

PROPOSED AMENDMENTS TO THE CALVERT COUNTY ZONING ORDINANCE

DISTRIBUTED: February 7, 2005

Included in this set:

Article 1 – Scope of Regulations

Article 2 – Zoning Districts & Map

p/o Article 12 – Definitions

Additions shown in **red bold underline**

Deletions shown in ~~red strikethrough~~

**ARTICLE 1
SCOPE OF REGULATIONS**

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Note: Second-level sections are being deleted from the Table of Contents w/in each article (will remain in main TOC).

1-1 PURPOSE OF THIS ORDINANCE

The Calvert County Comprehensive Plan is a policy document ~~which~~ **that** reflects present and future needs and concerns and gives direction in addressing those needs and concerns. One tool necessary to implement the Plan is a Zoning Ordinance designed to regulate land uses. Many aspects of land use can impact adjoining properties, neighborhoods, public facilities and overall County development. As mandated in the Comprehensive Plan, this Zoning Ordinance is adopted to regulate land uses as part of the effort to promote the health, safety and general welfare of Calvert County residents.

1-2 TERRITORIAL LIMITS AFFECTED BY THIS ORDINANCE

This Ordinance ~~shall take effect immediately after adoption and~~ shall apply 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, or except as modified by the Town Center Master Plans **and Zoning Ordinances**. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure shall conform ~~with~~ **to** the requirements of this Ordinance.

1-3 SEPARABILITY

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

1-4 INTERPRETATIONS ZONING OFFICER

~~There is a~~ The Zoning Officer for the County who shall be responsible for giving approval for building permits, enforcement of the provisions of this Ordinance, and clarifying the intent of this Ordinance. Should there be a question on the ~~meaning~~ application of a section of the Ordinance, the Zoning Officer shall determine the proper application. Should the determination involve a legal interpretation of the Ordinance, an "official interpretation" shall be approved and signed by the Zoning Officer after consultation with the County Attorney. All official interpretations shall be attached to the Zoning Ordinance. The following parties shall be notified within seven days following the interpretation: The County Commissioners, Planning Commission, Department of Planning and Zoning, and the County Attorney.

~~During the next amendment to the Ordinance, the section subject to official interpretations shall be revised to clarify the intent.~~

~~(9/30/03)~~ **1-5 EFFECTIVE DATE OF ORDINANCE**

~~The Calvert County Zoning Ordinance shall be effective on September 30, 2003, and continue in force until amended, modified, or repealed. As of the effective date of this Ordinance, the previous Zoning Ordinance is repealed.~~

~~1-6 REPEAL OF CONFLICTING ORDINANCES~~

~~All approved County ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their conflict.~~

1-75 SCHEDULE OF FEES, CHARGES & EXPENSES

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning certificates, zoning occupancy certificates, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by action of the Board of County Commissioners.

1-86 ORDINANCE AMENDMENTS

1-6.01 Proposed Zoning Ordinance text amendments may be submitted to the Planning Commission for review by the Board of County Commissioners, any citizen, organization, governmental agency, or by the Planning Commission on its own initiative.

(9/30/94)

1-6.02 Before any text amendment can be adopted, a duly advertised public hearing shall be held by the Planning Commission and the County Commissioners. Such hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.

1-6.03 The public hearing ~~notice~~ shall ~~contain a summary of the proposed text amendment and the date, time and place of the public hearing~~ comply with the requirements of Article 66B, Section 4.05(c) of the Annotated Code of Maryland, as amended from time to time.

1-97 ENFORCEMENT OF ORDINANCE

(2/27/92)
(8/12/97)

1-97.01 Violations, Penalties and Enforcement

A. Authority to Inspect and Enforce

- 1. The Zoning Officer or his designee is authorized to make such inspections as are necessary to determine satisfactory compliance with this Ordinance as well as other enforcement provisions as described in Section 1-7.01.H herein.**
- 2. The Zoning Officer or his designee shall have the authority to enter at reasonable times upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.**

3. Whenever, upon inspection of any property, the Zoning Officer or his designee finds that conditions or practices exist which are in violation of this Ordinance, notice of the violation shall be given in accordance with Section 1-7.01.C of this Ordinance.

A.B. Notification, Correction Zoning Violation Defined

1. A violation of this Ordinance occurs when there is:
 - a. any work on property which requires approval of the Zoning Officer and which
 - i. has not been approved, or
 - ii. is not within the authority or is not in compliance with any issued building or zoning permit, or
 - iii. is otherwise not in compliance with this Ordinance.
 - b. any use of property which is not in compliance with this Ordinance.
2. The owner, tenant or occupant of a property shall not cause or allow a violation of this Ordinance.

C. Notification, Correction

- 3.1.** The Zoning Officer may give notice of a violation of this Ordinance which 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, and
 - d. be served upon the owner, tenant or occupant of the property or their authorized agent by:
 - i. personal delivery, or
 - ii. certified mail, restricted delivery, to the last known address, or
 - iii. if certified mail is returned by the postal service marked "unclaimed", then by first-class mail, postage prepaid, to the last known address.

4.2. Unless a stop work order is issued, the owner, tenant or occupant shall be given from between seven and 60 days to correct or abate the violation, at the discretion of the Zoning Officer, from the time of actual receipt of the notice of violation, provided that actual receipt of the notice shall be deemed to occur three days after the posting of the first-class mail if the mail is not returned as undeliverable by the postal service.

5.3. a. The Zoning Officer may issue a stop work order upon observance of:

- i a.** work in progress on property that is a violation pursuant to ~~subsection a(1) of this~~ section **1-7.01.B**, or
- ii b.** any use of property which is not in compliance with this Ordinance, ~~or and~~
- c.** **any use of property** which creates or could tend to create a danger to public health, safety, or welfare.

6.4. A stop work order shall:

- a. be in writing,
- b. state the nature of the violation,
- c. state the nature of the special circumstances requiring a stop work order,
- d. state the conditions or actions necessary to correct or abate the violation, or under which work may be resumed, as appropriate, and
- e. be served upon the owner, tenant, or occupant of the property or their authorized agent, or to any person doing work on the property in violation of this Ordinance, by:
 - i. personal delivery, or
 - ii. posting the property in a manner reasonably calculated to give notice to those persons deemed to be in violation, provided that service of an additional notice of violation be attempted as soon as practicable thereafter in the manner provided in subsection a(3)(d) of this Section.

- ~~7-5.~~ a. Upon service of a stop work order the work or use cited shall cease immediately.
- ~~8-6.~~ b. Any owner, tenant, occupant, or person doing work who violates the stop work order is subject to:
 - ~~i.~~ a. a fine of \$500 per day so long as the violation occurs, and
 - ~~ii.~~ b. revocation of any County permit pertaining to the work or use in violation.

~~B-D.~~ D. Citation, Fine

- 1. If the violation is not corrected, the Zoning Officer may prepare a citation to be delivered to a party believed to be committing a civil zoning violation. The citation may be served in person by the Calvert County Sheriff's Office or by Certified Mail-Return Receipt Requested. A copy of the citation shall be retained by the Zoning Officer and shall bear a certification attesting to the truth of the matters set forth. A pre-set fine, not to exceed \$500, may be imposed for each violation. The local legislative body shall establish a schedule of fines for each violation and may adopt procedures for collection of these fines. The citation shall contain:
 - 1. a. the name and address of the party charged,
 - 2. b. the nature of the violation,
 - 3. c. the place where and the date that the violation occurred,
 - 4. d. the amount of the fine assessed,
 - 5. e. the manner, location, and date in which the fine may be paid, and
 - 6. f. the party's right to elect to stand trial for the violation.

2. A party who receives a citation may elect to stand trial for the offense by filing with the Zoning Officer 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 shall forward to the District Court a copy of the citation and the notice of intention to stand trial. The District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to the Calvert County Treasurer.

~~C-E.~~ Referral to District Court:

1. If a party who received a citation for a violation fails to pay the fine by the due date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the receipt of notice, the party is liable for an additional fine not to exceed twice the original fine. If, after 35 days from the date the citation was issued, the citation is not satisfied, the Zoning Officer may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

2. Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(2/24/87)

3. A party found by the District Court to have committed a civil zoning violation shall be liable for the costs of the proceedings in the District Court. Each day that the violation continues shall constitute a separate violation and be subject to a separate \$500 fine and citation.

(2/27/92)

~~D-F.~~ Repeat violations:

Any party who corrects a violation after receiving a citation and at a later date is found to have a similar violation, of the same nature as the original violation, on the same property, shall receive an additional citation for each recurring violation. The citation shall be issued in accordance with section '**~~B D~~**' above. No prior notification, as described in '**~~A C~~**' above, shall be required.

G. Other Permit Applications

No other applications for building, grading, electrical or plumbing permits on the same property shall be approved until a pending violation is corrected to the satisfaction of the Zoning Officer or, if referred to District Court, to the satisfaction of the Court, unless the issuance of the permit will serve to correct the pending violation.

H. Other Enforcement Provisions

1. Forest Conservation Program

(10/5/93)

Section 8-3 of the Zoning Ordinance which contains the Calvert County Forest Conservation regulations has its own provisions for violations, penalties and civil action (Section 8-3.05.O). Thus, this Section (1-9.01) does not apply to violations of the Forest Conservation regulations.

2. Enforcement of Town Center Zoning Ordinances

(9/30/94)

Any violation of a Town Center Zoning Ordinance shall be considered a violation of the County Zoning Ordinance and may be enforced under the provisions of this Section.

3. Critical Area Regulations

In addition to the provisions of this Section, additional fines may be imposed for violations of the Critical Area Regulations (Section 8-1) as described therein.

4. Subdivision Regulations

Any violation of the Subdivision Regulations (Article 7) shall be considered a violation of the County Zoning Ordinance and may be enforced under the provisions of this Section.

5. Board of Appeals and Planning Commission Orders and Actions

Notwithstanding any enforcement provisions of the Rules of Procedure of the Board of Appeals or Planning Commission, a violation of any order or action of the Board of Appeals or Planning Commission may be enforced in accordance with this Section of the Zoning Ordinance,

(9/30/94)

G-I. Legal or Equitable Remedies/Injunctive Relief

In addition to any other enforcement actions, the Zoning Officer shall at any time have the right to seek injunctive relief, or any other appropriate legal or equitable remedy, to prevent, enjoin, abate, or remove a violation of this or any Zoning Ordinance or regulation.

(8/12/97)

H-J. Any person, firm, or corporation, either as owner, lessee, occupant, **contractor**, or otherwise, who violates any of the requirements of this Ordinance or who violates or fails to comply with any order made hereunder or who interferes in any manner with any person in the performance of a duty required by the terms of this Ordinance may be charged with a misdemeanor and, if found guilty, punished by a fine of not more than \$500.00 or by imprisonment in the County jail not to exceed 90 days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense.

ARTICLE 2 ZONING DISTRICTS & MAPS

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2-1 ZONING DISTRICTS & MAPS Maps & Districts

For the purpose of this Ordinance, the incorporated area of Calvert County is divided into Primary Districts and Overlay Districts.

2-2 ZONING MAP & DISTRICT BOUNDARIES ESTABLISHED

The locations and boundaries of the districts are established as shown on the maps entitled "Zoning Maps". The maps and all notations, dimensions, references and other data shown, as well as properly attested amendments, are incorporated as a part of this Ordinance. Maps reflecting the current status of zoning are located in the Department of Planning & Zoning, Room 304, County Services Plaza, Prince Frederick.

2-3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following conditions shall apply:

- A. District boundaries are meant to and shall be considered to follow street, alley or lot lines, or lines parallel or perpendicular thereto, unless such boundaries are otherwise shown on the Zoning Maps.

- B. Where a boundary line is shown within a street, alley or navigable or non-navigable stream, it shall be intended to follow the center line 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 shall control.
- C. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, then this distance shall control.
- D. In unsubdivided property, unless otherwise indicated, a district boundary line on the Zoning Map shall be determined by the use of the scale on the Zoning Map.
- E. Wherever any road, alley or other public way is abandoned by official action as provided by law, the zoning districts adjoining the side of such public way shall be 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 shall thenceforth be subject to all regulations of the extended district or districts.

2-4 NOTE RESTRICTIONS ON ZONING MAPS

Note restrictions are placed on Zoning Maps to address special situations. In the event of a conflict between the note restrictions and the Zoning Ordinance, the note restrictions will supersede the specific regulations in the Zoning Ordinance. Also see Section 2-5 for amendments to note restrictions on Zoning Maps.

2-5 DISTRICT CHANGES

The Official Zoning District Maps may from time to time be amended, through rezonings by application and comprehensive rezonings. Restrictions on the Zoning Maps may be amended by the same procedure as Ordinance amendments (See Section 1-8).

2-5.01 Rezoning by Application

A. Application procedure:

Rezoning applications shall be submitted on forms obtained from the Department of Planning & Zoning. Each application shall be signed by all owners of the property. The completed application, together with all required information and fees, shall be filed with the Department of Planning & Zoning. A Zoning Officer, upon receipt of a properly completed application, shall refer the application along with any information requested by the Planning Commission to the Planning Commission for its consideration and recommendation to the Board of County Commissioners.

(9/30/94)

B. Public Hearing required:

Before any rezoning by application can be adopted, a duly advertised joint public hearing shall be held by the Planning Commission and County Commissioners.

C. Public Hearing notice:

The notice shall contain the name(s) of the applicant(s) and current property owner(s), a brief description sufficient to identify the property involved, the current and proposed zoning district classifications, and the date, time and place of the public hearing. No fees shall be refunded if a rezoning application is withdrawn after publication of the public hearing notice. The notice shall be published in a County paper of general circulation once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.

D. Posting of property:

At least 14 days prior to the scheduled public hearing, the Zoning Officer shall erect a sign on the land proposed to be rezoned. Such sign shall be erected within 25 feet of the boundary line of said land which abuts the most traveled County or State road and if no County or State road abuts thereon, then facing in such a manner as may be most readily seen by the public.

E. Notice to Neighboring Property Owners:

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 adjoining owners of property, 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 adjoining property owners.

F. Reapplication after Denial:

An application for rezoning shall not be accepted for any part of a property for which the County Commissioners have denied a rezoning application within the previous 12 months.

2-5.02 Basis for Approval

- A.** The County Commissioners may grant a rezoning by application 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.
- B.** Prior to a decision on any proposed rezoning, the 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 compatibility with the Comprehensive Plan.
- C.** Even though an application for rezoning complies with all of the specific requirements and purposes of this Ordinance, the application may be denied if the proposed rezoning and possible resulting development would not be compatible with neighboring land uses.

2-5.03 Conditional Rezoning

The Board of County Commissioners, upon the approval of any rezoning 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.

2-5.04 Comprehensive Rezoning

- A. Duly advertised public hearings shall be held by the Planning Commission and the County Commissioners.
- B.** The public hearing notice shall contain a brief description sufficient to identify the property involved, the current and proposed zoning district classifications, and the date, time and place of the public hearing.
- C.** Posting of property and notification of neighboring property owners shall not be required.
- D.** Comprehensive rezonings are not subject to the above (Section 2-5.02) change or mistake rule if they are consistent with the Comprehensive Plan.

2-6 NON-CONFORMING USES (Land Uses not consistent with Zoning District)

2-6.01 Restrictions

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used even though such building, structure or premises does not conform to use or dimensional regulations of the zoning district in which located; subject, however, to the following provisions:

(4/2/96)

- A. The Board of Appeals may approve structural ~~alteration~~ **expansion** of a building or structure, ~~or the use of a parcel, lot, or tract of land, which~~ **where the use** is not in conformance with the provisions of this Ordinance provided that such ~~alterations or extension of use~~ **expansion** is restricted to 50 percent of the ~~lot area utilized by such non-conforming use~~ **square footage of the building or structure existing** at the time of adoption or amendment of this Ordinance. **For a non-conforming use that does not involve a building or structure, the lot area utilized by such a use at the time of adoption or amendment of this Ordinance may be expanded by up to 50 percent if approved by the Board of Appeals.** The criteria to be applied by the Board of Appeals when reviewing a request for expansion of a non-conforming use shall be the same as those contained in Section 11-1.01.E for special exceptions.

- B.** ~~However, a~~Any enlargement **or expansion** proposed shall conform to the height, lot area, lot width and **yard setback** requirements as contained in Sections 5-1 and 6-1 of this Ordinance for the actual use as if located in an appropriate district. **If the provisions of those Sections can not be met, a variance must be obtained from the Board of Appeals.** Off-street parking requirements must be met for the existing use and proposed enlargement in accordance with Section 6-2. ~~The criteria to be applied by the Board of Appeals when reviewing a request for expansion of a non-conforming use shall be the same as those contained in Section 11-1.01.E for special exceptions.~~
- B C.** The Zoning Officer may permit an existing non-conforming manufactured home to be replaced, enlarged 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.**
- ~~C~~ **D.** The non-conforming use of a building, structure or premises may, with approval of the Board of Appeals, be changed to another non-conforming use which in the opinion of the Board of Appeals is of the same or a more appropriate use or classification.
- ~~D~~ **E.** Whenever a non-conforming use has been changed to a more appropriate use, such use shall not thereafter be changed to a less appropriate use or classification.
- E F.** Nothing in these regulations shall prevent the restoration of a non-conforming building or structure destroyed by fire, wind storm, flood, explosion or act of public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a building permit is obtained and restoration begun within one year after the occurrence.
- F G.** A non-conforming use or structure which is taken in ~~the a~~ negotiated settlement or condemnation proceedings shall be 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, **yard 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 is obtained and construction is begun within six months of the settlement date of the condemnation proceedings.
- G H.** The Zoning Officer may approve the extension of a building wall which lawfully existed prior to the adoption, revision or amendment of the Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the current setback requirements subject to the following conditions:

(4/2/96)

1. The building wall shall not be extended closer to the property line than the original structure. Such extension would require Board of Appeals approval.
2. Such extension shall not constitute more than 50 percent of the length of the original non-conforming building wall. Extensions beyond 50 percent requires **a variance from the** Board of Appeals **approval**.

2-6.02 Discontinuance

A non-conforming use of property which has been discontinued or abandoned for nine consecutive months or for 18 months during a three year period shall not again be used for a non-conforming use except that non-conforming seasonal uses shall be permitted to continue unless discontinued or abandoned for a period of 24 consecutive months.

2-6.03 Special Exception Use not a Non-conforming Use

(4/2/96)

~~Any use which is allowed under the terms of this Ordinance as a special exception use in the district in which located, shall not be deemed a non-conforming use, but shall without further action be considered a conforming use.~~ **If a change to the Zoning Ordinance results in a non-conforming use becoming a special exception use, the use shall no longer be considered non-conforming.** Any expansion in **area of use or** building area ~~greater than 50 percent would~~ requires the approval of the Board of Appeals. The criteria to be applied by the Board of Appeals when reviewing **such** a request ~~for expansion of a non-conforming use~~ shall be the same as those contained in Section 11-1.01.E for special exceptions.

2-7 ZONING DISTRICTS (PRIMARY)

2-7.01 Purpose of Establishing Primary Zoning Districts

Primary Zoning districts (~~primary~~) are established to provide appropriate locations for different types of land uses. The appropriate location for a particular land use is determined by environmental suitability, the location of public facilities and services, land productivity, existing land uses in the vicinity and recommended guidelines in the Calvert County Comprehensive Plan.

2-8 PURPOSE AND INTENT OF PRIMARY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS

2-8.01 RUR Rural District Farm Community District (FCD)

Comp Plan Action #
I-03, I-04, I-06, I-07,
I-10, I-11, I-34, I-49,
I-50, I-54

~~This primary district is intended to protect and preserve areas of the County which are presently rural or agricultural in character and use. The purpose of this district is to provide for a full range of agricultural activities, and to allow low density residential development for those who are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities. This district is also intended for the purposes of managing watersheds and water supplies; to provide for spacious development; to protect forest, wetland, and scenic areas; to protect fish and wildlife; to promote forestry, the growing of crops and grazing. Furthermore, it is intended that in this district there shall be no basis, under this Ordinance, for recourse against the effects of any reasonable farming or forestry operation, as permitted in this district, and conducted in a reasonable manner in accordance with good husbandry or forestry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.~~

- A. This primary district is intended to protect and preserve prime farming regions as identified by the presence of Class I, II, and III and Group 1 and 2 soils, proximity to Agricultural Preservation Districts and proximity to actively farmed areas; to manage watersheds and water supplies; to maintain historic and scenic landscapes; to protect environmentally sensitive areas and wildlife habitat; and to promote forestry, the growing of crops and grazing.**
- B. This district is also intended to permit agri-tourism, eco-tourism and heritage tourism uses that promote and do not conflict with the protection and preservation of agricultural, scenic, natural and historic resources; to limit the amount and impact of residential development; to prohibit sewer and water service areas, schools, fire and rescue stations and other uses intended to serve the general public; and to prohibit uses, other than agri-tourism, eco-tourism, and heritage tourism, that may require increasing the traffic capacity of rural roads.**
- C. It is intended that in this district there shall be no basis, under this Ordinance, for recourse against the effects of any reasonable farming or forestry operation, as permitted in this district, and conducted in a reasonable manner in accordance with good husbandry or forestry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.**

2-8.02 Resource Preservation District

Comp Plan Action
I-03, I-04, I-06, I-
07, I-10, I-33, I-34,
I-49, I-50, I-51

- A.** This primary district is intended to protect and preserve unique or significant environmental features as identified by the presence of large contiguous forested areas, forest interior dwelling bird habitat, wildlife habitat and /or environmentally sensitive areas; to manage watersheds and water supplies; to maintain historic and scenic landscapes; to preserve farms and to promote forestry.
- B.** This district is also intended to permit agri-tourism, eco-tourism and heritage tourism uses that promote and do not conflict with the protection and preservation of agricultural, scenic, natural and historic resources; to limit the amount and impact of residential development; to prohibit sewer and water service areas, schools, fire and rescue stations and other uses intended to serve the general public; and to prohibit uses, other than agri-tourism, eco-tourism, and heritage tourism that may require increasing the traffic capacity of rural roads.
- C.** It is intended that in this district there shall be no basis, under this Ordinance, for recourse against the effects of any reasonable farming or forestry operation, as permitted in this district, and conducted in a reasonable manner in accordance with good husbandry or forestry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.

2-8.03 Rural Community District

Comp Plan
Action # I-04, I-
06, I-17, I-35,
I-42, I-44, I-49,
I-50

- A.** This primary district is intended to maintain a mix of farms, forests and residential uses; to serve as a receiving area for development rights transferred from Farm Community and Resource Preservation Districts; to manage watersheds and water supplies; to maintain historic and scenic areas; to protect fish and wildlife; to promote forestry, the growing of crops and grazing.
- B.** Outside a one-mile radius of Town Centers, as defined in Section 5-1, it is the intent to maintain a low residential density while allowing the use of Transferable Development Rights and to avoid drawing traffic onto rural roads by prohibiting commercial uses, sewer and water service areas, schools, fire and rescue stations and other uses intended to serve the general public.
- C.** Inside a one-mile radius of Town Centers, as defined in Article 5-1, it is the intent to permit the use of Transferable Development Rights to create higher density residential neighborhoods adjacent to Town Centers. Within these areas, it is the intent to allow services and amenities that facilitate attractive, safe and efficient neighborhood town design.

D. **It is intended that there shall be no basis, under this Ordinance, for recourse against the effects of any reasonable farming or forestry operation, as permitted in these districts, and conducted in a reasonable manner in accordance with good husbandry or forestry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.**

2-8.02 **4** Residential Districts (R-1 & R-2)

A. These primary districts are intended to provide for residential development, together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

A B. R-1 Single-family Residential District

This district is intended to provide for single-family residential development of medium density.

B C. R-2 Multi-family Residential District

This district is intended to provide for high density single-family and multi-family residential development including apartments, two-family dwellings and town houses.

2-8.03 **5** WL-Wetlands District

The purpose of the Wetlands District is to protect watercourses and tidal and non-tidal wetlands from environmentally harmful development.

(5/6/97)
(12/8/98)

2-8.04 **6** I-1 Light Industrial District ~~(Revised 5/6/97 & 12/8/98)~~

Comp Plan
Action #1-52

A. This primary district is intended to provide available space for light industrial uses, free from other uses which might affect such development. Industrial Parks are encouraged in this district. ~~Access to major roads is important.~~

B. Light industries include those which manufacture, process, store, package or distribute goods and materials and are normally dependent on raw material produced elsewhere and have no adverse impacts such as noise, odor, or dust on neighboring properties. Other uses not of the character described above may be approved by special exception by the Board of Appeals.

Comp Plan
Action #1-23

~~Retail sales of a portion of the items manufactured or stored on the premises is permitted (such as lumber yards). Retail sales of a majority of the items manufactured or stored may be permitted by special exception. However, this district is not intended for retail sales establishments such as department stores, general stores, convenience stores, etc.~~

C. Permitted, conditional, or special exception uses allowed in the Employment Center (EC/TC) District shall be permitted in the I-1 Light Industrial District if the following conditions are met:

Comp Plan Action # 37

1. The I-1 District is adjacent to a Town Center; and

~~2.~~ All conditions imposed by Section 3-2 (if applicable) shall be met; and

~~3.~~ All development criteria for Employment Center areas described in Section 2-8.07, including the provisions for Development Rights and Responsibility Agreements, shall be met.

2-8.05 **7** RC Rural Commercial District

~~The Rural Commercial District is intended to include all commercial property outside the Town Centers and Marine Commercial Districts.~~

Comp Plan Action # I-23, I-31, I-52

The Rural Commercial District was created to provide a zoning classification for existing commercial enterprises located outside Town Centers and Marine Commercial Districts at the time of the 1984 Comprehensive Rezoning. **The intent is to limit the amount of Rural Commercial zoned land; to prohibit any additional Rural Commercial zoning; to keep properties within this zoning classification small in scale and rural in character; to limit uses to those serving the immediate neighborhood with convenience goods and services, and to ensure attractive and appropriate design.**

~~Additional Rural Commercial zoning will be considered comprehensively at least every four years and will be based on a comprehensive evaluation of the need for and appropriateness of additional commercial zoning outside Town Centers and Marine Commercial Districts. In order to help ensure highway traffic safety and to promote the public welfare, additional Rural Commercial Zoning shall not be approved on a parcel of land which adjoins a minor arterial or which requires direct access onto a minor arterial.~~

~~This provision does not apply to other zoning classifications.~~

~~Individual applications for rezoning to Rural Commercial will be evaluated on the basis of an ability to demonstrate that:~~

- ~~1. the most recent Comprehensive Rezoning failed to include a property which had been legally used or built as a commercial facility at the time of the 1984 Comprehensive Rezoning, or~~
- ~~2. the Comprehensive Rezoning had changed the use of properties adjoining the property on at least two sides to commercial and in doing so rendered the present zoning classification of the property incompatible with the adjacent uses.~~

~~See additional criteria for rezoning in Section 2-5.~~

2-8.06 ~~8~~ 8 MC Marine Commercial District (~~Revised 12/13/88~~)

This primary district is intended to provide for businesses which supply and cater to marine activities and needs.

- A.** In considering applications for any new marine commercial zoning, the Planning Commission shall require the applicant to 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 shall 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; and
 - d. Beach nourishment; and
 8. That interference with the natural transport of sand will be minimized.

(1/4/93)
(8/6/96)
(12/8/98)
(5/18/99)

2-8.07 **9** TC Town Center District & EC/TC Employment Center District

Comp Plan Action #
I-14, I-15, I-17, I-18,
I-23, I-25, I-26, I-31,
I-43, I-78, II-33,
II-48, IV-26

- A.** **The Town Center District is intended to include all property comprehensively zoned Town Center and governed by Town Center Master Plans and Zoning Ordinances.** The purpose of this district is to ~~promote attractive development in a town-like setting. Towns are intended to have mixed uses.~~ **provide attractive, pleasant and convenient places to live, work, and shop in a town-like setting; to promote strong business growth; to provide an alternative to scattered, strip commercial development along MD 2, 4, and 2/4; to expand the choice of housing options for all ages and incomes; to reduce dependence on motorized vehicles; to reduce residential growth in agricultural areas; and to provide cultural and recreational amenities serving the entire population.**
- B.** **North Beach, Chesapeake Beach, Prince Frederick, and Solomons are designated as major Town Centers. Major Town Centers are to serve as regional centers, providing goods and services that attract visitors from the entire County and/or from outside the County (as in tourism). Multi-family housing (apartments and townhouses) are permitted in major Town Centers.**
- C.** **Dunkirk Owings, Huntingtown, St. Leonard and Lusby are designated as minor Town Centers. Unless the Town Center Master Plan determines otherwise, minor Town Centers are to serve as local convenience centers and should not allow multi-family housing.**

~~Proposed uses must follow the land use policies established in the Calvert County Master Plans for each Town Center. Master Plans shall promote compatibility between uses while promoting commercial growth and employment opportunities.~~

~~The TC District may only be applied to areas designated as Town Centers by the approved and adopted Calvert County Comprehensive Plan.~~

~~This Ordinance applies to Town Centers with the modifications incorporated in the Master Plans for individual Town Centers.~~

2-8.10 EC/TC Employment Center District

Comp Plan Action
I-28, I-27

A. **The Employment Center (EC/TC) Districts are areas is intended to provide areas** adjacent to the Town Centers where **attractive and appropriately designed mixed-use office parks, flex space, commercial**, light manufacturing, warehousing, educational facilities and research and development companies may develop and create an environment attractive to the types of businesses which can best utilize the county labor force.

Comp Plan Action
I-28

B. Within the EC/TC, 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 shall be permitted in the EC/TC District under the terms of a Development Rights and Responsibility Agreement approved by the Board of County Commissioners **after a determination that the use meets the intent of the EC/TC District.**

- C.** The following shall apply to properties with approved Development Agreements:
1. Special exceptions shall not be required for such uses, even if required by the Town Center Zoning Ordinance or Section 3-1 of this Zoning Ordinance. The Board of County Commissioners may waive conditions required for such uses under the Town Center Zoning Ordinance or Section 3-3 of this Ordinance.
 2. Parking requirements may be reduced.
 3. Maximum height limitations may be increased subject to public safety requirements.
 4. Setback requirements may be reduced.
 5. Off-site improvements to County roads may be reduced, phased or waived.

Comp Plan Action #
I-18

Note: All EC/TC properties, regardless of whether they are developed under a Development Agreement, are proposed to be subject to architectural standards and landscaping and buffer requirements. This change will be made to Article 6, Non-Residential Development Requirements.

- ~~6.~~ Any structures visible from adjacent residential parcels or arterial or collector roads are subject to the roof and exterior materials requirements of the architectural code of the Town Center during site plan review.
- 7 6. Also ~~d~~During site plan review, the Planning Commission will ensure that the project is compatible with the visual quality of the surrounding area, that the historic and archaeological resources are protected, and that nuisances such as noise, glare, odor or pollution are minimized.
- 8. ~~A 100-foot forested buffer shall be maintained along all public rights-of-way. If no forested buffer exists, the following shall be planted:~~
 - ~~-- Two rows of six-foot high evergreen trees, a maximum of 15 feet apart and~~
 - ~~-- One row of six-foot high deciduous trees, a maximum of 15 feet apart.~~

2-9 OVERLAY DISTRICTS

2-9.01 Purpose of Establishing Overlay Zoning Districts

Overlay districts are created for the purpose of imposing special regulations in designated areas of the County to accomplish the purposes set forth for each overlay district. Overlay districts shall be in addition to the underlying primary zoning district ~~within which the lands placed in the overlay district lie.~~

~~Overlay districts shall be established in the same manner and by the same procedures as set forth in Section 2-2 unless such procedures are modified by a particular overlay district.~~

2-10 PURPOSE AND INTENT OF OVERLAY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS

(6/17/97)

2-10.01 Agricultural Preservation & Transfer Zone Districts

- A. Agricultural Preservation Districts (APDS) are part of the Agricultural Land Preservation Program. The purpose of this program shall be to:
 - 1. offer an incentive for preservation of prime agricultural and forestry land;
 - 2. Provide reimbursement to the landowner who voluntarily agrees to place agricultural and forestry use covenants on his land;

3. utilize the free market system for financing agricultural and forestry preservation, thus avoiding direct cost to the taxpayers;
4. guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical; and
5. act as a source of development rights for Transfer Zone Districts.

B. District boundaries for Agricultural Preservation Districts shall be established by the Agricultural Preservation Advisory Board following an application by a property owner.

C. The program shall be administered by the Agricultural Preservation Advisory Board which shall be responsible for the development of the guidelines for the approval of Agricultural Preservation Districts, as well as any changes to the guidelines.

D. ~~Permitted uses are limited to agriculture and forestry and structures related to agriculture and forestry, as specified by the Agricultural Preservation Advisory Board.~~ **Permitted and special exception uses shall be in accordance with Article 3 Land Uses by Zoning Districts.**

B E. Agricultural Preservation Advisory Board

1. The Board of County Commissioners may 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 members of whom no more than shall be an alternate.
3. One member of the Board shall be a resident of each election district.
4. The term of a member is years.
5. The terms of members are 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 successor is appointed and qualifies.
7. A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
8. A member may not serve for more than two consecutive full terms.
9. The Board shall accept and approve or reject all applications, promulgate regulations, and develop procedures for the formation of Agricultural Preservation Districts ~~and Designated Agricultural Areas~~ subject to the provisions of this subsection. The regulations shall include the following:
 - a. The minimum acreage permitted to join an Agricultural Preservation District is 10 acres that are actively devoted to agricultural or forest use. However, the Board may admit parcels of less than 10 acres that are contiguous to an Agricultural Preservation District ~~and are in a Designated Agricultural Area.~~
 - b. Agricultural Preservation District boundaries should follow as closely as possible, existing physical separations, such as streams, valleys, roads, etc.
 - c. An Agricultural Preservation District shall remain in effect for a minimum of five years. Subject to Section 2-10.01.G, an owner of a parcel of land enrolled in an Agricultural Preservation District may withdraw the land after five years in the program, by giving the Board a one-year notice of the intent to withdraw.

Note: The authority described in this Section is exercised by the Board of County Commissioners.

10. ~~The Board may accept and use gifts and public or private grants for the exercise of its functions. The Board may expend the County share of development tax revenues and any other funds which may be provided by the County Commissioners, with the approval of the County Commissioners, for furtherance of the program to include:~~
 - a. ~~The purchase of development rights under provisions of the County Agricultural Land Preservation Program;~~
 - b. ~~Use as matching funds for County participation in the State Agricultural Land Preservation Program;~~

- ~~c. Use for purchase of easements to protect specifically designated prime agricultural areas and Agricultural Preservation Districts; and~~
 - ~~d. Use for purchase of farmland strategically located with reference to established Agricultural Preservation Districts. The land purchased shall be placed in the Agricultural Preservation District and the County Commissioners, with the advice of the Board, may sell the land and the development rights.~~
 - ~~e. The County Commissioners may appropriate money from the County general fund upon advice from the Agricultural Preservation Advisory Board, for implementation and furtherance of the County and State Agricultural Land Preservation Programs.~~
- ~~11. The financial account of the Board shall be audited annually and all audit expenses shall be paid by the County Commissioners. (Code 1981, Section 17-102; 1982, cs. 224, Section 1, 1985, cs. 715, Section 2.)~~

~~For State law as to Agricultural Preservation Advisory Boards, see Anno. Code of Md., 1957, AG, Section 2-504.1. As to approval of local programs of agricultural land preservation, see Anno. Code of Md., 1957, AG, Section 2-512.~~

~~C~~ E. Local Ordinances; Eminent Domain; Special Assessments

1. Local ordinances inconsistent with normal efficient agricultural or forestry practices, may not be enacted or enforced within an Agricultural Preservation District.
2. Within an Agricultural Preservation District, the right of eminent domain is limited to those rare instances where no other viable alternative exists.
3. Within an Agricultural Preservation District, special assessments may not be permitted for the support of any public service including, but not limited to, water and sewer service. (Code 1981, Section 17-103; 1985, cs. 715, Section 2.)

~~D.~~ Designated Agricultural Areas

Note: Similar criteria is proposed for the Resource Preservation & Farm Community Districts. Therefore, the DAA designation is no longer needed.

- ~~1. The Agricultural Preservation Advisory Board shall designate certain portions of the County as having the greatest potential for maintaining a viable level of agricultural or forest production. The criteria the Board uses shall include, but not be limited to:

 - ~~a. Present land use~~
 - ~~b. Percent of cropland~~
 - ~~c. Suitability of the soil~~
 - ~~d. Amount of contiguous farm land~~~~
- ~~2. The area specified in this section shall be called the "Designated Agricultural Area". Wooded parcels may be included in the Designated Agricultural Area.~~
- ~~3. Any person who owns land within a Designated Agricultural Area is not required to join an Agricultural Preservation District. The program is entirely voluntary.~~

(1/18/00)

~~FG.~~ Transferable Development Rights (TDRs)

Note: Paragraph G was formerly listed in the Transfer Zone Section (2-10.01.F)

- 1. One Transferable Development Right (TDR) per acre of land is allocated within an Agricultural Preservation District created in the RUR Rural District. Provided that no TDRs have previously been sold, two TDRs per acre of land are allocated within an Agricultural Preservation District created in the R-1 and R-2 Residential Districts.
- 2. Five development rights shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.
- 3. The Board of County Commissioners shall grant five development rights for each one-acre lot authorized in the RUR Rural District under the provisions of Section 5-1.02.B.2 of the County Zoning Ordinance and not previously used.

(12/02/03)

~~G H.~~ Conveyance of Development Rights

Note: Paragraph H was formerly listed in the Transfer Zone Section (2-10.01.G)

- 1. The conveyance of a development right does not affect the ownership of that property. Once the development right of a property has been conveyed, that property shall be used for agricultural, forestry, or other closely related uses permitted by the Board.

2. The conveyance of a development right restricts the use of that land by all future purchasers, owners, heirs, and assigns to the same extent as the use was restricted by the original conveyor of the development.
3. An owner of property located within an Agricultural Preservation District is not required to convey development rights. However, once an owner of a parcel located within an Agricultural Preservation District conveys any development rights on a designated parcel, the owner may not remove that designated parcel from the Agricultural Preservation District. This restriction applies only to the designated parcel from which the development right was conveyed and not to other parcels of land owned by the conveyor.

E. Transfer Zones

Section 2-10.01.E is being inserted in Article 5, Residential Development Requirements.

~~The Transfer Zone program does not affect the overall permitted density within the County since it merely relocates development away from the most productive land. Thus TZs help preserve prime farmland and forestland. This is in concert with the Comprehensive Plan which recommends that residential development be concentrated in and near Towns. Therefore, by locating Transfer Zone Districts on less viable farmland, the demand for housing can be satisfied without usurping important productive resources.~~

1. ~~Upon recommendation from the Planning Commission, the Board of County Commissioners shall designate certain portions of the County, not in a Designated Agricultural Area, where TZs are permitted.~~
2. ~~The purpose of a TZ is to serve as a receiving area for lots that are being transferred from prime farm and forest land under the Calvert County Agricultural Preservation Program to less productive land within the RUR Rural Zoning District (and in some cases, within other districts).~~
3. ~~TZs include Town Centers (subject to Town Center Zoning Ordinances). TZs are also permitted in R-1 and R-2 Residential Districts (subject to Section 5-1.02.A) and Rural Communities (in the Rural District). TZs located in the Rural Communities, R-1 and R-2 Districts are also subject to Section 2-10.01. The use of TDRs to achieve maximum conventional density as per Section 5-1.02.A does not constitute a Transfer Zone and the requirements of this Section do not apply.~~

(4/20/99)
(6/8/99)

4. ~~The following criteria must be met if an area is to be acceptable as a Transfer Zone in a Rural Community District or in the R-1 or R-2 District.~~
 - a. ~~TZs shall not be located in a Designated Agricultural Area or Designated Farm Community.~~
 - b. ~~TZs shall not be located in the Resource Preservation District or the Limited Development portions of the Critical Area or in areas designated as Critical Natural Areas of the Conservation Districts.~~
 - (6/8/99) c. ~~Development within a TZ shall comply with applicable County requirements, including the following ordinances and regulations:~~
 - i. ~~Subdivision Regulations (Article 7)~~
 - ii. ~~Stormwater Management Ordinance~~
 - iii. ~~Sediment Control Ordinance~~
 - iv. ~~Road Ordinance~~
 - v. ~~Public Safety & Fire Marshal Regulations~~
 - d. ~~TZs 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.~~
 - (6/8/99) e. ~~The property shall be developed as per Section 5-2 Layout and Design of Residential Communities, except that a minimum of 50 percent of the property shall be designated open space in the Rural Community District. A minimum of 30 percent of the property shall be designated open space in the R-1 and R-2 Districts.~~
5. ~~Five development rights shall be used by the developer for each lot or dwelling unit which is created in excess of the number permitted, using minimum lot sizes described in Section 5-1.~~

~~(9/9/97)~~

~~a. If recording occurs in sections, then the developer shall be required to apply a proportionate number of the total development rights required for the entire subdivision to that section. When a parcel is developed in sections, 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 uses more development rights than necessary to complete the development of a parcel, the number of such excessive development rights shall be determined by the Department of Planning and Zoning and recertified as development rights pursuant to the procedure set forth in this Section and elsewhere. Upon such recertification, the development rights shall enjoy the same status as conventionally created development rights.~~

~~(6/8/99)
(12/02/03)~~

~~b. The density permitted in TZs in the Rural Community District shall average not more than one dwelling per four acres gross, for any portion of a TZ more than one mile from:~~

~~i. The perimeter of major Town Centers (the Twin Beaches, Prince Frederick and Solomons), and~~

~~ii. The center of minor Town Centers as identified as follows:~~

~~Huntingtown: Intersection of Rte. 521 and Rte. 524.~~

~~Owings: Intersection of Rte. 260 and Thomas Road.~~

~~Dunkirk: A point on Ward Road, 550 feet east of the intersection with Route 4.~~

~~St. Leonard: Intersection of Calvert Beach Road and Rte. 765.~~

~~Lusby: Intersection of Rousby Hall Road and Rte. 765.~~

~~Any portion of a Rural Community District TZ that is within one mile of the areas specified above may have one-half acre lot sizes with a maximum density of one dwelling unit per acre gross area. The density permitted in the TZs created within Town Centers shall be determined by the Master Plan for that Town Center. The density permitted in TZs created in R-1 and R-2 Districts shall be as per Section 5-1.02.A.~~

- ~~e. The owner of the development right is permitted to increase the density of residential use of the property he owns within the TZ in accordance with County subdivision and zoning regulations.~~

~~(1/18/00)~~

~~F. Transferable Development Rights (TDRs)~~

Note: Section 2-10.01.F has been moved to Section 2-10.01.G under Agricultural Preservation Districts.

- ~~1. One Transferable Development Right (TDR) per acre of land is allocated within an Agricultural Preservation District created in the RUR Rural District. Provided that no TDRs have previously been sold, two TDRs per acre of land are allocated within an Agricultural Preservation District created in the R-1 and R-2 Residential Districts.~~
- ~~2. Five development rights shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.~~
- ~~3. The Board of County Commissioners shall grant five development rights for each one-acre lot authorized in the RUR Rural District under the provisions of Section 5-1.02.B.2 of the County Zoning Ordinance and not previously used.~~

~~(12/02/03)~~

~~G. Conveyance of Development Rights~~

Note: Section 2-10.01.G has been moved to Section 2-10.01.H under Agricultural Preservation Districts.

- ~~1. The conveyance of a development right does not affect the ownership of that property. Once the development right of a property has been conveyed, that property shall be used for agricultural, forestry, or other closely related uses permitted by the Board.~~
- ~~2. The conveyance of a development right restricts the use of that land by all future purchasers, owners, heirs, and assigns to the same extent as the use was restricted by the original conveyer of the development.~~

3. ~~An owner of property located within an Agricultural Preservation District is not required to convey development rights. However, once an owner of a parcel located within an Agricultural Preservation District conveys any development rights on a designated parcel, the owner may not remove that designated parcel from the Agricultural Preservation District. This restriction applies only to the designated parcel from which the development right was conveyed and not to other parcels of land owned by the conveyor.~~

(1/4/99)

~~2-10.02 Farm Community District~~

~~A. Purpose~~

Note: Farm Community District has been made a Primary District and Section 2-10.02 has been moved to Section 2-8.01

~~The purpose of this District shall be to:~~

1. ~~Encourage the preservation of farmland, forestland and the rural character of the County;~~
2. ~~Preserve farming and forestry which remain important industries in the County; and~~
3. ~~Direct growth away from areas which may lack adequate roads or access to businesses and services.~~

~~B. District Boundaries~~

~~The boundaries of a Farm Community shall be designated on the official Zoning Map of Calvert County. In identifying the Farm Communities, the Board of County Commissioners shall consider the presence of Class I, II, and III soils and Group 1 and 2 soils. The Board shall also consider the presence of Agricultural Preservation Districts and actively farmed areas.~~

~~C. Permitted Uses~~

~~All uses permitted in the underlying Zoning District.~~

~~D. Special Exception Uses~~

~~All uses permitted by special exception in the underlying Zoning District.~~

~~E. Conditions for Development~~

~~Transfer Zones are not permitted in Farm Communities. All residential lots are to be clustered as per Section 5-2 of the Zoning Ordinance.~~

~~2-10.03 Resource Preservation District~~

Note: The Resource Preservation District has been made a Primary District and Section 2-10.03 has been moved to Section 2-8.02.

~~A. Purpose~~

~~Properties identified as County Resource Preservation Districts are those which have unique or significant environmental features whose preservation is of concern to the general public.~~

~~See Section 5-4 for conditions for development in the Resource Preservation District.~~

2-10.02 Districts Allowing the Use of Transferable Development Rights

A. Mapped Transfer Zone Districts are properties that were designated on the official Calvert County 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 for each District, and recorded among the Land Records of Calvert County.

B. Since 1993, Transfer Zones have been permitted in the Rural Community District, R-1 and R-2 Residential Districts, and the Town Centers without being officially designated as such on the Zoning Maps. Regulations governing the use of TDRs in these Districts may be found in Section 5-1 and in the Town Center Zoning Ordinances.

2-10.04-3 Critical Area District

A. Purpose

This district is created to:

1. minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have run off from surrounding lands
2. conserve fish, wildlife and plant habitat; and
3. establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

B. District Boundaries

The Critical Area District consists of:

1. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private tidal wetlands; and
2. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides. The wetlands and heads of tide are as indicated on the State wetlands maps and the Critical Area line is as indicated on the Calvert County Critical Area aerial maps.

(6/22/99)

C. Special Exception Uses

Uses allowed as special exceptions may also be allowed as long as they meet the conditions in Section 8-1.01.F.

See Section 8-1 for conditions for development in the Critical Area District.

2-10.05 4 Historic Districts

A. Purpose

The purpose of this District shall be to:

1. safeguard the heritage of the County by preserving areas and structures which reflect significant elements of its cultural, social, economic, political or architectural history;
2. stabilize and improve property values in the area of Historic Districts and strengthen the local economy;
3. Foster civic beauty;
4. promote the use and preservation of Historic Districts for the education, welfare, and pleasure of the residents of the County;
5. develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; and

- 6. enable the County government to identify and officially designate structures and sites of historical and cultural importance to the County 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.

B. District Boundaries

The boundaries of a 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. A Historic District shall be permitted as an overlay district in all zoning districts established under Article 2.

C. Administration

The property owners or their agent, the Historic District Commission, or any interested person may petition to have a property designated as a Historic District. ~~Guidelines for establishment and administration of Historic Districts are in the "Calvert County Ordinance for the Designation and Preservation of Historic Districts".~~ **Such petition shall be submitted in accordance with the provisions of Article 57, Historic Districts, of the Calvert County Code.**

D. Permitted Uses **and Special Exception Uses**

~~All uses permitted in the underlying zoning district.~~ **Permitted and special exception uses shall be in accordance with Article 3 Land Uses by Zoning Districts.**

~~(3/9/03)~~

~~E. Special Exception Uses~~

- ~~1. Subject to paragraph 2 of this Section, the following uses are permitted in Historic Districts:~~
 - ~~a. All uses permitted by special exception in the underlying zoning district, and~~
 - ~~b. The following additional uses, if not within a Town Center and not otherwise allowed in the Zoning District:~~
 - ~~i. Restaurants/cafes~~
 - ~~ii. Antique stores, gift stores or art galleries~~

Note: The provisions of Section 2-10.05.D & E will be incorporated into the Land Use Charts when drafted.

- iii. ~~Overnight accommodations (subject to Health Department approval)~~
 - iv. ~~Apartments, when approved by the Health Department~~
 - v. ~~Offices~~
2. ~~If the property is a lot within a recorded major subdivision not within a Town Center, the above uses will only be permitted if:~~
- a. ~~Access to the Historic District is not through the subdivision, and~~
 - b. ~~i. The following note has been placed on the subdivision plat:~~
 - ~~The existing structure on lot _____ is on the Historic Site Survey and, if the property is Historic Districted, it will be eligible for any of the special exception uses listed in paragraph 2-9.02E of the Zoning Ordinance, or;~~
 - ii. ~~All the lot owners in the subdivision sign the special exception application~~
 - iii. ~~Parking and accessory uses such as refuse bins, storage, etc. shall be screened from view from adjoining properties~~
3. ~~Those subdivisions which are only considered major subdivisions because of the creation of rights-of-way are exempt from the provisions of paragraph 2 of this Section.~~

F. ~~Use Limitations~~

- 1. ~~No building permit shall be issued for any proposed exterior structural and/or aesthetic changes without the approval of the Historic District Commission.~~
- 2. ~~No building shall be razed or demolished in a Historic District without Historic District Commission approval.~~

Note: The regulations regarding Historic Districts are now included in Article 57 of the Calvert County Code.

(3/9/93)

~~G. Designation~~

~~The County Commissioners may designate a Historic District if a historic resource meets any of the criteria in Section 5.02 of the Historic District Ordinance. Prior to taking action, the Board of County Commissioners shall seek the recommendation of the Historic District Commission and hold a public hearing which shall be advertised in accordance with Section 2-5.01 of the Zoning Ordinance.~~

(3/9/93)

~~H. Alterations to Designated Historic Districts~~

~~Before the construction, alteration, reconstruction, repair, moving or demolition of any structure is made within a designated Historic District, any proposed change that would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way, the person, firm or corporation proposing to make the construction or change shall file with the Historic District Commission a Historic Work Permit application for permission to build, alter, repair, reconstruct, move, demolish, or make an addition for proposed construction or change requiring a building permit. A completed building permit shall accompany the application.~~

~~Every such application shall be referred to and considered by the Historic District Commission and accepted or rejected by the Historic District Commission. No permit for the change will be granted until the Historic District Commission has acted thereon as provided in Article 6 of the Historic District Ordinance.~~

~~Application to the Historic District Commission is not required for ordinary maintenance as defined in Section 3.04 of the Historic District Ordinance.~~

2-10.06 5 Business Directional Sign Districts

A. Purpose

The purpose of this district shall be to provide space for businesses to advertise their locations and to provide space for Town Center entrance signs.

B. District Boundaries

Boundaries are to be delineated by the County Commissioners, considering the recommendations of the Department of Planning & Zoning and the Planning Commission.

C. Administration

See Section 6-2, Signs, for regulations affecting Business Directional Signs.

Note: Section 2-10.06.C is to be moved to Section 6-2, Signs.

~~1. Business Directional Signs~~

- ~~a. The County Commissioners shall adopt guidelines governing the use of business directional signs, considering the recommendations of the Department of Planning & Zoning and the Planning Commission.~~
- ~~b. All signs within this district shall be erected and maintained by the County or its designee. A schedule of fees shall be developed for businesses that meet the established guidelines and wish to lease sign space.~~
- ~~c. All business directional signs shall conform to a standard format approved by the County Commissioners, considering the recommendations of the Department of Planning & Zoning and the Planning Commission. The standard format shall govern general design, size and lettering of signs within this district.~~

~~2. Town Center Entrance Signs~~

- ~~a. The County Commissioners shall adopt guidelines governing the design and financing of Town Center entrance signs considering the recommendations of the Department of Planning & Zoning and the Planning Commission.~~
- ~~b. All signs within this district shall be erected and maintained by the County or its designee.~~

~~D. Permitted Uses~~

~~All uses permitted in the underlying zoning district shall be permitted within this overlay district.~~

~~E. Special Exception Uses~~

~~All uses allowed as a special exception in the underlying district.~~

DEFINITIONS FOR TERMS USED IN ARTICLES 1 & 2
(to be inserted into Article 12, Definitions)

<u>Term</u>	<u>Section(s)</u>	<u>Definition</u>
<u>Agri-tourism</u>	2-8.01	<u>Traveling to working farms to engage in outdoor recreation, participate in educational experiences, or enjoy entertainment and hospitality services.</u>
<u>Agri-tourism Use</u>	2-8.01	<u>A commercial enterprise located on a working farm intended to attract tourists and provide supplemental income for the farm owner. Agri-tourism uses include, but are not limited to: fishing, hunting, wildlife study, horseback riding, wine tasting, harvest festivals, barn dances, farm stays, u-pick operations, or roadside stands.</u>
Comprehensive Plan	2-7.01	A document or series of documents prepared by the Planning Commission and approved by the Board of County Commissioners setting forth policies for the future of a community <u>Calvert County</u> . It is normally 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.
<u>Eco-tourism</u>	2-8.01	<u>Traveling to learn about and explore the agricultural, scenic, natural, and historic features of an area or region.</u>
<u>Eco-tourism Use</u>	2-8.01	<u>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.</u>
<u>Heritage Tourism</u>	2-8.01	<u>Traveling to experience the places, artifacts, and activities that authentically represent the stories and people of the past and present. It includes cultural, historic, and natural resources.</u>

<u>Term</u>	<u>Section(s)</u>	<u>Definition</u>
<u>Heritage Tourism Use</u>	2-8.01	<u>A commercial enterprise intended to attract tourists and provide supplemental income for the property owner. Heritage Tourism uses include, but are not limited to: tours of historic structures, re-enactments, and cultural festivals.</u>
Transfer Zone	2-10.02	An area in Calvert County designated by the County Commissioners as an area where <u>Transferable</u> Development Rights may be used to increase the density of residential use.
<u>Transferable</u> Development Right	2-10.02	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, in a Designated Transfer Zone. A Development Right comes into existence only after a Development Option has been conveyed by an owner in an Agricultural Preservation District.
<u>Water and Sewer Service Areas</u>	2-8.01	<u>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.</u>
Zoning Officer	1-4	The administrative officer designated to administer the Zoning Ordinance, and give zoning approval for building permits, <u>enforce the provisions of this Zoning Ordinance, and clarify the intent of the Ordinance.</u>