-way a County road, it shall be upgraded to County Road Standards as set forth in the Road and Site Development Ordinance (Chapter 104 of the Code of Calvert County) and this Article in effect at the time of said upgrading. The cost of design, construction and bonding shall be borne by the lot owners abutting the road prior to acceptance by the County. If upgraded to County standards, such upgrading shall be for the entire limit of the road to the nearest County or State road. Planning Commission approval is required for the road to be conveyed to the County.

3. The road shall be named in accordance with Section 31-6.F above.

4. After approval of the subdivision, the final plat for the new lot shall show that the road will be private and the County will not maintain the road, nor assume any responsibility for future up-grading to County specifications if the road is to become public.

5. No lot or parcel in a subdivision subject to these regulations shall be transferred until a plat recording has been completed per the subdivision regulations, a public works agreement for the road improvements has been executed, and the base course of the platted roads has been completed by the permittee and approved by the Director of Public Works or its designee.

#### **K. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)**

Private lanes in single-family detached residential communities may be approved in lieu of a public road and shall meet the following conditions:

1. The proposed private lane shall serve no more than seven lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
2. The use of such lots shall be restricted to single-family detached dwellings.
3. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction. Road maintenance, including snow removal and repairs and other improvements, as well as road services normally provided by the County, shall be the responsibility of all lot owners accessing the private lane. The cost of the design, construction and bonding shall be borne by the developer.
4. If there is a desire to make the private lane a County road, it shall be upgraded to County Road Standards as set forth in the Road and Site Development Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost of design, construction, and bonding for any upgrades shall be borne by the lot owners abutting such roadway prior to acceptance by the County. Planning Commission approval is required for the road to be conveyed to the County.
5. The lot owners served by the private lane shall be deeded an undivided ownership interest in the private lane.
6. No lot or parcel in a subdivision subject to these regulations shall be transferred until a plat recording has been completed per the subdivision regulations, a public works agreement for the road improvements has been executed, and the base road approval of the platted roads has been completed by the permittee and approved by Project Management and Inspections.

#### **L. Water and Sewer Systems**

1. Prior to submittal of the preliminary subdivision application, any proposed subdivision to be served by a water and sewer system shall be in the correct water and sewer allocation category for the type of system intended to serve the development.
2. Adequate capacity of the existing water or sewer system with required improvements, if necessary, to adequately serve the proposed subdivision shall be determined by the applicable government agency and certified on the final plat, prior to approval by the Planning Commission or its designee.
3. All existing or proposed water and sewer infrastructure and easements required for site development shall be shown on the submitted preliminary plan. Any land intended to be conveyed to the County for the provision of public water or sewer infrastructure shall also be shown on the preliminary plan.
4. Water and sewer construction plans shall be submitted to the Department of Public Works for review and approval prior to approval of the final subdivision plats.
5. Deeds for any required land or easements required as part of the water and sewer plan approval shall be provided with the final plat for recording by the Department of Planning & Zoning.
6. Water and sewer systems shall be constructed in accordance with the Calvert County Standard Details of Water and Sewer Systems as amended from time to time. A Public Works Agreement for the required water and sewer system shall be executed prior to the issuance of any grading or building permits.
7. No subdivision plat shall receive final approval unless the applicant demonstrates that Section 9-512 of the Environmental Article of the Annotated Code of Maryland has been met.

#### **M. Additional Requirements for Non-residential Subdivisions**

1. Subdivisions which are non-residential in nature, such as commercial, industrial, and institutional developments shall conform to the standards in this Ordinance.

2. The developer shall demonstrate to the satisfaction of the Planning Commission that the road, parcel, and block pattern is specifically adapted to the uses anticipated and takes into account existing and proposed uses in the vicinity.
3. Alleyways with a minimum width of 30 feet may be required at the rear of all lots designated for commercial or industrial use to provide access for service and delivery and emergency vehicles.
4. Non-residential parcels that were created by deed after the adoption of the Subdivision Regulations (April 4, 1972) shall obtain subdivision approval from the Planning Commission and be recorded prior to the issuance of any building permits for site development.
5. An on-site sewerage disposal system to serve non-residential agricultural uses may be approved on a parcel or tract of land subdivided for non-residential agricultural purposes, including, but not limited to, a farm stand, agricultural processing, or other farm related uses as defined under Articles 18 of this Ordinance.

#### **N. Residues and Outlots Resulting from Subdivision**

1. If there is a remainder of land after subdivision and the creation of lots and open space, it shall be labeled as either residue or as an outlot on the subdivision plat.
  - a. Residue is not evaluated during the subdivision process for further building or development purposes. The designation of a property as residue shall not be construed as a guarantee that the future subdivision of the residue will be approved. Subdivision of the residue shall be subject to the regulations in effect at the time it is subdivided. A note to this effect shall be included on the final plat prior to recordation.
  - b. An outlot is a unit of land designated on a plat that does not meet the subdivision requirements as a buildable lot due to size, access, topography, or other restraints but may be used for public and community facilities (e.g., public utility lines and accessory structures, stormwater management facilities, wastewater and water supply treatment facilities, etc.). A note to this effect shall be included on the plat prior to recordation.
2. For subdivision plats recorded prior to the adoption of this ordinance, the designation of a property as a residue shall not be construed as a guarantee that the future subdivision of the residue will be approved. Subdivision of the residue shall be subject to the regulations in effect at the time it is subdivided.
3. If the residue is in some form of permanent land preservation (Agricultural Preservation Districts, Maryland Agricultural Land Preservation Foundation properties, or non-profit trusts), owned by non-profit organizations or trusts for conservation or institutional purposes (i.e., a parsonage, for a Place of Worship), or farms whose lots are created for a family-conveyance purpose only, the applicant may request a waiver from certain checklist information required by Section 31-7 below for that residue, as determined by the Department of Planning & Zoning.

### **31-7 SUBDIVISION REVIEW PROCEDURES**

There are three steps in the subdivision review process: concept plan review; preliminary plan review; and final plat review and recordation. Fees for the submission of subdivision plans including concept, preliminary, final plat, administrative plats, or any revisions shall be set forth by the Board of County Commissioners by resolution.

#### **A. Subdivision Plan Procedures - General**

The following procedures apply to concept plan, preliminary plan, and final plat reviews.

1. The Director of Planning & Zoning shall establish appropriate procedures and forms (electronic and/or paper form) necessary to ensure adequate review and processing of subdivision applications and plans in a timely manner (including a submittal timeframe) consistent with these Regulations. A checklist shall be established for each step in the process which shows all information required for each submittal. The checklists shall be made available by the Department of Planning & Zoning. Procedures (other than those specified by these regulations) shall be approved by the Planning Commission. Review fees shall be set by the Board of County Commissioners.
2. All required filing fees shall be included with each submittal (see Planning & Zoning Fee Schedule). Submittal packages which are missing the required fees shall be returned and the applicant shall be required to

resubmit. If an application is submitted by any County department or agency, nonprofit organization, board, or commission then fees shall be waived.

3. Upon receipt of an application or plan, if it is not complete, the applicant will be notified and has 48 hours to complete the package or it shall be returned. Prior to approval of any application or plan by either the Planning Commission or Planning Commission Administrator, comments shall be requested from the appropriate review agencies.

4. If the submittal package is complete it will be distributed to all the appropriate review agencies for confirmation that the package is sufficient for review. If a review agency determines they do not have adequate information, the submittal package will not be accepted for review, and the applicant shall be required to resubmit the package in accordance with the approved process.

5. Once an application has been reviewed and approved by all appropriate agencies, the application may be forwarded to the Planning Commission for major subdivisions and the Planning Commission Administrator for minor subdivisions (Concept Plan submittals are reviewed but not approved).

6. All subdivision plans and plats must be signed and sealed by a land surveyor registered or Engineer in the State of Maryland.

## **B. Concept Plan Review**

1. Prior to submittal of an official subdivision application, a concept plan shall be submitted showing existing features and all ultimate development with respect to lots, roads, and other site improvements located in accordance with the provisions of this Ordinance. The purpose of this approach is to resolve problems before extensive engineering begins and to ensure the property is being efficiently designed by showing ultimate development of parcel. In the event that any of the individual provisions of this Ordinance, relating to the placement of lots and roads, conflict with each other as applied to a given site, these conflicts shall be noted in writing by the applicant as part of the concept plan submittal.

2. The procedures listed in Section 31-7.A above shall apply.

3. The concept plan submittal shall include all requirements on the concept plan checklist as established by the Department of Planning & Zoning and payment of the established fee.

4. A written request to waive or reduce the requirement of a concept plan may be granted by the Planning Commission Administrator on a case by case basis when the parcel is in an existing preservation program or when the parcel is limited to two or fewer residential lots.

5. Conceptual subdivision and conceptual site development plans may be combined as one submittal..

6. Concept plan review shall be completed prior to submittal of the preliminary subdivision application package. The Planning Commission Administrator shall determine if the concept plan review has been completed.

## **C. Preliminary Plan Review**

### **1. Purpose**

The purpose of the preliminary subdivision plan is to provide a basis for Planning Commission to grant conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat.

### **2. General Requirements**

The drafting standards, information and proposed layout to be provided on the preliminary plan shall adhere to the application requirements and checklist as established by the Department of Planning & Zoning. Payment of the established fee shall be required at time of submittal.

### **3. Health Department Approval**

Perc tests shall be performed, and septic recovery areas approved by the Department of Environmental Health prior to preliminary submittal of any lot regardless of size unless otherwise waived by Environmental Health. If the lots are to be connected to an existing sewer system, then the allocation for the lots shall be approved prior to preliminary approval. If the lots are to be connected to a proposed sewer system, then the construction plans for the new system shall be approved by the appropriate agencies prior to final plat approval of the lots.

#### 4. Environmental Impact Statement

- a. The Planning Commission may require submission of an Environmental Impact Statement, prepared by a Registered Professional Engineer, for subdivisions which create more than 30 lots, or consist of more than 50 acres, or contain land which has more than the average in sensitive or extremely sensitive land categories (the average for the County being 17% extremely sensitive; and
- b. Environmental Impact Statements shall address both the long and short range impact of the following points and any other issues which are considered by the Planning Commission to be relevant to the particular property: proposed methods for handling run-off, drainage, and the siltation implications of the project; impact that the development will have on air and water quality; impact on transportation systems and facilities; implications of the development on the ambient quality of the wildlife habitats and vegetative species present on the property and on contiguous properties; proposed methods to preserve unusual physical features (both man-made and natural); proposed methods to remedy unstable landscape patterns (such as shoreline erosion, inland erosion areas, high water table soil areas, landslide areas, areas that have experienced plant or animal diseases, past mining extractions).

#### 5. Preliminary Plan Procedures

- a. The procedures listed in Section 31-7.A above shall apply.
- b. If the subdivision is located within the Critical Area, comments shall also be requested from the State Critical Area Commission and other appropriate environmental agencies through the State Critical Area Commission.
- c. By authority of the Planning Commission, proposed minor subdivisions may be granted preliminary approval by the Planning Commission Administrator in accordance with these Regulations.

#### 6. Revisions after Preliminary Approval

No review agency may approve subsequent changes to an approved preliminary plan. Any such changes or revisions shall be submitted to the Department of Planning & Zoning and the revised application package shall adhere to the review and approval process set forth in this section. The revised preliminary plan shall be distributed for review and comment by all agencies that previously reviewed the preliminary plan. Minor revisions may be approved administratively, but major revisions that would change the layout and design, road alignments, open space or recreation area shall require Planning Commission approval.

#### D. Final Plat Review

##### 1. General

- a. The Final Subdivision Plat shall consist of a survey document, intended for record, incorporating those changes and requirements of the preliminary approval letter as approved by the Planning Commission in its approval of the Preliminary Subdivision Plan and the requirements of checklists as established by the Department of Planning & Zoning.
- b. A residential subdivision plat shall state the number of new lots, units, plats, building sites, or other divisions of land, and the remaining number of lots, units, buildings sites, or other divisions of land that may be created from any one or more lots or parcels shown on the subdivision plat. In Tier II areas (see Section 31-4.C above) the total number of lots, units, buildings sites, or other divisions of land shall be interpreted as the total allowed with connection to public sewer.
- c. Except as provided in this Article, when the tract or parcel of land that is subdivided reaches the maximum total number of lots, plats, building sites or other divisions of land that are allowed as a residential subdivision, the subdivision plat shall state that: *The residential subdivision may not be resubdivided or further subdivided, the remainder parcel or tract of land may not be subdivided, and the subdivision plat is subject to State Law and local ordinances and regulations. The remainder parcel or tract of land may be subdivided for non-residential agricultural purposes.*
- d. Permanent reference monuments of stone or concrete, shown thus, Δ, at least 36 inches in length and four inches square with suitable center point shall be set flush with the ground at finish grade as required by state law and regulations. A metal pipe three-quarters of an inch in diameter and at least 24 inches in length,

shown thus, Δ, shall be located in the ground, flush at finish grade, at all intersections of roads, intersections of roads and alleys with plat boundaries, and at all points on roads, alleys and boundary lines where there is a change in direction or curvature and at all lot corners. A note shall be included on the final plat that references the installation of permanent monuments.

## **2. Preparation of Final Subdivision Plat**

- a.** Final plats for subdivisions of one to seven lots shall be prepared on sheets of either 8.5 inches by 13.5 inches and recorded in the Land Records of the Clerk of the Circuit Court or sheets 18 inches by 24 inches and recorded in the Plat Records of the Clerk of the Circuit Court.
- b.** Final plats for subdivisions of eight or more lots shall be prepared on sheets of 18 inches by 24 inches and recorded in the Plat Records of the Clerk of the Circuit Court.

## **3. Approval of the Final Subdivision Plat**

- a.** The procedures listed in Section 31-7.A above shall apply.
- b.** The Department of Planning & Zoning shall review the final plat and verify approval of other appropriate County agencies and compliance with all conditions of preliminary approval.
- c.** The Planning Commission or its designee shall approve the final plat prior to recordation.
- d.** Final plat approval may be delayed if the established standards for adequate public facilities are determined to be inadequate. See the Calvert County Code, Chapter 3, Adequate Public Facilities Requirements, as amended from time to time.
- e.** The Planning Commission or its designee shall record the final plat within 30 days of receipt of the original/mylar recording package.
- f.** By the authority of the Planning Commission, proposed minor subdivisions may be granted final approval and the Final Plat or Recording of Plat Sheet may be signed by the Planning Commission Administrator.

## **4. Statements and Certificates**

The following certifications shall be provided on the plat using the statement language as provided in the checklists as established by the Department of Planning & Zoning:

- a.** Property owner
- b.** Surveyor certification and seal
- c.** Health Officer
- d.** Sight Distance
- e.** Family Conveyance Affidavit, if applicable

## **5. Recording of Plats**

- a.** The Planning Commission Administrator is responsible for submitting the approved final plat and any required legal documents to the Clerk of the Circuit Court for recording in the Plat Records of the Clerk of the of the Circuit Court. The Department of Planning & Zoning shall distribute the recorded plat to the applicant's land surveyor or Engineer, and appropriate public agencies.
- b.** No record plats shall be recorded by the Court Clerk unless such plat has been approved by the Planning Commission, or its designee, under provisions of this regulation and signed by its Chairperson or the Planning Commission Administrator, when authorized.

## **E. Expiration of Concept Plans and Preliminary Subdivision Plans**

The following expiration provisions shall apply to all concept plans and preliminary subdivision plans.

1. A concept plan shall expire 12 months after it has been accepted for review unless an application for a preliminary subdivision plan has been accepted.
2. An application for a preliminary subdivision plan shall expire 24 months after it has been accepted for review, unless approval is granted.
3. The approval of the preliminary subdivision plan expires after three years from approval date.
4. One 12-month extension to only one of the time periods identified in items 1 through 3 above may be granted by the Planning Commission, or its designee, if the applicant demonstrates that unusual and unforeseen circumstances delayed or prevented the direct review of the project, and the project has been reviewed within 6 months of the extension request.
5. A request for extension shall be submitted, in writing, 30 days prior to the expiration date of the applicable time period.

**F. Phasing**

If a subdivision is proposed to be broken up into phases following concept plan approval, the proposed phasing plan shall be submitted for review and approval to ensure that all requirements of the original approved concept plan are still provided.

**31-8 AMENITIES AND IMPROVEMENTS**

**A. General**

Improvements and/or amenities associated with roads may be shown on the road construction plans with cost estimates and bonded with the Public Works Agreement. If improvements and/or amenities are included on the road construction plans, approval by the Department of Planning & Zoning shall be required prior to approval of the final plat. For all improvements and/or amenities not included on road construction plans, a separate plan for the design, installation, and maintenance shall be submitted to the Department of Planning & Zoning in accordance with site plan procedures and standards. The plans for improvements and/or amenities shall be required to be reviewed and approved prior to approval of the final plat.

**B. Bonding of Improvements and Amenities**

No building permits shall be issued until an appropriate bond or acceptable guarantee has been provided and accepted by the County for completion of roads, sidewalks, lighting, recreational facilities, landscaping, and other amenities in the subdivision or that section of the subdivision in which the lot is located.

**C. Construction**

All construction work or improvements required by the subdivision approval and/or site plan shall be subject to inspection during construction, and to approval by appropriate public authorities upon completion of construction and determined to be adequate prior to release of bond.

**31-9 ADMINISTRATIVE AND AMENDED PLATS**

**A.** The Department of Planning & Zoning shall maintain a policy for processing administrative plats, including a checklist of submittal requirements.

**B.** If the applicant proposes changes to the approved final plat, an amended plat of subdivision shall be filed with the Planning Commission Administrator for review and approval, approval with conditions, or disapproval by the Planning Commission, and recorded. If the proposed amendment alters recreation areas or common open space within a particular section or phase and lot owners of that section or phase possess a vested interest in the recreation area or common open space through a specific grant by deed, plat, or other document recorded among the land records, then the application to the Planning Commission shall be signed by all property owners in that section or phase. If the subdivision is not recorded in sections or phases, then all property owners having a vested interest in the recreation area or common open space shall sign the application.

**C.** Administrative plats are required for any changes to the record plat that affect a lot or parcel including, but not limited to, lot line adjustments, easements, lateral line revisions, removal of a previously recorded condition and/or note, etc. Such revisions shall be drawn by a licensed surveyor or Engineer and reviewed by the Department of Planning & Zoning and other County, State and Federal agencies. After all approvals, the plat shall then be recorded

in the Land Records of Calvert County. Administrative plats may also include any non-substantive or minor changes to parcels of land that are not previously shown on a plat.

**D.** For any proposed development located on more than one parcel or lot, an administrative plat shall be required to combine the parcels or lots.

**E.** A note shall be added to an administrative or amended plat stating that all previously recorded notes and conditions are still valid except as indicated in the purpose note.

### **31-10 REVIEW AND APPEAL**

**A.** If the Planning Commission authorizes the Planning Commission Administrator to approve subdivision plats pursuant to the authority granted in Maryland Annotated Code Land Use Article, Section 5-203, as amended from time to time, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission Clerk within 30 days of the date of the Planning Commission Administrator's final decision.

**B.** Appeals of decisions of the Planning Commission shall be noted with the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.

## **Article 32. Nonconformities**

- 32-1 GENERAL APPLICABILITY**
- 32-2 NONCONFORMING USE**
- 32-3 NONCONFORMING STRUCTURE**
- 32-4 NONCONFORMING SITE ELEMENTS**
- 32-5 NONCONFORMING SIGNS**

### **32-1 GENERAL APPLICABILITY**

#### **A. Authority to Continue**

Any use, structure, site element, or sign that legally existed as of the effective date of this Ordinance, and any use, structure, site element, or sign that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise legal. Nonconforming uses, structures, site elements, or signs may continue even if ownership of the property changes. A use, structure, site element, or sign that was illegal as of the effective date of this Ordinance, remains illegal.

#### **B. Burden on Property Owner**

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner or the operator of the nonconforming use, structure, or site element.

#### **C. Safety Regulations**

All regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

### **32-2 NONCONFORMING USE**

#### **A. Established**

A nonconforming use is the use of a structure or land that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance no longer conforms to applicable regulations. If a change to the Zoning Ordinance results in an existing nonconforming use being permitted as a special exception use, the use shall be considered a conforming use. The owner shall be deemed to have obtained special exception approval for the scope of use in effect at time of adoption of this Ordinance.

#### **B. Expansion**

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity without the approval of the Board of Appeals as described in this section.

1. The Board of Appeals may approve expansion of a nonconforming use provided that such expansion is restricted to 50% of the square footage of the area occupied by the use at the time the use originally became nonconforming. The intent of this section is to limit the amount by which an established nonconforming use may be expanded.
2. For a nonconforming use that does not involve a building or structure, the area of the lot or parcel utilized by such a use as of the date of nonconformity may be expanded by up to 50% if approved by the Board of Appeals.
3. When reviewing a request for expansion, the Board of Appeals will review the request against the criteria for a special exception (Section 30-7 of this Ordinance).
4. When expansion of a nonconforming use is proposed, the entire site shall be brought into conformance to the maximum extent feasible, as determined by the Board of Appeals.

#### **C. Change of Use**

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another conforming use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

#### **D. Discontinuation or Abandonment**

1. If a nonconforming use or seasonal nonconforming use is discontinued or abandoned for 12 consecutive months, the nonconforming use is terminated. This time period may be extended by the Zoning Officer for an additional six months. The request for an extension shall be submitted in writing to the Department of Planning & Zoning prior to the termination of the nonconforming use.

2. When a nonconforming use is offered for sale, such sale period of up to one additional year is not included in calculating the length of discontinuance or abandonment for this section; however, all equipment, building design, and similar use infrastructure shall be maintained in working condition during the sale period.

#### **E. Damage or Destruction**

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created, and the degree of the previous nonconformity is not expanded or intensified.

2. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in which it is located, including use.

3. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 32-3 below.

### **32-3 NONCONFORMING STRUCTURE**

#### **A. Established**

A nonconforming structure is a principal or accessory structure that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance, no longer conforms to applicable regulations.

#### **B. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No construction or additions are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

#### **C. Structural Alterations**

Structural alterations are permitted only in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.

2. When the alteration will eliminate the nonconformity.

3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other dimensional regulations of the district.

#### **D. Expansion**

1. The Zoning Officer may approve the extension of a building wall of a structure or retaining wall which has become nonconforming. The length of a nonconforming building wall may be extended by the construction of a deck or porch if the conditions of this section are met.

a. The building wall or retaining wall cannot be extended closer to the property line than the original structure. Extensions closer to the property line than the original structure require a variance from the Board of Appeals.

b. Such extension cannot constitute more than 50% of the length of the original nonconforming building wall or retaining wall. Extensions beyond 50% require a variance from the Board of Appeals.

2. When expansion of a nonconforming structure is proposed, the entire site shall be brought into conformance to the maximum extent practicable.

**E. Damage or Destruction**

If a nonconforming structure is destroyed or damaged through no fault of the property owner or tenant, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located. This time period to obtain a building permit may be extended by the Zoning Officer for an additional six months. The request for an extension shall be submitted in writing to the Department of Planning & Zoning within one year of the date of damage or destruction. An exception to this provision is for structures in the floodplain that are substantially damaged, which shall comply with the applicable requirements of Article 24 (Floodplain).

**F. Nonconforming Manufactured Home**

The Zoning Officer may permit an existing nonconforming manufactured home to be replaced, expanded, or altered if it is determined to be habitable in accordance with Section 75-10 C(1)-(5), Minimum Livability Code, of the Calvert County Code.

**G. Impact of Negotiated Settlement or Condemnation Proceedings**

A nonconforming structure which is taken in a negotiated settlement or condemnation proceedings is permitted to relocate only on the same lot or parcel, or on a contiguous lot or parcel which was in the same ownership at the inception of the condemnation proceedings, and provided the applicable lot area, setback, and height requirements of the district in which such use is a principal permitted use can be met. Such relocation or construction as existed prior to its taking may be permitted provided a building permit application is properly submitted within six months of the settlement date of the condemnation proceedings.

**H. Critical Area**

Article 22 contains requirements regarding nonconforming structures in the Critical Area.

**32-4 NONCONFORMING SITE ELEMENTS**

**A. Established**

A nonconforming site element is a site development element, such as landscape or lighting, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

**B. Maintenance**

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

**C. Required Conformance**

**1. General**

All nonconforming site elements shall be brought into conformance when the following occurs:

- a. A new principal building is constructed on a site.
- b. An existing principal building is increased in building footprint square footage.

**2. Nonconforming Parking Lot Landscape**

When a parking lot does not conform to required parking lot landscape requirements, it shall be brought into conformance when such a parking lot is reconstructed or expanded.

- a. Resealing, re-striping, repaving, or resurfacing of an existing parking lot is not considered reconstruction.
- b. If such action would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lots are not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site.

c. If only certain requirements are able to be accommodated on the site, those elements are required. The Zoning Officer will make the determination that all or a portion of required landscape does not have to be installed.

### **3. Nonconforming Lighting**

For exterior illumination, when exterior luminaires are replaced, all exterior illumination on the site shall be brought into conformance.

## **32-5 NONCONFORMING SIGNS**

**A.** Nonconforming signs may continue to be used, regardless of change in content, until the sign structure is sought to be replaced, expanded, or relocated. At that time, the nonconforming aspects of the sign shall be brought into conformance with the requirements of this Ordinance.

**B.** Nonconforming signs shall be maintained in good condition. Maintenance required by this section includes replacing or repairing of worn or damaged parts of a sign or sign structure in order to maintain the sign or sign structure in good repair and condition at all times and is not a change or modification prohibited by item A above.

**C.** Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when one or more of the following occur:

1. A nonconforming sign, or more than 50% of the size of a nonconforming sign, nonconforming sign structure, or the building to which a nonconforming sign is attached, is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, or for any reason or by any means taken down, altered or removed
2. The condition of the nonconforming sign or nonconforming sign structure has deteriorated, and the deterioration exceeds 50% of the size of the sign structure prior to its deterioration
3. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant or been unoccupied for a period of 120 consecutive days, or more.

**D.** Intent to abandon is not required as a basis for removal under this section. Removal is the responsibility of the owner of the property on which the sign is located.

**E.** Billboards established prior to February 27, 1992, are subject to the following:

1. Any billboard shall be maintained in good repair and condition, in accordance with all applicable codes, at all times, provided neither the sign area nor sign height are increased.
2. No portion of any billboard may be converted into an electronic message center.
3. Billboards that have an illumination system in the same manner as in place on January 31, 2019 may continue to be illuminated. The type of external illumination may be replaced with a more energy efficient type external illumination.
4. Billboards that do not have an illumination system as of on January 31, 2019 may not be illuminated.
5. Billboards are also subject to these nonconforming sign provisions.

## **Article 33. Enforcement**

- 33-1 AUTHORITY TO INSPECT AND ENFORCE**
- 33-2 ZONING VIOLATION DEFINED**
- 33-3 NOTIFICATION; CORRECTION**
- 33-4 CITATION; FINE**
- 33-5 REFERRAL TO DISTRICT COURT**
- 33-6 REPEAT VIOLATIONS**
- 33-7 OTHER PERMIT APPLICATIONS**
- 33-8 LEGAL OR EQUITABLE REMEDIES/INJUNCTIVE RELIEF**

### **33-1 AUTHORITY TO INSPECT AND ENFORCE**

- A.** The Zoning Officer or authorized agent is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance. Nothing in this Article shall be construed as to limit the Zoning Officer, designee, or authorized agent from the enforcement, concurrently or otherwise, of any other Federal, State, or local laws or regulations.
- B.** Whenever, upon inspection of any property, the Zoning Officer or authorized agent finds that conditions or practices exist which are in violation of this Ordinance, an Inspection Report in conformity with this Article shall be issued.
- C.** Provisions within permit applications which grant consent for inspection.
- D.** In the case where there is evidence of a possible violation, the Zoning Officer, designee, or authorized agent has the authority to conduct inspections of property without a warrant.

### **33-2 ZONING VIOLATION DEFINED**

- A.** A violation of this Ordinance occurs when there is:
  - 1.** Any activity on property which requires approval and meets one or more of the following:
    - a.** Has not been approved.
    - b.** Exceeds the scope of, or is not in compliance with, any permit issued by the Department of Planning & Zoning, Historic District Commission, and/or the Division of Inspections and Permits.
    - c.** Exceeds the scope of, or is not in compliance with, any order or action of the Planning Commission or Board of Appeals.
    - d.** Is otherwise not in compliance with this Ordinance.
  - 2.** Any use of a property which is impermissible pursuant to this Ordinance.
  - 3.** Any advertising or marketing of any use of a property which is impermissible pursuant to this Ordinance.
- B.** Unpaid fines, fees and other arrearages due under, or as a consequence of, this ordinance shall constitute a continuing violation of this ordinance.
- C.** The owner, tenant, occupant of a property, or authorized agent, or any other person, as defined by this Ordinance, shall not cause or allow a violation of this Ordinance. Any of the foregoing individuals or entities may be individually or jointly and severally liable for any violation of this Ordinance.

### **33-3 NOTIFICATION; CORRECTION**

- A.** The Zoning Officer or authorized agent will issue an Inspection Report under this Ordinance which shall:
  - 1.** Be in writing.

2. State the nature of the violation.
  3. State the general conditions or actions necessary to correct or abate the violation.
  4. Be issued by one of the following methods of delivery:
    - a. Personal delivery.
    - b. Mail to the address of the owner recognized by the State Department of Assessment and Taxation.
    - c. Posting on the dwelling or, if no dwelling, a conspicuous location near the access to the property.
  5. Be issued to the owner, tenant, occupant of the property, or their authorized agent, or any other person, who is otherwise responsible for the violation on the property.
- B.** The Inspection Report shall specify a date (up to 60 days) by which the violation shall be corrected. The time period for correction of the violation begins on the date of issuance of the Inspection Report.
- C.** The Zoning Officer, designee or authorized agent may issue a Stop Work Order for either:
1. Activity that is a violation of this Ordinance.
  2. Any use of property which is impermissible pursuant to this Ordinance.
- D.** A Stop Work Order shall:
1. Be in writing.
  2. State the nature of the circumstances requiring a Stop Work Order.
  3. State the conditions or actions necessary to correct or abate the violation, or under which the activity or use may be resumed, as appropriate.
  4. Be posted conspicuously and in a manner reasonably calculated to give notice to the person or persons reasonably believed to be in, or responsible for, the violation.
  5. A copy of the Stop Work Order shall be mailed to the address of the owner recognized by the State Department of Assessments and Taxation. Failure of delivery shall not invalidate or impair the operation of the Stop Work Order.
- E.** Upon personal delivery or posting of a Stop Work Order the activity or use cited shall cease immediately.
- F.** Any owner, tenant, occupant of the property, or their authorized agent, or any other person, who violates the Stop Work Order is subject to:
1. The maximum fine allowable by law within the adopted fee schedule for each day the violation occurs or continues through the date the property is brought into compliance with this ordinance or until approved mitigation or restoration has been completed.
  2. Revocation of any County permit pertaining to the work or use in violation.
  3. Revocation of any approval of the Planning Commission or Board of Appeals.
- G.** Any unauthorized removal or destruction of a posted Stop Work Order shall constitute a violation of this ordinance and shall be subject to the maximum fine allowable by law within the adopted fee schedule per day, until the Stop Work Order is replaced, restored, or revoked.

### **33-4 CITATION; FINE**

- A.** If the violation is not corrected within the time specified in the Inspection Report, the Zoning Officer, designee, or authorized agent may issue a Citation. A copy of the Citation will be retained by the Zoning Officer. A pre-set fine, not

to exceed the maximum allowable by law, per day, as long as the violation continues, may be imposed for each violation. The Board of County Commissioners will establish a schedule of fines for each violation and may adopt procedures for collection of these fines. The current schedule of fines may be found in the adopted Calvert County Budget with a copy maintained at the Department of Planning & Zoning for public inspection and review.

1. The Citation shall:
    - a. Be in writing.
    - b. State the nature of the violation.
    - c. State the conditions or actions necessary to correct or abate the violation.
    - d. List the party or parties against whom enforcement is sought pursuant to Section 33-2.C.
    - e. Be issued according to one of the following methods of delivery:
      - i. Personal delivery upon the party or parties listed pursuant to Section 33-4.A.1.d.
      - ii. First Class Mail upon the party or parties listed pursuant to Section 33-4.A.1.d.
      - iii. Posting on the dwelling or, if no dwelling, a conspicuous location near the access to the property.
  2. The Citation shall contain:
    - a. The location and date of the violation.
    - b. A certification attesting to the truth of the matters set forth.
    - c. The amount of the fine assessed or, if the violation is of a continuing nature, a statement of the maximum fine per day.
    - d. The manner, location, and date in which the fine may be paid upon completion of the conditions and actions necessary to correct or abate the violation.
    - e. The right to elect to stand trial for the violation.
- B.** A party who receives a citation may elect to stand trial for the offense by filing with the Zoning Officer, designee, or authorized agent a notice of intention to stand trial. The notice shall be given at least five days before the due date of payment as set forth in the Citation. On receipt of the notice of intention to stand trial, the Zoning Officer, designee, or authorized agent shall forward to the District Court a copy of the Citation and the notice of intention to stand trial.
- C.** All fines, penalties, or forfeitures collected by the District Court for violations, related to, or as a consequence of the violations, shall be remitted to the Calvert County Treasurer.
- D.** The requirements contained in Article 33-3 herein shall not be applicable to a Citation issued on the basis of an alleged violation of Section 29-11.A.7 of this Ordinance.

### **33-5 REFERRAL TO DISTRICT COURT**

- A.** If after deadline set forth in the Citation, the violation is not corrected and fines paid, the Zoning Officer will request adjudication of the case through the District Court. The District Court will schedule the case for trial.
- B.** Adjudication of a violation under this section is not a criminal conviction.
- C.** Additional penalties may be assessed by the District Court, or such other courts or tribunals as may adjudicate the case.

### **33-6 REPEAT VIOLATIONS**

Any party who corrects a violation after the issuance of an Inspection Report and at a later date is alleged by the Zoning Officer, designee or authorized agent to have a violation of the same nature as the original violation, upon which an Inspection Report was issued, on the same property, shall receive a Citation for each such recurring violation. The Citation shall be issued in accordance with this Section. However, prior notification, as described in Section 33-3 above, shall not be required prior to the issuance of said Citation.

### **33-7 OTHER PERMIT APPLICATIONS**

Any person or entity shall be ineligible for permit processing or other review until all outstanding violations, obligations, arrearages, fines, or other requirements have been satisfied, irrespective of whether the aforesaid outstanding violations, obligations, arrearages, fines and other requirements concern the project or property for which permit processing or other review is requested, unless the issuance of the permit will serve one or more of the following:

1. To correct the pending violation.
2. To allow necessary and essential repairs from fire or natural disasters.
3. To prevent environmental harm.

### **33-8 LEGAL OR EQUITABLE REMEDIES/INJUNCTIVE RELIEF**

In addition to any other enforcement actions, the Zoning Officer may, at any time, seek injunctive relief, or any other appropriate legal or equitable remedy, to prevent, enjoin, abate, or remove a violation of this or any Ordinance or regulation.